



Report to Council

Department: Development Services
Division: Planning
Date: May 6, 2024
Prepared by: Corinne Chiasson, Senior Planner
Report Number: Planning-2024-09
Subject: Site Specific Zoning ZBA-03-24 for 152 County Road 50 East
Number of Pages: 7 (plus attachments)

Recommendation(s)

That Planning Report Planning-2024-09 entitled Site-Specific Zoning ZBA-03-24 for 152 County Road 50 East prepared by Corinne Chiasson, Senior Planner dated May 6, 2024 be received, and

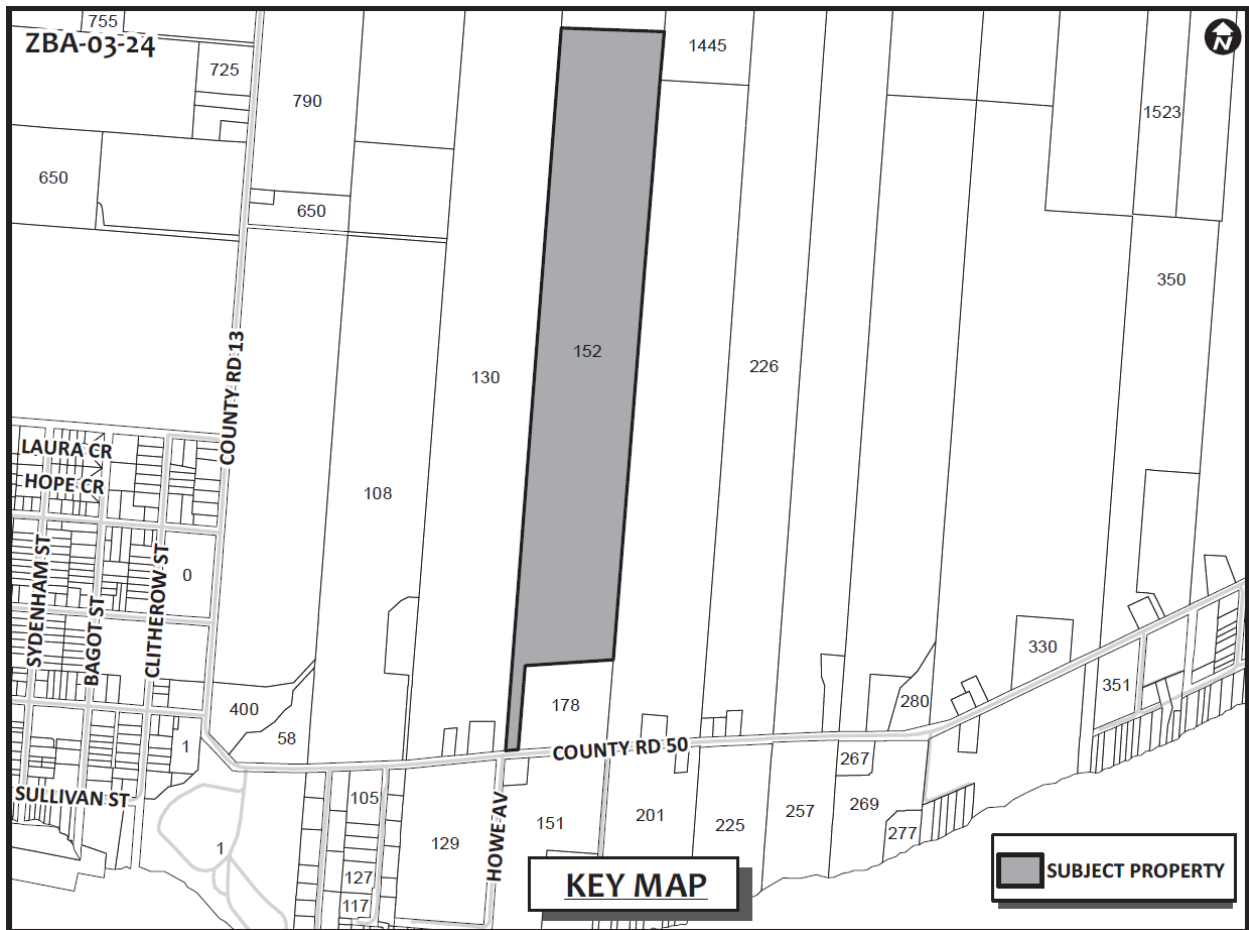
That Bylaw 2324, Being a Bylaw to Amend Bylaw 1037, the Comprehensive Zoning Bylaw for the Town of Essex, to permit one (1) ancillary dwelling to the farming operation to accommodate the housing of farm labour at 152 County Road 50 East, (Ward 3), be adopted.

Purpose

To recommend adoption of a site-specific zoning and site plan control agreement to permit an ancillary dwelling to accommodate the housing of farm labour at the property municipally known as 152 County Road 50 East in the former township of Colchester South (Ward 3).

Background and Discussion

An application for a site-specific zoning amendment to the Comprehensive Zoning Bylaw, Bylaw 1037, together with an application for Site Plan Control Approval, was received by the Municipality for the agricultural lands located at 152 County Road 50 East, in the former township of Colchester South (Ward 3), herein referred to as the “Subject Lands”. The owners, North Shore Cellars Inc., herein referred to as the “Applicants”, maintain a specialty crop farming operation with a vineyard and processing facilities at 152 County Road 50 East. The subject lands are shown on the location map provided below:



The Subject Lands measure 37.48 hectares (92.63 acres) in total land area. The Lands are designated “Agricultural” on Schedule A-3 of the Town of Essex Official Plan and are zoned

Agricultural District 1.1 (A1.1) for general agricultural and farm production support activities on Map 17 of Bylaw 1037.

With reference to the attached site plan, the Subject Lands are occupied by the following:

- One (1) existing dwelling 150.5 metres (1620 sq ft) in area, to be utilized as an ancillary farm labour accommodation for 6-8 seasonal workers.
- One (1) agricultural building for vineyard operations that includes wine processing and warehousing.

Typically lands located north of County Road 50 East are predominately designated Agricultural, with lands located south of County Road 50 East designated Lakeshore Residential with some existing specialty farms that include vineyards, wineries, and fruit tree growing operations strategically located along the shoreline of Lake Erie.

The Proposal

The Applicants are requesting a site-specific zoning amendment to Bylaw 1037 for the Subject Lands to permit the following:

- (1) ancillary dwelling to the farming operation to accommodate the housing of farm labour.

The ancillary dwelling will be approximately 150.5 square metres (1620 square feet) in area and will be located 227 metres (745 feet) North of County Road 50 East. The ancillary dwelling will consist of 4 bedrooms, a shared kitchen, bathroom facilities, and an amenity area. The design is required to comply with provincial fire safety standards, Building Code, the Federal **government's foreign seasonal housing criteria** and the Windsor Essex Health Unit requirements.

Note: Farm labour accommodations are required close to vineyard operations for the processing and production associated with Cedar Shores Cellars and Viewpoint Estate Winery.

Only the ancillary dwelling is subject to the zoning bylaw amendment, all other activities for the vineyard and wine production comply with permitted agricultural uses/agricultural-related uses within the A1.1 zoning district.

A site-specific zoning amendment is required for any proposed ancillary dwellings in the agricultural district that are used for farm labour accommodations under the Town of Essex Official Plan policies and Bylaw 1037.

In accordance with the Planning Act, a Zoning Bylaw may be amended to allow for uses that are not permitted in the respective zoning district so long as the new use is permitted under the Town of Essex Official Plan for the area in which the subject property is designated and so long as the amendment is consistent with the Provincial Policy Statement (PPS) and the County of Essex and Town of Essex Official Plans.

Proposal Conformity

The Provincial Policy Statement (PPS, 2020) defines an “agricultural use” to include accommodations for full-time farm labour when the size and nature of the operation requires additional employment. Similarly, the County and Town of Essex Official Plan provides for accessory/ancillary farm accommodation where the farm operation is of such a size and nature that this assistance is required, and residential accommodation needs to be located on or close by the farm. Further, the Official Plan for the Town of Essex provides that the ancillary dwellings must be located on the lot and accessed in such a way to prevent the creation of a severable residential lot in the future.

The Applicants operate a vineyard farming operation on the subject lands, and there is heavy labour requirements from the spring season until harvest, which is processed on-site. The operations facility further prepares the product for sale at Viewpoint Estate Winery, located opposite of County Road 50 E. The on-site ancillary dwelling would allow for the centralization of operations reducing the need to transport employees. The ancillary dwelling is located 227 metres (745 ft) from County Road 50 East, just North of the vineyard processing

building. As the ancillary dwelling is located a far setback from the road, no impacts are anticipated to neighbouring properties. This location also prevents the severance of the ancillary dwelling into a residential lot in the future.

May 6, 2024, Statutory Public Meeting

A statutory public meeting was held on Monday, May 6, 2024 to hear public comments on the application prior to Council rendering a decision on the application.

At the time of writing this report, no written comments from members of the public have been received.

Next Steps:

Council may:

- Approve the proposed Bylaw where notice of approval will be sent to the applicant and all persons requesting to be notified of the decision, and a 20-day appeal period takes effect.
- Deny the proposed Bylaw where notice of denial will be sent to the applicant and all persons requesting to be notified of the decision and a 20-day appeal period takes effect.
- Defer the decision to a later date if further information is required.

Should Council approve the proposed site-specific zoning amendment, the applicants will proceed through the Site Plan Control review process. Council has provided delegated authority to administration to review and approve Site Plan Control applications.

Financial Impact

All costs associated with the processing of this request for site-specific zoning amendment and site plan control agreement are recouped 100% through application fees. Building permit fees and development charges are applicable at the time of building permit issuance.

Development charges collected for the construction of one (1) ancillary dwelling is \$12,010.00.

Consultations

Notice of the application for zoning bylaw and site plan control was circulated to all persons and public bodies require to be notified under subsection 5(9) of Ontario Regulation 545/06, including staff members from each Town of Essex department.

Link to Strategic Priorities

- Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- Improve the Town's capacity to meet the ongoing and future service needs of its citizens** while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.
- Build corporate-level and community-level climate resilience through community engagement and partnership and corporate objectives.

Report Approval Details

Document Title:	ZBA-03-24 152 County Road 50 E - Planning-2024-09.docx
Attachments:	<ul style="list-style-type: none">- A1 VIEW POINTE_cp_17592263074215.pdf- A2 VIEW POINTE_cp_17592263074200.pdf- A3 VIEW POINTE_cp_17592263074210.pdf- A4 VIEW POINTE_cp_17592263074225.pdf- SITE PLAN.pdf- SURVEY.pdf- VIEW POINTE SITE PLAN_cp_17592263074220.pdf- ZBA-03-24-Bylaw-2324 FINAL.pdf
Final Approval Date:	Apr 29, 2024

This report and all of its attachments were approved and signed as outlined below:

Rita Jabbour, Manager, Planning Services - Apr 29, 2024 - 2:58 PM



Lori Chadwick, Director, Development Services - Apr 29, 2024 - 3:16 PM



Doug Sweet, Chief Administrative Officer - Apr 29, 2024 - 3:17 PM