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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.
1335, 1361 & 1415 Road 3 E
Part of Lot 8, Concession 2 ED, Part 1, RP 12R 8670, Part 1,
RP 12R 25914 & Parts 5 to 8, RP 12R 25474

Report No.: PS 2019-057

AIM

To provide the Town of Kingsville Council with information regarding the requested Zoning By-law Amendment for lands known as 1335, 1361 & 1415 Road 3 E to permit conversion of the existing rural residential dwellings for the housing of international workers.

BACKGROUND

The subject lands consist of three rural residential lots each with existing single detached dwellings ranging from 0.2 ha (0.5 ac.) to 0.35 ha (0.86 ac.) in size. (See Appendix A) The lots have existing municipal water service along with connection to the municipal sanitary sewer system. The applicant is seeking a rezoning of the subject parcels to bring the lots into compliance and permit the dwellings to be used as international worker housing, i.e. bunkhouses

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.

Two of the dwellings on the subject lands were converted during that transition period, the third conversion begin after the transition however the owner was not aware of the change until building permit applications were submitted for the conversion to worker housing. 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.

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.

In terms of each individual location, 1335 Road 3 E is located to the east of an existing rural residential use but visually screened with an existing mature tree row. 1361 Road 3 E is immediate east of 1335 and abuts vacant lands to the east. 1415 is located between two existing rural residential use however both are owned by the applicant.

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.

LINK TO STRATEGIC PLAN

Manage growth through sustainable planning.

FINANCIAL CONSIDERATIONS

There will a nominal to no change in the assessment value of the property.

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. Comment at the time of writing was related to concern regarding impact to property values and proximity specific to 1335 Road 3 E.

Comment: The majority of bunkhouse sites in Kingsville have not generated a significant level of complaints particularly related to occupant behavior. The main difference between a rural residential dwelling and a bunkhouse is the number of occupants.

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/22/19 to rezone the subject lands located at 1335, 1361 & 1415 Road 3 E from 'Agriculture Zone 1 (A1)' to a special 'Agriculture Zone 1 Exception 80, (A1-80)' to permit the conversion of an existing single detached dwelling to a non-accessory bunkhouse and adopt the implementing by-law.

Robert Brown

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Peggy Van Mierlo-West

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