



**Date:** November 25, 2024

**To:** Mayor and Council

**Author:** Sahar Jamshidi, MUP, RPP, MCIP, C.E.T.  
Manager of Planning

**RE:** 1478 ROAD 2 EAST and part of 0 ROAD 2 EAST (Vacant lot) – Known as Mivita Estates Subdivision

**Zoning By-law Amendment (ZBA-2024-19) and Consent Application (B-2024-27) for land exchange, and transfer of easement or right of way to the Town of Kingsville**

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## **RECOMMENDED ACTION**

That Zoning By-law Amendment application ZBA 2024-19 to amend the current Residential Zone 2 Rural/Urban (R2.2) zoning on those parts of the lands, municipally known as 1478 Road 2 East and part of 0 Road 2 East (Vacant lot), having legal description Part of Lot 9, Concession 2 Eastern Division in the Town of Kingsville, as shown on Appendix A of this report, by changing the current zoning designation from 'General Agricultural (A1)' to a 'Site-Specific Residential Zone 2 Rural/Urban - Hold (R2.2-12[H])' and 'Public Utilities/Facilities Zone - Hold (MG [H])' **BE APPROVED** in the following manner:

1. Subsection 6.2.2 Residential Zone 2 Rural/Urban (R2.2) of Town of Kingsville Comprehensive Zoning By-law No. 1-2014 is amended by adding Exception 12 (R2.2-12) as shown in Appendix A of this report;
2. Town of Kingsville Comprehensive Zoning By-law No. 1-2014 is further amended by adding Site-specific Holding Provisions as shown in Table 1 of Appendix A of this report;

And that corresponding By-law 96-2024 being a by-law to amend the Comprehensive Zoning By-law 1-2014 for the Town of Kingsville, **BE ADOPTED** during the by-law section of this council agenda;

And that Consent Application (B-2024-27) for land exchange between 1478 ROAD 2 EAST and 0 ROAD 2 EAST (Vacant lot), and transfer of a 3-metre-wide easement or right of way to the Town of Kingsville, for placement of water services **BE APPROVED** subject to the following conditions:

1. Prior to the consent being endorsed on the deeds, the property owner shall provide a registered 12R-Plan to the Municipality;
2. Prior to consent being endorsed on the deeds, the applicant must provide confirmation that the transfer of easement or right of way to the Town of Kingsville has been registered;
3. 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; and
4. The conditions imposed above shall be fulfilled by **November 25, 2026**, or this application shall be deemed to be denied in accordance with Section 53(41) of the *Planning Act*.

## BACKGROUND

The County of Essex, the approval authority under the *Planning Act* for plans of subdivision in Town of Kingsville, has received and deemed complete an application for a Draft Plan of Subdivision, County of Essex File No. 37-T-24002. The subject properties (municipally known as 1478 ROAD 2 EAST and 0 ROAD 2 EAST) are currently vacant (agricultural use) and are located to the north side of Road 2 East, between Peterson Lane and Woodfern Avenue in Ruthven as shown in the attached Key Map (see appendix A) and the Draft Plan of Subdivision (see appendix C).

The portion of the lands which is being considered for the draft plan of Subdivision is within Ruthven's secondary settlement area (through Kingsville's OPA 15 - By-law 56-2023 and County of Essex's OPA4 – By-law 2023-45). The lands are designated Hamlet in Kingsville Official Plan, and zoned General Agricultural Zone (A1) in the Comprehensive Zoning By-law 1-2014, for the Town of Kingsville.

The applicant has applied for Draft Plan of Subdivision Approval for:

- thirty (30) lots for Single Detached Dwellings,
- thirty-one (31) lots for sixty-two (62) Semi-Detached Dwelling units,
- two (2) blocks for Townhouse Dwellings, containing total of ten (10) Townhouse units,
- one (1) block for a Multi-Residential Townhouse Complex, containing total of twenty-four (24) units,
- one (1) block for a stormwater management facility, and
- one (1) block for stormwater access.

The new lots and blocks will have access from the proposed Virginio Avenue, which will connect to Road 2 East and the future extension of Peach Drive, as well as three (3) proposed cul-de-sacs named Amelia Court, Igino Court and Fiorina Court, which will all be dedicated as public roads.

To allow the proposed subdivision for residential development, it is required that the lands be properly zoned for Rural/Urban Residential use (R2.2). The applicant is requesting a site-specific Residential Zone (R2.2-12), to allow for construction of Single Detached Dwellings, Semi-Detached Dwellings and units, as well as Townhouse Dwellings and units and a Multi-Residential Townhome Complex, which will all have reduced lot area, lot frontage, setbacks and increased lot coverage, when compared to R2.2 zone. Likewise, that portion of the lands in the draft plan of subdivision which will be used for the stormwater management facility and stormwater access will be zoned from General Agricultural Zone (A1) to Public Utilities/Facilities Zone (MG).

Since the subject lands are not serviced for the proposed development, a site-specific holding provision will be placed on the entirety of the subject lands. The holding provision will still allow the servicing to commence, however no building permits can be issued until the Hold is removed from the lands by Council.

Furthermore, in 2023, Council for the Town of Kingsville and the County of Essex approved Official Plan Amendments to both the Kingsville OP and the County OP, which allowed for a 1:1 swap of lands between the subject properties and a corresponding adjustment to the Secondary Settlement Area. The land swap conformed to the Official Plan for the County of Essex. However, the ownership of the swapped lands were never transferred prior to the County's notice of complete Draft Plan of Subdivision. To that end, a consent application is required for land exchange (boundary adjustments) between 1478 ROAD 2 EAST and 0 ROAD 2 EAST, as well as transfer of 3-metre-wide easement or right of way to the Town of Kingsville, for placement of water services.

The Town of Kingsville is the approval authority for Zoning By-law Amendments as well as Consent Applications, as the lower-tier municipality. The required Zoning By-law Amendment, as well as the required Consent Application are both subject to statutory public meetings, therefore these two applications are brought to Council on November 25, 2024, prior to the report requesting endorsement of the draft plan of subdivision at the same Council meeting.

## **DISCUSSION**

The Planning Act sets the ground rules for land use planning in Ontario. It gives upper-tier and lower-tier municipalities the authority to make local planning decisions which shall be consistent with the minimum standards set in the Provincial Planning Statement 2024 (PPS 2024), to ensure we are growing responsibly and sustainably.

The following provides the key pieces of information, to Kingsville municipal council, which corresponds to the required Zoning By-law Amendment and Consent applications for the proposed draft plan of subdivision being consistent with PPS 2024, as well as County of Essex Official Plan and Town of Kingsville Official Plan.

## **Provincial Planning Statement 2024, County of Essex Official Plan and Town of Kingsville Official Plan**

The proposed residential draft plan of subdivision for 1478 ROAD 2 EAST and part of 0 ROAD 2 EAST is located on the western edge of Kingsville's secondary settlement area in Ruthven, designated Hamlet in schedule A-3 of Kingsville Official Plan. As indicated above, the subject lands are designated secondary settlement area in County of Essex current Official Plan 2014 (through OPA4 – By-law 2023-45) as shown in Schedule "A2" of the County OP.

The new County of Essex OP 2024, which was adopted by County Council on November 6, 2024, subject to approval from the Minister of Municipal Affairs and Housing, indicates (in Section 4) that Secondary Settlement Areas are generally smaller, villages, and communities than Primary Settlement Areas. Secondary Settlement Areas may or may not provide municipal piped sanitary sewer and water services. More importantly, Secondary Settlement Areas are generally planned to remain smaller in size, with less services available, and be primarily residential in nature. Historically, Secondary Settlement Areas have not been the focus for growth in the County of Essex; this trend is expected to remain consistent in the new Official Plan.

Section 3.6.2 of the Kingsville OP indicates that the purpose of the "Hamlet" designation is to identify those rural service areas where low density residential, amongst other uses, are permitted. The majority of Hamlet area is serviced by municipal water and sewer services. However, there are small areas which continue to be serviced by private septic facilities, therefore servicing will be a major consideration for any development proposals within this designation.

The Kingsville OP further indicates that one of the main goals for Hamlet areas of the Town is to ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the Town, while encouraging the development of a greater variety of housing types provided the proposed housing can be adequately serviced, and to provide the opportunity to increase the housing supply through residential intensification.

Policies of the Hamlet designation in the Kingsville OP permit single detached, semi-detached, and townhouses and requires that the Zoning By-law shall zone all lands in the "Hamlet" designation according to their existing use. All undeveloped land parcels may be placed in a holding zone in the implementing Zoning By-law, and new development may be subject to a site-specific amendment to the Zoning By-law. The requested Zoning By-law amendment application (ZBA 2024-19) for the proposed development of the subject lands into a plan of subdivision meets many of the goals and policies of the Hamlet designation in Kingsville's OP.

The vacant parcels abut existing residential land uses to the east and the proposed draft plan of subdivision implements planned growth within the Ruthven secondary settlement area according to both County of Essex OP and Town of Kingsville OP. This development proposal will make efficient use of existing municipal services consistent with the policies of the PPS 2024. Although it can be stated that the proposal supports and implements many of PPS 2024 policies, the proposed draft plan of subdivision supports the following important policies which are specifically highlighted:

### Housing

- Section 2.2.1 – Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents ... by
  - b) permitting and facilitating:
    - ...
    - 2. all types of residential intensification;
  - c) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities* ...

### Settlement Area/Land Use Patterns

- Section 2.3.1.1 – Settlement Areas - Settlement areas shall be the focus of growth and development;
- Section 2.3.1.2 – Land use patterns within settlement areas should be based on densities and a mix of land uses which:
  - a) efficiently use land and resources;
  - b) optimize existing and planned infrastructure and public service facilities;
- Section 2.3.1.6 – Planning authorities should establish and implement phasing policies, where appropriate, to ensure that development within designated growth areas is orderly and aligns with the timely provision of the infrastructure and public service facilities.

### Rural Areas in Municipalities

Section 2.5.1 – Healthy, integrated and viable rural areas should be supported by:

- c) accommodating an appropriate range and mix of housing in rural *settlement areas*;
- d) using rural *infrastructure* and *public service facilities* efficiently;

Section 2.5.2 – In *rural areas*, rural *settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.

Section 2.5.3 – When directing development in rural *settlement areas* in accordance with policy 2.3, planning authorities shall give consideration to locally appropriate rural characteristics, the scale of development and the provision of appropriate service levels.

### Natural Heritage

Section 4.1 of PPS 2024 requires that natural features and areas shall be protected for the long term. Kingsville Official Plan, as well as County of Essex Official Plan do not identify any natural features on or adjacent to the subject lands. MECP reviewed the information provided in the applicant's preliminary screening memo and provided confirmation that based on the findings of the preliminary screening memo an *Endangered Species Act (ESA) permit will not be required*.

### Minerals and Petroleum

Section 4.4 of PPS 2024 requires that minerals and petroleum resources shall be protected for long-term use; and that any development (which would) hinder the establishment of new operations or access to the resources shall only be permitted if the proposed land use or development serves a greater long-term public interest.

Both the Kingsville Official Plan and the County of Essex Official Plan do not identify any natural resources within or near the proposed draft plan of subdivision.

### Cultural Heritage and Archeology

Section 4.6 of PPS 2024 requires that planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.

Before approving a development project regulated by legislation, an approval authority may require an archaeological assessment of all lands that are part of the project. A Stage 1-2 Archaeological Assessment report was submitted to the Ministry of Heritage, Sport, Tourism, and Culture Industries, and has been entered into the Ontario Public Register of Archaeological Reports without technical review. This satisfied the requirements for protecting provincial interest for the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.

In conclusion, the proposed draft plan of subdivision meets the policy directions of PPS 2024, County of Essex Official Plan and Kingsville Official Plan.

## Municipal Zoning By-law

The lands subject to the proposed draft plan of subdivision are currently zoned General Agricultural Zone (A1) in the Comprehensive Zoning By-law 1-2014, for the Town of Kingsville. To allow the proposed subdivision for residential development it is required that the lands be properly zoned for Rural/Urban Residential use. The applicant is requesting a site-specific Residential Zone based on the R2.2 zone (see Appendix E - Planning Justification Report by the Applicant), to allow for construction of Single Detached Dwellings, Semi-Detached Dwellings and units, Townhouse Dwellings and units and a Multi-Residential Townhome Complex, which will all have reduced lot area, lot frontage, setbacks and increased lot coverage, when compared to R2.2 zone. Likewise, the Town of Kingsville will require that the portion of the lands in the draft plan of subdivision which will be used for the stormwater management facility and stormwater access be zoned from General Agricultural Zone (A1) to Public Utilities/Facilities Zone (MG).

Kingsville administration has reviewed the details of the requested zoning amendment by the applicant and has considered the applicant's request against the policies of PPS 2024, County of Essex OP and Town of Kingsville OP, as well as Kingsville's Zoning By-law 1-2014.

It is recommended that Subsection 6.2.2 of Zoning By-law 1-2014, be amended by adding Exception 12 (R2.2-12), to match the proposed lots and blocks, and development goals of the proposed plan of subdivision, while allowing for appropriate intensification within the existing regulations of the low-density Residential Zone 2, and existing residential neighbourhood to the east of the proposed development.

As indicated above, the policies of the County OP as well as the Kingsville OP only permit low density residential developments in the Hamlet designation. the new County of Essex OP 2024 provides the following:

### 4.A.4 – Hamlets - Subsection 4.A.4.2:

*Hamlets are characterized by the following:*

...

- e) *Any new housing is planned to be limited infill housing, at a low density in keeping with the existing unit type and built form that already exists.*

### 4.A.5 – Intensification – Subsection 4.A.5.2:

...

*Residential intensification is to be provided in Secondary Settlement Areas where full servicing is available.*

#### 4.A.6 – Greenfield Development

##### Subsection 4.A.6.1:

...

*f) Supporting locally appropriate, logical, and orderly development.*

##### Subsection 4.A.6.2.:

*Local municipal Official Plans, Zoning By-laws, and Secondary Plans shall plan to achieve the following **net residential densities**:*

<i>Low Density Residential</i>	<i>25 units per hectare</i>
<i>Medium Density Residential</i>	<i>50 units per hectare</i>
<i>High Density Residential</i>	<i>80 units per hectare</i>

Further, the Town of Kingsville Zoning By-law 1-2014, provides the following definitions:

**Density (Gross):** means the ratio of the number of dwelling units to the entire subject property and expressed in units per hectare.

**Density (Net):** means the ratio of the number of dwelling units to the property with the dedicated parkland, roadways, storm water management ponds and other non- developable detached components removed from the land area and expressed in units per hectare.

Based on the above definitions for Gross and Net Densities provided in the Town of Kingsville Zoning By-law 1-2014, the proposed draft plan of subdivision will have the **Gross Density of 19 units per hectare**. However, Subsection 4.A.6.2. of the new County of Essex OP mentioned above, refers to Net density and not Gross density.

**The Net Density of the proposed draft plan of subdivision will be 28.95 units per hectare**, which is actually Medium Density Residential as defined in Subsection 4.A.6.2. of the new County of Essex OP. Kingsville's OP only refers to Gross Density while speaking to number of residential units per hectare, and as such, there is a mismatch between the County of Essex OP and the Town of Kingsville OP in how densities are calculated. This mismatch will be corrected when the Kingsville OP is brought into conformance with the County of Essex OP, as is required by the Planning Act. However, at this time, the proposed density pushes the upper limits of density within a Hamlet designation.

The applicant has requested more intensive use of residential lots (e.g. 70% lot coverage, 20% minimum landscape open space) as shown in the applicant's Planning Justification Report (Appendix E). The applicant's intention is to create more attainable



housing (i.e. smaller lots, smaller homes), however Kingsville administration in their review and recommendation of appropriate intensification must also be sensitive to neighbouring lands and Hamlet policies.

For that reason, Administration does not recommend approval of the applicant's zoning request in full, and is only recommending the following zoning amendment, which is not an exact match to the applicant's request and recommends less intensive built form than what the applicant is requesting. Built form refers to the physical appearance of a building, its relationship to the surrounding area, and its function which include:

- **Appearance:** The height, shape, and volume/mass of a building, as well as its surface;
- **Relationship to surroundings:** How far a building is from the street and sidewalk, and how it relates to other buildings and open spaces; and
- **Function:** The purpose of the building.

Built form is a key factor in creating well-designed places and neighbourhoods. The tools which are used in the Zoning By-law to achieve proper built form are regulations such as maximum lot coverage, minimum landscape-open-space and required minimum setbacks. These tools are used to control the size, shape and mass of buildings so they fit into their surroundings without imposing on existing adjacent neighbourhood characteristics.

It is imperative to note that Kingsville Administration is putting forward a Zoning By-law Amendment which still pushes the upper limits of density within a Hamlet designation, and creates a much denser built form compared to existing residential neighbourhood to the east. Therefore, most likely Kingsville Administration will not be in a position to support any future minor variances to further intensify the built form in the proposed subdivision.

Kingsville Administration is recommending the following Zoning By-law Amendments:

***a) Permitted Uses***

- i) Those uses permitted under 6.2.2 Residential Zone 2 Rural/Urban (R2.2), EXCEPT Nursing or Rest home.

***b) Permitted Buildings and Structures***

- i) One Single Detached Dwelling;
- ii) One Semi-Detached Dwelling; One Semi-Detached Dwelling unit;
- iii) One Townhouse Dwelling; One Townhouse Dwelling unit;
- iv) One Multi-residential Townhouse Dwelling Complex containing no more than twenty-four (24) dwelling units, and no Additional Dwelling Units permitted;

- v) One Group home;
- vi) Buildings and structures accessory to the main use.

**c) Regulations**

	<b>Single detached dwelling</b>	<b>Semi-detached dwelling/ Semi-detached dwelling unit</b>	<b>Townhouse dwelling (per unit)</b>	<b>Multi-residential Townhouse dwelling Complex (per unit)</b>
<b>Lot Area (Minimum)</b>	470m <sup>2</sup> (5,059.2 ft <sup>2</sup> )	650m <sup>2</sup> (6,996.8 ft <sup>2</sup> )/ 325m <sup>2</sup> (3,498.4ft <sup>2</sup> )	320m <sup>2</sup> (3,444.6ft <sup>2</sup> )	213m <sup>2</sup> (2,296.4ft <sup>2</sup> )
<b>Lot Frontage (Minimum)</b>	12.5m (41ft)	18m (59.1ft)/9m (29.5ft)	9m (29.5ft)	53m (173.9ft)
<b>Landscaped Open Space (Minimum)</b>	30%	30%	30%	30%
<b>Lot Coverage (Maximum)</b>	Main building without ADU 50%, and 10% for accessory structures	Main building without ADU 50%, and 10% for accessory structures	Main building without ADU 50%, and 10% for accessory structures	Main building 50%  Accessory structures 10%
	Main building with legal ADU 60%, and no accessory structures	Main building with legal ADU 60%, and no accessory structures	Main building with legal ADU 60%, and no accessory structures	Legal ADU 0%
<b>Building Height (Maximum)</b>	11 m (36.1 ft)	11 m (36.1 ft)	11 m (36.1 ft)	11 m (36.1 ft)
<b>Front Yard Depth (minimum)</b>	4m (13.12ft) for the main dwelling	4m (13.12ft) for the main dwelling	4m (13.12ft) for the main dwelling	3m (9.8ft)
	5.5m (18.04ft) for attached garage	5.5m (18.04ft) for attached garage	5.5m (18.04ft) for attached garage	
<b>Rear Yard Depth (minimum)</b>	6m (19.7ft)	6m (19.7ft)	6m (19.7ft)	6m (19.7ft)
<b>Interior Side Yard Width (Minimum)</b>	1.2m (3.9ft) with an attached garage/carport	1.2m (3.9ft) with an attached garage/carport, when there is no common wall	1.2m (3.9ft) with an attached garage/carport, when there is no common wall	6m (19.7ft)
	3m (9.8ft) without an attached garage/carport	3m (9.8ft) without an attached garage/carport,	3m (9.8ft) without an attached garage/carport,	

		when there is no common wall	when there is no common wall	
		0m (0ft) when there is a common wall for a semi-detached dwelling unit or townhouse dwelling unit	0m (0ft) when there is a common wall for a semi-detached dwelling unit or townhouse dwelling unit	
<b>Exterior Side Yard Width (minimum)</b>	1.5m (4.9ft) with an attached garage/carport	1.5m (4.9ft) with an attached garage/carport	1.5m (4.9ft) with an attached garage/carport	6m (19.7ft)
	5m (16.4ft) without an attached garage/carport	5m (16.4ft) without an attached garage/carport	5m (16.4ft) without an attached garage/carport	

### Placement of Holding Provision

In keeping with the Town of Kingsville OP policies indicated above, since the subject lands are not serviced for the proposed development, a holding provision will be placed on the entirety of the subject lands indicating the following in the corresponding By-law:

“The Holding Provision applies to the entirety of the subject lands, and the holding provision shall not be removed from these lands, and no development shall occur, until the following has been completed to the satisfaction of the Town of Kingsville:

- a. Confirmation of availability and allocation of Municipal Water and Sanitary Sewage Treatment and conveyance capacity to the satisfaction of the Town of Kingsville;
- b. Execution of a Subdivision Agreement for specified phase(s), where the holding provisions will be removed only on those phase(s) included in the Subdivision Agreement; and
- c. Collection of all required securities by the Town of Kingsville according to the executed Subdivision Agreement.

The above holding provision will still allow the servicing to commence, however no building permits can be issued until the Hold is removed from the lands.

## **Subdivision Agreement**

The applicant has been advised that additional connections into the Ruthven sanitary collection system are not recommended until the Town can complete a review of the Ruthven sanitary system and determine sanitary capacity. The results of that review will likely impact development phasing.

The Town also required the applicant to 'loop' water mains (in keeping with recommendations from the Safe Drinking Water Act) to avoid dead-ends or additional automatic flushing units at the end of each of the cul-de-sacs. As a result of the proposed development pattern, the water main loops require easement on neighbouring lands (owned also by the applicant). The associated easement requires consent, as described below.

A Subdivision Agreement is required to be in place prior to any development on site. The Agreement would include language to permit development, by phasing based on confirmed capacity, and appropriate performance securities. Development of the site is not permitted until such time as the Agreement is approved by Council, and securities are collected. Further, recent legislative changes require reallocation of services (e.g. water, sanitary) if development has not been completed within three years.

## **Consent Application for Land Exchange and Transfer of Easement or Right of Way**

In 2023, Council for the Town of Kingsville and the County of Essex approved Official Plan Amendments to both the Kingsville OP and the County OP, which allowed for a 1:1 swap of lands between the subject properties and a corresponding adjustment to the Secondary Settlement Area. The land swap conformed to the Official Plan for the County of Essex. However, the ownership of the swapped lands were never transferred prior to the County's notice of complete Draft Plan of Subdivision.

To that end, a consent application is required for land exchange (boundary adjustments) between 1478 ROAD 2 EAST and 0 ROAD 2 EAST, as well as transfer of a 3-metre-wide easement or right of way to the Town of Kingsville, for placement of water services in the following manner:

1. To sever part of the vacant lot, municipally known as 0 ROAD 2 East, at its south-west end, having the area of 3,759.3 m<sup>2</sup>, and convey it to the property next east, municipally known as 1478 ROAD 2 East, to be used for stormwater management pond facilities for the proposed draft plan of subdivision, as shown on Appendix B – Consent Map (B-2024-27);
2. To sever part of the vacant lot, municipally known as 0 ROAD 2 East, at its north-east end, having the area of 494.6 m<sup>2</sup>, and convey it to the property next east,

municipally known as 1478 ROAD 2 East, to be used for part of the cul-de-sac bulb at west end of proposed extension of Peach Drive, as well as part of Lot 34 on the proposed draft plan of subdivision, as shown on Appendix B – Consent Map (B-2024-27);

3. To register the transfer of a 3-metre-wide easement or right of way to the Town of Kingsville, for placement of water services, having the area of 692.3 m<sup>2</sup>, along the west property line of the lands municipally known as 1478 ROAD 2 East; and
4. To sever part of the land municipally known as 1478 ROAD 2 East, along its west property line and at its north-west end, having the area of 4,258 m<sup>2</sup>, and convey it to the property next west, municipally known as 0 ROAD 2 East, in exchange of the 2 parts received above.

The Town of Kingsville is the approval authority for Zoning By-law Amendments as well as Consent Applications, as the lower-tier municipality. It is worth noting that the required Zoning By-law Amendment, as well as the required Consent Application are both subject to statutory public meetings, therefore the two applications are brought forward in a separate report (ZBA-2024-19 and B-2024-27) to Council on November 25, 2024, prior to the report requesting endorsement of the draft plan of subdivision.

## **CONSULTATIONS**

The Town of Kingsville, as the approval authority for Zoning By-law Amendments and Consent applications, has conferred with the persons or public bodies which must be notified of the proposed ZBA and Consent applications.

Furthermore, in accordance with requirements of Ontario Regulation 545/06, and Ontario Regulation 197/96, Town of Kingsville has given public notice of the ZBA and Consent applications (see appendix F) by:

- a. ordinary mail, to every owner of land within 120 metres of the subject land; and
- b. posting notice signs, clearly visible and legible from a public highway or other place to which the public has access, namely on Road 2 East frontage of the subject land, and at the end of Peach Drive.

In addition to the above required ordinary mail and sign posting notices, an additional notice has been placed on Kingsville's municipal webpage at the following link:  
<https://www.kingsville.ca/en/news/planning-items-for-review-at-the-november-25-2024-committee-of-adjustment-and-appeals.aspx>

Public comments received to date are attached (see appendix H.)

The application was also reviewed by the Town's Technical Advisory Committee, and additional consultation with:

- Director of Public Operations
- Senior Manager of Capital Projects and Engineering
- Development Engineer
- Manager of Legal Services

## **FINANCIAL CONSIDERATIONS**

The Town of Kingsville will be collecting subdivision securities in accordance with requirements and conditions which will be stipulated in the subdivision agreement. At the appropriate time release of the collected securities will be managed by the Town of Kingsville.

Furthermore, in compliance with section 3.5 of the Kingsville OP (Parks and Open Spaces), subsection 3.5.2. e) which indicates the following:

*“where land is to be developed or redeveloped for residential purposes, the Town shall require the conveyance of land for park purposes or the equivalent cash-in-lieu in accordance with the maximum of the following criteria or combination thereof:*

- i. five percent (5%) dedication of the gross area of the land proposed for development; and/or*
- ii. dedication at a rate of one hectare per 300 units or cash-in-lieu at a rate of one hectare per 500 units or such lesser rate as may be specified in the by-law;”*

The appropriate equivalent cash-in-lieu of required Parkland will be collected at the time of executing the subdivision agreement.

Upon completion of servicing the subdivision, once building permits can be issued on each lot/block, development charges and building permit fees will be collected, which ultimately will contribute to additional taxation, water, and wastewater revenue for Town of Kingsville.

## **PREPARED BY:**

*Sahar Jamshidi*

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

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**REVIEWED BY:**



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

**REVIEWED BY:**



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John Norton,  
Chief Administrative Officer

- Appendix A – Key Map and Proposed Zoning Amendment Details
- Appendix B – Consent Map & 12R-29939 Registered Easement
- Appendix C – Draft Plan of Subdivision Mivita Estate
- Appendix D – Subdivision Concept Plan & Typical Lot Layout – Applicant's Proposal
- Appendix E – Planning Justification Report
- Appendix F – Public Notices
- Appendix G – Notice Signs Placed on Public Highways
- Appendix H – Public Comments