



Date: June 16, 2025

To: Mayor and Council

Author: Vitra Chodha, Planner

RE: Application for Consent and Zoning By-law Amendment (B-2025-7 & ZBA-2025-3) at 1529 Union Avenue (County Road 45)

RECOMMENDED ACTION

1. That consent application B-2025-07, to sever an existing greenhouse and dwelling, for the property known as 1529 Union Avenue (County Road 45), deemed surplus to the Union Water Facility expansion, and to add the remaining retained parcel to the property municipally known as 1615 Union Avenue (County Road 45), **be approved**, subject to the following conditions:
 - a. That the applicant provide, to the satisfaction of the Town:
 - i. proof of drainage to serve the lands being conveyed and the lands being retained, with the costs of such drainage being solely at the expense of the applicant including an amended section 65 Report
 - ii. registered 12-R Plan for the severed parcel;
 - iii. private locates are required to confirm no municipal services (water, storm and sanitary) cross the proposed property lines
 - b. The conditions imposed above shall be fulfilled by June 16, 2027, or this application shall be deemed to be refused in accordance with Section 53(41) of the *Planning Act*;
2. And that By-law 42-2025, 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 parcel municipally known as 1615 Union Avenue (County Road 45) from 'General Agricultural' to 'Public Utilities/Facilities (MG)' and the severed residential parcel from 'General Agricultural (A1)' to 'General Agricultural Exception 90 (A1-90)', **be approved**.

BACKGROUND

The Town of Kingsville has received the above-noted application for lands located on the west side of Union Avenue (County Road 45) (see location map attached as Appendix A). The subject parcel is approximately 25,454.73 m² (6.29 ac) with a frontage

of approximately 71.61 m (234.94 ft) and contains a greenhouse with a dwelling. The subject parcel is designated 'Hamlet' by the Town of Kingsville Official Plan and is zoned 'General Agricultural (A1)' under the Kingsville Comprehensive Zoning By-law.

It is proposed that the greenhouse along with the dwelling is severed onto a separate lot as shown on the applicant's survey (attached as Appendix B). The severed lot has an area of approximately 4,856 m² (52,269 ft²) with an approximate frontage of 71.61 m (234.94 ft). The retained lot has an approximate area of 20,598.5 m² (5.09 ac) and an approximate frontage of 0 m (0 ft). The retained lot is being added to the property municipally known as 1529 Union Avenue. As a result, the severance application does not result in the creation of any additional lots.

In conjunction with the severance application, a zoning application is received to rezone the retained parcel from 'General Agricultural (A1)' to "Public Utilities/Facilities (MG)" for the purpose of expanding the Union Water Facility and the severed parcel from 'General Agricultural (A1)' to "General Agricultural Exception 90 (A1-90)" recognizing a reduced rear yard setback from 15.00 m (49.21 ft) to 1.52 m (5.00 ft) and reduced lot size of approximately 4,856 m² (52,269 ft²).

The corresponding by-law (By-law 42-2025) is included in the By-law section of this council agenda.

DISCUSSION

1) Provincial Planning Statement (PPS), 2024

When reviewing a planning application to determine if it represents sound planning, it is imperative that the proposed development is consistent with the Provincial Planning Statement (PPS).

Section 2.3.1: Settlement areas shall be the focus of growth and development.

The expansion of the Union Water facility within the Secondary Settlement Area aligns with the directive to direct infrastructure and development into existing designated settlement areas.

Section 3.1.1: Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning to meet current and projected needs.

The proposal supports regional water service delivery, satisfying long-term needs consistent with this policy.

Section 3.6.2: Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety.

The expansion of the Union Water facility is consistent with the preferred servicing approach in settlement areas.

The proposed consent and rezoning applications are consistent with the Provincial Policy Statement.

2) County of Essex Official Plan, 2014

The subject site is within the secondary settlement area.

Section 2.10: The County of Essex does not fund or maintain sanitary sewers or water systems, and the provision of those services is the responsibility of the local municipalities. However, the County does promote efficient and environmentally responsible development which is supportable on the basis of appropriate types and levels of water supply and sewage disposal consistent with the Provincial Policy Statement.

Section 4.6.4: The County has delegated approval authority for consent applications to the local municipalities.

The application is consistent with the County of Essex Official Plan.

3) Town of Kingsville Official Plan, 2023

Section 3.6.2: The Hamlet designation permits limited non-residential uses that serve the surrounding rural population, including public service facilities. The expansion of existing uses must be evaluated for compatibility with the surrounding area and service capabilities.

The union water facility already exists right adjacent to the existing property, this is simply an adjustment to the existing lot line to expand the existing facility.

Section 7.3: consents for lot adjustments or minor boundary changes are permitted provided both parcels comply with the provisions of the implementing Zoning By-law and the consent is granted conditional to Section 50(3) or (5) of the Planning Act.

The proposed consent does not result in the creation of a new lot, it simply moves the lot lines to establish a smaller lot at 1529 Union Avenue containing the small greenhouse and residential dwelling. The remainder of the property is being added to the Union Water lands known as 1615 Union Avenue. The proposed consent and zoning by-law amendment is consistent with the Town of Kingsville Official Plan.

4) Town of Kingsville Comprehensive Zoning By-law, 2014

The subject site is currently zoned 'General Agricultural (A1)'. The proposed severed lot containing the greenhouse and the residential dwelling will be rezoned to "General Agricultural with exemption 90 (A1-90)" recognizing a reduced rear yard setback from 15.00 m (49.21 ft) to 1.52 m (5.00 ft) and reduced lot size of approximately 4,856 m² (52,269 ft²). The retained lot has an approximate area of 20,598.5 m² (5.09 ac) and an approximate frontage of 0 m (0 ft). The retained lot is being added to the property municipally known as 1529 Union Avenue. As a result, the severance application does not result in the creation of any additional lots.

The proposed consent and zoning by-law amendment is in compliance with the Town of Kingsville Comprehensive Zoning By-law.

FINANCIAL CONSIDERATIONS

The impact to assessment resulting from the severance and rezoning is anticipated to be minimal.

ENVIRONMENTAL CONSIDERATIONS

The subject property may lie wholly or partially within the Event Based Area (EBA) of the Essex Region Source Protection Plan.

There is an existing Risk Management Plan (RMP) for 1529 Union Ave issued to Totaro Farms on April 2, 2020. The RMP indicates that there is a 68,000L fuel tank onsite and there are outstanding Risk Management Measures that need to be addressed, specifically, proof of adherence to applicable regulations and provision of copies of regular tank inspections.

There is also an abandoned petroleum well located on site. In accordance with Section 5.1.1 of the Town of Kingsville Official Plan, the applicant will be required to confirm that the well has been properly decommissioned and a Record of Site Condition has been filed under O.Reg.153/04 as part of the Site Plan Control application process. The Site Plan Control process will also ensure any setbacks or restrictions will be maintained.

CONSULTATIONS

Public Consultations

In accordance with 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 (Appendix C)

ERCA has no objection to ZBA-2025-3 and the associated Application for Consent. The property owner will be required to obtain an approval from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act. ERCA also requests that a stormwater management plan be designed and implemented to the satisfaction of ERCA and the Municipality for the proposed development.

2) Town of Kingsville Technical Advisory Committee

- a. Albert Gunning Drain –a Section 65 Report will be required on this drain (this is the old greenhouse parcel – it is fully assessed into this drain however we need to also determine how much water is coming from the existing Union Water lands into the Albert Gunning.
- b. Union Water Drain – needs to be amended to reflect a new Section 65
- c. Building permit(s) are required for construction of proposed structures for the proposed development.
- d. Storm water management plan will be required as part of Site Plan to ensure that the new development does not adversely impact adjoining properties.

PREPARED BY:



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REVIEWED BY:



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