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To: Mayor and Council

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Manager, Planning Services

RE: Application for Zoning By-law Amendment by
Rock Island Investments Inc.
1562 Road 3 E
Part of Lot 9, Concession 3 ED

Report No.: PS 2019-056

AIM

To provide the Town of Kingsville Council with information regarding the requested Zoning By-law Amendment for lands located at 1562 Road 3 E to permit conversion of the existing rural residential dwellings for the housing of international workers and permit the existing general storage business.

BACKGROUND

The subject land is a 1.52 ha (3.75 ac.) and contains a single detached dwelling and three outbuildings. (See Appendix A) The property is split zoned Agricultural, ' (A1)' and Agricultural, '(A1-10)'. The applicant is seeking a rezoning of the subject parcel to permit the addition of a stand-alone bunkhouse not accessory to a greenhouse as a permitted use to convert the existing dwelling. The remaining outbuildings on the site are used as part of an existing storage business on the site. The front portion of the property is zoned A1-10 which permits all the standard A1 uses but also includes a towing service and associated storage compound. It is unclear how the current use of this property transitioned to general storage however the applicant would like to clarify the zoning and have the towing/storage compound use removed and general storage permitted. The balance of the property which is A1 will remain A1.

DISCUSSION

Throughout Kingsville there are a number of single detached dwellings that are being utilized for worker housing. Approximately a year ago the Essex-Windsor Health Unit

provided the Town with a list of worker housing locations that the Health Unit had approved for use as international worker housing based on their criteria. When both Fire and Building Services started to undertake inspections of these facilities it was realized that there was a significant disconnect between what the Health Unit criteria permitted and what Building Code, Fire Code and the Town's zoning regulations required.

The initially direction taken by staff was to inform owners that they needed to bring these dwellings into compliance with applicable code and limit the number of occupants based on bedrooms. At the start there was a concern internally with zoning compliance however there was a greater concern with the definition of single detached dwelling and regulating who could live in a given dwelling. Eventually, as part of both internal discussions and ongoing regular consultation with the Health Unit it was determined that a dwelling with 4 or fewer occupants regardless of relationship would continue to be considered a single detached dwelling and not subject to any additional regulations by the Town. This was based in part on Fire Code requirements and part on the scale of use of the dwelling. Dwellings with over 4 occupants (not related or not living as a unit (shared ownership or joint lessees) would trigger requirements under the Fire Code, potential Building Code issues depending on numbers and would not be complaint with zoning as they were not being used a single detached dwelling.

During the transition from the initial position to the present position there were some single detached dwellings that were legally converted to bunkhouse uses to meet both Fire and Building Code. No zoning issues were determined at that time.

The applicant submitted a building permit for the subject property and other property to the west on Road 3 E for conversion and had begun some initial internal demolition after the transition however the owners was not aware of the change until building permit applications were submitted. Based on the revised direction of the Town the applicant was advised that a zoning amendment would be necessary to permit conversion and that the dwellings already converted should be included to provide clarity and consistency moving forward.

1) Provincial Policy Statement (PPS), 2014:

Section 2.3.1 states that, 'Prime agricultural areas shall be protected for long-term use for agriculture.

Comment: Greenhouse operations are an agricultural use and permitted in prime agricultural areas. Providing housing for these same greenhouses has been an ongoing challenge particularly in terms of sanitary servicing. Utilizing existing housing in agricultural areas helps to reduce pressure on limited urban rental housing. In the case of the subject parcels each of the dwellings is on municipal sanitary sewer service which helps to reduce servicing challenges associated with large septic systems. The use of rural housing for the support of rural uses can also help to reduce the increasing compatibility issues between rural and non-rural residents.

The former use of the property as a towing and storage compound is no longer in operation and would not be considered an agricultural or agriculture-related use under PPS. The request to add a storage business in the existing buildings, while also not

consistent with PPS, is a less intensive use and has not impacted negatively on the agricultural area over the past several years.

2) County of Essex Official Plan

The County OP is very similar to that of PPS in terms of applicable policies. The proposed development would conform with the County Official Plan.

3) Town of Kingsville Official Plan

The subject property is designated 'Agriculture' and subject to the policies under Section 3.1 of the Official Plan for the Town of Kingsville. With approval of the recommended zoning amendment the proposed will conform to the Official Plan by helping to support agricultural uses in the area.

4) Comprehensive Zoning By-law – Town of Kingsville

The subject property is zoned 'Agriculture (A1)'. The proposed amendment would place the lands into a special Agriculture exception zone that will permit a non-accessory bunkhouse. The zoning will continue to permit a single detached dwelling in the event that the use were to change in the future. There are no external changes proposed to the dwellings so the residential character should remain which is in keeping with the intent of the new draft greenhouse policies under consideration. There is also a mature tree row along both the east and west lot lines to provide screening.

Based on comment, at the time of writing, there was concern that the zoning on the properties in question could lead to permission for additional development on the subject lands, i.e. additional housing. As such the amending by-law will permit only the conversion of the existing dwellings on the subject lands for use as non-accessory bunkhousing.

The amendment will also address the removal of the existing towing and storage compound use while adding a storage business (the current use) as an additional permitted use to the portion of the property currently zoned 'Agriculture, (A1-10)'. The zoning on the rear portion of the lands will remain 'Agriculture, (A1)'

LINK TO STRATEGIC PLAN

Manage growth through sustainable planning.

FINANCIAL CONSIDERATIONS

There is will be a nominal change in assessment as a result of the conversion.

CONSULTATIONS

1) Public Consultations

In accordance to O. Reg 545/06 of the Planning Act, property owners within 120m of the subject site boundaries received the Notice of Public Meeting by mail.

2) Agency & Administrative Consultation

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

Agency or Administrator	Comment
Essex Region Conservation Authority Watershed Planner	<ul style="list-style-type: none">• Full comment is attached as Appendix 'B';• No objection to the proposed development
Town of Kingsville Management Team	<ul style="list-style-type: none">• The proposed conversions will need to comply with the requirements of the OBC.• The site has existing municipal water & sanitary sewer connections

RECOMMENDATION

It is recommended that:

Council approve zoning by-law amendment application ZBA/21/19 to amend the existing 'Agriculture Zone 1 Exception 10, (A1-10)' on the subject lands located at 1562 Road 3 E to permit the conversion of an existing single detached dwelling for use as a non-accessory bunkhouse and add a commercial self-storage business and adopt the implementing by-law.

Robert Brown

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Manager, Planning Services

Peggy Van Mierlo-West

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