



**Date:** September 9, 2024  
**To:** Mayor and Council  
**Author:** Vitra Chodha, Planner  
**RE:** Zoning By-Law Amendment (ZBA-2024-17) for 2014 Road 3 East

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## **RECOMMENDED ACTION**

1. That Zoning By-law amendment application ZBA-2024-17 to amend the zoning on the subject parcel from “General Agricultural (A1)” to a site specific “General Agricultural with exception 89 (A1-89) to the site known as 2014 Road 3 E **BE APPROVED** to add the following uses:
  - a. Primary uses:
    - i. Those uses permitted under Section 7.1 (Rural Residential).
    - ii. A micro-brewery as an agricultural related primary use on the subject site
  - b. Accessory uses to micro-brewery as primary use:
    - i. Permit an outdoor pavilion that is accessory use
    - ii. Permit a fenced off-leash dog play area
    - iii. Permit the sales of brews produced on site including accessory merchandise associated with the agricultural related micro-brewery business
  - c. Permitted buildings and Structures
    - i. Those buildings and structures permitted under Section 7.1 (Rural Residential) in the (A1) zone
    - ii. Buildings and structures accessory to the permitted uses.
2. That corresponding by-law (By-law 63-2024) **BE ADOPTED**, during the By-law section of this council agenda.

## **BACKGROUND**

The Town of Kingsville has received the above-noted applications for lands located on the north of Road 3 East and east of 1996 Road 3 East as seen on Appendix A – Location Map. The subject properties are designated ‘Agricultural’ by the Official Plan and zoned ‘General Agricultural (A1)’ under the Kingsville Comprehensive Zoning By-law.

The subject property, located at 2014 Road 3 has a total area of 14,892.43 m<sup>2</sup> (3.68 ac), a frontage of approximately 123.8 m (406.17 ft) and contains two residential dwellings with multiple accessory structures.

The accessory structures on the subject site have been used to support a home-based micro-brewery under the provision of a home-based industry within the A1 zone. The scale of the proposed expansion outgrew the operation of Top Dog as a home industry. The applicant is proposing to expand his micro- brewery business by including an outdoor area with picnic tables, a pavilion and washrooms for serving beer made at Top Dog micro- brewery to the public, as seen on the applicant's sketch in Appendix B. The applicant also wishes to include an off-leash dog play area that would be fenced off to serve people using the Greenway across the subject site. The applicant is proposing a site-specific zoning amendment to operate the micro-brewery as an agricultural related use.

The applicant's planning consultant has provided a satisfactory Planning Justification Report (PJR) justifying the proposed change in land use for this property. The micro-brewery meets the requirement of an agricultural related use.

The proposed development is subject to a site plan control application.

## **DISCUSSION**

### **1) Provincial Policy Statement (PPS), 2020:**

When reviewing a planning application to determine if it represents sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statement (PPS). Section 2.3.3.1 of the PPS states that "In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses" and it further expands by stating that "proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations."

Based on the Planning Justification report provide by the applicant's consultant the existing micro-brewery can be considered an agricultural related use as per the Guidelines released by the Ministry of Agriculture, Food and Rural Affairs published in 2016. The proposed expansion of the business to include a dog park, sales of "Top Dog branded merchandise" and serving public the brews prepared on site is accessory to the farm related micro-brewery use. Therefore, the intent of farm related use as defined by the Provincial Policy Statement is met with the current proposal.

### **2) County of Essex Official Plan (2014)**

The subject property is outside the settlement area in the County of Essex Official Plan. Agricultural related uses are permitted within Section 3.3.3.3 of the County Official Plan.

As per the Planning Justification report provide by the applicant's consultant, Top-Dog brewery will be predominantly using hops and fruits from local farms to produce their beers and they supply their beer to local farmer's market for sales. Even though the proposed brewery is not directly related to an agricultural use in the subject site, the intent of the current (2016) Ministry of Agriculture, Food and Rural Affairs guidelines are met. Therefore, the intent of farm related use is met.

### **3) Town of Kingsville Official Plan (2023)**

The subject property is designated 'Agricultural' and subject to the policies under Section 3.1.2 of the Official Plan for the Town of Kingsville. Agricultural related commercial and industrial uses are permitted within Agricultural designation in the Town of Kingsville Official Plan provided that the use supports local agricultural. As per the Planning Justification report provide by the applicant's consultant, Top-Dog brewery will be predominantly using hops and fruits from local farms to produce their beers and they supply their beer to local farmer's market for sales.

The proposed use of the micro-brewery can be considered agricultural related as per Section 3.1.2 of the Town of Kingsville Official Plan is met with the current proposal. The proposed expansion of the business to include a dog park, sales of "Top Dog branded merchandise" and serving beer to the public on site is accessory to the farm related micro-brewery use.

### **4) Town of Kingsville Comprehensive Zoning By-law (2014)**

The current zoning for 2014 Road 3 East is "General Agricultural (A1)". The applicant is looking for the change the use of the existing micro-brewery from a home-based industry to an agricultural related operation to expand their services. The applicant is proposing an outdoor patio with a pavilion and washroom to serve brews made at their existing micro-brewery. In addition, the applicant is looking to establish a fenced off-leach dog play area and a small retail portion to sell "Top Dog branded" merchandise.

The proposed re-zoning will permit a micro-brewery to operate as an agricultural related use with an outdoor serving area that includes a patio, pavilion and washrooms and a fenced off-leach dog play area and a small retail portion to sell "Top Dog branded" merchandise. The micro-brewery will remain as one of the primaries uses on the site with all the other uses included in this site-specific zoning by-law amendment being accessory to the micro-brewery.

As noted above, the site will be subject to Site Plan Control, however the introduction of new uses may result in some concerns from neighbors related to noise, traffic, increase in numbers of people on site and concerns related to the proposed dog park.

## **FINANCIAL CONSIDERATIONS**

There may be an increase in assessment with the addition of the permitted uses on the property.

### **ENVIRONMENTAL CONSIDERATIONS**

There are no environmental concerns.

### **CONSULTATIONS**

- Technical Advisory Committee (TAC)
- Economic Development and Tourism - Economic Development and Tourism supports this project as an exciting addition to our tourism and business community assets.

### **PREPARED BY:**



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Vitra Chodha  
Planner

### **REVIEWED BY:**



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Richard J.H. Wyma, CSLA  
Director of Planning & Development