



TOWN OF KINGSVILLE
REGULAR MEETING OF COUNCIL
REVISED AGENDA

Monday, January 13, 2025, 6:00 PM

Unico Community Centre

37 Beech Street

Kingsville, ON N9Y 1A9

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<https://www.kingsville.ca/livestream>

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Pages

A. Call to Order

***B. Closed Session**

Recommended Action

That Council **ENTER** into Closed Session at 5:00 p.m. pursuant to Section 239 of the Municipal Act, 2001, to discuss the following item:

Item I - Integrity Commissioner Report to be heard under Section 239(2)(b) being personal matters about an identifiable individual, including municipal employees and Section 239(2)(f) being advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Item II - Licensing Enforcement to be heard under Section 239(2)(b) being personal matters about an identifiable individual, including municipal employees and Section 239(2)(f) being advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

C. Land Acknowledgement

We acknowledge the Three Fires Confederacy (Ojibwe, Potawatomi and Odawa) and the Traditional ancestral, unceded territory of Caldwell First Nation; the original people of Point Pelee, Pelee Island and its surrounding waters. We recognize and respect the First Nations who are stewards of the land and waters of Turtle Island and who have embraced this stewardship since time immemorial. We would also like to acknowledge all the moccasins who have walked lands of Turtle Island.

D. Moment of Silent Reflection and National Anthem

E. Mayor's Welcome and Remarks

F. Amendments to the Agenda

G. 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.

H. Report Out of Closed Session

Pursuant to Section 239 of the Municipal Act, 2001, Council entered into Closed Session at 4:12 p.m. on December 4, 2024, to discuss the following item:

Item I - Personnel Matters heard under Section 239(2)(b) being personal matters about an identifiable individual, including municipal employees and Section 239(2)(d) being labour relations or employee negotiations. There is nothing further to report.

Further, pursuant to Section 239 of the Municipal Act, 2001, Council entered into Closed Session at 7:09 p.m. on December 9, 2024, to discuss the following item:

Item I - Employee Review heard under Section 239(2)(b) being personal matters about an identifiable individual, including municipal employees. There is nothing further to report.

I. Delegations

J. Presentations

*1. Integrity Commissioner Report dated January 6, 2025

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K. Matters Subject to Notice

1. Zoning By-law Amendment (ZBA-2024-21) for a Town wide amendment to accessory structure height

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Recommended Action

That Council **APPROVE** the changes recommended by the Committee of Adjustment and Appeals, with the support of Administration, to amend Section 4.2 (h) and 4.2 (i) of the Town of Kingsville Comprehensive Zoning By-law 2014-1 to the following:

a. Section 4.2 (h) *Accessory buildings and structures shall not*

exceed the following *heights*:

- i. in residential *zones* within the primary and secondary settlement area – 5.8 m (19 ft.)
- ii. in residential *zones* or lots under 2 ha that are outside the settlement area – 6.5 m (21.3 ft)
- b. Section 4.2 (i) Notwithstanding any other provision of this by-law, the *maximum building height* for an *accessory building* which contains a *dwelling unit* is not to exceed 6.5 m (21.3 ft);

And that corresponding By-law 1-2025 **BE ADOPTED** during the By-law stage of the Agenda.

2. Main Street Neighbourhood and Gateway – Building Heights

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Recommended Action

That Council **APPROVE** By-law 4-2025 and By-Law 5-2025, being by-laws to amend the Official Plan and Zoning By-Law for the Town of Kingsville, and increase maximum heights permitted in the Main Street Neighbourhood and Main Street Gateway East Zones from 14.5 m (4 storeys) to 22 m (6 storeys).

L. Reports - Finance and Corporate Services

1. ERCA Non-Mandatory Cost Apportioning Agreement

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Recommended Action

That Council **DIRECTS** Administration to continue to participate in funding the Essex Region Conservation Authority's ("ERCA") Non-Mandatory Programs and Services for three (3) years to the end of 2027;

And that the Mayor and Clerk **BE AUTHORIZED** to sign the three (3) year Cost Apportioning Agreement of which the contribution is \$21,520 for 2025 for the Town of Kingsville.

2. Joint Pound Facility and Pound Services Agreement with the Municipality of Leamington

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Recommended Action

That Administration **BE AUTHORIZED** to enter into a Joint Pound Facility and Pound Services Agreement with the Municipality of Leamington.

3. Kingsville Military Museum – Four Year Funding Agreement

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Recommended Action

That Council **DIRECTS** Administration to prepare a 4-year Funding Agreement between The Corporation of the Town of Kingsville (the "Corporation") and Kingsville Historical Park Inc. in the amount of \$10,000.00 per year to begin in 2025 and expire at the end of 2028;

And that the Mayor and Clerk **BE AUTHORIZED** to sign the Funding

Agreement on behalf of the Corporation.	
4. Boarding, Lodging and Rooming House By-law – One Year Review	44

Recommended Action

That Council **APPROVE** the following amendments to By-law 3-2024, being a By-law to licence Boarding, Lodging, and Rooming Houses (BLRH) in the Town of Kingsville:

1. Clarify that the By-law does not apply to long-term care homes, homes for special care, and retirement homes licensed by the Province; and
2. Clarify the provisions of the By-law related to appeals of licensing decisions.

And that the Fees and Charges By-law 89-2024 **BE AMENDED** to reflect the fees for a Boarding, Lodging and Rooming House (BLRH) Licence as noted in this report;

And that corresponding By-law 2-2025, being a By-law to amend By-law 89-2024, and corresponding By-law 3-2025, being a By-law to amend By-law 3-2024, **BE ADOPTED** during the By-law stage of this Council Agenda.

M. Consent Agenda

1. Communities in Bloom Minutes - September 3, 2024	57
2. Migration Festival Minutes - September 25, 2024	60
3. Communities in Bloom Minutes - October 3, 2024	63
4. Communities in Bloom Minutes - November 5, 2024	66
5. Committee of Adjustment & Appeals Minutes - November 19, 2024	69
6. Special (Budget) Council Meeting Minutes - December 4, 2024	76
7. Regular Council Meeting Minutes - December 9, 2024	88

N. Correspondence

O. Notices of Motion

P. Unfinished Business and Announcements

Q. By-laws

Recommended Action

That the following By-laws be given a third reading and finally pass:

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65-2024 - Being a By-law to provide for a new bridge over the Kunch Drain at a total estimated cost of \$37,000 in the Town of Kingsville, in the County of Essex;

66-2024 – Being a By-law to provide for the emergency access replacement over the 7th Concession Drain for Parcel Nos. 460-00701 and 460-00702 at a total estimated cost of \$264,154 in the Town of Kingsville, in the County of Essex;

74-2024 – Being a By-law to provide for the enclosure over the Irwin Drain for Parcel No. 620-03300 at a total estimated cost of \$92,000 in the Town of Kingsville, in the County of Essex; and,

75-2024 - Being a By-law to provide for the enclosure over the West Townline Drain (Upper) for Parcel No. 580-01006 at a total estimated cost of \$32,000 in the Town of Kingsville, in the County of Essex.

Recommended Action

That the following By-law be given three readings and finally pass:

1-2025 - Being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville;

2-2025 - Being a By-law to amend By-law 89-2024, being a By-law to impose fees and charges by The Corporation of the Town of Kingsville;

3-2025 - Being a By-law to amend By-law 3-2024, being a By-law to Licence Boarding, Lodging and Rooming Houses (BLRH) in the Town of Kingsville;

4-2025 - Being a By-law to amend the Official Plan of the Town of Kingsville;

5-2025 - Being a By-law to amend the Town of Kingsville Comprehensive Zoning By-law 1-2014 with respect to the entire Town of Kingsville; and,

6-2025 -Being a By-law to confirm the proceedings of the Council of the Corporation of the Town of Kingsville at its January 3, 2025, Regular Meeting of Council.

***R. Closed Session**

Recommended Action

That Council ENTER into Closed Session at XX:XX p.m. pursuant to Section 239 of the Municipal Act, 2001, to discuss the following item:

Item I - Disposition of Lions Hall to be heard under Section 239(2)(k) being a position, plan, procedure, criteria, or instruction to be applied to negotiations.

S. Adjournment

Recommended Action

That Council adjourns this Regular Meeting at p.m.

Report of the Town of Kingsville Integrity Commissioner

Respecting an investigation into complaints received regarding the conduct of committee member

Submitted: January 6, 2025

Introduction:

I was first appointed Integrity Commissioner for the Town of Kingsville for a period commencing on April 13, 2021. As Integrity Commissioner, I have authority to investigate complaints made concerning a breach of the code of conduct or of the Municipal Conflict of Interest Act made against members of council, local boards and committees, pursuant to subsection 223.3(1) of the Municipal Act, 2001. In accordance with subsection 223.6(1) of the Act, this report of my investigation is required to be provided to Council in public session unless the exemptions in subsection 239(2) of the Municipal Act apply. Procedural fairness requires that I provide reasons for my findings. Council does not have the authority to alter the factual findings made in my report however, Council is the body that must determine whether or not to accept any recommendations made in the report regarding sanctions.

Complaint:

The Town of Kingsville regularly holds a Migration Festival Parade and Fantasy of Lights and has established a committee of volunteer community members to oversee the organization of these events.

The complainant filed a complaint with the Acting Clerk under the Town of Kingsville Code of Conduct for members of Council, Committees and Local Boards, and subsequently provided details respecting the complaint to me directly. The complaint related to the conduct of a member of the Kingsville Migration Festival Committee, Mr. William Szabo Verzoc. Councillors Sherie Lowrie and Debby Jarvis-Chausse are and four other residents also members of the Migration Festival Committee. I was provided with copies of emails issued by Mr. Szabo Verzoc wherein he commented that a member of group identified as participating in the parade, and therefore appearing before the committee, was “a despicable person who is bigoted against people with disabilities” and made other

comments about this individual that were not related to the submissions before the committee.

The Code of Conduct:

The Town of Kingsville Code of Conduct for Council, Committees and Local Boards applies to all individuals appointed by Council to committees and local boards, in addition to Council Members. In particular after reviewing the materials provided to me, the following provisions are most significant to this matter:

4.1. Bullying is unwanted, aggressive behavior that involves a real or perceived power imbalance. The behavior could be a singular incident or something that has the potential to be repeated over time. Bullying includes actions such as making threats, spreading rumors, attacking someone physically or verbally, and excluding someone from a group on purpose. This includes physical, verbal, social/relational and cyber bullying.

6. PRINCIPLES OF GENERAL APPLICATION

The principles of general application in this section shall be used to govern interpretation of the more specific rules and obligations outlined in this Code of Conduct.

These general principles shall also be used to determine issues not specifically addressed in this Code of Conduct.

The general principles are:

- a) Members shall uphold a high standard of ethical behaviour to ensure that their decision-making is impartial, transparent and free from undue influence;
- b) Members shall refrain from engaging in conduct that would bring the Municipality or Council into disrepute or compromise the integrity of the Municipality or Council;

6.3 Discrimination and Harassment

6.3.1 No form of discrimination, intimidation or harassment will be tolerated, whether it involves a Member, staff or the public.

6.3.2 All Members have a duty to treat the public, other Members and staff with respect.

7.2.3 Respecting Others

7.2.3.1 Every Member has the duty and responsibility to treat members of the public, one another, and staff appropriately and without abuse, bullying, or intimidation, and to ensure that the work environment is not poisoned and is free from discrimination and harassment.

7.2.3.2 Members shall not use indecent, abusive, or insulting words or expressions toward any other Member, any staff, or the public.

7.2.3.3 Members shall communicate in a manner that is respectful to any individual, regardless of race, ancestry, place of origin, creed, gender, sexual orientation, age, colour, marital status or mental or physical disability.

Investigation:

To investigate this matter, I have sought information from the complainant, the Acting Clerk and Mr. Szabo Verzoc respecting the matters under investigation.

Mr. Szabo Verzoc completed the Town's Application for Appointment to Board or Committee form and indicated an interest in being appointed to two of the five committees listed on the form, notably the Fantasy of Lights Committee and the Migration Festival Committee. Mr. Szabo Verzoc hand-wrote that he was also applying to the Committee of Adjustment, a committee that was not listed on the application form. Of note Mr. Szabo Verzoc identified himself as being disabled but he did not identify himself as having disabilities that needed accommodation when he applied to the Town to join a committee. On February 13, 2024 Mr. Szabo Verzoc was informed by the Acting Clerk in writing that he was not selected to fill the vacant seat on the Committee of Adjustment. He was asked to confirm if he would be interested being considered for future board and committee vacancies. Mr. Szabo Verzoc indicated that he was interested in other committees in an email dated February 15, 2024, and he was subsequently appointed to the two listed committees applied for. Mr. Szabo Verzoc provided me with a copy of the first outreach he received from the Town concerning his appointment to committees. The Town's Manager of Recreation Programs and Special events emailed Mr. Szabo Verzoc on March 25, 2024 advising him of his appointment to the Fantasy of Lights and Migration Festival committees. In that email Mr. Szabo Verzoc was asked to meet with each committee coordinator to receive an overview of each and expectations. He was also given a link to a 30-minute volunteer training program. No reference was made in that email to the Code of Conduct however reference is made in the link provided in the email.

Mr. Szabo Verzoc did not dispute that he sent the email that forms the subject of the complaint and that described an individual who appeared before the Migration Festival Committee as a "despicable person". In fact he repeated the words to me several times in our telephone discussions and in subsequent emails. He also repeated them in emails to other individuals outside of the municipality. There is some obvious history between Mr. Szabo Verzoc and the person he verbally abused.

Mr. Szabo Verzoc sees the complaint filed as retaliation against him for concerns he raised with the Town about his treatment at a festival event. Actions taken by the Town in response to the matters raised by Mr. Szabo Verzoc substantiate that his concerns were valid, in my opinion. As they do not relate to this complaint and to protect personal information as I am required to do under the *Municipal Freedom of Information and Protection of Privacy Act*, I will not provide details in a public report. I can and must indicate publicly that Town staff responded to the concerns expressed by Mr. Szabo Verzoc in a timely manner, and he appears to be satisfied with the response provided.

Of note, as a defence to his actions, Mr. Szabo Verzoc advised that committee members start at different times and that he was not provided with any training regarding the Code of Conduct or any limitations on committee communications. Mr. Szabo Verzoc believed that his communications with committee members were confidential and that his privacy was violated when they were shared with me. He advised me that he felt it was important that the committee members be aware of his experiences with the gentleman who submitted an application on behalf of a community organization. I do not agree with his assessment.

Mr. Szabo Verzoc has also raised concerns about my impartiality and has alleged bias. Subsection 223.3 of the Municipal Act clearly states that the integrity commissioner acts independent of Council in all respects. I have attempted to assure Mr. Szabo Verzoc that my actions in investigating this complaint are independent.

In 2023 the Ombudsman of Ontario published a resource titled “Municipal Integrity Commissioners: Best Practice Guide”. The guide sets out as its purpose: “Our role is not to replace local accountability mechanisms, but to ensure they are working as they should. Our aim in suggesting best practices – and with this guide – is to avert future complaints and promote consistent standards across the province.” The Ombudsman stresses that best practices require an integrity commissioner to gather information by speaking to individuals and gathering documents from all sources deemed appropriate or necessary. In order to demonstrate fairness in the process, the person that is the subject of a complaint must have an opportunity to respond to the allegations made against them. This may include an opportunity to review the documents collected by the integrity commissioner, and to provide documents or other evidence that may conflict with what has been provided or gathered by the integrity commissioner, as well as an opportunity to meaningfully respond to the allegations made. I have provided that opportunity.

Respecting confidentiality, the Ombudsman acknowledges that the integrity commissioner has discretion to determine whether or not to disclose the identity of the complainant. The decision in *Dhillon v. Brampton*, 2021 ONSC 4165 (Div. Ct.) acknowledged the bar set in Di

Biase v. Vaughan, 2016 ONSC 5620 (Div. Ct.) addresses this best: "The statutory scheme prioritizes confidentiality; the integrity commissioner's process is investigatory and she may only make recommendations; the maximum penalty if Council accepts recommendations is 90 days suspension of pay; and no councillor may lose his elected position or suffer civil or criminal liability on the basis of an integrity commissioner's report."

Post Report Submission:

I provided Mr. Szabo Verzoc with an opportunity to review the factual findings set out in my report and at 3:22pm on January 8, 2024, Mr. Szabo Verzoc submitted comments to me, which were incorporated into my report, to the extent they were relevant to the subject matter of it. I thanked him for his comments and then proceeded to file my report with the Acting Clerk. The message received from Mr. Szabo Verzoc at that time was "OK thanks. Take Care." At approximately 1am on January 9, 2024, Mr. Szabo Verzoc submitted a series of emails to me taking issue with an email I sent him on December 17th respecting the Code of Conduct and reiterating that he believes I am biased, and he will take legal action. In his words: "If you rule against me this will be a MASSIVE LAWSUIT. A PROMISE". Additional emails were sent to me that included a string of emails attached to an email from Mr. Szabo Verzoc to Councillor Lowrie dated October 18, 2024 wherein he advises: "As only some of you are aware of an incident that occurred this evening, for the sake of completeness I am sharing with the rest of the Committee...." and goes on to discuss his need for seating behind the bar, about being yelled at when serving behind the bar, and not being included in the photo of those "manning the bar" Mr. Szabo Verzoc advised that he would be sitting out the balance of the weekend activities. The details of that evening are not the subject of the complaint I am investigating and reporting on.

Mr. Szabo Verzoc sent another email in which he demands complaints be filed against two committee members, including Councillor Lowrie. He calls Councillor Lowrie an "ABSOLUTE SNAKE"; "BITCH AGAINST THE DISABLED"; "DEVIL INCARNATE"; and "GODDAMN DISGRACE" (his capital lettering). He ends his email with: "REMOVE HER. The Town of Kingsville is a GODDAMN DISGRACE at this point and I will destroy it if I must. Thanks for giving me some entertainment. God Bless."

These emails and comments were shared through a blind copy with several individuals in addition to me, including members of Town staff. I cannot determine who exactly received them, but I am aware that others were copied.

Findings:

Writing to fellow committee members and describing a member of the public who is identified by name as “a despicable person who is bigoted against people with disabilities” is abusive and an attack against an individual that constitutes bullying under the Code of Conduct. It does not demonstrate the values set out in the Code of Conduct and furthermore, it contravenes the requirement that “all Members have a duty to treat the public, other Members and staff with respect.” The standards of behaviour in the Code of Conduct apply in all situations and to all members of Council, its boards and committees. It may be appropriate to share valid concerns that could impact the matter under consideration by the committee, but it is never appropriate to resort to abusive name calling.

I was willing to give Mr. Szabo Verzoc the benefit of the doubt and treat the matter in part as an event triggered by a past experience with the individual he defamed. There were no previous outbursts or use of insulting language by Mr. Szabo Verzoc before this event. Given the communications that have followed, I am very concerned that Mr. Szabo Verzoc’s outbursts are continuing and are now being directed at members of the committee. As a result of my discussions with Mr. Szabo Verzoc I am confident that he understands what the Code of Conduct says and that it applies to him. He has nevertheless chosen to continue to send emails to a number of individuals attacking the integrity of committee members and using abusive language to insult them. I am satisfied that Mr. Szabo Verzoc understands that this is offensive, understands that it is not acceptable, and yet intentionally has made a decision to send these emails. I do not accept Mr. Szabo Verzoc’s disability as a defence or reason for his conduct.

Recommendation:

The Integrity Commissioner finds that the statement made by the committee member constitutes a breach of the Code of Conduct, and recommends:

1. That Council issue a public reprimand to ensure that the public are aware that the Town of Kingsville Council does not condone this conduct.
2. That Mr. Szabo Verzoc be asked to submit a written apology to the members of the Town of Kingsville Migration Festival Committee for his outbursts and issue a specific apology to Councillor Lowrie for the emails he sent wherein he defames her.
3. In the event Mr. Szabo Verzoc refuses to apologize for his conduct, that Council consider rescinding his appointment to the Kingsville Migration Festival Committee effective within 14

days of the Clerk providing him with a copy of Council's decision.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Bench".

Mary Ellen Bench, BA, JD, CS, CIC.C
Town of Kingsville
Integrity Commissioner



Date: January 13, 2025

To: Mayor and Council

Author: Vitra Chodha, Planner

RE: **Zoning By-law Amendment (ZBA-2024-21) for a Town wide amendment to accessory structure height**

RECOMMENDED ACTION

That Council **APPROVE** the changes recommended by the Committee of Adjustment and Appeals, with the support of Administration, to amend Section 4.2 (h) and 4.2 (i) of the Town of Kingsville Comprehensive Zoning By-law 2014-1 to the following:

- a. Section 4.2 (h) *Accessory buildings and structures shall not exceed the following heights:*
 - i. in residential zones within the primary and secondary settlement area – 5.8 m (19 ft.)
 - ii. in residential zones or lots under 2 ha that are outside the settlement area – 6.5 m (21.3 ft)
- b. Section 4.2 (i) Notwithstanding any other provision of this by-law, the *maximum building height* for an accessory building which contains a *dwelling unit* is not to exceed 6.5 m (21.3 ft);

And that corresponding By-law 1-2025 **BE ADOPTED** during the By-law stage of the Agenda.

BACKGROUND

The current Comprehensive Zoning By-law has been in place since April of 2014, with a series of consolidation and amendments that have taken place since. As a result of ongoing use and observation, revision and reworking are required to improve Section 4.2 of the Comprehensive Zoning By-Law 2014-1 which addresses accessory building and structures:

Section 4 General Provision

4.2 Accessory Buildings and Structures

- h) *Accessory buildings and structures shall not exceed the following heights:*

- i) in residential *zones* with a total area of less than 2 ha where the *accessory building* does not contain a *dwelling* – 5 m (16.4 ft)
 - ii) in all residential or agricultural *zones* where an *accessory building* is *constructed* to include an *additional dwelling unit*, – 6.5 m (21.3 ft)
 - iii) in all other *zones* – equal to the *permitted height* of the *Main Building* unless otherwise specified.
- i) Notwithstanding any other provision of this by-law, the *maximum building height* for an *accessory building* which contains a *dwelling unit* is prohibited from exceeding the *building height* of the *Main Building*

At the request of the Committee of Adjustment and Appeals (“COAA”), this report proposes an amendment addressing building heights of accessory buildings and structures within Section 4.2 of By-law 2014-1. The COAA recommended the re-consideration to reduce unnecessary approval processes for applications that have consistently been approved by the COAA. Administration presented the proposed changes to the COAA on December 17th, 2024, and they have recommended that Council approves these changes, which will reduce unnecessary timelines and costs associated with seeking COAA approvals which are consistently granted.

DISCUSSION

The proposed amendment, in this case, is a result of ongoing use and observation of the by-law where we have permitted through variance many accessory structure and buildings that exceeds the maximum permitted height. The aim of this amendment is to facilitate the construction of additional accessory buildings and structures without having to go through a minor variance application; this is done being mindful of competing interests and needs in our communities.

Section 4.2 is proposed to be amended as follows:

- h) *Accessory buildings and structures shall not exceed the following heights:*
- i) in residential *zones* within the primary and secondary settlement area – 5.8 m (19 ft.) with a total area of less than 2 ha where the accessory building does not contain a dwelling – 5 m (16.4 ft)
 - ii) in all residential *or agricultural zones* or lots under 2 ha that are outside the settlement area where an accessory building is constructed to include an additional dwelling unit, – 6.5 m (21.3 ft)

- iii) in all other zones – equal to the *permitted height* of the *Main Building* unless otherwise specified.

The intent of amending this section is to increase the maximum permitted height of an accessory structure located in residential zones within the primary and secondary settlement area from 5 m (16.4 ft) to 5.8 m (19.0 ft) and to increase the maximum height of accessory structure in residential zones and lots under 2 ha. located outside the primary and secondary settlement areas from 5 m (16.4 ft) to 6.5 m (21.3 ft).

- i) Notwithstanding any other provision of this by-law, the *maximum building height* for an *accessory building* which contains a *dwelling unit* is not to exceed 6.5 m (21.3 ft) ~~prohibited from exceeding the building height of the Main Building~~.

The intent of this amendment is to enable the construction of an additional dwelling unit within an accessory structure on lots with single-story homes. This change allows the accessory structure to have a maximum height of 6.5 meters (21.3 feet).

At its December 17, 2024 meeting, the Committee of Adjustment and Appeals reviewed the proposed amendments and passed and carried Resolution CA-65-2024 recommending approval of the amendments by Council:

CA-65-2024

Moved By: Thomas Neufeld, Councillor
Seconded By: Russell Horrocks

That the Committee of Adjustment and Appeals **RECOMMEND** to Council that Section 4.2 Accessory Buildings and Structures of the Comprehensive Zoning By-law 1-2014 **BE AMENDED** to read as follows:

Section 4.2 h)

Accessory *buildings* and *structures* *shall* not exceed the following *heights*:

- a. in residential zones within the primary and secondary settlement area – 5.8 m (19 ft.)
- b. in residential zones or lots under 2 ha that are outside the settlement area – 6.5 m (21.3 ft)

Section 4.2 i)

Notwithstanding any other provision of this by-law, the *maximum building height* for an *accessory building* which contains a *dwelling unit* is not to exceed 6.5 m (21.3 ft).

In keeping with the Committee's recommendation, the proposed changes are reflected in By-law 101-2024 being the By-law to amend the Town of Kingsville Comprehensive Zoning By-law which is included in the By-law section of this agenda.

FINANCIAL CONSIDERATIONS

There are no significant financial considerations

ENVIRONMENTAL CONSIDERATIONS

There are no significant environmental considerations

CONSULTATIONS

Report presented to the Committee of Adjustment and Appeals. A motion was passed recommending Council approve the changes.

In keeping with Section 22(1) of the *Planning Act*, the Town of Kingsville has given public notice of the Zoning By-Law Amendment (see Appendix A) by posting notices on the Town of Kingsville's municipal website:

<https://www.kingsville.ca/en/news/planning-items-for-the-january-13-2025-council-meeting.aspx>

If any public comments are received until 4 p.m. on January 13, 2025, they will be attached to this report, and otherwise provided.

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

PREPARED BY:



Vitra Chodha
Planner

REVIEWED BY:



Richard J.H. Wyma
Director of Planning and Development

REVIEWED BY:



John Norton
Chief Administrative Officer



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

Planning Services

NOTICE OF PUBLIC MEETING OF COUNCIL

Proposal for:

Amendments to Section 4.2 – Accessory Buildings & Structures

in the Comprehensive Zoning By-Law for the Town of Kingsville

Town File ZBA-2024-21

The Purpose of the Meeting is to review a recommendation from the Committee of Adjustment & Appeals to amend the Town's Comprehensive Zoning By-Laws, Section 4.2 – Accessory Buildings & Structures

The Proposed Amendment is a housekeeping amendment intended to revise & improve the current regulations for accessory buildings & structures

The Intent of this Amendment is to:

- increase the maximum permitted height of an accessory structure, located in residential zones within the primary & secondary settlement areas, from 5 m to 5.8 m and to;
- increase the maximum height of accessory structures in residential zones for lots under 2 ha., located outside the primary & secondary settlement areas, from 5 m to 6.5 m and to;
- allow an additional dwelling unit, located within an accessory structure, to have a maximum height of 6.5 m.

The Effect of the Proposal will reduce approval processes required by Council and the Committee of Adjustment & Appeals, allowing for relief from the current regulations for accessory buildings & structures, and will reduce costs & timelines to homeowners where relief from the current regulations for accessory buildings & structures will no longer be required

you can attend the Public Meeting

WHEN: January 13, 2025 at 6:00 p.m.

WHERE: Virtual meeting on Zoom – Please see the “Electronic Participation” document for instruction, attached to this notice

OR

In-person by attending the public meeting at:

Unico Hall Community Centre, 37 Beech Street, Kingsville, ON N9Y 1A9



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

Planning Services

Your comments on these matters are important

The Town of Kingsville and the Council encourage your input on this application.

Your comments can be submitted until 4:00 p.m. on January 13, 2025:

By email planning@kingsville.ca

Or by mail to:

**Town of Kingsville, Planning Services
2021 Division Road North
Kingsville, ON N9Y 2Y9**

Comments and opinions submitted on these matters, including your name and address, may become part of public record, be viewed by the general public, and be published in a Planning report, Council agenda, and minutes of the meeting.

If a person or public body that files an appeal of a decision of the Council in respect to the proposed Zoning By-law Amendment does not make written submissions to the Council before it makes a decision, the Ontario Land Tribunal may dismiss the appeal.

IF YOU WISH TO BE NOTIFIED OF THE DECISION in respect of the proposed Zoning By-law Amendment, you must make a written request by email planning@kingsville.ca, or mail to the attention of:

**Town of Kingsville
Planning Services
2021 Division Road North
Kingsville, ON N9Y 2Y9**

This will also entitle you to be advised of an appeal, if one is submitted.

For more information about this matter, contact The Town of Kingsville, Planning Services, at planning@kingsville.ca, 519-733-2305 ext. 244, or visit www.kingsville.ca

DATED this 23rd day of December, 2024



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

Planning Services

Electronic Participation

This meeting will be held in person, with an electronic element, in accordance with Procedural By-law 77-2021. Delegates and presenters will be provided with the option to attend in-person or electronically and spectators will be allowed into the building to watch or can continue to use the livestream option.

If you wish to participate via zoom, please read the instructions below:

Delegates, participants, and members of the public wishing to participate electronically **must request Zoom details by 11:00 am on the date of the public meeting**, as per By-Law 77-2021. Please refer to the contact information provided with this notice.

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Email: planning@kingsville.ca

The Corporation of the Town of Kingsville

2021 Division Road North

Kingsville, Ontario N9Y 2Y9



Date: January 13, 2024

To: Mayor and Council

Author: Richard J.H. Wyma, CSLA
Director of Planning and Engineering

RE: Main Street Neighbourhood and Gateway – Building Heights

RECOMMENDED ACTION

That Council **APPROVE** By-law 4-2025 and By-Law 5-2025, being by-laws to amend the Official Plan and Zoning By-Law for the Town of Kingsville, and increase maximum heights permitted in the Main Street Neighbourhood and Main Street Gateway East Zones from 14.5 m (4 storeys) to 22 m (6 storeys).

KEY POINTS

- In September, 2023, and based on sound planning considerations, Administration recommended maximum building heights within the Main Street Core (11m/3 storeys), Main Street Neighbourhood (**22m/6 storeys**), Main Street Gateway East (**22m/6 storeys**) and Main Street Gateway West (22 m/6 storeys).
- In September 2023, Council approved Official Plan and Zoning By-law Amendments for the Main Street Corridor that included, among other policies, maximum building heights within the Main Street Core (11m/3 storeys), Main Street Neighbourhood (**14.5m/4 storeys**), Main Street Gateway East (**14.5m/4 storeys**) and Main Street Gateway West (22 m/6 storeys).
- Council's unexpected reduction to the recommended building height limits have had a significant impact on individual developer plans and led to costly appeals at the Ontario Land Tribunal. In addition, Administration has not found planning expert support for these reductions in the Main Street Neighbourhood and Main Street Gateway areas.
- The Main Street OPA and ZBA and a later site specific ZBA for 183 Main Street were appealed to the Ontario Land Tribunal (OLT). As directed by Council, Administration negotiated the withdrawal of the appeals in exchange for permitting the site-specific application. This was approved by the OLT in December 2024.
- There have since been changes in the *Planning Act*, Provincial Policy Statement 2024 and the County Official Plan that require municipalities to plan for and support

increased intensification where ‘complete communities’ can be best achieved – where access to commercial and community services is easily facilitated within walkable distances, where a range of housing options can be provided, and where municipal servicing already exists.

- Development along Kingsville’s Main Street Corridor, and within the surplus school properties, will be required to comply with these policy changes. As a ‘strategic growth area’, it is recommended that Council increase maximum building heights within the Main Street Gateway East, and Main Street Neighbourhood zones to 22 m (6 storeys).

BACKGROUND

In April 2023, Administration presented a report to public Committee of the Whole (COTW) meeting that described projects and actions taken in response to ideas and recommendations from the Main Street Development Committee. Main Street Development was set as one of Council’s three short-term priorities for 2023, along with Attainable Housing, and a Facilities Assessment.

The report included a number of goals for the Corridor, related to urban design, housing, heritage, landscape and signage, and transportation within three policy areas/zones within the Main Street Corridor:

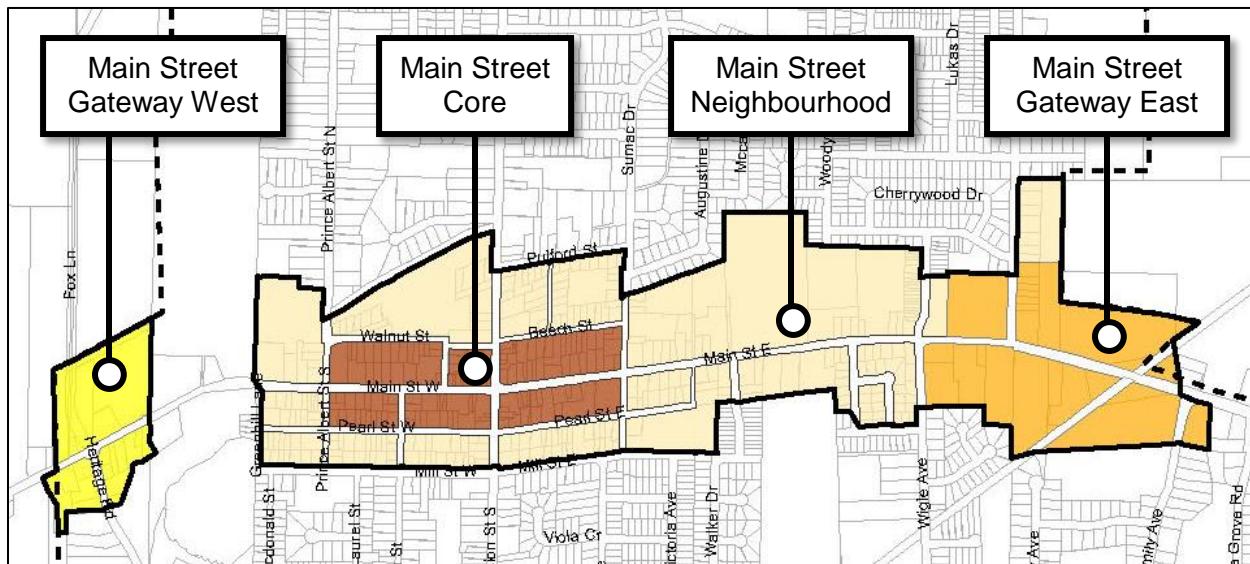
- Zone 1 – Main Street Core
- Zone 2 – Main Street Neighbourhoods
- Zone 3 – Main Street Gateway

Following discussion, Council directed Administration to develop associated Official Plan and Zoning By-law amendments, which were presented for consideration at the September 25, 2023 Council Meeting. Within this report, Administration proposed a vision for Main Street:

Main Street will continue to be a pedestrian-oriented, compact and mixed-use centre that is enhanced by a high-quality public realm, its cultural heritage, vibrant and animated urban environments and the highest quality of building design. Main Street is where the community meets, interacts, celebrates, shops, and entertains and where visitors gravitate to experience our community. Development within the Main Street Corridor Area will build on its assets to continue to evolve into a vibrant place to live, shop, work and play.

The amendments included policies related to Urban Design, Housing, Heritage, Landscape and Signage, and Transportation to further the vision included in both the OPA and ZBA. Council approved the suite of OPA and ZBA policies with two revisions related to height in the Main Street Neighbourhood and Main Street Gateway East zones (**highlighted** below):

BUILDING HEIGHTS		
Zone	Recommended from COTW	Approved by Council
Zone 1: Main Street Core	<ul style="list-style-type: none"> ▪ Minimum of 7.5m (2 storeys) ▪ Maximum of 11 m (3 storeys) 	<ul style="list-style-type: none"> ▪ Minimum of 7.5m (2 storeys) ▪ Maximum of 11 m (3 storeys)
Zone 2: Main Street Neighbourhood	<ul style="list-style-type: none"> ▪ minimum of 7.5m (2 storeys) ▪ maximum of 22 m (6 storeys) with a minimum 45-degree angular plane applied from the front property line, beginning at the height of the top of the third storey 	<ul style="list-style-type: none"> ▪ minimum of 7.5m (2 storeys) ▪ maximum of <u>14.5 m</u> (4 storeys) with a minimum 45-degree angular plane applied from the front property line, beginning at the height of the top of the third storey
Zone 3: Main Street Gateway West	<ul style="list-style-type: none"> ▪ maximum of 22 m (6 storeys) 	<ul style="list-style-type: none"> ▪ maximum of 22 m (6 storeys)
Zone 4: Main Street Gateway East		<ul style="list-style-type: none"> ▪ maximum of <u>14.5 m</u> (4 storeys)



DISCUSSION

The approved OPA and ZBA for the Main Street Corridor were appealed to the Ontario Land Tribunal (OLT) by two developers, specifically related to building height limits. A further site-specific application for a development at 183 Main Street was rejected by Council and also appealed to the OLT. As directed by Council on September 9, 2024, Kingsville and the appellants reached a negotiated settlement which permitted the site-specific development at 183 Main Street in exchange for a withdrawal of Main Street Corridor appeals. The OLT held a hearing on December 2, 2024, approved the negotiated settlement, and issued its orders on December 3, 2024.

Despite the withdrawal of appeals and the OLT ordered Official Plan and Zoning By-Law amendments, the Town continues to receive applications for increased heights within the Main Street Gateway East and Main Street Neighbourhood Zones. These projects were developed following COTW discussions regarding building height and any decision on those proposals will be subject to further OLT appeals.

Any OLT Appeal will consider existing development, including the two 6-storey buildings on Main Street (190 Main), a six-storey apartment building at the rear of 195 Main Street (as approved by Council in 2022/3 as part of the Plan of Subdivision/Zoning approvals); and that 6-storeys are permitted in the Main Street Gateway West zone will potentially make it more difficult for the Town to defend these height limits.

This will be made more challenging because, since the September 2023 Council decision, and the September 9, 2024 direction from Council to negotiate settlement, there has been changes to the *Planning Act* (Bill 162, *Get it Done Act, 2024* – February 2024; and Bill 185, *Cutting Red Tape to Build More Homes Act* – June 2024), Provincial Policy Statement (PPS 2024 – October 20, 2024), and a new County Official Plan (November 2024) that require municipalities to plan for intensification and increased densities as part of complete communities, and more efficient development in keeping with Provincial matters of interest and policies. Municipalities will be required to conform with those policies, which will also be used by the OLT to inform their consideration of any future appeals.

Kingsville's Main Street Corridor, with two surplus school properties, will be under pressure to satisfy policy direction as described below.

Planning Act

The *Planning Act* sets out the ground rules for land use planning in Ontario and integrates matters of provincial interest into planning decisions. These matters of provincial interest include, as it relates to housing, land use, and intensification:

- supply/efficient use of energy and water
- adequate provision of sewage and water services
- adequate provision of a full range of housing, including affordable housing
- climate change
- appropriate location of growth and development
- promoting built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The Main Street OPA and ZBA policies were drafted intentionally to reflect these legislative priorities. In-fill/intensification in the Main Street corridor through mid-rise, mixed-use development meets these matters of provincial interest. Development, or re-development within the corridor is more efficient and has less impact on servicing than expansion in greenfield lands outside the core where service upgrades are

more expensive and substantial. Building heights (and density) encourages growth and development within existing lands where not only servicing is available, but also where commercial and personal services are in place within walkable distances. Further, intensification along Main Street alleviates traffic with the corridor (as opposed to development outside the Corridor, which requires driving along Main Street to access commercial and personal services). And, as reflected in the Vision (above) the goal is to create a pedestrian-oriented, compact and mixed-use centre that is enhanced by a high-quality public realm, its cultural heritage, vibrant and animated urban environments and the highest quality of building design.

Recent changes to the *Planning Act* through other legislation provide clearer legislative direction to build more homes, streamline approvals, and support housing related infrastructure. Through these changes, the Province is increasingly focused on density, intensification, and providing all forms of housing (including ‘affordable’ as defined by the Provincial Bulletins), efficient development where services are available, and even limiting third party appeals to ensure that housing related applications (official plan, zoning by-law, site plan control) move forward more efficiently through approvals processes.

Provincial Policy Statement 2024

The new Provincial Policy Statement 2024 (PPS 2024) that came into effect October 20, 2024, represents a foundational change to the land use planning policy framework that has been in place in Ontario since the early 2000’s. The PPS 2024 establishes a new vision for land use planning which is now also directly linked to the provincial government’s commitment for 1.5 million homes to be built by 2031 and ensuring that such development is strategic.

Specifically, Policy 2.2.1 requires that planning authorities provide an appropriate range and mix of housing options and densities to meet current and projected need by, among other things, permitting and facilitating all types of residential intensification, now also including the conversion of existing commercial and institutional buildings (e.g. schools, shopping malls and plazas) for residential use, the introduction of new housing options within previously developed areas, and redevelopment that results in a net increase in residential units.

Of note, PPS 2024 removed reference to market-based housing that was previously in the PPS. Municipalities are to address Policy 2.2.1 by establishing and implementing minimum targets for the provision of housing that is affordable to low- and moderate-income households; permitting and facilitating all housing options and all types of residential intensification; promoting densities for new housing; requiring transit-supportive development and prioritizing intensification.

Similarly, Policy 2.1.6 removes the concept of “healthy, liveable and safe communities” contained in the PPS, 2020 and instead provides that municipalities support the achievement of “complete communities”.

Complete communities is a new defined term in PPS2024 that is reinforced in multiple PPS Policies:

Complete communities: means places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for equitable access to many necessities for daily living for people of all ages and abilities, including an appropriate mix of jobs, a full range of housing, transportation options, public service facilities, local stores and services. Complete communities are inclusive and may take different shapes and forms appropriate to their contexts to meet the diverse needs of their populations.

Policy 2.1.6 requires Planning authorities to support the development of complete communities by:

- a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs.
- b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and
- c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.

Policy 2.4.1 encourages planning authorities to identify and focus growth and development in **strategic growth areas**, and to prioritize intensification to achieve complete communities and compact built form.

The Main Street Corridor meets the criteria for strategic growth areas per the PPS policies and should be an area where growth and intensification is supported and encouraged. The OPA/ZBA policies support mixed-use development along the Main Street Corridor because it provides access to schools, public services, parks and open space, local stores; and can provide a mix of housing options. As also discussed, regardless of ownership, Council (and residents) are supportive of zoning the surplus high school and elementary school lands to support the Province's housing priorities.

County of Essex Official Plan (2024)

The 2024 County Official Plan was written to reflect new policies and directions in PPS 2024. This includes requirements (S.4.A.5 – Intensification) for the County and Local Municipalities to plan for a residential intensification target of 30% of new housing units. It requires municipalities to prepare an intensification strategy to support creation of complete communities, identify strategic growth areas within Primary Settlement Areas that are readily accessible to a mix of housing, can support mixed-use development, and where public and commercial services are

available. Further, with surplus properties becoming vacant, intensification targets should be achieving higher densities than those that currently exist:

- identify the location and boundaries of local growth centres and mixed-use corridors, that are considered priority areas for development and intensification;
- identify appropriate design and scale of development and identify where the “missing middle” can be accommodated to provide more affordable medium density (up to 6 storeys as described in the County OP Growth Analysis) options for Essex County
- provide strategies to achieve higher densities than what currently exist;
- pre-zone lands to expedite and streamline approvals; and
- identify other major opportunities for intensification, such as infill, redevelopment, brownfields, and the expansion or conversion of existing buildings and greyfield sites;

The Main Street OPA/ZBA policies align with the policies of the 2024 County of Essex OP related to intensification and promote a mixed-use corridor along Main Street. Main Street is a major opportunity for intensification as a result of school properties that are expected to be deemed surplus, and development in and around the commercial areas in the east and west of town to support growth and reduce traffic and other issues. Development and intensification along the Main Street Corridor also supports complete communities, a mix of housing options (including both affordable and attainable housing) and has services available for more intensive development.

Summary

Planning for densities and housing types that achieve a broader range of housing options for all household sizes, including affordable and market-based housing; and, ensuring that growth takes place in a sustainable manner contributes to the long-term financial, social and environmental well-being of Kingsville.

Supporting and maintaining mixed-use, medium density (i.e. up to 6 storeys) throughout the Main Street Corridor, with the exception of the Main Street Core, is in keeping with the *Planning Act*, changes to the Provincial Policy Statement 2024, and the 2024 County Official Plan. These legislative and policy changes require municipalities to support increased intensification where complete communities can be best achieved – where existing services exist, where access to commercial and community services is easily facilitated within walkable distances, and where a range of housing options can be provided.

The recommended amendments are described in the attached By-Law 04-2025 (Official Plan Amendment Number 19) to amend the Official Plan of the Town of Kingsville and By-Law 05-2025 to amend the Town of Kingsville Comprehensive Zoning By-Law 1-2014 with respect to the entire Town of Kingsville.

FINANCIAL CONSIDERATIONS

Increased, and more intensive development (mixed use, commercial, and residential) will result in increased revenues through taxes and associated development charges. Medium-density dwellings (i.e. up to 6 storeys) also provide opportunities for more attainable housing options and help fill the 'missing middle'. Intensifying within an existing urban area will also reduce costs associated with servicing 'greenfield' development.

ENVIRONMENTAL CONSIDERATIONS

Intensification and increased densities in existing built-up areas reduces sprawl and expansion and greenfield development which helps protect and preserve both natural heritage and agricultural lands and makes better use of existing infrastructure and services. This also reduces cost of development and provides opportunity for more attainable housing options. Development within walkable distances from personal/commercial and community services also reduces vehicle traffic which further reduces greenhouse gas and pollution. Permitting increases in building height also reduces building footprints while maintaining density, which provides opportunity for more green space/open space in the Main Street Corridor.

CONSULTATIONS

In keeping with Section 22(1) of the *Planning Act*, the Town of Kingsville has given public notice of the Official Plan and Zoning By-Law Amendment (see Appendix A) by posting notices on the Town of Kingsville's municipal website:

<https://www.kingsville.ca/en/news/planning-items-for-the-january-13-2025-council-meeting.aspx>

If any public comments are received until 4 p.m. on January 13, 2025, they will be attached to this report, and otherwise provided.

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

- John Norton, Chief Administrative Officer
- Senior Management Team

PREPARED BY:



Richard J.H. Wyma CSLA

Director of Planning and Development

REVIEWED BY:

A handwritten signature in black ink, appearing to read "John Norton".

John Norton
Chief Administrative Officer

Planning Services

Notice of Public Meeting for a Town-Wide Amendment to the Official Plan & the Zoning By-Law for the Town of Kingsville

Location: Main Street Corridor, Town of Kingsville (Main Street Neighbourhood, and Main Street Gateway East) sub-zones.

Applicant: The Town of Kingsville

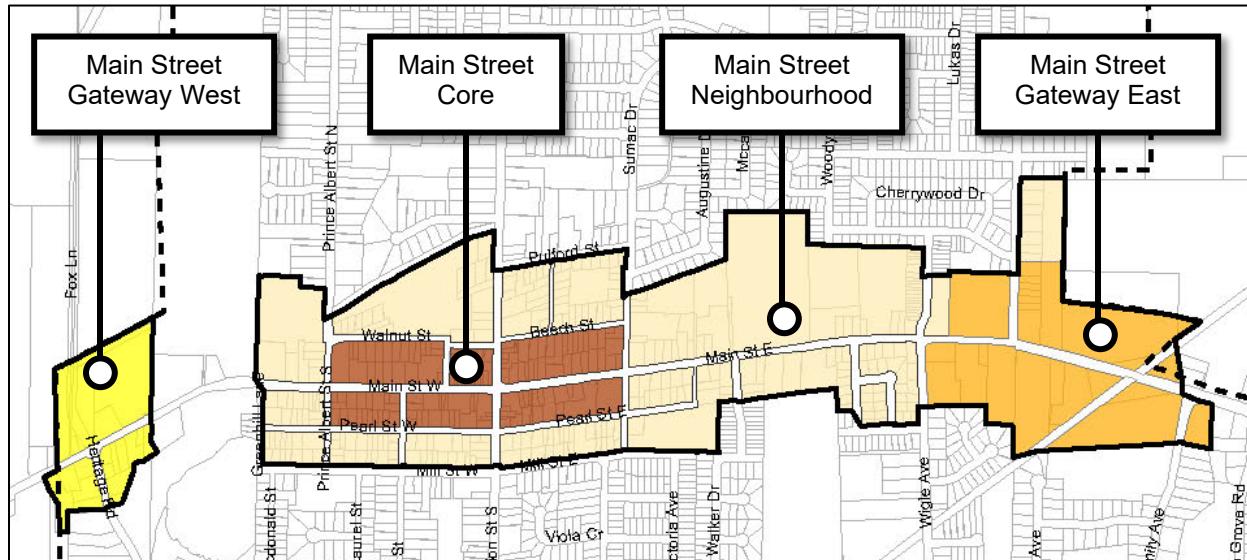
File No.: OPA & ZBA-2024-4

Description of Proposed Amendment:

The Town of Kingsville has initiated the above-noted amendments to the Official Plan and Zoning By-Law which recommend changes to policies related to building heights within the Main Street Corridor. The amendments propose to increase building heights in the Main Street Neighbourhood and Main Street Gateway East zones from 14.5m (4 storeys) to 22m (6 storeys).

The amendments respond to legislative and policy changes that require municipalities to support increased intensification where “complete communities” can be best achieved: where existing services exist, where access to commercial and community services is easily facilitated within walkable distances, and where a range and mix of housing options can be provided.

Providing for mixed-use, medium density (i.e. up to 6 storeys) throughout the Main Street Corridor, with the exception of the Main Street Core, is in keeping with the *Planning Act*, changes to the Provincial Policy Statement 2024, and the new County Official Plan.





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

Planning Services

If you would like to know more about this application or to tell us what you think you can attend the Council Meeting.

WHEN: January 13, 2025 - 6:00 p.m.

WHERE: Virtual meeting on Zoom – Please see the “Electronic Participation” document for instruction, attached to this notice

OR

In-person by attending the public meeting at:

Unico Hall Community Centre, 37 Beech Street, Kingsville, ON N9Y 1A9

Your comments on these matters are important. The Town of Kingsville and municipal Council encourage your input on this application. Your comments can be submitted until 4:00 p.m. on January 13, 2025. Comments and opinions submitted on these matters, including your name and address, may become part of public record, be viewed by the general public, and be published in a Planning report, Council agenda, and minutes of the meeting.

For more information about this matter, including information about appeal rights, contact us by email planning@kingsville.ca, or by mail to:

**Town of Kingsville, Planning Services
2021 Division Road North
Kingsville, ON N9Y 2Y9**

If a person or public body would otherwise have an ability to appeal the decision of Kingsville Municipal Council, to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Kingsville before the by-laws are passed, the person or public body is not entitled to appeal the decision

If a person or public body does not make oral submissions at a public meeting nor make written submissions to the Town of Kingsville before the by-laws are passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

If you wish to be notified of the decision of Kingsville Municipal Council in respect of the proposed amendments, you must make a written request by email planning@kingsville.ca, or mail to the attention of:

**Town of Kingsville
Planning Services
2021 Division Road North
Kingsville, ON N9Y 2Y9**

This will also entitle you to be advised of an appeal, if one is submitted.

For more information about this matter, contact The Town of Kingsville, Planning Services, at planning@kingsville.ca, 519-733-2305 ext. 244, or visit www.kingsville.ca

DATED this 23rd day of December, 2024



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Planning Services

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Phone: 519-733-2305 Ext. 244
Email: planning@kingsville.ca

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

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 4 - 2025

Being a By-law to amend the Official Plan of the Town of Kingsville

Whereas the *Planning Act* R.S.O. 1990, c.P. 13, Section 17 permits the Corporation of the Town of Kingsville to amend the Official Plan of the Corporation of the Town of Kingsville;

And Whereas The Town of Kingsville supports and maintains mixed-use, medium density (i.e. up to 6 storeys) throughout the Main Street Corridor, with the exception of the Main Street Core, in keeping with the *Planning Act*, changes to the Provincial Policy Statement 2024, and the 2024 County Official Plan;

And Whereas the Council of the Town of Kingsville deems it desirable to amend the Official Plan of the Corporation of the Town of Kingsville to increase maximum heights permitted in the Main Street Neighbourhood and Main Street Gateway East Zones to 22m (6 storeys).

Now therefore The Council of the Corporation of the Town of Kingsville enacts as follows:

1. Amendment No. 19 to the Kingsville Official Plan consisting of the attached text amendment attached hereto as Schedule 'A' including map amendments, namely Schedules A-1, and A-3 attached hereto is hereby adopted.
2. The Clerk is hereby authorized and directed to provide Notice of Adoption of the Amendment in accordance with Section 17(23) of the *Planning Act*, R.S.O., as amended.
3. The Plan authorized by this By-law shall come in effect pursuant to Section 17(27) of the *Planning Act*, R.S.O., as amended.
4. This By-law shall come into force and take effect on the day of the final passing thereof.

Read a first, second and third time and finally passed this 13th day of January, 2025.

Mayor, Dennis Rogers

Acting Clerk, Angela Toole



CORPORATION OF THE TOWN OF KINGSVILLE

AMENDMENT NO. 19

TO THE TOWN OF KINGSVILLE OFFICIAL PLAN

Location: The subject property is the entire corporate limits of the Town of Kingsville.

Date: January 13, 2025

AMENDMENT NO. 19

To the Official Plan for the Town of Kingsville

PART “A” - THE PREAMBLE

1.0 BACKGROUND

In September 2023, Council approved Official Plan and Zoning By-Law Amendments that established a vision and goals for Main Street and policies related to land use; building height, orientation, setbacks, and urban design for the Main Street Corridor as summarized below:

- Sub-Area 1 – Main Street Core – to encourage mixed-use buildings including non-residential uses at grade with residential uses above the first floor.
- Sub-Area 2 – Main Street Neighbourhoods – to encourage mixed-use buildings with commercial uses on the main floor or mixed-use residential buildings.
- Sub-Area 3 – Main Street Gateway East – to primarily encourage mixed use buildings with commercial uses on the main floor.
- Sub-Area 4 – Main Street Gateway West – to primarily encourage mixed use buildings with commercial uses on the main floor.

2.0 PURPOSE

The purpose of this Official Plan Amendment is to amend the policies related to building heights in the Main Street Neighbourhoods (Sub-Area 2) and Main Street Gateway East (Sub-Area 3) sub-zones.

3.0 LOCATION

The Amendment applies to the Main Street Neighbourhoods and Main Street Gateway East sub-zones within the Main Street Corridor as identified in Schedule “A-3” which is included in this Amendment.

PART “B” - THE AMENDMENT

1.0 DETAILS OF THE AMENDMENT

The document known as the Official Plan for the Town of Kingsville is hereby amended by changing maximum permitted building heights in Section 3.9.3 (Policies) as follows:

3.9.3 Policies

- ...
- c. Sub-Area Two - Main Street Neighbourhoods
- ...
- iv. Buildings in the sub-area shall be a minimum of 7.5m (2 storeys), and a maximum of ~~14.5 m (4 storeys)~~ 22 m (6 storeys) with a minimum 45-degree angular plane applied from the front property line, beginning at the height of the top of the third storey.
- ...
- d) Sub-Area Three - Main Street Gateway East
- ...
- iii. Buildings in this sub-area shall be a maximum of ~~14.5 m (4 storeys)~~ 22 m (6 storeys).

All other policies described in Section 3.9 apply.

THE CORPORATION OF THE TOWN OF KINGSVILLE
BY-LAW 05-2025

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

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

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

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

1. **That Section 12.2 “Main Street Neighbourhood (MS2)” and “Main Street Gateway East (MS3)” within the By-law be amended to read as follows:**

Subsection 12.2	Main Street Neighbourhood (MS2)
c) Regulations	
i. <i>Main Building height (minimum):</i>	7.5m (2 storeys)
ii. <i>Main Building height (maximum):</i>	14.5 m (4 storeys) <u>22 m (6 storeys)</u>

Subsection 12.3	Main Street Gateway East (MS3)
c) Regulations	
iii. <i>Main Building height (minimum):</i>	7.5m (2 storeys)
iv. <i>Main Building height (maximum):</i>	14.5 m (4 storeys) <u>22 m (6 storeys)</u>

2. **That, unless otherwise specifically noted in this By-law, all Section references and numbering will be adjusted sequentially to reflect changes introduced by this By-law.**
3. **That this by-law does not come into force and take effect until after Amendment No. 19 to the Town of Kingsville Official Plan has been approved in accordance with the provisions of Section 24(2) of the Planning Act, R.S.O 1990, c. P.13.**

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 13th DAY OF JANUARY, 2025.



Date: January 13, 2025
To: Mayor and Council
Author: Angela Toole, Acting Manager of Municipal Governance & Clerk
RE: ERCA Non-Mandatory Cost Apportioning Agreement

RECOMMENDED ACTION

That Council **DIRECTS** Administration to continue to participate in funding the Essex Region Conservation Authority's ("ERCA") Non-Mandatory Programs and Services for three (3) years to the end of 2027;

And that the Mayor and Clerk **BE AUTHORIZED** to sign the three (3) year Cost Apportioning Agreement of which the contribution is \$21,520 for 2025 for the Town of Kingsville.

BACKGROUND

On November 27, 2023, the Director of Planning and Development presented an Information Report to Council regarding the Essex Region Conservation Authority and Category 3 Non-Mandatory Programs and Services.

Section 21.1(1) of the *Conservation Authorities Act* (the "Act"), provides that a Conservation Authority shall provide programs or services:

- related to the risk of natural hazards;
- the conservation and management of lands owned or controlled by the Authority;
- related to the Authority's duties, functions, and responsibilities of a source protection authority under the Clean Water Act, 2006; and,
- related to the Authority's duties, functions, and responsibilities under an Act prescribed by the regulations.

In addition to the mandatory programs and services ERCA described above, Section 21.1.2 permits ERCA to provide other non-mandatory programs and services, as deemed advisable, to further the shared objectives identified within the legislation by ERCA and the participating municipality.

DISCUSSION

Local municipalities assist in funding the Category 3 non-mandatory programs and services through a Cost Apportionment Agreement. The cost of participating in these services is apportioned annually using the Modified Current Value Assessment (“MCVA”) as defined in Ontario Regulation 402/22: Budget and Apportionment. For 2025, the funding envelope for Category 3 Non-Mandatory Programs and Services includes:

- Tree planting and wetland construction;
- Water quality program;
- Outreach & community partnerships;
- John R. Park Homestead Museum operations

Kingsville’s cost apportionment for the above-noted services in 2025 would be \$21,520.

In addition to the non-mandatory services noted above is the optional contribution to ERCA’s Land Acquisition Fund. In November 2023, Council initially directed Administration to enter into a one-year Cost Apportioning Agreement (the “Agreement”) which included this program. However, in March 2024, Council received information that at least 2 local municipalities and the City of Windsor, were opting out of the ‘Land Acquisition’ fund contribution. In light of this new information, Council voted to also opt out of contributing to ERCA’s Land Acquisition fund. The resulting savings of \$32,855 were redirected to the Town’s Park Fees Reserve for the acquisition or development of future parkland.

During 2025 Budget Deliberations, Council voted against participating in ERCA’s Property Acquisition Fund in 2025, and therefore administration will exclude this non-mandatory program from the three (3) year Cost Apportionment Agreement.

FINANCIAL CONSIDERATIONS

Kingsville’s 2025 apportionment for its ‘status quo’ Category 3 services based on the noted MCVA model is \$21,500. Apportionments are calculated on an annual basis and as such, the apportionments for 2026 and 2027 have yet to be calculated but will likely be similar to the apportionment for 2025. Administration will provide an apportionment update to Council on an annual basis upon receiving the same from ERCA.

Please refer to Appendix A for the 2025 Cost Apportionment Schedule of Category 3 programs prepared by ERCA.

ENVIRONMENTAL CONSIDERATIONS

ERCA was established under the Conservation Authorities Act to further the conservation, restoration, development and management of natural resources within the Essex Region.

CONSULTATIONS

John Norton, CAO

PREPARED BY:



Angela Toole
Acting Manager of Municipal Governance & Clerk

REVIEWED BY:



Ryan McLeod, CPA, CA
Director of Finance and Corporate Services

Cost Apportioning Agreement - Schedule B

Schedule B – Estimates of Cost Apportionment of Category 3 Programs

The 2025 draft municipal cost apportionment for Category 3 non mandatory programs, that require municipal funding in 2025, is presented below.

Category 3 Cost Apportionment for Non Mandatory Programs & Services	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024	Total 2025	Total 2024	
Participating Municipality	Amherstburg	Essex	Kingsville	Lakeshore	Lasalle	Leamington	Pelee	Tecumseh	Windsor										
MCVA	6.25%	6.14%	4.91%	4.86%	6.58%	6.57%	9.94%	9.88%	9.12%	9.04%	6.35%	6.34%	0.27%	0.28%	8.17%	8.16%	48.41%	48.73%	
Conservation Services																			
Tree planting/Wetland construction	4,689	4,607	3,682	3,648	4,932	4,928	7,455	7,409	6,842	6,779	4,765	4,755	201	207	6,127	6,123	36,308	36,544	
Holiday Beach Infrastructure Maintenance	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Water Quality																			
Watershed Stewardship and Outreach (Rural & Agricultural)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Water Quality Program	1,563	1,536	1,227	1,216	1,644	1,643	2,485	2,470	2,281	2,260	1,588	1,585	67	69	2,042	2,041	12,103	12,181	
Outreach, Engagement & Education																			
Curriculum-based outdoor education	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Outreach/Community partnerships	3,573	3,510	2,805	2,780	3,758	3,755	5,680	5,646	5,213	5,166	3,631	3,623	153	157	4,669	4,666	27,667	27,847	
John R Park Homestead Museum																			
JRPH Museum Operations	10,635	8,913	8,350	7,058	11,186	9,535	16,908	14,336	15,518	13,116	10,808	9,200	457	400	13,897	11,847	82,352	70,706	
JRPH Museum & Heritage Bldgs Preservation	-	921	-	730	-	986	-	1,482	-	1,356	-	951	-	41	-	1,225	-	7,309	-
Cost Apportionment MCBA Basis	\$ 20,459	\$ 19,487	\$ 16,064	\$ 15,432	\$ 21,520	\$ 20,847	\$ 32,528	\$ 31,343	\$ 29,854	\$ 28,677	\$ 20,792	\$ 20,113	\$ 878	\$ 874	\$ 26,735	\$ 25,901	\$ 158,430	\$ 154,587	
Allocation as agreed to by participating municipalities	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024	2025	2024	Total 2025 Levy	Total 2024 Levy	
Conservation Services																			
Land Acquisition	\$ 31,258	\$ 30,712	\$ 24,544	\$ 24,321	\$ 32,879	\$ 0	\$ 49,698	\$ 49,396	\$ 0	\$ 0	\$ 31,767	\$ 31,698	\$ 1,342	\$ 1,378	\$ 0	\$ 0	\$ 0	\$ 171,488	
Cost Apportionment as agreed to by participating municipalities	\$ 31,258	\$ 30,712	\$ 24,544	\$ 24,321	\$ 32,879	\$ 0	\$ 49,698	\$ 49,396	\$ 0	\$ 0	\$ 31,767	\$ 31,698	\$ 1,342	\$ 1,378	\$ 0	\$ 0	\$ 0	171,487.59	
Total Cost Apportionment for Category 3 Non-Mandatory Programs & Services	\$ 51,717	\$ 50,199	\$ 40,608	\$ 39,753	\$ 54,399	\$ 20,847	\$ 82,226	\$ 80,739	\$ 29,854	\$ 28,677	\$ 52,559	\$ 51,812	\$ 2,220	\$ 2,252	\$ 26,735	\$ 25,901	\$ 158,430	\$ 154,587	
Total Cost Apportionment (without land acquisition allocation)	\$ 20,459	\$ 19,487	\$ 16,064	\$ 15,432	\$ 21,520	\$ 20,847	\$ 32,528	\$ 31,343	\$ 29,854	\$ 28,677	\$ 20,792	\$ 20,113	\$ 878	\$ 874	\$ 26,735	\$ 25,901	\$ 158,430	\$ 154,587	



Date: January 13, 2025

To: Mayor and Council

Author: Angela Toole, Acting Manager of Municipal Governance & Clerk

RE: Joint Pound Facility and Pound Services Agreement with the Municipality of Leamington

RECOMMENDED ACTION

That Administration **BE AUTHORIZED** to enter into a Joint Pound Facility and Pound Services Agreement with the Municipality of Leamington.

BACKGROUND

The Town of Kingsville (“Kingsville”) jointly owns and operates a dog pound facility (the “Pound”) with the Municipality of Leamington (“Leamington”) in which dogs at large, and dogs subject to seizure by the Kingsville and Leamington’s contracted animal control services, are kept temporarily in accordance with the Section 20 of the *Animals for Research Act, 1990*.

The Pound was jointly constructed on lands located in Gosfield South in the 1980s by the Town of Kingsville, Municipality of Leamington and the former municipalities of Gosfield South, Gosfield North, Mersea, Romney and Wheatley, the cost of which was shared equally. These parties created a Joint Municipal Animal Control Advisory Committee, which eventually became the Kingsville Leamington Municipal Animal Control Advisory Committee (the “Committee”), post-amalgamation. The purpose of the Committee was to regulate, manage, and oversee the general operation of the Association and the pound facility; and to hire personnel and prepare an annual budget to be adopted by each municipality. Over the years, the Committee stopped meeting and Administration from both Kingsville and Leamington assumed the administrative duties related to the operation of the Pound and the administration of joint animal control services.

At its Regular Meeting held on August 12, 2024, Council gave Administration direction to formally dissolve the Committee upon the passage of a new Joint Pound Facility and Animal Control Agreement.

DISCUSSION

Administration from Leamington has prepared a draft Joint Pound Facility and Pound Services Agreement (the “Agreement”), which has been reviewed by the Town’s Acting Manager of Municipal Governance & Clerk as well as the Manager of Legal Services and has been found to be satisfactory. Highlights of the draft Agreement include:

- Both Kingsville and Leamington will each designate a “Delegate” responsible for cross-consulting, directing and advising with each other on the day-to-day management of the Pound including its operations and animal control issues;
- The Delegates will be responsible for preparing an annual budget, with their respective Administrations, which shall then be adopted by each respective Council.
- The costs of maintaining and operating the facility including expenses for utilities, telephones, minor repairs and maintenance, insurance, heating and cooling, snow removal, accounting, salaries and commissions are apportioned based on usage,
- The costs of capital repairs and improvements are shared equally between the parties; and,
- Each party shall contribute on a monthly basis, an approved apportioned cost-sharing amount for the on-going maintenance and operating expenses of the Pound.

FINANCIAL CONSIDERATIONS

Year over year, the Town includes the operation and maintenance of the Pound in the annual budget under ‘Animal Control’. \$45,000 has been approved for this purpose in the 2025 budget.

ENVIRONMENTAL CONSIDERATIONS

None.

CONSULTATIONS

William Good, Manager of Legal Services
Charn Aha (Bill) Kim, Lawyer (Municipality of Leamington)

PREPARED BY:



Angela Toole, BA (Hons), B. Ed.
Acting Manager of Municipal Governance & Clerk

REVIEWED BY:



Ryan McLeod, CPA, CA
Director of Finance and Corporate Services



John Norton
CAO



Date: January 13, 2025

To: Mayor and Council

Author: Angela Toole, Acting Manager of Municipal Governance & Clerk

RE: Kingsville Military Museum – Four Year Funding Agreement

RECOMMENDED ACTION

That Council **DIRECTS** Administration to prepare a 4-year Funding Agreement between The Corporation of the Town of Kingsville (the “Corporation”) and Kingsville Historical Park Inc. in the amount of \$10,000.00 per year to begin in 2025 and expire at the end of 2028;

And that the Mayor and Clerk **BE AUTHORIZED** to sign the Funding Agreement on behalf of the Corporation.

BACKGROUND

The Kingsville Military Museum (the “Museum”) operated by Kingsville Historical Park Inc. (“KHPI”) and located at 145 Division Street South is an important cultural and historical hub highlighting the region’s military contributions through its display of over 3000 artifacts from the Fenian Raids, Boer War, WWI, WWII, the Korean War, Cold War, the Bosnian War etc. The Museum aims to educate current and future generations on the sacrifices men and women from the region have made with their involvement in global conflicts and Canadian peacekeeping missions.

The Museum is volunteer-run and primarily relies on admission donations and fundraising through bingos, membership dues, and grants to cover its day-to-day operating expenses. Prior to 2020, KHPI applied for and received grants through Kingsville’s Community Grant Process. Beginning in 2020, the Town of Kingsville began providing KHPI with financial support in the amount of \$10,000.00 per year through a long-term Funding Agreement (the “Agreement”) which expired at the end of 2024.

DISCUSSION

Volunteers from the KHPI have been in contact with Administration inquiring if the Town will continue to provide financial support by way of a new Agreement and have requested that the Town provide KHPI \$10,000.00 a new funding term, beginning in 2025.

KHPI and the Museum will face significant financial challenges in 2025. In 2024, KHPI publicly presented its plans to physically expand the Museum which will provide more space for presentations, lectures, group meetings, and work areas. KHPI has received quotes from contractors with the lowest being \$381,000.00. Currently, KHPI plans to use the \$160,000.00 in savings it has accumulated over 31 years and will also apply for the Trillium Capital Grant in hopes it is granted the maximum \$200,000.00. Given the quote, KHPI's savings combined with a full Trillium Capital Grant (should the KHPI be successful in receiving the maximum amount) would not fully cover the lowest quote.

Administration recognizes the valuable cultural and historical impact the Museum has on the community and the region and recommends that the Town continue to provide financial support to KHPI. This continued financial support will enable the Museum to offset its day-to-day operating expenses and costs related to the planned expansion.

Key Terms of the Funding Agreement

The key terms of the new Funding Agreement include:

- A four-year term beginning January 2025 and expiring at the end of 2028, so that the length of the funding agreement aligns with the length of a Council term and ensuring that each subsequent Council has the opportunity to consider the funding agreement at least once in their four year term;
- An agreement that KHPI will give an annual presentation to Council with updates on the Museum's activities and operations;
- KHPI agrees not to apply for additional grant funding through the Town's Community Grant process;
- An understanding that the Agreement is not intended to form a partnership between the Town and the KHPI;
- An Agreement that the KHPI will maintain adequate insurance and indemnify the Town of any claims against KHPI inclusive of the Museum; and,
- A clause the Agreement is void should the Museum cease to operate.

FINANCIAL CONSIDERATIONS

If approved, the Town will provide KHPI with \$10,000.00 annually for the next four (4) years. The 2025 contribution is included in the approved 2025 Municipal Budget under 'Programs & Events'.

ENVIRONMENTAL CONSIDERATIONS

None.

CONSULTATIONS

John Norton, CAO

PREPARED BY:



Angela Toole, BA(Hons), B.Ed.
Acting Manager of Municipal Governance & Clerk

REVIEWED BY:



Ryan McLeod, CPA, CA
Director of Finance and Corporate Services



John Norton,
CAO



Date: January 13, 2025
To: Mayor and Council
Author: Matthew Ducharme, Licensing Coordinator
RE: Boarding, Lodging and Rooming House By-law – One Year Review

RECOMMENDED ACTION

That Council **APPROVE** the following amendments to By-law 3-2024, being a By-law to licence Boarding, Lodging, and Rooming Houses (BLRH) in the Town of Kingsville:

1. Clarify that the By-law does not apply to long-term care homes, homes for special care, and retirement homes licensed by the Province; and
2. Clarify the provisions of the By-law related to appeals of licensing decisions.

And that the Fees and Charges By-law 89-2024 **BE AMENDED** to reflect the fees for a Boarding, Lodging and Rooming House (BLRH) Licence as noted in this report;

And that corresponding By-law 2-2025, being a By-law to amend By-law 89-2024, and corresponding By-law 3-2025, being a By-law to amend By-law 3-2024, **BE ADOPTED** during the By-law stage of this Council Agenda.

BACKGROUND

On October 10, 2023, Council passed By-law 62-2023 being a By-law to licence Boarding, Lodging, Rooming Houses (hereafter, “BLRH”) in the Town of Kingsville.

During the preparation period, Administration identified several areas to improve upon the By-law to ensure that the corresponding licensing regime is both practicable and enforceable. On January 8, 2024, Council repealed the earlier version of the By-law and replaced it with By-law 3-2024, which is currently in force.

DISCUSSION

As of January 6, 2025, Administration has received 171 applications for a BLRH Licence. Of these applications, 1 application is for the Residential Classification and 170 are for the Agricultural Classification. Of the 171 applications, 52 are considered incomplete as these applicants have not submitted a Criminal Record Check.

The greenhouse industry has advocated for the removal of the Criminal Record Check requirement; however, this requirement is a tool to achieve the purpose of protecting the health and safety of vulnerable individuals residing in a BLRH. In comparison to other local municipalities with similar licensing regimes, the Municipality of Leamington requires a Vulnerable Sector Check, which is a more comprehensive type of Criminal Record Check, to obtain a licence for a Boarding/Rooming House. As far as Administration is aware, the federal Temporary Foreign Worker (TFW) program does not require a Criminal Record Check from the business owner as part of the application process.

If Council decides to retain this requirement for a Criminal Record Check, the current 52 incomplete applications will not be able to obtain a BLRH Licence until such time as a Criminal Record Check is submitted. If this document is not provided, Administration will begin enforcement measures against those operating without a BLRH Licence.

Over the last several months, Administration has been reviewing the completed applications to determine compliance with the BLRH By-law, Building Code, Fire Code and Zoning By-law. This has required substantial resources from the Municipal Governance, Building, Fire, Planning, and By-law Departments.

Of the 119 complete applications received, Administration has identified 52 structures that are not currently in compliance with the Building Code, Fire Code, and/or Zoning By-law. Where issues have been identified, Administration is actively working with the applicants to bring those structures into compliance so that a BLRH Licence may be issued.

Proposed Amendments

Administration conducted a review of By-law 3-2024 now that a full year has passed since its adoption and is recommending the following amendments be approved:

- 1. Clarify that the By-law does not apply to long-term care homes, homes for special care, and retirement homes licensed by the Province.**

The noted types of housing are not intended to be captured by this By-law and should be specifically exempted due to Provincial legislation.

- 2. Clarify the By-law related to appeals of licensing decisions.**

This amendment would clarify that only an applicant or licensee may appeal a decision to refuse to issue, suspend or revoke a Licence within 10 days. The Committee of Adjustment & Appeals would have the authority to hear appeals related to Licence refusals, suspensions and revocations, not singular charges or fines which would follow the process prescribed in the Provincial Offences Act. This amendment would also clarify that a request to appeal a decision does not alleviate the applicant or licensee from complying with the By-law.

3. Amend the application fees to include a tiered-fee system.

Administration is recommending the application fees for a BLRH Licence be amended to a tiered-fee system to provide for better cost recovery of administrative time.

The cost of on-going administration and enforcement of the BLRH licensing program is estimated to cost \$83,000 per year. This includes administrative time to process applications, perform internal departmental reviews of applications and conduct any required enforcement.

The current application fee for a BLRH Licence is \$100 per structure. In 2024, \$17,100 in BLRH licensing fees were collected.

Administration does not support having the Town's general tax base subsidize the BLRH licensing program. To provide for greater cost recovery, Administration is recommending the following fee structure be adopted:

Type	Licensing Fee (per structure)
Boarding, Lodging & Rooming House (BLRH) Licence (Up to 10 Occupants)	\$100.00
Boarding, Lodging & Rooming House (BLRH) Licence (Up to 25 Occupants)	\$500.00
Boarding, Lodging & Rooming House (BLRH) Licence (Up to 50 Occupants)	\$1,000.00
Boarding, Lodging & Rooming House (BLRH) Licence (Greater than 50 Occupants)	\$1,500.00

FINANCIAL CONSIDERATIONS

Administration is proposing that the application fees for a BLRH Licence be amended to reflect the tiered-fee system outlined in this report. This system of fees would generate approximately \$83,400 in revenue, providing for greater cost recovery of administrative time. In 2024, only \$17,100 in BLRH licensing fees were collected which is well below the cost of administering this program. The increased fees would generate approximately \$66,300 of additional revenue which would offset the existing tax funded deficit of this program.

ENVIRONMENTAL CONSIDERATIONS

There are no significant environmental considerations.

CONSULTATIONS

Kingsville Administration

PREPARED BY:



Matthew Ducharne, BComm
Licensing Coordinator

REVIEWED BY:



Ryan McLeod, CPA, CA
Director of Finance & Corporate Services



John Norton
CAO

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 3 - 2024

A By-law to Licence Boarding, Lodging, and Rooming Houses (BLRH) in the Town of Kingsville

WHEREAS Section 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (the “*Municipal Act*”) provides that the powers of a municipality shall be interpreted broadly as to confer broad authority on a municipality to (a) enable it to govern its affairs as it considers appropriate, and (b) enhance its ability to respond to municipal issues;

AND WHEREAS Section 151(5) of the *Municipal Act* provides that a municipality may pass by-laws with respect to any activity, matter or thing for which a by-law may be passed under Sections 9, 10 and 11 as if it were a system of licences with respect to a business;

AND WHEREAS Section 391 of the *Municipal Act* provides for the municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS Section 425 of the *Municipal Act* provides for a municipality to pass by-laws providing that a person who contravenes a by-law of the municipality passed under the *Act* is guilty of an offence;

AND WHEREAS Section 426 of the *Municipal Act* provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under the *Municipal Act* or under a by-law passed under the *Municipal Act*,

AND WHEREAS Section 429 of the *Municipal Act* provides for the municipality to establish a system of fines for offences under a by-law of the municipality passed under the *Municipal Act*,

AND WHEREAS Section 431 of the *Municipal Act* provides that if any by-law of the municipality is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order to prohibit the continuation or repetition of the offence by the person convicted;

AND WHEREAS Sections 444 and 445 of the *Municipal Act* respectively, provide for the municipality to make an order requiring a person who contravenes a by- law or who causes or permits the contravention or the owner or occupier of land on which a contravention occurs to discontinue the contravening activity or do work to correct a contravention;

AND WHEREAS the Council for The Corporation of the Town of Kingsville considers it necessary and desirable to regulate the use of Boarding, Lodging and Rooming Houses for the purpose of protecting the health and safety of the persons residing in the premises by ensuring that certain regulations are met, for ensuring that the premises do not create a nuisance to the surrounding properties and neighbourhood and to protect the residential amenity, character and stability of residential areas;

THEREFORE, BE IT RESOLVED that the Council of The Corporation of the Town of Kingsville enacts this by-law to licence Boarding, Lodging, and Rooming housing within the jurisdictional boundaries of the Town of Kingsville as follows:

SECTION 1 – SHORT TITLE

This by-law may be cited as the Boarding, Lodging and Rooming Houses (BLRH) By-law.

SECTION 2 - DEFINITIONS

In this By-law;

“Authorized Official” shall mean:

- (a) any employee, officer or agent of the Town who is appointed and/or retained to enforce the by-laws of the Town in accordance with the *Police Services Act*, R.S.O. 1990, c. P.15 or the *Municipal Act*;
- (b) any employee, officer or agent of the Town who is appointed and/or retained to enforce the provisions of this By-law, or any other by-law related to fire prevention, in accordance with *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4;
- (c) any employee, officer, or agent of the Town who is appointed and/or retained to enforce the provisions of this By-law, or any other by-law related to building construction standards, in accordance with the *Building Code Act*, 1992, S.O. 1992, c. 23;
- (d) any employee, office or agent of the Windsor-Essex County Health Unit with authority to perform an inspection in accordance with applicable provincial and/or federal legislation;
- (e) the Clerk of the Town of Kingsville; and
- (f) any designate appointed by the foregoing.

“Clerk” shall mean the Clerk of the Town of Kingsville or designate.

“Boarding, Lodging, and Rooming House” or **“BLRH”** shall mean a dwelling unit where bedrooms are rented or provided to occupants, rather than the entire unit. Occupants of a BLRH share bathroom and/or kitchen facilities, and may be unrelated. A BLRH is rented or provided to occupants for twenty-eight (28) days or more.

“Municipal Act” shall have the meaning set forth in the preamble of this By-law.

“Person” includes an individual person, a partnership, or a corporation to which the context can apply.

“Town” shall mean The Corporation of the Town of Kingsville, and, where the context so requires, means the area of land within the corporate boundaries thereof.

SECTION 3 - APPLICABILITY AND SCOPE

3.1 A BLRH licence may be issued by the Clerk for one or both of the following classifications:

3.1.1 **RESIDENTIAL - Boarding, Lodging, and Rooming House:** ten (10) or fewer occupants on lands designated as residential in the Town of Kingsville’s Zoning By-law.

3.1.2 **AGRICULTURAL - Boarding, Lodging, and Rooming House:** Any number of occupants on land designated as agricultural in the Town of Kingsville’s Zoning By-law.

SECTION 4 - RELATING TO OPERATORS OF ALL BLRHS

- 4.1 No Person shall operate a BLRH without a licence issued by the Clerk.
- 4.2 Every applicant for a licence to operate a BLRH shall complete an application in a form determined by the Clerk and shall include the following:
 - 4.2.1 name and address of the applicant and the registered owner(s);
 - 4.2.2 address of BLRH for which the licence is sought;
 - 4.2.3 contact information for the applicant and owner in the event of an urgent concern or emergency at the BLRH, which shall be responded to promptly, and shall include a cell phone number, text message number, and/or email address;
 - 4.2.4 maximum number of occupants and number of rooms available for purposes of the BLRH;
- 4.3 No licence shall be issued to an applicant and/or Person for a BLRH until the Clerk has been furnished with the following:
 - 4.3.1 confirmation from the Chief Building Official or designate that the building intended to be used as a BLRH is not subject to an open building permit or order under the *Building Code Act*, 1992, S.O. 1992, c. 23, and applicable regulations;
 - 4.3.2 confirmation from the Manager of Planning or designate that the intended use of the lands as a BLRH is in compliance with the requirements of the Zoning By-law of the Town of Kingsville;
 - 4.3.3 confirmation from the Chief Fire Official or designate that the building intended to be used as a BLRH has been inspected within the preceding twelve (12) months and is not subject to an order under the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, and applicable regulations;
 - 4.3.4 confirmation from the Medical Officer of Health or designate that the building intended to be used as a BLRH is not subject to an order under the *Health Protection and Promotion Act*, RSO 1990, c. H-7, and applicable regulations; and
 - 4.3.5 confirmation from a By-law Enforcement Officer or designate that the building intended to be used as a BLRH, and property on which it is situated, has not been the subject of a Town By-law Order within the last 12 months preceding the date of the application; and,
 - 4.3.6 the original results of a criminal record check for the applicant of the BLRH, from each jurisdiction in Canada in which the applicant has been resident during the prior three hundred and sixty-five (365) days that is satisfactory in form and content to the Clerk. The criminal record check must be dated no more than thirty (30) days prior to the application for a licence.
- 4.4 Every licence issued hereunder shall set out:
 - 4.4.1 name and address of the applicant;
 - 4.4.2 address of licensed premises;
 - 4.4.3 maximum number of occupants and number of rooms available; and
 - 4.4.4 Date of issuance and date of expiry.

- 4.5 Every licensee shall notify the Clerk within 7 (seven) days of any change of information from the information provided in the last application for a licence.
- 4.6 Every licensee shall display the licence issued hereunder in a prominent place in the main entranceway of the BLRH and such licence shall not be transferable.
- 4.7 No licensee shall permit a person to occupy for sleeping purposes, any cellar or any space that can be used as a garage, lobby, hallway, closet, bathroom, laundry, stairway or kitchen.
- 4.8 No licensee shall permit any cooking appliances of any kind and no gas or oil-fire heating appliances other than those specifically designed and authorized by the regulations made under the *Building Code Act*, 1992, S.O. 1992, c. 23, to be installed or maintained in any room used for sleeping purposes or anything other room not specifically designed for such purpose.
- 4.9 The Clerk may revoke a licence, impose any conditions on a license, or require any conditions be met before an applicant obtains a license.

SECTION 5 - ENFORCEMENT

- 5.1 The provisions of this By-law may be enforced by an Authorized Official.
- 5.2 An Authorized Official may enter on land, and into buildings, at any reasonable time for the purpose of carrying out an inspection to determine whether any provision of this By-law or an order made under this By-law is being complied with.
- 5.3 Despite section 5.2, an Authorized Official may not enter a room or place actually being used as a dwelling unless the requirements of the *Municipal Act* are met.
- 5.4 For the purposes of conducting an inspection pursuant to this By-law, an Authorized Official may:
 - 5.4.1 require the production for inspection of documents or things relevant to the inspection;
 - 5.4.2 inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - 5.4.3 require information from any person concerning a matter related to the inspection; and
 - 5.4.4 alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
- 5.5 If an Authorized Official is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the licensee to discontinue the contravening activity or to do work to correct the contravention.
- 5.6 An order under s. 5.5 above shall set out the following:
 - 5.6.1 reasonable particulars of the contravention adequate to identify the contravention;
 - 5.6.2 the location of the land on which the contravention occurred;
 - 5.6.3 the work to be completed; and
 - 5.6.4 the date(s) by which there must be compliance with the order.

- 5.7 An order under s. 5.5 may require work to be done even though the facts which constitute the contravention of the By-law were present before this By-law came into force.
- 5.8 An order under s. 5.5 may be served personally or by registered mail to the address of the applicant on file with Clerk.
- 5.9 No Person shall prevent, hinder or obstruct, or attempt to hinder or obstruct an Authorized Official who is exercising a power or performing a duty under this By-law.

SECTION 6 - OFFENCES, PENALTIES AND OTHER REMEDIES

- 6.1 Any Person, whether a licensee or applicant or member of the public, may appeal any decision of the Clerk under this By-law to the Committee of Adjustment and Appeals by providing written notice to the Clerk within 10 (ten) days of the Clerk's decision to revoke the licence or impose conditions. The Clerk will then schedule a public meeting of the Committee of Adjustment and Appeals to hear the appeal. The Committee has the authority to substitute or change the decision of the Clerk and such decisions of the Committee shall be final without further appeal.
- 6.2 Any Person who contravenes any provision of this By-law and/or fails to comply with an order made under this By-law is guilty of an offence.
- 6.3 A director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation is guilty of an offence and is liable to a fine, and such other penalties, in accordance with the *Municipal Act*, as amended.
- 6.4 Any Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, c. P. 33.
- 6.5 If a Person is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction, may make an order:
 - 6.5.1 prohibiting the continuation or repetition of the offence by the Person convicted; and
 - 6.5.2 requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.
7. The Chief Building Official, Chief Fire Official, Manager of Planning, and Clerk referred to herein are those of the Town.
8. By-law 62-2023 is hereto repealed on the date this By-law comes into force and effect.
9. This By-law comes into force and takes effect on January 8, 2024.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this 8th day of JANUARY, 2024.

MAYOR, Dennis Rogers

Appendix "A" – Set Fine Schedule
Part I Offences – Provincial Offences Act
Town of Kingsville By-law 03-2024

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Operate a BLRH – no licence	Section 4.1	\$1000.00
2	Fail to notify Clerk of change of information	Section 4.2	\$150.00
3	Fail to display licence in a prominent place	Section 4.6	\$150.00
4	Transfer licence to any other location other than the licensed premises	Section 4.6	\$200.00
5	Permit person to occupy for sleeping a cellar, garage, lobby, hallway, closet, bathroom, laundry, stairway, or kitchen	Section 4.7	\$1000.00
6	Permit cooking appliance in room used for sleeping purposes	Section 4.8	\$1000.00
7	Permit gas heating appliance in room used for sleeping purposes	Section 4.8	\$1000.00
8	Permit oil heating appliance in room used for sleeping purposes	Section 4.8	\$1000.00
9	Fail to comply with conditions placed on licence	Section 4.10	\$750.00
10	Fail to permit an Authorized Official to conduct inspection	Section 5.2	\$200.00
11	Fail to provide requested document or thing to Authorized Official	Section 5.4.1	\$200.00
12	Prevent Authorized Official from removing requested document or thing for purpose of making copies	Section 5.4.2	\$200.00
13	Prevent Authorized Official from obtaining information from any person related to inspection	Section 5.4.3	\$200.00
14	Prevent Authorized Official from examining, or taking tests, samples, and photographs for the purpose of inspection	Section 5.4.4	\$200.00
15	Prevent, hinder, or obstruct an Authorized Official from exercising a power or performing a duty under this By-law	Section 5.9	\$300.00
16	Prevent, hinder, or obstruct an Authorized Official from exercising a power or performing a duty under this By-law	Section 5.10	\$300.00

THE CORPORATION OF THE TOWN OF KINGSVILLE
BY-LAW 2 - 2025

Being a By-law to amend By-law 89-2024, being a By-law to impose fees and charges by The Corporation of the Town of Kingsville

Whereas Council passed By-law 89-2024, being a By-law to impose fees and charges by The Corporation of the Town of Kingsville, on November 25, 2024;

And whereas Council of The Corporation of the Town of Kingsville deems it expedient to amend By-law 89-2024 to increase the licensing fee for Boarding, Lodging, and Rooming Houses (BLRH);

Now therefore the Council of The Corporation of the Town of Kingsville enacts as follows:

1. That Schedule "A" of By-law 89-2024 be amended as follows:

Boarding, Lodging & Rooming House (BLRH) Licence (Up to 10 Occupants)	\$100.00 per structure
Boarding, Lodging & Rooming House (BLRH) Licence (Up to 25 Occupants)	\$500.00 per structure
Boarding, Lodging & Rooming House (BLRH) Licence (Up to 50 Occupants)	\$1,000.00 per structure
Boarding, Lodging & Rooming House (BLRH) Licence (Greater than 50 Occupants)	\$1,500.00 per structure

2. That 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 13th day of January, 2025.

Mayor, Dennis Rogers

Acting Clerk, Angela Toole

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 3 - 2025

**Being a By-law to amend By-law 3-2024, being a
By-law to Licence Boarding, Lodging and Rooming
Houses (BLRH) in the Town of Kingsville**

Whereas Council passed By-law 3-2024, being a By-law to Licence Boarding, Lodging, and Rooming Houses (BLRH) in the Town of Kingsville, on January 8, 2024;

And whereas Council of The Corporation of the Town of Kingsville deems it expedient to amend By-law 3-2024 as herein provided;

Now therefore The Council of the Corporation of the Town of Kingsville enacts as follows:

1. That subsection (a) of the "Authorized Official" definition in By-law 3-2024 be amended to read as follows:

"any employee, officer or agent of the Town who is appointed and/or retained to enforce the by-laws of the Town in accordance with the *Community Safety and Policing Act, 2019*, S.O. 2019, c. 1, Sched. 1, or the *Municipal Act*;"

2. That the following be added as Section 3.2 of By-law 3-2024:

"This By-law shall not apply to:

- 3.2.1 a home for special care operated under a licence issued under the *Homes for Special Care Act*, R.S.O. 1990, c. H.12;
- 3.2.2 a long-term care home operated under a licence issued under the *Fixing Long-Term Care Act, 2021*, S.O. 2021, c. 39; and
- 3.2.3 a retirement home operated under a licence issued under the *Retirement Homes Act, 2010*, S.O. 2010, c. 11."

3. That Section 6.1 of By-law 3-2024 be amended to read as follows:

"An applicant or licensee may appeal a decision of the Clerk to refuse to issue, renew, suspend, or revoke a licence under this By-law to the Committee of Adjustment and Appeals by providing written notice to the Clerk within ten (10) days of the Clerk's decision to refuse to issue a licence, or revoke or suspend a licence. The Clerk will schedule a public meeting of the Committee of Adjustment and Appeals to hear the appeal. The Committee of Adjustment and Appeals has the authority to confirm, amend, or substitute the decision of the Clerk and such decisions of the Committee of Adjustment and Appeals shall be final and not subject to any further appeal. A request to appeal a decision of the Clerk does not act as a stay of the decision, including any condition or requirement imposed therein."

4. 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 13th day of January, 2025.

Mayor, Dennis Rogers

Acting Clerk, Angela Toole

DRAFT



MINUTES

COMMUNITIES IN BLOOM COMMITTEE

Tuesday, September 3, 2024 - 6:00 PM

Kingsville Arena – Room C - 1741 Jasperson Drive, Kingsville

PRESENT:

- Carol Dunn, Chair
- Deputy Mayor DeYong
- Alan Batke
- Jessica Towle
- Janet Willoughby
- Karen Loney, Staff Liaison

REGRETS:

- Karin Sonnenberg
- Sue Novotny

A. CALL TO ORDER

C. Dunn called the meeting to order at 6:04 PM

B. DISCLOSURE OF PECUNIARY INTEREST

The Chair reminded the Committee of their duty to disclose any pecuniary interest, direct or indirect, as it arises.

C. ORDER OF BUSINESS

1. 2025 Workplan / Project Templates
 - A. Reviewed the following items for decision in October
 - I. Storybook Trail
 - II. Adopt a Trail via ERCA
 - III. Get In Touch with Nature Event
 - IV. Cross Promotion – Seedy Saturday, KCC Senior's Fair
 - V. Pollinator Week – Kingsville Block Party
 - VI. Other: Garden Contest, CIB Education Campaign
2. Cemetery Pollinator Garden Sign & Ribbon Cutting
 - a. Concerns expressed on placement of sign



MINUTES

- b. To have the ribbon cutting when the judges come
- 3. Get in Touch with Nature name
 - a. Reviewed the name of "Kingsville Garden Show" and could add in subtext, market – speakers – children's activities
- 4. Fundraising
 - a. To sell native plants at the May event
- 5. Judging
 - a. Reviewed options and will continue discussion in October
- 6. Pumpkin Parade - November 1, 2024
 - a. Karen will request if there is an extra truck available to deliver pumpkins
 - b. Karen will send out calendar invites to work event

D. MINUTES OF THE PREVIOUS MEETINGS

- 1. Communities in Bloom Committee Meeting Minutes – June 12, 2024

Moved by J. Towle

Seconded by A. Batke

THAT the minutes of the Communities in Bloom Committee dated June 12, 2024, be approved.

CARRIED

E. STAFF REPORTS

- 1. K. Loney, Manager of Recreation Programs and Special Events
 - a. Meditation Trail - deferred
 - b. Shirts
 - i. To order T-shirts that have the Kingsville logo on the front small and the CIB logo on the sleeve

F. INFORMATION ITEMS

- 1. Review of Pollinator Week

Concerns were expressed about the timing of the week. The group wants to support this as it aligns with Bee City. Recommend looking for an event and CIB integrating versus having a stand-alone event.

G. NEXT MEETING DATES

- November 5, December 3



MINUTES

H. ADJOURNMENT

**Moved by J. Willoughby
Seconded by Deputy Mayor K. DeYong**

THAT the meeting be adjourned at 8:34 PM

CARRIED



MINUTES

MIGRATION FESTIVAL COMMITTEE
September 25, 2024, at 5:30 PM Arena – Room C
1741 Jasperson Drive, Kingsville

PRESENT: Layne van Loo (Chair)
Councilor Debby Jarvis-Chausse
Councilor Sheri Lowrie
William Szabo Verzoc
Leslie Pittendreigh
Bailey Waldon
Jane Larson
Elaine van Loo (Guest)
Matthew Olewski (Guest)
Karen Loney (Manager)

REGRETS: Glenda Willemsma

A. CALL TO ORDER

Layne van Loo called the meeting to order at 5:32 PM

B. DISCLOSURE OF PECUNIARY INTEREST

L. van Loo reminded everyone that if a member of the Committee has any pecuniary interest, direct or indirect, in any matter which is the subject of consideration at this Meeting of the Committee (or that was the subject of consideration at the previous Meeting of the Committee 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.

C. MINUTES OF THE PREVIOUS MEETINGS

a. Migration Festival Committee Meeting Minutes – July 23, 2024

THAT the Migration Festival Committee Meeting Minutes dated July 23, 2024, be approved.



MINUTES

Moved by Councilor Debby Jarvis-Chausse

Seconded by Leslie Pittendreigh

CARRIED

D. STAFF REPORT

- Reviewed the need for volunteers
- Provided update on marketing strategy
- Have one person who has sponsored the train panel
- Submitted the 2025 budget with no changes
- Council would like to have an update on the parade in the New Year

THAT the January 2025 committee meeting be cancelled.

Moved by Councilor Sheri Lowrie

Seconded by Leslie Pittendreigh

CARRIED

E. INFORMATION ITEMS

Kick-off

- Tickets online for sale
- To decorate on Thursday night or Friday afternoon

Great Migration Paint Out

- Have 45 adults registered
- Registration form for schools has been created

Children's Activities

- The Wild Goose Adventure Challenge registration form is complete
- UMEI will bring their robots
- Activities start formally at 11:30 am; if the parade is short, will have free play activities in the park till advertised time
- Currently do not have volunteers for face painters

THAT for-profit face painters should be asked to attend the children's activities and take payment themselves.

Moved by Councilor Debby Jarvis-Chausse

Seconded by Leslie Pittendreigh

CARRIED



MINUTES

Parade

- Have 15 entries as of today
- All tractor/equipment dealerships have been called
- Have requested paid police officers to help

Market

- Have 25 vendors and space for 30 – 32
- Working to have variety in the market so there is no vendors selling the same items

Update from Jack Miners

- Having a new Migration Festival Beer Festival on Saturday afternoon and evening
- Have a partnership with St. Clair College for funding

F. NEXT MEETING DATES

- a. November 26, 5:30 pm

G. ADJOURNMENT

THAT the meeting be adjourned at 6:57 PM

Moved by Bailey Waldon

Seconded by William Szabo Verzoc

CARRIED



COMMITTEE MINUTES

COMMUNITIES IN BLOOM COMMITTEE

October 1, 2024, 6:00 p.m.

Kingsville Arena – Room C

1741 Jasperson Drive, Kingsville

PRESENT: Carol Dunn, Chair
Janet Willoughby
Deputy Mayor, Kimberley DeYong
Karin Sonnenberg, Recording Secretary
Staff – Karen Loney

REGRETS: Alan Batke
Jessica Towle
Sue Novotny

A. CALL TO ORDER

C. Dunn called the meeting to order at 6:05 p.m.

B. DISCLOSURE OF PECUNIARY INTEREST

The Chair reminded the Committee of their duty to disclose any pecuniary interests as they arise.

C. ORDER OF BUSINESS

1. 2025 Workplan/Project templates reviewed.

A. May 3, 2025 event

Moved by K. DeYong
Seconded by K. Sonnenberg

THAT the name of the May 3, 2025 event be Kingsville Garden and Nature Show.

CARRIED

K. Loney will have Save the Date information about the event printed and ready for distribution at the Pumpkin Parade.



COMMITTEE MINUTES

- B. Storybook Trail—The author has volunteered her artwork for the signs. To launch when the CIB judges are here in July 2025.
- C. Pollinator Week – This will take place June 21, 2025, in Cottam with the June Block Party.
- D. Expansion and Revitalization of Kingsville Train Station Arboretum—K. Loney will contact ERCA to determine the responsibility of property upkeep and budget.
- E. Garden Contest—J. Willoughby and C. Dunn will schedule a time to view the gardens. J. Willoughby will contact BIA to discuss the potential for local businesses to get involved in beautifying storefronts.
- F. Judging, next steps—J. Willoughby will compile comments and update the book. A suggestion is that the judges' gifts include something meaningful to each CIB member.
- G. Pumpkin Parade – Early shift (11:30 – 4) volunteers are Janet, Kim, Karin, Thomas, and Leslie. Later shift (4 – 9) volunteers are Jess, Carol, Sue, Alan, Scouts
- H. New Native Garden Location

MOTION

**Moved by J. Willoughby
Seconded by K. DeYong**

THAT the above activities be included in the 2025 Workplan.

CARRIED

D. MINUTES OF THE PREVIOUS MEETING

- 1. Communities in Bloom Committee Meeting Minutes of September 3, 2024, were approved.

**Moved by J. Willoughby
Seconded by K. Sonnenberg**

THAT the minutes of the Communities in Bloom Committee dated September 3, 2024, BE APPROVED, with the following amendments:

- J. Willoughby's name be removed from section D.1. due to error
- K. Sonnenberg's name be replaced by K. DeYong in section H.



COMMITTEE MINUTES

CARRIED

E. STAFF REPORTS

1. K. Loney provided a budget update. The remaining monies will be allocated to signage for the Storybook Trail.
2. Indigo Blue was selected as the colour for the T-shirts. The Kingsville logo will appear on the front of the shirt and Communities in Bloom will appear on the sleeve. Sweatshirts were distributed to present members.
3. The lack of volunteers needed to maintain existing Town gardens led to a discussion of possible solutions. A future meeting will discuss further investigation into who originally created these gardens and why they are not being maintained.

F. INFORMATION ITEMS

1. Pollinator Week is June 17-23. Deferred until Block Party dates are confirmed.

G. ADJOURNMENT

Moved by J. Willoughby
Seconded by K. DeYong

THAT the meeting adjourned at 8:11 p.m.

CARRIED

CHAIR, Carol Dunn

RECORDING SECRETARY, Karin Sonnenberg



MINUTES

COMMUNITIES IN BLOOM COMMITTEE

Tuesday, November 5, 2024 - 6:00 PM

Kingsville Arena – Room C - 1741 Jasperson Drive, Kingsville

PRESENT: Carol Dunn
Alan Batke
Jessica Towle
Deputy Mayor, Kim DeYong
Sue Novotny
Karen Loney, Staff Liaison

REGRETS: Karen Sonnenberg

A. CALL TO ORDER

Chair, C. Dunn called the meeting to order at 6:00 PM

B. DISCLOSURE OF PECUNIARY INTEREST

The Chair reminded the Committee of their duty to disclose any pecuniary interests as they arise.

C. ORDER OF BUSINESS

1. December meeting date

Moved by Jess Towle
Seconded by Sue Novotny

THAT the December meeting be cancelled and a social held.

CARRIED

2. January meeting date

Moved by Sue Novotny
Seconded by Alan Batke

THAT the January 20, 2025 meeting be cancelled

CARRIED



MINUTES

3. Fundraising – selling plants at the May event

Moved by Councilor Kim DeYong
Seconded by Alan Batke

THAT the \$2,000 be spent on native plants for fundraising.

CARRIED

4. Judging next steps
 1. Karen will create a map of draft stops and send it out

D. MINUTES OF THE PREVIOUS MEETING

1. Communities in Bloom Committee Meeting Minutes—September 3, 2024

Moved by Kim DeYong
Seconded by Alan Batke

THAT the minutes of the Communities in Bloom Committee dated September 3, 2024 BE RECEIVED.

CARRIED

STAFF REPORTS

1. Janet Willoughby has resigned from the committee
2. Karen to send out calendar invites for 2025 meeting dates

E. INFORMATION ITEMS

- a. Pumpkin Parade - November 1, 2024

Moved by Jess Towle
Seconded by Kim DeYong

THAT the 2025 Pumpkin Parade be moved to the upper bowl in Lakeside Park and evaluated after the event.

CARRIED

- B. 2025 Workplan / Project
 - I. All projects need to have a completed work plan.



MINUTES

NEXT MEETING DATE

F. ADJOURNMENT

Moved by Kim DeYong
Seconded by Sue Novotny

THAT the meeting adjourn at 7:34 pm

CARRIED

CHAIR, Carol Dunn

RECORDING SECRETARY, Karen Loney



The Corporation of the Town of Kingsville

Minutes of the Committee of Adjustment and Appeals of the Town of Kingsville

Tuesday, November 19, 2024

6:00 p.m.

Unico Community Centre
37 Beech Street
Kingsville, ON N9Y 1A9

Members Present:

Thomas Neufeld, Councillor
Russell Horrocks
Nicole Hackett
Phil Caruana
Ed Cornies

Administration Present:

Colin Kelly, Town Planner
Lu-Ann Marentette, Drainage Superintendent
Kyla Ferguson, By-law Enforcement Officer
Angelina Pannunzio, Office Support
Natalie Sharp, Deputy Clerk
Matthew Ducharme, Recording Secretary

A. Call to Order

The Vice-Chair called the meeting to order at 6:00 p.m.

B. Disclosures of Pecuniary Interest

The Vice-Chair asked members if there were any disclosures of pecuniary interest. None were noted.

C. Election of Chair

1. Call for Nominations

Matthew Ducharme, Recording Secretary, called for nominations for the position of Chair of the Committee of Adjustment & Appeals.

Russell Horrocks nominated Nicole Hackett for this position of Chair of the Committee of Adjustment and Appeals.

No other nominations were received.

Nicole Hackett accepted the nomination for the position of Chair of the Committee of Adjustment and Appeals.

2. Appointment

CA-53-2024

Moved By: Phil Caruana
Seconded By: Thomas Neufeld, Councillor

That Nicole Hackett **BE APPOINTED** Chair of the Committee of Adjustment and Appeals.

Carried

The Vice-Chair relinquished the Chair to Nicole Hackett, who then assumed her role as Chair.

D. Adoption of Minutes

1. August 20, 2024

CA-54-2024

Moved By: Russell Horrocks
Seconded By: Thomas Neufeld, Councillor

That the Minutes of the Committee of Adjustment and Appeals meeting dated August 20, 2024, **BE ADOPTED** as presented.

Carried

2. October 15, 2024

CA-55-2024

Moved By: Russell Horrocks
Seconded By: Phil Caruana

That the Minutes of the Committee of Adjustment and Appeals meeting dated October 15, 2024, **BE ADOPTED** as presented.

Carried

E. Committee of Adjustment Hearings

1. Informational Reports

- a. Housekeeping Comprehensive Zoning By-law Amendment for Accessory Structure Height

Colin Kelly, Town Planner, presented the proposed Housekeeping Comprehensive Zoning By-law Amendment for informational purposes.

2. Requests for Withdrawal or Deferral

The Chair noted that Item E-3-A on the agenda (Application for Consent & Minor Variance B-2024-19 & A-2024-9) will not be heard this evening as the applicant has requested the application be deferred.

3. Current Applications

- a. B-2024-19 & A-2024-9 - Application for Consent & Minor Variance

This application has been deferred at the request of the applicant.

- b. B-2024-26 - Application for Consent

Colin Kelly, Town Planner, presented the application.

Sebastian Schmoranz, Solicitor for the Applicant, provided a brief explanation of the application.

CA-56-2024

Moved By: Thomas Neufeld, Councillor

Seconded By: Phil Caruana

That the Committee of Adjustment and Appeals **APPROVE** consent application B-2024-26 for the purpose of a technical severance to re-establish lot lines that merged on title, shown on the Applicant's Sketch, for the lands known as 438 and 452 County Road 20, in the Town of Kingsville, 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 no servicing crosses property boundaries.

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.
4. The conditions imposed above shall be fulfilled by **November 19, 2026**, or this application shall be deemed to be denied in accordance with Section 53(41) of the *Planning Act*.

Carried

F. Court of Revision

1. 7th Concession Road Drain - Bridge Replacement for Valenciuk

- a. Engineer's Report

Lu-Ann Marentette, Drainage Superintendent, and Tony Peralta, N.J. Peralta Engineering Ltd., presented the report.

- b. List of Appeals

None noted.

- c. Deliberation and Decision

CA-57-2024

Moved By: Russell Horrocks

Seconded By: Thomas Neufeld, Councillor

That the Schedule of Assessment for the emergency access replacement over the 7th Concession Drain for Parcel Nos. 460-00701 and 460-00702, forming part of the Engineer's Report as prepared by N.J. Peralta Engineering Ltd. and dated July 19, 2024, **BE APPROVED** as presented.

Carried

2. Kunch Drain - New Entrance at 1284 Road 4 East

- a. Engineer's Report

Lu-Ann Marentette, Drainage Superintendent, presented the report.

- b. List of Appeals

None noted.

c. Deliberation and Decision

CA-58-2024

Moved By: Thomas Neufeld, Councillor
Seconded By: Phil Caruana

That the Schedule of Assessment for a new bridge over the Kunch Drain for Parcel No. 390-03502, forming part of the Engineer's Report as prepared by Rood Engineering Inc. and dated March 20, 2024, **BE APPROVED** as presented.

Carried

3. West Townline Drain (Upper) - New Access

a. Engineer's Report

Lu-Ann Marentette, Drainage Superintendent, presented the report.

b. List of Appeals

None noted.

c. Deliberation and Decision

CA-59-2024

Moved By: Russell Horrocks
Seconded By: Phil Caruana

That the Schedule of Assessment for the enclosure over the West Townline Drain (Upper) for Parcel No. 580-01006, forming part of the Engineer's Report as prepared by Rood Engineering Inc. and dated August 28, 2024, **BE APPROVED** as presented.

Carried

4. Irwin Drain - New Access

a. Engineer's Report

Lu-Ann Marentette, Drainage Superintendent, presented the report.

b. List of Appeals

None noted.

c. Deliberation and Decision

CA-60-2024

Moved By: Phil Caruana
Seconded By: Ed Cornies

That the Schedule of Assessment for the enclosure over the Irwin Drain for Parcel No. 620-03300, forming part of the Engineer's Report as prepared by Rood Engineering Inc. and dated September 6, 2024, **BE APPROVED** as presented.

Carried

G. Property Standards Appeal Hearings

1. 4 Cameron Side Road West, Unit 3 - Bill Morrell

- a. Order to Remedy Violation of Standards of Maintenance and Occupancy
- b. Notice of Appeal
- c. Notice of Hearing

Kyla Ferguson, By-law Enforcement Officer, appeared before the Committee to make submissions on behalf of the Town respecting the Order to Remedy.

Bill Morrell, Property Owner, appeared electronically to make submissions respecting the Order to Remedy.

CA-61-2024

Moved By: Russell Horrocks
Seconded By: Ed Cornies

That the time for complying with the Order to Remedy Violation of Standards of Maintenance and Occupancy issued to William Wyatt Morrell and Drake Alexander Wyatt Morrell, dated September 18, 2024, respecting the property municipally known as 4 Cameron Side Road West, Unit 3, **BE EXTENDED** to January 21, 2025, and that the appeal be brought back at the January 21, 2025, Meeting of the Committee of Adjustment and Appeals.

Carried

H. By-law Appeal Hearings

None at this time.

I. Next Meeting Date

The next regularly scheduled meeting of the Committee of Adjustment and Appeals is December 17, 2024, at 6:00 p.m. at the Unico Community Centre.

J. Adjournment

CA-62-2024

Moved By: Thomas Neufeld, Councillor
Seconded By: Phil Caruana

That the meeting be adjourned at 6:51 p.m.

Carried

Chair

Recording Secretary



Special Meeting of Council

Budget Deliberations

Minutes

Wednesday, December 4, 2024

9:00 AM

Unico Community Centre

37 Beech Street

Kingsville, ON N9Y 1A9

Members of Council	Mayor Dennis Rogers Deputy Mayor Kimberly DeYong Councillor Tony Gaffan Councillor Debby Jarvis-Chausse Councillor Sheri Lowrie Councillor Thomas Neufeld Councillor Larry Patterson
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Members of Administration	CAO, John Norton Acting Clerk, Angela Toole Deputy Clerk, Natalie Sharp
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A. Call to Order

Mayor Rogers called the Meeting to order at 9:06 a.m.

B. Disclosure of Pecuniary Interest

Mayor Rogers 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.

C. Presentations

1. **Ryan McLeod, Director of Finance and Corporate Services/Treasurer**

Ryan McLeod, Director of Finance/Treasurer, provided a high-level overview of the Draft 2025 Budget which included a 3.3% tax increase.

242-12042024

Moved by Councillor Gaffan

Seconded by Councillor Neufeld

That Council **REDUCE** the OPP Contract amount by \$540,841 and that it **BE ALLOCATED** to the Tax Levy.

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

Carried (7 to 0)

243-12042024

Moved by Deputy Mayor DeYong

Seconded by Councillor Lowrie

That surplus 2024 Supplemental Tax Income **BE ALLOCATED** to the Property Acquisition & Development Reserve;

And that the surplus 2024 Interest Income **BE ALLOCATED** to the Parks Property Reserve.

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

Carried (7 to 0)

244-12042024

Moved by Councillor Patterson

Seconded by Councillor Neufeld

That the 2025 Budget for Insurance Premiums, WSIB and Transit Services **BE REDUCED**, as presented by the Director of Finance.

Carried

D. 2025 Budget Deliberations

1. Capital Budget Schedule - Tax Supported

Margaret Schroeder, Manager of Financial Services/Deputy Treasurer, presented an overview of the Capital Budget Schedule - Tax Supported.

245-12042024

Moved by Councillor Neufeld

Seconded by Councillor Jarvis-Chausse

That Project Number IT-2025-1 respecting a Council AV Microphone Upgrade in the amount of \$50,000 **BE REMOVED** from the 2025 Capital Schedule.

For (1): Councillor Neufeld

Against (6): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, and Councillor Patterson

Lost (1 to 6)

246-12042024

Moved by Councillor Patterson

Seconded by Councillor Lowrie

That Council **RECESS** at 10:45 p.m.

Carried

247-12042024

Moved by Councillor Gaffan

Seconded by Councillor Jarvis-Chausse

That Council **RESUME** at 10:56 a.m.

Carried

2. Operating Budget - Tax Supported

a. Council

Margaret Schroeder, Manager of Financial Services/Deputy Treasurer, presented an overview of the Council Operating Budget.

b. Office of the CAO

Margaret Schroeder, Manager of Financial Services/Deputy Treasurer, presented an overview of the Office of the CAO Operating Budget.

248-12042024

Moved by Councillor Neufeld
Seconded by Councillor Gaffan

That Council **DIRECTS** Administration to allocate \$20,000 to the Economic Development Reserve for future industry development studies.

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

Carried (7 to 0)

c. Public Works

Margaret Schroeder, Manager of Financial Services/Deputy Treasurer, presented an overview of the Public Works Operating Budget.

249-12042024

Moved by Councillor Neufeld
Seconded by Councillor Jarvis-Chausse

That Line Item 60416 respecting Weed Spraying **BE REDUCED** to \$20,000.00.

For (3): Deputy Mayor DeYong, Councillor Jarvis-Chausse, and Councillor Neufeld

Against (4): Mayor Rogers, Councillor Gaffan, Councillor Lowrie, and Councillor Patterson

Lost (3 to 4)

250-12042024

Moved by Councillor Neufeld
Seconded by Deputy Mayor DeYong

That Line Item 60420 respecting Winter Control (Salt and Trucking Only) **BE REDUCED** to \$280,000.00.

For (3): Deputy Mayor DeYong, Councillor Jarvis-Chausse, and Councillor Neufeld

Against (4): Mayor Rogers, Councillor Gaffan, Councillor Lowrie, and Councillor Patterson

Lost (3 to 4)

d. Garbage Collection & Disposal

Margaret Schroeder, Manager of Financial Services/Deputy Treasurer, presented an overview of the Garbage Collection & Disposal Operating Budget.

251-12042024

Moved by Deputy Mayor DeYong
Seconded by Councillor Patterson

That Council **RECESS** at 12:30 p.m.

Carried

252-12042024

Moved by Councillor Neufeld
Seconded by Councillor Patterson

That Council **RESUME** at 1:04 p.m.

Carried

e. Cemetery

Margaret Schroeder, Manager of Financial Services/Deputy Treasurer, presented an overview of the Cemetery Operating Budget.

f. Capital Projects & Engineering

Margaret Schroeder, Manager of Financial Services/Deputy Treasurer, presented an overview of the Capital Projects & Engineering Operating Budget.

g. Fire Department

Margaret Schroeder, Manager of Financial Services/Deputy Treasurer, presented an overview of the Fire Department Operating Budget.

h. Police Department

Margaret Schroeder, Manager of Financial Services/Deputy Treasurer, presented an overview of the Police Department Operating Budget.

252-12042024

Moved by Councillor Jarvis-Chausse
Seconded by Deputy Mayor DeYong

That Line Item 60342 respecting Rent (Cottam Branch) **BE REDUCED** by \$1875.00.

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

Carried (7 to 0)

253-12042024

Moved by Councillor Neufeld
Seconded by Councillor Patterson

That Line Item 80300 respecting Transfer to Reserve Capital (Police) **BE REDUCED** by \$80,000.00.

For (2): Councillor Neufeld, and Councillor Patterson

Against (5): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, and Councillor Lowrie

Lost (2 to 5)

i. Building Department

Margaret Schroeder, Manager of Financial Services/Deputy Treasurer, presented an overview of the Building Department Operating Budget.

254-12042024

Moved by Councillor Patterson
Seconded by Councillor Lowrie

That Line Item 60102 respecting Salaries - Full Time (Building) **BE** **INCREASED** by \$105,000 for a Junior Building Inspector position to be added in 2025.

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

Carried (7 to 0)

j. By-law Department

Margaret Schroeder, Manager of Financial Services/Deputy Treasurer, presented an overview of the By-law Department Operating Budget.

255-12042024

Moved by Deputy Mayor DeYong
Seconded by Councillor Gaffan

That Council **RECESS** at 2:12 p.m.

Carried

256-12042024

Moved by Councillor Patterson
Seconded by Councillor Neufeld

That Council **RESUME** at 2:18 p.m.

Carried

k. Parks & Recreation

Margaret Schroeder, Manager of Financial Services/Deputy Treasurer, presented an overview of the Parks & Recreation Operating Budget.

l. Programs and Events

Margaret Schroeder, Manager of Financial Services/Deputy Treasurer, presented an overview of the Program and Events Operating Budget.

m. Planning Department

Margaret Schroeder, Manager of Financial Services/Deputy Treasurer, presented an overview of the Planning Department Operating Budget.

n. Financial Services

Margaret Schroeder, Manager of Financial Services/Deputy Treasurer, presented an overview of the Financial Services Operating Budget.

257-12042024

Moved by Councillor Neufeld

Seconded by Councillor Jarvis-Chausse

That line item 80300 under Financial Services respecting Transfer to Reserves - School Property **BE REDUCED** by \$200,000.00.

For (3): Councillor Jarvis-Chausse, Councillor Neufeld, and Councillor Patterson

Against (4): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, and Councillor Lowrie

Lost (3 to 4)

258-12042024

Moved by Councillor Neufeld
Seconded by Councillor Lowrie

That Line Item 60950 under Financial Services respecting ERCA
BE INCREASED by \$32,879.00.

For (3): Mayor Rogers, Councillor Lowrie, and Councillor Neufeld

Against (4): Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, and Councillor Patterson

Lost (3 to 4)

o. Clerks

Margaret Schroeder, Manager of Financial Services/Deputy Treasurer, presented an overview of the Clerks Operating Budget.

p. Legal

Margaret Schroeder, Manager of Financial Services/Deputy Treasurer, presented an overview of the Legal Operating Budget.

q. Information Technology

Margaret Schroeder, Manager of Financial Services/Deputy Treasurer, presented an overview of the Information Technology Operating Budget.

r. Animal Control

Margaret Schroeder, Manager of Financial Services/Deputy Treasurer, presented an overview of the Animal Control Operating Budget.

3. Capital Budget Schedule - Water/Wastewater Rate Funded

Margaret Schroeder, Manager of Financial Services/Deputy Treasurer, presented an overview of the Capital Budget Schedule - Water/Wastewater Rate Funded.

4. Operating Budget - Utility

Margaret Schroeder, Manager of Financial Services/Deputy Treasurer, presented an overview of the Operating Budget for Water and Wastewater.

a. Water

b. Wastewater

5. Kingsville Business Improvement Area (BIA)

Margaret Schroeder, Manager of Financial Services/Deputy Treasurer, presented an overview of the Kingsville Business Improvement Area (BIA) Budget.

E. Closed Session

258-12042024

Moved by Deputy Mayor DeYong
Seconded by Councillor Gaffan

That Council **ENTER** into Closed Session at 4:12 p.m. pursuant to Section 239(2) of the Municipal Act, 2001, to discuss the following items:

Item I - Personnel Matters to be heard under Section 239(2)(b) being personal matters about an identifiable individual, including municipal employees and Section 239(2)(d) being labour relations or employee negotiations.

Carried

259-12042024

Moved by Councillor Jarvis-Chausse
Seconded by Councillor Lowrie

That Council **RISE** from Closed Session and **RESUME** Open Session at 5:03 p.m.

Carried

F. 2025 Budget Adoption

260-12042024

Moved by Councillor Neufeld
Seconded by Councillor Patterson

That a Fleet Coordinator position **BE ADDED** to the 2025 Municipal Budget at a cost of \$105,000 (75% of which will be tax-funded and 25% of which will be utility-funded).

For (4): Mayor Rogers, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

Against (3): Deputy Mayor DeYong, Councillor Gaffan, and Councillor Jarvis-Chausse

Carried (4 to 3)

261-12042024

Moved by Deputy Mayor DeYong
Seconded by Councillor Gaffan

That the hiring for the position of Fleet Coordinator **BE DELAYED** by 3 months in the 2025 budget.

For (6): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, and Councillor Neufeld

Against (1): Councillor Patterson

Carried (6 to 1)

262-12042024

Moved by Deputy Mayor DeYong
Seconded by Councillor Patterson

That the 2025 Municipal Budget for the Town of Kingsville, as amended, calculated at a tax rate increase of 3.61% which represents \$74.54 on a home assessed at \$250,000.00, **BE APPROVED**.

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

Carried (7 to 0)

G. Adjournment

263-12042024

Moved by Councillor Patterson
Seconded by Councillor Lowrie

That Council **ADJOURN** the Special Meeting at 5:27 p.m.

Carried

Mayor, Dennis Rogers

Acting Clerk, Angela Toole



Regular Meeting of Council Minutes

Monday, December 9, 2024

6:00 PM

Unico Community Centre

37 Beech Street

Kingsville, ON N9Y 1A9

Present	Mayor Dennis Rogers Deputy Mayor Kimberly DeYong Councillor Tony Gaffan Councillor Debby Jarvis-Chausse Councillor Sheri Lowrie Councillor Thomas Neufeld Councillor Larry Patterson
Staff Present	CAO, John Norton Acting Clerk, Angela Toole Deputy Clerk, Natalie Sharp

A. Call to Order

Mayor Rogers called the Regular Meeting to order at 6:00 p.m.

B. Land Acknowledgement

Mayor Rogers acknowledged the Three Fires Confederacy (Ojibwe, Potawatomi and Odawa) and the Traditional ancestral, unceded territory of Caldwell First Nation; the original people of Point Pelee, Pelee Island and its surrounding waters. We recognize and respect the First Nations who are stewards of the land and waters of Turtle Island and who have embraced this stewardship since time immemorial. We would also like to acknowledge all the moccasins who have walked lands of Turtle Island.

C. Moment of Silent Reflection and National Anthem

D. Mayor's Welcome and Remarks

E. Amendments to the Agenda

F. Disclosure of Pecuniary Interest

Mayor Rogers 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.

Councillor Gaffan declared a conflict of interest on item J.1 as he lives in the neighbourhood.

G. Report Out of Closed Session

Pursuant to Section 239 of the Municipal Act, 2001, Council entered into Closed Session at 5:00 p.m. on November 25, 2024, to discuss the following items:

Item I - Update on Development Matter heard under Section 239(2)(f) being advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and Section 239(2)(k) being a position, plan, procedure, criteria, or instruction to be applied to negotiations. There is nothing further to report.

Item II - Update Legal Matter Related to User Group heard under Section 239(2)(f) being advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and Section 239(2)(k) being a position, plan, procedure, criteria, or instruction to be applied to negotiations. There is nothing further to report.

Pursuant to Section 239 of the Municipal Act, 2001, Council entered into Closed Session at 5:00 p.m. on November 27, 2024, to discuss the following items:

Item I - Update on Development Matters and Litigation heard under Section 239(2)(e) being litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose. There is nothing further to report.

Item II - Annual Update on Litigation and Legal Files heard under Section 239(2)(e) being litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose. There is nothing further to report.

Item III - Land Acquisition and Disposition heard under Section 239(2)(c) being a proposed or pending acquisition or disposition of land(s) by the municipality. There is nothing further to report.

Item IV - Negotiations with Third Parties for Industrial Lands and Medical Centre heard under Section 239(2)(k) being a position, plan, procedure, criteria, or instruction to be applied to negotiations. There is nothing further to report.

H. Delegations

Mayor Rogers noted that there is one registered delegation for the Tully Meleg Drain and that they will be called forward when that item is brought forward on the agenda.

I. Presentations

None.

J. Matters Subject to Notice

Councillor Gaffan vacated his seat at 6:08 p.m.

1. 175 Wigle Avenue - 1364674 Ontario Limited Zoning By-law Amendment for residential plan of subdivision (ZBA-2023-16) and Draft Plan of Subdivision (SUB-2024-01) County of Essex File No.: 37-T-24007

Barry Wilson, 4 Katie Crescent, inquired whether the existing brush buffer would remain and asked about the status of Block 28.

Stephen Sebele, 5 Katie Crescent, expressed concerns regarding on-street parking.

Rob Brown, Agent, requested that Council approve an amendment to By-law 102-2024 to add a rear yard set back of 5.5 metres. Furthermore, he requested that the language in Table 2 of By-law 102-2024 be updated to clarify that the MECP requirements with respect to the woodlot and species at risk, requirements have been met.

241-12092024

Moved By: Councillor Patterson
Seconded By: Councillor Jarvis-Chausse

That Section 1 of By-law 102-2024, Being a By-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville, **BE AMENDED** to add a minimum rear yard depth of 5.5 metres for semi-detached dwellings and semi-detached units;

And that Table 2 of By-law 102-2024, **BE AMENDED** to replace "all provincial and federal requirements have been met." with " the MECP requirements with respect to the woodlot and species at risk, requirements have been met"

For (6): Mayor Rogers, Deputy Mayor DeYong, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

Conflict (1): Councillor Gaffan

Carried (6 to 0)

242-12092024

Moved By: Councillor Patterson
Seconded By: Councillor Neufeld

1. That Zoning By-law Amendment Application ZBA 2024-16 to amend the zoning designation on parts of the subject land, municipally known as 175 Wigle Avenue, legally described as Part of Lots 64, 65 & 69, Part of Bauslaugh Avenue, Part of Lane Registered Plan 344, and Part of Block B Registered Plan 424 in the Town of Kingsville, **BE APPROVED** as presented in the attached Key Map (see Appendix A), in the following manner:
 - a. On parts of the subject land, the zoning be changed from "General Commercial - Holding [C4(h)]" to a site-specific "Low Density Urban Residential 2.1 - Holding with exception 19 [R2.1-19 (h)]"; where
 - i. Provisions of the (R2.1) Section 6.2 shall apply to the lands zoned R2.1-19.
 - ii. Notwithstanding the zone provisions of (R2.1), the regulations as outlined in this Council Report shall apply to lands zoned (R2.1-19) for Semi-detached dwellings and Semi-detached dwelling units only.
2. And That an additional Holding Provision be placed at the rear (eastern) portion of lots 14 to 18 to temporarily protect the natural features which include endangered species habitat until such time when the requirements of MECP have been satisfied;

3. And That By-law 102-2024, as amended, being a By-law to amend Kingsville's Comprehensive Zoning By-law No. 1-2014 **BE ADOPTED** during the By-law Stage of this Council Agenda;
4. And That Administration **BE DIRECTED** to advise the County of Essex that the Town of Kingsville has no concern or comment regarding the proposed draft plan of subdivision by 1364674 Ontario Limited, which is a County of Essex decision, and is subject to the required Zoning By-law Amendment, as described in this report.

For (6): Mayor Rogers, Deputy Mayor DeYong, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

Conflict (1): Councillor Gaffan

Carried (6 to 0)

Councillor Gaffan returned to his seat at 6:21 p.m.

2. Schiller Branch Drain – Realignment of a Portion of the Drain for the MTO Highway Widening Project

Mike Slade, 88 Division Road, appeared before Council to express his concerns about the Schiller Branch Drain.

Rob Lane, 98 County Road 29, appeared before the Council to express concerns about flooding on his property.

Tim Paquin, on behalf of his father, Randy Paquin, 96 County Road 29, expressed concerns about flooding on the property.

243-12092024

Moved By: Councillor Patterson

Seconded By: Councillor Lowrie

That the Engineer's Report prepared by Dillon Consulting, dated November 15, 2024 for the Schiller Branch Drain – Realignment of the Lower Portion for the MTO Widening Project, pursuant to Section 78 of the Drainage Act, **BE ADOPTED**.

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

Carried (7 to 0)

3. Gibbs Drain - MTO Highway Widening Project

Ed Gibbs, 328 Inman Side Road, noted that his contractor will be doing the tile drainage work and expressed concerns about the new access road.

244-12092024

Moved By: Councillor Gaffan

Seconded By: Councillor Lowrie

That the Engineer's Report prepared by Dillon Consulting, dated November 15, 2024, regarding the Gibbs Drain for the MTO Widening Project, pursuant to Section 4 of the Drainage Act, **BE ADOPTED**.

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

Carried (7 to 0)

4. Tully Meleg Drain – MTO Highway Widening Project

Reiner Neuman, 39 Sout Talbot West, appeared before Council to request that the drain be relocated to the north side of a new road being constructed, which would allow him to proceed with his plans to expand the existing building on the property.

245-12092024

Moved By: Councillor Lowrie

Seconded By: Councillor Patterson

That the Engineer's Report provided by Dillon Consulting, dated November 15, 2024, regarding the Tully Meleg Drain for the MTO Widening Project, pursuant to Section 78 of the Drainage Act **BE REFERRED** back to the Engineer for reconsideration.

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

Carried (7 to 0)

5. Road 29 Drain – MTO Highway Widening Project

246-12092024

Moved By: Councillor Jarvis-Chausse

Seconded By: Councillor Patterson

That the Report prepared by Dillon Consulting, dated November 15, 2024, regarding the Road 29 Drain for the MTO Widening Project, pursuant to Section 4 of the Drainage Act, **BE ADOPTED**.

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

Carried (7 to 0)

K. Reports - Finance and Corporate Services

1. Update to the Strategic Plan – A 2040 Vision for Kingsville

247-12092024

Moved By: Councillor Neufeld
Seconded By: Councillor Gaffan

That Council **APPROVES** the November 18, 2024, recommendation from the Committee of the Whole to replace Strategic Priority 3E.3. as contained in the "Strategic Plan – A 2040 Vision for Kingsville" which reads "develop and implement a plan for Mettawas Park and Grovedale Arts & Culture Centre" with "develop and implement a Waterfront Plan encompassing Lakeside Park to the docks" with a target start date of 2026;

And That Administration **BE DIRECTED** to update the Strategic Plan – A 2040 Vision for Kingsville accordingly.

For (5): Mayor Rogers, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, and Councillor Neufeld

Against (2): Deputy Mayor DeYong, and Councillor Patterson

Carried (5 to 2)

2. 2025 Insurance Renewal

248-12092024

Moved By: Councillor Patterson
Seconded By: Councillor Jarvis-Chausse

That Administration **BE DIRECTED** to renew the Town's insurance program with Intact Public Entities Inc. for a one-year period beginning January 1, 2025.

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

Carried (7 to 0)

L. Consent Agenda

1. Fantasy of Lights Committee Minutes - September 17, 2024
2. Heritage Advisory Committee Minutes - November 5, 2024
3. Regular Council Meeting Minutes - November 25, 2024

249-12092024

Moved By: Councillor Neufeld
Seconded By: Councillor Jarvis-Chausse

That Items 1 through 3 on the Consent Agenda, **BE RECEIVED**.

Carried

M. Correspondence

None.

N. Notices of Motion

None.

O. Unfinished Business and Announcements

None.

P. By-laws

250-12092024

Moved By: Deputy Mayor DeYong

Seconded By: Councillor Jarvis-Chausse

That the following By-laws be given first and second readings:

98-2024 - Being a By-law to provide for the Realignment of the Lower Portion of the Schiller Branch Drain at a total estimated cost of \$423,800 in the Town of Kingsville, in the County of Essex

100-2024 - Being a By-law to provide for MTO Improvements to the Gibbs Drain at a total estimated cost of \$206,800 in the Town of Kingsville, in the County of Essex

101-2024 - Being a By-law to provide for MTO Improvements to the Road 29 Drain at a total estimated cost of \$173,700 in the Town of Kingsville, in the County of Essex

Carried

251-12092024

Moved By: Deputy Mayor DeYong

Seconded By: Councillor Jarvis-Chausse

That the following By-laws receive three readings and finally pass:

102-2024 - Being a By-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville

103-2024 - Being a By-law to confirm the proceedings of the Council of the Corporation of the Town of Kingsville at its December 9, 2024 Regular Meeting of Council

Carried

Q. Closed Session

252-12092024

Moved By: Councillor Gaffan

Seconded By: Councillor Lowrie

That Council **ENTER** into Closed Session at 7:09 p.m. pursuant to Section 239 of the Municipal Act, 2001, to discuss the following item:

Item I - Employee Review to be heard under Section 239(2)(b) being personal matters about an identifiable individual, including municipal employees

Carried

R. Adjournment

253-12092024

Moved By: Councillor Gaffan

Seconded By: Councillor Jarvis-Chausse

That Council rise from Closed Session and adjourn the Regular Meeting at 9:29 p.m.

Carried

Mayor, Dennis Rogers

Acting Clerk, Angela Toole

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 65 - 2024

Being a By-law to provide for a new bridge over the Kunch Drain at a total estimated cost of \$37,000 in the Town of Kingsville, in the County of Essex

WHEREAS the Council of the Town of Kingsville, in the County of Essex, has procured a report under section 78 of the *Drainage Act*;

AND WHEREAS the reports have been authored by Gerard Rood, P. Eng., Rood Engineering Inc. under date of March 20, 2024, and the attached report form part of this by-law;

AND WHEREAS \$37,000 is the amount to be contributed by owners of parcel #390-03502 for the drainage works;

AND WHEREAS Council is of the opinion that the report is desirable;

THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE, PURSUANT TO THE DRAINAGE ACT ENACTS AS FOLLOWS:

1. AUTHORIZATION

The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report.

2. SCHEDULE OF ASSESSMENTS OF LAND AND ROADS

One hundred percent (100%) of the cost for this report is to be assessed to the owner of parcel 390-03502.

3. CITATION

This by-law comes into force on the passing thereof and may be cited as the "Kunch Drain – New Bridge - Ure" by-law.

READ A FIRST AND SECOND TIME AND PROVISIONALLY ADOPTED THIS 23RD DAY OF SEPTEMBER, 2024.

Mayor, Dennis Rogers

Acting Clerk, Angela Toole

READ A THIRD TIME AND FINALLY PASSED THIS 9TH DAY OF DECEMBER, 2024.

Mayor, Dennis Rogers

Acting Clerk, Angela Toole

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 66 - 2024

Being a By-law to provide for the emergency access replacement over the 7th Concession Drain for Parcel Nos. 460-00701 and 460-00702 at a total estimated cost of \$264,154 in the Town of Kingsville, in the County of Essex

WHEREAS the Council of the Town of Kingsville, in the County of Essex, has procured a report under section 78 of the *Drainage Act*;

AND WHEREAS the report has been authored by Antonio B. Peralta, P. Eng., N.J. Peralta Engineering Ltd. under date of July 19, 2024, and the attached report form part of this by-law;

AND WHEREAS \$264,154 is the amount to be contributed by the owners in the schedule attached of for the drainage works;

AND WHEREAS Council is of the opinion that the report of the area is desirable;

THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE, PURSUANT TO THE DRAINAGE ACT ENACTS AS FOLLOWS:

1. AUTHORIZATION

The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report.

2. SCHEDULE OF ASSESSMENTS OF LAND AND ROADS

Cost will be shared with the owner of the access and upstream lands and roads.

3. CITATION

This by-law comes into force on the passing thereof and may be cited as the "7th Concession Drain – Emergency Access Replacement" by-law.

READ A FIRST AND SECOND TIME AND PROVISIONALLY ADOPTED THIS 23RD DAY OF SEPTEMBER, 2024.

Mayor, Dennis Rogers

Acting Clerk, Angela Toole

READ A THIRD TIME AND FINALLY PASSED THIS 9TH DAY OF DECEMBER, 2024.

Mayor, Dennis Rogers

Acting Clerk, Angela Toole

THE CORPORATION OF THE TOWN OF KINGSVILLE
BY-LAW 74 - 2024

**Being a By-law to provide for the enclosure over the Irwin Drain for
Parcel No. 620-03300 at a total estimated cost of \$92,000
in the Town of Kingsville, in the County of Essex**

WHEREAS the Council of the Town of Kingsville, in the County of Essex, has procured reports under section 78 of the *Drainage Act*;

AND WHEREAS the report has been authored by Gerard Rood, P. Eng., Rood Engineering Inc. and the attached report form part of this by-law;

AND WHEREAS \$92,000 is the amount to be contributed by the owner by way of Hydro One for the drainage works;

AND WHEREAS Council is of the opinion that the report of the area is desirable;

THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE, PURSUANT TO THE DRAINAGE ACT ENACTS AS FOLLOWS:

1. AUTHORIZATION

The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report.

2. SCHEDULE OF ASSESSMENTS OF LAND AND ROADS

One hundred percent (100%) of the cost for this report is to be assessed to the owner by way of Hydro One.

3. CITATION

This by-law comes into force on the passing thereof and may be cited as the "Irwin Drain – Hydro One Enclosure" by-law.

**READ A FIRST AND SECOND TIME AND PROVISIONALLY ADOPTED
THIS 7TH DAY OF OCTOBER, 2024.**

Mayor, Dennis Rogers

Acting Clerk, Angela Toole

READ A THIRD TIME AND FINALLY PASSED THIS 9TH DAY OF DECEMBER, 2024.

Mayor, Dennis Rogers

Acting Clerk, Angela Toole

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 75 - 2024

**Being a By-law to provide for the enclosure over the West Townline
Drain (Upper) for Parcel No. 580-01006
at a total estimated cost of \$32,000 in the Town of Kingsville, in the
County of Essex**

WHEREAS the Council of the Town of Kingsville, in the County of Essex, has procured reports under section 78 of the *Drainage Act*;

AND WHEREAS the report has been authored by Gerard Rood, P. Eng., Rood Engineering Inc. and the attached report forms part of this by-law;

AND WHEREAS \$32,000 is the amount to be contributed by D&M Colasanti Management Ltd By way of Telus Communications Inc for the drainage works;

AND WHEREAS Council is of the opinion that the report of the area is desirable;

THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE, PURSUANT TO THE DRAINAGE ACT ENACTS AS FOLLOWS:

1. AUTHORIZATION

The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report.

2. SCHEDULE OF ASSESSMENTS OF LAND AND ROADS

One hundred percent (100%) of the cost for this report is to be assessed to D&M Colasanti Management Ltd by way of Telus Communications Inc

3. CITATION

This by-law comes into force on the passing thereof and may be cited as the "West Townline Drain (Upper) – Enclosure for Telus" by-law.

**READ A FIRST AND SECOND TIME AND PROVISIONALLY ADOPTED
THIS 7th DAY OF OCTOBER, 2024.**

Mayor, Dennis Rogers

Acting Clerk, Angela Toole

READ A THIRD TIME AND FINALLY PASSED THIS 9th DAY OF DECEMBER, 2024.

Mayor, Dennis Rogers

Acting Clerk, Angela Toole

THE CORPORATION OF THE TOWN OF KINGSVILLE
BY-LAW 01-2025

**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 the application conforms to the Official Plan of the Town of Kingsville;

Now therefore the Council of The Corporation of the Town of Kingsville enacts as follows:

1. Comprehensive Zoning By-law Amendment of the Town of Kingsville (By-law 2014-01) is hereby amended by replacing Section 4.2 (h) i) & Section 4.2 (h) ii) with the following:
 - a. Section 4.2 (h) *Accessory buildings and structures shall not exceed the following heights:*
 - i. in residential zones within the primary and secondary settlement area – 5.8 m (19 ft.)
 - ii. in residential zones or lots under 2 ha that are outside the settlement area – 6.5 m (21.3 ft)
2. Comprehensive Zoning By-law Amendment of the Town of Kingsville (By-law 2014-01) is hereby amended by replacing Section 4.2 (i) with the following:
 - a. Section 4.2 (i) Notwithstanding any other provision of this by-law, the *maximum building height* for an *accessory building* which contains a legal *additional dwelling unit* is not to exceed 6.5 m (21.3 ft).
3. This by-law shall come into force and take effect from the date of passing by Council and in accordance with Section 34 of the Planning Act.

Read a first, second and third time and finally passed this 13th day of January, 2025.

Mayor, Dennis Rogers

Acting Clerk, Angela Toole

THE CORPORATION OF THE TOWN OF KINGSVILLE
BY-LAW 2 - 2025

Being a By-law to amend By-law 89-2024, being a By-law to impose fees and charges by The Corporation of the Town of Kingsville

Whereas Council passed By-law 89-2024, being a By-law to impose fees and charges by The Corporation of the Town of Kingsville, on November 25, 2024;

And whereas Council of The Corporation of the Town of Kingsville deems it expedient to amend By-law 89-2024 to increase the licensing fee for Boarding, Lodging, and Rooming Houses (BLRH);

Now therefore the Council of The Corporation of the Town of Kingsville enacts as follows:

1. That Schedule "A" of By-law 89-2024 be amended as follows:

Boarding, Lodging & Rooming House (BLRH) Licence (Up to 10 Occupants)	\$100.00 per structure
Boarding, Lodging & Rooming House (BLRH) Licence (Up to 25 Occupants)	\$500.00 per structure
Boarding, Lodging & Rooming House (BLRH) Licence (Up to 50 Occupants)	\$1,000.00 per structure
Boarding, Lodging & Rooming House (BLRH) Licence (Greater than 50 Occupants)	\$1,500.00 per structure

2. That 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 13th day of January, 2025.

Mayor, Dennis Rogers

Acting Clerk, Angela Toole

THE CORPORATION OF THE TOWN OF KINGSVILLE
BY-LAW 3 - 2025

**Being a By-law to amend By-law 3-2024, being a
By-law to Licence Boarding, Lodging and Rooming
Houses (BLRH) in the Town of Kingsville**

Whereas Council passed By-law 3-2024, being a By-law to Licence Boarding, Lodging, and Rooming Houses (BLRH) in the Town of Kingsville, on January 8, 2024;

And whereas Council of The Corporation of the Town of Kingsville deems it expedient to amend By-law 3-2024 as herein provided;

Now therefore The Council of the Corporation of the Town of Kingsville enacts as follows:

1. That subsection (a) of the “Authorized Official” definition in By-law 3-2024 be amended to read as follows:

“any employee, officer or agent of the Town who is appointed and/or retained to enforce the by-laws of the Town in accordance with the *Community Safety and Policing Act, 2019*, S.O. 2019, c. 1, Sched. 1, or the *Municipal Act*;”

2. That the following be added as Section 3.2 of By-law 3-2024:

“This By-law shall not apply to:

- 3.2.1 a home for special care operated under a licence issued under the *Homes for Special Care Act*, R.S.O. 1990, c. H.12;
- 3.2.2 a long-term care home operated under a licence issued under the *Fixing Long-Term Care Act, 2021*, S.O. 2021, c. 39; and
- 3.2.3 a retirement home operated under a licence issued under the *Retirement Homes Act, 2010*, S.O. 2010, c. 11.”

3. That Section 6.1 of By-law 3-2024 be amended to read as follows:

“An applicant or licensee may appeal a decision of the Clerk to refuse to issue, renew, suspend, or revoke a licence under this By-law to the Committee of Adjustment and Appeals by providing written notice to the Clerk within ten (10) days of the Clerk’s decision to refuse to issue a licence, or revoke or suspend a licence. The Clerk will schedule a public meeting of the Committee of Adjustment and Appeals to hear the appeal. The Committee of Adjustment and Appeals has the authority to confirm, amend, or substitute the decision of the Clerk and such decisions of the Committee of Adjustment and Appeals shall be final and not subject to any further appeal. A request to appeal a decision of the Clerk does not act as a stay of the decision, including any condition or requirement imposed therein.”

4. 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 13th day of January, 2025.

Mayor, Dennis Rogers

Acting Clerk, Angela Toole

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 4 - 2025

Being a By-law to amend the Official Plan of the Town of Kingsville

Whereas the *Planning Act* R.S.O. 1990, c.P. 13, Section 17 permits the Corporation of the Town of Kingsville to amend the Official Plan of the Corporation of the Town of Kingsville;

And Whereas The Town of Kingsville supports and maintains mixed-use, medium density (i.e. up to 6 storeys) throughout the Main Street Corridor, with the exception of the Main Street Core, in keeping with the *Planning Act*, changes to the Provincial Policy Statement 2024, and the 2024 County Official Plan;

And Whereas the Council of the Town of Kingsville deems it desirable to amend the Official Plan of the Corporation of the Town of Kingsville to increase maximum heights permitted in the Main Street Neighbourhood and Main Street Gateway East Zones to 22m (6 storeys).

Now therefore The Council of the Corporation of the Town of Kingsville enacts as follows:

1. Amendment No. 19 to the Kingsville Official Plan consisting of the attached text amendment attached hereto as Schedule 'A' including map amendments, namely Schedules A-1, and A-3 attached hereto is hereby adopted.
2. The Clerk is hereby authorized and directed to provide Notice of Adoption of the Amendment in accordance with Section 17(23) of the *Planning Act*, R.S.O., as amended.
3. The Plan authorized by this By-law shall come in effect pursuant to Section 17(27) of the *Planning Act*, R.S.O., as amended.
4. This By-law shall come into force and take effect on the day of the final passing thereof.

Read a first, second and third time and finally passed this 13th day of January, 2025.

Mayor, Dennis Rogers

Acting Clerk, Angela Toole



CORPORATION OF THE TOWN OF KINGSVILLE

AMENDMENT NO. 19

TO THE TOWN OF KINGSVILLE OFFICIAL PLAN

Location: The subject property is the entire corporate limits of the Town of Kingsville.

Date: January 13, 2025

AMENDMENT NO. 19

To the Official Plan for the Town of Kingsville

PART “A” - THE PREAMBLE

1.0 BACKGROUND

In September 2023, Council approved Official Plan and Zoning By-Law Amendments that established a vision and goals for Main Street and policies related to land use; building height, orientation, setbacks, and urban design for the Main Street Corridor as summarized below:

- Sub-Area 1 – Main Street Core – to encourage mixed-use buildings including non-residential uses at grade with residential uses above the first floor.
- Sub-Area 2 – Main Street Neighbourhoods – to encourage mixed-use buildings with commercial uses on the main floor or mixed-use residential buildings.
- Sub-Area 3 – Main Street Gateway East – to primarily encourage mixed use buildings with commercial uses on the main floor.
- Sub-Area 4 – Main Street Gateway West – to primarily encourage mixed use buildings with commercial uses on the main floor.

2.0 PURPOSE

The purpose of this Official Plan Amendment is to amend the policies related to building heights in the Main Street Neighbourhoods (Sub-Area 2) and Main Street Gateway East (Sub-Area 3) sub-zones.

3.0 LOCATION

The Amendment applies to the Main Street Neighbourhoods and Main Street Gateway East sub-zones within the Main Street Corridor as identified in Schedule “A-3” which is included in this Amendment.

PART "B" - THE AMENDMENT

1.0 DETAILS OF THE AMENDMENT

The document known as the Official Plan for the Town of Kingsville is hereby amended by changing maximum permitted building heights in Section 3.9.3 (Policies) as follows:

3.9.3 Policies

...

c. Sub-Area Two - Main Street Neighbourhoods

...

iv. Buildings in the sub-area shall be a minimum of 7.5m (2 storeys), and a maximum of ~~14.5 m (4 storeys)~~ 22 m (6 storeys) with a minimum 45-degree angular plane applied from the front property line, beginning at the height of the top of the third storey.

...

d) Sub-Area Three - Main Street Gateway East

...

iii. Buildings in this sub-area shall be a maximum of ~~14.5 m (4 storeys)~~ 22 m (6 storeys).

All other policies described in Section 3.9 apply.

THE CORPORATION OF THE TOWN OF KINGSVILLE
BY-LAW 5 - 2024

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

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

And Whereas this By-law is in conformity with the Town of Kingsville Official Plan;

Now therefore The Council of the Corporation of the Town of Kingsville enacts as follows:

1. That Section 12.2 “Main Street Neighbourhood (MS2)” and “Main Street Gateway East (MS3)” within the By-law be amended to read as follows:

Subsection 12.2	Main Street Neighbourhood (MS2)
c) Regulations	
i. <i>Main Building height (minimum):</i>	7.5m (2 storeys)
ii. <i>Main Building height (maximum):</i>	22 m (6 storeys)

Subsection 12.3	Main Street Gateway East (MS3)
c) Regulations	
iii. <i>Main Building height (minimum):</i>	7.5m (2 storeys)
iv. <i>Main Building height (maximum):</i>	22 m (6 storeys)

2. That unless otherwise specifically noted in this By-law, all Section references and numbering will be adjusted sequentially to reflect changes introduced by this By-law.
3. That this by-law does not come into force and take effect until after Amendment No. 19 to the Town of Kingsville Official Plan has been approved in accordance with the provisions of Section 24(2) of the Planning Act, R.S.O 1990, c. P.13.

Read a first, second and third time and finally passed this 13th day of January, 2025.

Mayor, Dennis Rogers

Acting Clerk, Angela Toole

THE CORPORATION OF THE TOWN OF KINGSVILLE
BY-LAW 6 - 2025

**Being a By-law to confirm the proceedings of the
Council of the Corporation of the Town of Kingsville at its
January 13, 2025 Regular Meeting of Council**

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 January 13, 2024, 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 13th day of January, 2025.

Mayor, Dennis Rogers

Acting Clerk, Angela Toole