



Hamilton



Farm Labour Residences

Discussion Paper

Planning Division, Planning and Economic Development Department, 2022

TABLE OF CONTENTS

1.0	INTRODUCTION AND PURPOSE.....	2
1.1	Farm Labour Residence (FLR) – What are they?	3
1.2	Identified Issues.....	5
2.0	BACKGROUND INFORMATION	7
2.1	Federal Programs	7
2.2	Provincial Policy Statement and Greenbelt Plan.....	8
2.3	Provincial Guidelines.....	9
2.4	Rural Hamilton Official Plan.....	10
2.5	Zoning By-law 05-200.....	11
2.6	Best Practices from Canadian Municipalities.....	12
3.0	CITY OF HAMILTON REVIEW OF FARM HELP HOUSE APPLICATIONS AND ANALYSIS OF ISSUES.....	14
4.0	RECOMMENDED ALTERNATIVES FOR CONSIDERATION	15
5.0	NEXT STEPS	28

Appendices

Appendix A – Rural Hamilton Official Plan Policies for Farm Labour Residences

Appendix B – Zoning By-law 05-200 Provisions for Farm Labour Residences

Appendix C – Municipal Policy and Zoning By-law Comparisons

Appendix D – Farm Labour Residence Request Form

Appendix E – Amending By-law No 21-071 (SDUs in the Urban and Rural Areas)



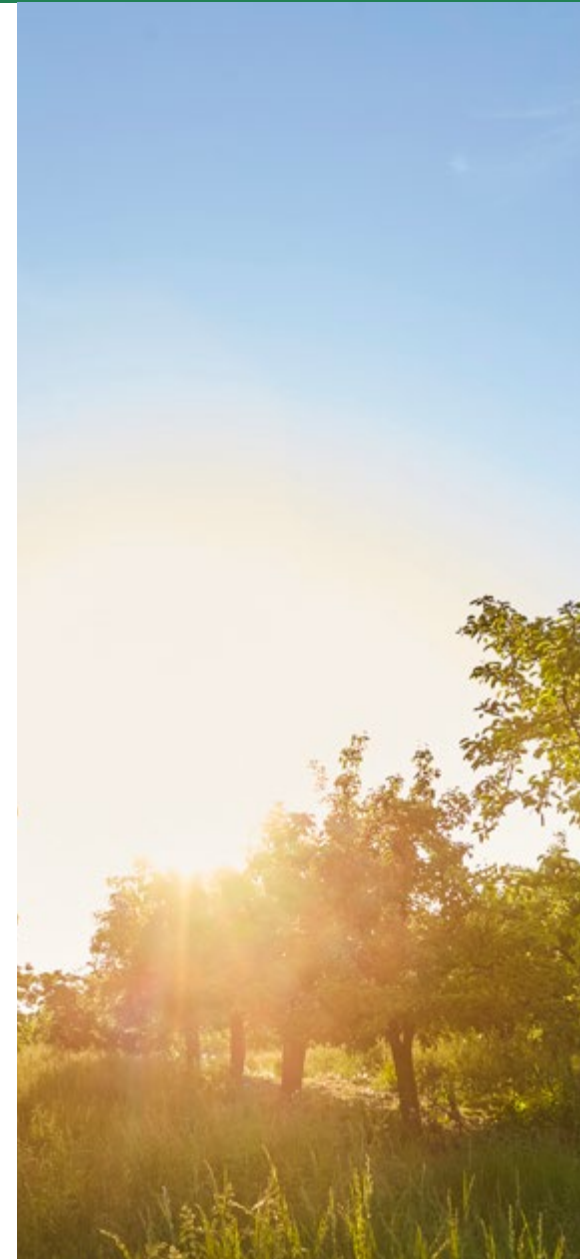
1.0 INTRODUCTION AND PURPOSE

The agricultural industry have requested that the City expand housing options for temporary farm labourers to respond to changing farming operation needs. Farm Labour Residences (FLRs) and Farm Help Houses (FHH) are interchangeable terms used by City staff, however FLR is widely referenced within the Rural Hamilton Official Plan (RHOP) and Zoning By-law 05-200. FLRs provide temporary accommodation for seasonal farm workers where additional employment is required for agricultural production. The City has the flexibility to develop policies and zoning regulations to ensure that FLRs are compatible within the rural landscape and minimize adverse effects on the agricultural land base. In many instances, FLR development is context specific as employment needs, agricultural production, and servicing capacity varies across rural areas.

Members of agricultural industry have expressed a need for expanded Farm Labour Residence permissions beyond the City's current policies and zoning regulations. The concern is that the City's zoning standards do not provide flexibility for independently serviced FLRs or adequate building sizes to meet farm labour accommodation needs. This discussion paper will provide background information on FLRs and recommend alternatives for consideration by stakeholders, the rural community and Council.

Official Plan and Zoning By-law Regulations for FLRs vary across municipalities, but generally are intended to accommodate full-time agricultural employees in various permanent or non-permanent structures, including bunkhouses, mobile homes, or accessory apartments. The City of Hamilton currently allows a maximum of one FLR for full-time farm labour under policy direction of the Rural Hamilton Official (RHOP) and regulations under Zoning By-law 05-200. The Zoning By-law does not regulate the number of beds or capacity of a FLR.

This discussion paper will also introduce alternatives for consideration to potentially address housing needs to support farm operations, while balancing the long-term protection of agricultural lands and ensuring adequate provision of private site servicing. The approaches and servicing considerations discussed may provide direction for potential updates to the RHOP and/or changes to Zoning By-law 05-200.





1.1 Farm Labour Residence (FLR) – What are they?

The Rural Hamilton Official Plan (RHOP) provides a definition for Farm Labour Residence as being:

“secondary accommodations provided for full-time farm labour where the size and nature of the farm operation requires additional employment in the form of either of the following:

a) An accessory apartment attached to and forming part of the principal farm residence; or

b) An accessory detached dwelling of temporary construction, such as a mobile home or bunk house, located in close proximity to the farm cluster.”

City of Hamilton Zoning By-law 05-200 provides the following definition for Farm Labour Residence:

“accommodation for full-time farm labour where the size and nature of the farm operation requires additional employment”.

FLRs is a common term consistently used across the City’s planning documents. A FLR is often referred to as Farm Help House (FHH). The two terms (FLR and FHH) are understood to mean the same. In other jurisdictions, FLRs are known as farm help dwellings, accessory farm residences, seasonal farm work housing, accessory seasonal employee residential uses, to name a few. The terminology varies across municipalities but is generally intended to mean temporary housing to accommodate farm workers regularly employed at a farm operation. FLRs are characterized as temporary accommodations for farm labourers necessary to support agricultural production. Agricultural production is dependent on labour, therefore a FLR is considered ancillary to the primary agricultural use. The term temporary has been historically characterized as seasonal where farm help is necessary to support agricultural production during growing seasons and harvesting periods. Greenhouse operations are a departure from other farm practices where operations are year-round and highly labour intensive and this results in differing needs in terms of design and construction of a FLR (i.e. integrated construction).

The Zoning By-law 05-200 definition of “dwelling” explicitly excludes a FLR. This reinforces that a FLR is intended to be a moveable or temporary built form and not a permanent structure. A FLR is not a Secondary Dwelling Unit (SDU). Zoning By-law 05-200 defines Secondary Dwelling Unit - Detached to mean:

“a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling and shall not include a Farm Labour Residence...”

SDUs are self-contained dwellings comprised of a kitchen, bedroom, living area, sanitation facilities and separate entrance. SDUs are intended to be permanent structures with engineered building foundations approved under the Ontario Building Code (i.e. cannot be moved like a mobile home or trailer, if detached).¹ In comparison, a FLR is intended to be a temporary built form to accommodate employees working at a farm operation where housing (i.e. mobile home or bunk house) can be removed once the accommodation is no longer required to support agricultural production.

The historical interpretation and often present-day perception of a mobile home intended for FLR purposes is often associated with a trailer or Recreational Vehicle (RV). However, advances in the structural design of modular homes and relocatable structures can provide comfortable living spaces that are engineered with durability and closely resemble the appearance of traditional housing construction². Section 46 of the Planning Act provides the following definition for a mobile home:

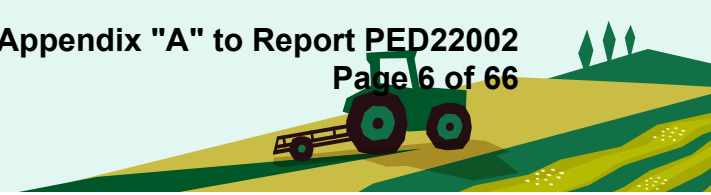
“any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;”

Other accessory residential built forms include garden suites, which are typically utilized as temporary housing to meet the needs of elderly parents or family members with special needs, on the same lot as the caregivers. A FLR and a garden suite may have similar visual built forms but serve different housing accommodation functions and end-users. Section 39.1 of the *Planning Act* defines a garden suite to mean:

“a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.”

1 Detached SDUs are currently not permitted within the rural area in the RHOP and Zoning By-law 05-200. Staff are currently undertaking a study to determine servicing feasibility of detached SDUs in Rural Hamilton.

2 http://www.modular.org/HtmlPage.aspx?name=why_modular



1.2 Identified Issues

On May 4th, 2021, Planning Committee received a presentation from delegates regarding their experiences with the existing RHOP Farm Labour Residence Policy. The delegates expressed that market demands continue to place pressures to expand their greenhouse operation where additional housing accommodation for up to 100 farm labourers is required. At the May 4th, 2021, Planning Committee, the delegates requested the Committee direct planning staff to explore the following site-specific scenarios:

1. Designate the existing FLR at the farm operation as a principle residence;
2. Permit the FLR to have a separate septic and water system (City policy requires a shared septic system with the primary residence);
3. Permit a separate septic system for the primary residence; and
4. Allow for multiple farm labour buildings on a specific property, subject to Ontario Building Code (OBC) and Ministry of Health requirements being satisfied.

At the May 4th Planning Committee meeting, the Committee directed planning staff to review the City's Farm Labour Housing Policy and report back to Planning Committee. The owners have submitted a Minor Variance application to Development Planning, Heritage and Design to permit alterations to an existing single detached and permit a total of four FLRs on the subject property. On August 26th, 2021, the Committee of Adjustment granted approval to permit one permanent FLR prior to the construction of a principal farm residence at 653 Safari Road, Flamborough.



Planning staff have identified several high-level issues related to FLRs, notably:

- Limited as-of-right permissions to allow multiple FLRs on a site, without an Official Plan Amendment and Zoning By-law Amendment.
- Challenges with wastewater servicing: The majority of Rural Hamilton is not connected to municipal water and waste water systems. It is common for FLRs to be connected to private systems (i.e. septic tank/well).
- The approval process for the installation of larger private systems is handled by the Ministry of Environment, Conservation and Parks (MOECP). The system capacity requirements may constrain water capacity required for agricultural production on the same site.
- Quality of FLR living conditions: issues with overcrowded living spaces and substandard accommodations.
- Shift from seasonal usage to year-round occupation of FLR for intensive agricultural operations.
- Pandemic preparedness: the ability to approve additional housing within a short time span to accommodate public health needs like self-isolating, quarantining and social distancing.

In consideration of these issues and based on the nature of the past Farm Help House (FHH) planning applications received by Planning staff, the following high-level discussion items have been identified to facilitate conversations around how FLRs should be regulated.

Should the City...	Themes
Permit multiple FLRs (i.e. bunk houses and/or mobile homes) up to a maximum aggregate GFA?	Intensity of Use
Permit multiple FLRs (i.e. bunk houses and/or mobile homes) without a maximum GFA	Intensity of Use
Permit a maximum of three (3) FLRs per lot, but any subsequent FLRs must be mobile home(s).	Intensity of Use
Consider permanent structure FLRs, where employment needs are justified (i.e. greenhouses only)?	Property Impacts
Increase the maximum gross floor area (GFA) for an individual FLR?	Intensity of Use
Consider separate servicing from the principal residence where a FLR is proposed on the same lot.	Property Impacts

Further analysis on the above noted considerations is expanded upon under Section 4 – Recommended Alternatives for Consideration of this discussion paper.

2.0 BACKGROUND INFORMATION

This section provides an overview of the policy and regulatory framework currently in place for FLRs. An overview of Federal programs, Provincial policies, Official Plan policies, Zoning By-law regulations, and best practices from other municipalities have been explored to inform how FLRs should be planned in Rural Hamilton.

2.1 Federal Programs

1. Seasonal Agricultural Workers Program (SWAP) and Temporary Foreign Workers Program (TFWP)

The Canadian government (Employment and Social Development Canada) administers programs to support the use of foreign workers in the agricultural industry where the recruitment and/or retention of domestic labourers may be limited. The programs include Seasonal Agricultural Workers Program (SWAP) and Temporary Foreign Workers Program (TFWP) – Agricultural Stream. The key distinction between the two programs is housing accommodations are supplied at the cost of the employer under the SWAP. The TFWP permits farm worker pay deductions for employer-supplied on-farm housing accommodations³. The TFWP retains farm labourers for up to 24 months, while the SWAP is intended to fill temporary labour shortages for a period of up to 8 months⁴. In 2020, the Hamilton-Niagara Peninsula employed over 10,232 temporary foreign workers that participated in the TFWP (natural resources and agricultural production stream)⁵. Data on the amount of temporary foreign workers within Rural Hamilton is unavailable currently.

3 <https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/agricultural/requirements.html>

4 <https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/seasonal-agricultural/requirements.html>

5 <https://open.canada.ca/data/en/dataset/76defa14-473e-41e2-abfa-60021c4d934b/resource/3cc1e052-ba32-4c37-8519-e3081d198bc2>



2. Federal Government Review of Temporary Foreign Worker (TFW) Program

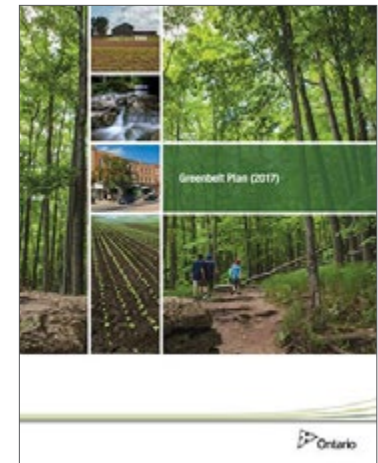
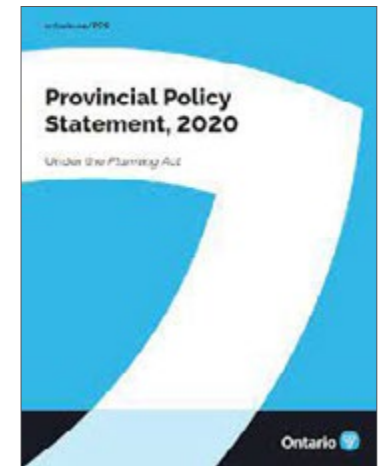
The Federal government launched a review of the Temporary Foreign Worker (TFW) Program in July 2020. The federal standards emphasize qualitative measures as guidance to municipalities to append to a property standards by-law (i.e. maintaining adequate temperature ranges, furnishings and ensuring functional toilets, sinks, laundry facilities, telecommunication services). Implementation of Federal accommodation requirements are intended strengthen the farm help accommodation inspection process.⁶

2.2 Provincial Policy Statement and Greenbelt Plan

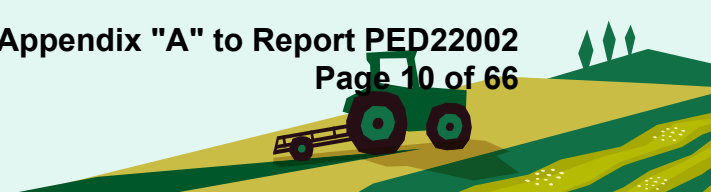
The current Provincial Policy Statement (PPS) came into effect on May 1, 2020, and defines agricultural uses as:

*“the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and **accommodation for full-time farm labour when the size and nature of the operation requires additional employment.**”*

FLRs are considered a permitted use within agricultural areas. The PPS does not include specific policy direction on FLRs. However, it contains high level policy direction pertaining to rural lands within municipalities to promote development that is compatible with the rural landscape and can be sustained by rural service levels. Generally, the PPS supports FLRs provided that the size and nature of the farm operation requires additional employment. The PPS does not support lot creation for FLRs. The Greenbelt Plan contains similar policy objectives to the PPS. The PPS and Greenbelt Plan identify the Official Plan as an important implemented tool to set out policy direction from the provincial level plans. The Zoning By-law then carries out the Official Plan objectives and policies through enforceable built form requirements at the site scale.



⁶ Employment and Social Development Canada (2020). Government of Canada launches consultations to improve living conditions for temporary foreign workers. <https://www.canada.ca/en/employment-social-development/news/2020/10/1.html>



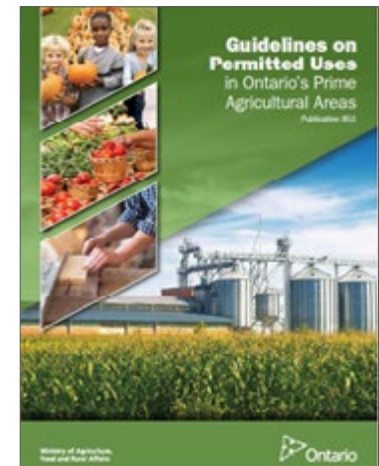
2.3 Provincial Guidelines

The Ontario Ministry of Agriculture Food and Rural Affairs (OMAFRA) has published Guidelines on Permitted Uses in Ontario Prime Agricultural Areas. This document is intended to guide municipalities, decision makers and farmers in the interpretation of PPS policies on the uses permitted in prime agricultural areas. The OMAFRA Guidelines compliments the policy direction and definitions under the PPS and Greenbelt Plan to provide guidance on farm help housing as an agricultural use⁷. The guidelines focus on land uses permitted in prime agricultural areas but are also applicable to rural lands. The OMAFRA Guidelines outline best practices to encourage farmers to consider alternatives to building new, separate permanent dwellings for farm help such as:

- a second dwelling unit within an existing building on the farm (i.e. internal SDU);
- An existing dwelling on a parcel of land that is part of the extended farm operation, or located in a nearby settlement area or rural lot; or
- A temporary structure or other portable dwelling unit.

To assist local public health and other agencies in assessing the housing suitability for both domestic and foreign farm workers, Seasonal Farm Worker Housing Guidelines have been developed by Foreign Agricultural Resource Management Service (F.A.R.M.S)⁸. The latest revision of the guidelines were published in 2010. The guidelines contain minimum construction standards, sewage disposal, occupancy calculations, water supply and food handling requirements intended as baseline requirements for seasonal farm worker housing. These guidelines outline housing requirements for migrant workers from a health and safety perspective rather than a land use perspective.

The authority to regulate the construction of farm labour housing remains primarily under municipal jurisdiction through implementation of Official Plan policies, Zoning By-law provisions and Ontario Building Code standards via building permit. Other government authorities and agencies that play a role in the oversight of FLRs include, but not limited to: Ministry of Municipal Affairs and Housing, Ontario Fire Marshal's Office, Ontario Ministry of Agriculture, Human Resources and Skills Development Canada, Foreign Agricultural Resource Management Services (F.A.R.M.S.).



⁷ <http://www.omafra.gov.on.ca/english/landuse/facts/permitteduseguide.pdf>

⁸ [Seasonal-Workers-Housing-Guidelines-April-8-2010.pdf](http://www.farmsontario.ca/Seasonal-Workers-Housing-Guidelines-April-8-2010.pdf) (farmsontario.ca)



2.4 Rural Hamilton Official Plan

The Rural Hamilton Official Plan (RHOP) provides policy direction for FLRs planned within the rural area. The RHOP requires the following conditions to permit a FLR:

Policy D 2.1.1.6 A farm labour residence may be permitted on the same lot as the primary farm use provided all the following conditions are met:

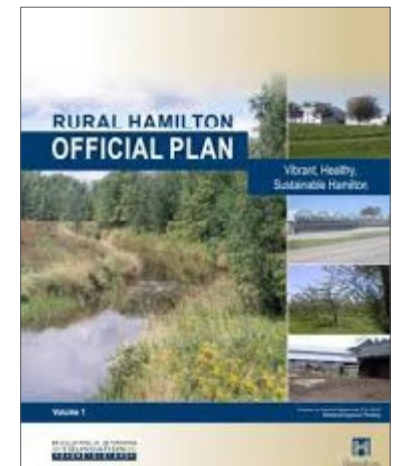
- a) *The size and nature of the farm operation requires additional on-site employment for regular and extended periods of time in the annual production process such that additional accommodation is required for the viability and effective operation of the farm, as shown in a justification report deemed acceptable by the City;*
- b) *A maximum of one farm labour residence may be permitted without an amendment to the Zoning By-Law, in the form of an accessory apartment attached to and forming part of the principal farm residence, or an accessory detached temporary dwelling, such as a mobile home or bunk house provided:*
 - i) *The second unit shall be serviced by the same private sewer and water systems used by the principal farm residence and be in accordance with Section C.5.1, Sustainable Private Water and Wastewater Services policies of this Plan.*
 - ii) *Where a temporary dwelling is used as a farm labour residence, the owner shall remove the temporary dwelling from the subject farm if, in the opinion of the City, it is no longer required or used as a farm labour residence.*

Policy D 2.1.1.7 The severance of a lot for a farm labour residence shall not be permitted.

The origins of the City's FLR policies were to presumably maintain and promote the right-to-farm throughout Rural Hamilton, and among other goals to discourage rural farm severances and fragmentation of agricultural land such as additional dwellings for farm labour accommodation. The RHOP came into effect on March 7, 2012, which introduced the foundation of FLR policies that are currently implemented by City staff. The FLR policies have evolved overtime through two separate RHOP housekeeping amendments over the years. Implementation of Rural Zoning was adopted by Council in July 2015 and came into effect on May 2016, which introduced agricultural use policies, and among others requiring a maximum of one farm FLR per lot.

Information on how the City of Hamilton processes applications for new FLRs, including the justification required for the additional on-site accommodation, is summarized in section 3.0.

Appendix A provides an excerpt of the applicable Rural Hamilton Official Plan policies relating to FLRs."



2.5 Zoning By-law 05-200

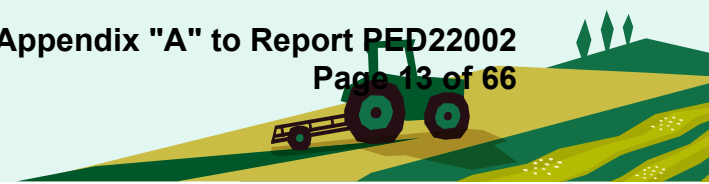
In 2015, the City approved new rural zoning for the City of Hamilton. The zoning regulations implement policies of the RHOP. Zoning By-law No. 05-200 defines and regulates Farm Labour Residences, which are permitted within the Agriculture (A1), Rural (A2) and Extractive Industrial (M12) Zones. Zoning By-law 05-200 provides a definition for Farm Labour Residence to mean:

“accommodation for full-time farm labour where the size and nature of the farm operation requires additional employment”.

FLRs are subject to the following Zoning By-law regulations (see Sections 9.12.3.1 j), 12.1.3.1 j), 12.2.3.1 j) of Zoning By-law 05-200:

- j) Farm Labour Residence By-law
 - i) A maximum of one Farm Labour Residence shall be permitted on a lot;
 - ii) Where a Farm Labour Residence is in the form of a temporary detached dwelling or temporary bunk house, the following regulations shall apply:
 1. Shall be located within 30 metres of the farm Dwelling;
 2. Shall have a maximum building height of 10.5 metres;
 3. Shall utilize the existing driveway access to the farm Dwelling;
 4. Any temporary detached dwelling shall have a minimum floor area of 65.06 square metres, and a maximum floor area of 116.2 square metres;
 5. Any temporary bunk house shall have a minimum gross floor area of 65.06 square metres or 8.36 square metres per resident, whichever is greater.

Appendix B provides an excerpt of the applicable zoning provisions in Zoning By-law 05-200 relating to FLRs.



2.6 Best Practices from Canadian Municipalities

A scan of best practices in other municipalities was undertaken. Appendix C provides an overview of Official Plan policies and zoning regulations relating to FLR from various municipalities. It is noted that British Columbia municipalities contain a more robust Provincial policy-led system direction specifically for farm help accommodations compared to Ontario.

The following commonalities were identified based on the review of regulations and policies of best practices in other municipalities:

- Temporary FLRs must be on the same lot or farm site as the primary farm dwelling.
- Farm Labour Housing is of temporary construction and removed when no longer required for agricultural production.
- Adequate private waste disposal system and adequate water supply are required (no specific standards that system must be shared with primary residence).
- Maximum number of workers per farm operation ranging from 40 workers per farm and up to 130 workers for greenhouse operations.
- Bunkhouses and mobile homes are encouraged to locate in proximity to the farm building but may be permitted on a separate lot that forms part of the farm operation.

Planning staff have identified the following consistencies in approaches across the reviewed municipalities:

- provisions for a maximum of one FLR on the same lot as the principal dwelling;
- temporary construction;
- general provisions that farm help houses have adequate servicing.

The respective Official Plan and zoning regulations for the City of Ottawa, Town of Lincoln and Municipality of Leamington are examples (in Southern Ontario) where more than one FLR is permitted per farm site where the size and nature of the farm operation is justified.

In Ontario, the maximum number of occupants within a FLR is not commonly regulated across the reviewed municipalities, with the exception of Norfolk County where a maximum number of six (6) bedrooms within a bunk house or mobile home is permitted.

In British Columbia, several of municipalities permit a maximum of 40 workers per farm operation under their respective Zoning By-laws (e.g. City of Delta, Langley Township, and Pitt Meadows). Where a maximum GFA and permissions for additional farm help houses are established by municipalities, Planning staff have identified increased GFA permissions for larger farm parcels. For example, The City of Abbotsford permits an exception from the required 200m² maximum GFA up to a maximum 300m² for farm operations larger than 40 hectares in size (berry and vegetable farm operations only). Additionally, the City of Pitt Meadows and City of Delta respectively, permit a maximum 180m² GFA on a lot less than hectares and 233m² if a FLR located on a lot greater than 8 hectares.



The City of St. Catherine's and City of Ottawa regulate a minimum parcel area within their Zoning By-laws specifically for farm help houses – the minimum parcel size does not change based on the number or GFA of the proposed FLR.

The recommended alternatives for consideration (section 4.0) in this discussion paper have drawn from examples implemented in other municipalities.

British Columbia's Ministry of Agriculture (MOA) "Draft Criteria for Determining the Need for an Additional Dwelling for a Farm Employee (ADFE)" was prepared in 2010. The ADFE draft document sets out minimum levels of operation for agricultural uses to establish an objective and consistent assessment for farm help housing need. Table 1 below summarizes eligibility criteria from the ADFE draft document for the development of additional farm help dwellings:

Table 1 – Additional Dwelling for a Farm Employee Criteria

# of Dwelling(s)	Less than 40 ha lot = 1 ADFE per lot Grater than 40 ha lot = 2 ADFE per lot
Dwelling Size	Maximum 150m ² footprint
Dwelling Location	<p>ADFE must be:</p> <ul style="list-style-type: none"> • On the same lot as principal dwelling • Separate from principal dwelling • Less than 15m from the principal dwelling • Within a farm home plate of 60m x 60m maximum <p>Notes:</p> <ol style="list-style-type: none"> 1.A farm home plate could be defined as the site area of an ADFE plus the associated farm residential facilities. 2.A farm home plate must be contained within a contiguous area no greater than 3,600m² including those portions of existing farmhouses and their associated ancillary farm residences that are located more than 60m from the front, interior, rear or exterior property lines.

3.0 CITY OF HAMILTON REVIEW OF FARM HELP HOUSE APPLICATIONS AND ANALYSIS OF ISSUES

A farm operator proposing to construct a FLR in Rural Hamilton must complete a request form for a Farm Help House (FHH) application and submit a detailed sketch to Development Planning, Heritage and Design staff (see Appendix D). The request form and supporting submission materials are reviewed by Development Planning staff and then circulated to various City departments and agencies. The applicant's submission is evaluated based on justification on the size and nature of the farm operation requiring additional employment and satisfying all RHOP policies and zoning regulations. A favourable decision allows the farm operator to submit a Building Permit for the proposed development. In some circumstances, the FLR is proposed in combination with a Site Plan application, where the FLR proposal will be reviewed by Planning staff concurrent to the Site Plan submission.

Planning staff have identified eight (11) FHH and formal consultation applications received between 2015 and 2021. This figure is not an inclusive list as Farm Labour Residence proposals may form part of a larger Site Plan application (i.e. greenhouses additions) and therefore assessed as part of the overall development and not required to go through the FHH application process. Planning staff reviewed a sample of FHH applications to evaluate patterns, common issues and minor variance requests to assess potential gaps in RHOP policies and zoning regulations. The review of FFH applications have revealed the following:

- Proposed increases to the maximum floor area ranging between 139.5 m² to 513m²;
- Multiple FLRs proposed on a lot (e.g. 3 units contained within a building);
- FLRs as permanent structures;
- Conversion of an existing single detached dwelling to a FLR and construction of a new primary residence; and
- Request to locate a FLR more than 30m from the principal dwelling.

The above noted requests were prevalent among greenhouse operations, where the scale, intensity, and year-round operations demand higher volumes of labour to support agricultural operations and in turn require a greater need for housing accommodations for farm help. It is important to recognize that several of the FFH applications were not realized by the applicant due to inability to meet RHOP policies and zoning regulations.



4.0 RECOMMENDED ALTERNATIVES FOR CONSIDERATION

This section explores key issues related to FLR and identifies alternatives for further consideration and consultation.

ISSUE 1 – NUMBER OF FLRS PER LOT

Alternative for Consideration 1: Status quo – Maximum of one FLR per lot.

This alternative for consideration is in keeping with the City's current policies and regulations. Historically, City staff have approached the current policies and regulations strictly, where proposals requesting more than one FLR are refused due to non-compliance with RHOP policy D 2.1.1.6.

- **Advantages:** Keeping the status quo would maintain alignment with best practices outlined under the OMAFRA's Guidelines for Permitted Uses in Ontario's Prime Agricultural Areas, where farmers are encouraged to consider alternatives to building new, separate permanent dwellings for farm help.
- **Disadvantages:** Agricultural producers have expressed a need to accommodate farm labourers on-site, therefore the status quo may be perceived as the City's unwillingness to take a forward-looking approach and lacking a response to the changing needs of the agricultural sector for flexible farm help housing accommodations. The policy and zoning interpretation of one FLR per lot provides challenges for City staff to permit apartment styled accommodations or pod- configurations that contain divided spaces to serve farm labourers.

Alternative for Consideration 2: As-of-right permission for more than one FLR per farm site in the form of a temporary detached structure up to a 420 m² maximum aggregate gross floor area (GFA).

Planning staff's scan of other municipal jurisdictions have identified that one FLR per lot (in addition to the primary residence) is a common requirement across many of the Official Plans policies and Zoning By-law regulations reviewed. The City of Ottawa, Town of Lincoln and Municipality of Leamington (but not limited to) are a few examples where more than one FLR is permitted per lot. Planning staff's review of British Columbia municipalities have identified as-of-right permissions for up to two FLRs per lot with GFA ranges between 200m² to 420m² within their respective zoning regulations.



A maximum GFA for FLRs is not a common regulation across the Ontario municipalities reviewed under this discussion paper. Planning staff have recommended a maximum aggregate GFA of 420m² by establishing a calculation based on a farm labourer occupancy rate, minimum space guidelines and a contingency factor (see illustration on **Figure 1**). The Southwestern Public Health Unit (comprised of Oxford County, Elgin County and the City of St. Thomas) have published *Housing Guidelines for Seasonal Farm Workers*⁹. This guideline document provides a maximum occupancy rate of one person per 7.44m² for sleeping facilities. The 7.44m²/person ratio is reinforced across other provincial jurisdictions where the *Guidelines for the Provision of Seasonal Housing for Farm Workers in BC*¹⁰ recommends the same.

It is important to recognize that the 7.44m² occupancy rate is centered on sleeping facilities for seasonal farm help housing and excludes other living spaces such as kitchens, washroom facilities and common amenity spaces necessary to support a quality living environment. The calculation that arrives to the 420m² aggregate gross floor area also incorporates minimum space requirements under the Part 9 of the Ontario Building Code and typical room sizes.

Planning staff have used the farm labourer maximum of 40 persons for purposes of GFA calculation. The 40 farm workers maximum was established through a comparative review of zoning regulations from various municipalities in British Columbia¹¹. Due to administrative complexities, Planning staff are not recommending setting a maximum occupancy for FLRs under the Zoning By-law.

Figure 1

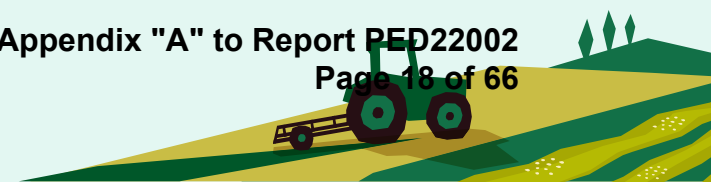


- **Advantages:** Supports the “right-to-farm” concept to reinforce FLRs as a key component to facilitate agricultural production. This alternative for consideration would facilitate more than one FLR per site but would restrict the GFA to a maximum size FLR cluster rather than the number of FLRs itself. A maximum GFA is a flexible tool to control the built form to achieve a cluster of temporary structures and discourage separate FLRs that could be interpreted as independent residences. The maximum aggregate GFA approach places focus on the collective size of a FLR grouping opposed to a strict requirement on a specific number of FLRs permitted on a lot.

⁹ <https://www.swpublichealth.ca/en/community-health/resources/Environmental-Health/Seasonal-Housing/GUID-Seasonal-Farm-Worker-Housing-Guidelines.pdf>

¹⁰ <http://www.ramaokanagan.org/wp-content/uploads/2015/03/BC-SAWP-Seasonal-Housing-Guidelines-12-05-Final.pdf>

¹¹ https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/agriculture-and-seafood/agricultural-land-and-environment/strengthening-farming/local-government-bylaw-standards/800221-1_temp_farm_worker_housing_mar09.pdf



- **Disadvantages:** Increasing the intensity of FLRs on the site may result in further fragmentation of the agricultural land base. This alternative for consideration may encourage an undesirable concentration of farm labour housing that could be used for rentals by non-farmers. Farm operators may be challenged with providing on-site servicing for all uses connected to the same private system.

Alternative for Consideration 3: Permit up to a maximum of three (3) FLRs per lot – where more than one FLR is required, the second and third temporary dwelling take the form of a mobile home. This alternative for consideration maintains the current maximum 116.2m² GFA for a FLR under Zoning By-law 05-200.

This alternative for consideration would support a proponent-driven approach to regulate the number of FLRs per lot rather than restricting to a maximum of one temporary dwelling or an aggregate temporary dwelling size as presented in Alternative for Consideration 2 of this discussion paper. This standard is currently implemented within the City of Ottawa's Official Plan policy where:

Accommodation for full-time farm labour may be located on the same lot as the farmhouse and should preferably take the form of a mobile home as defined in the zoning by-law, so that it can be removed once the farm help is no longer required. If more than one farm-help dwelling is required, the second and subsequent dwelling(s) must be mobile homes (Official Plan 2003-203, Section 3.7.3. – Agricultural Resources).

The City of Ottawa's Official Plan Agricultural Resource policies (Section 3.7.3.6) requires that the first FLR may comprise of a temporary detached dwelling, but any subsequent dwellings (second and third) must comprise of a mobile home. In the City of Hamilton's case, bunkhouses and mobile homes are considered as temporary structures, therefore it is recommended the City create a distinction between the two built forms if Alternative for Consideration 3 is considered.

- **Advantages:** From a policy and zoning regulation implementation perspective, this alternative for consideration provides clear direction and transparency to industry on the number of FLRs permitted on a lot. Additionally, the increased intensity of FLRs may support housing choice for farm labourers and address the growing demand for farm help accommodation for expanding agricultural operations.
- **Disadvantages:** This alternative for consideration assumes the current 116.2 m² gross floor maximum under Zoning By-law 05-200 is maintained in the zoning regulations. This alternative presents opportunities for additional FLRs per lot but does not specifically address the individual size of the FLR itself, where the current 116.2m² maximum FLR size (under Zoning By-law 05-200) was expressed by industry as being too small for suitable farm help accommodations. To ensure consumption of the agricultural land base is minimized, planning staff will be required to further explore an appropriate temporary dwelling size if a maximum of three FLRs are permitted on a lot.

Increasing the intensity of FLRs on the site may result in further fragmentation of the agricultural land base. This alternative for consideration may encourage an undesirable concentration of farm labour housing that could be used for rentals by non-farmers. Farm operators may be challenged with providing on-site servicing for a farm labour residence, primary residence and/or agricultural operation connected to the same private system.

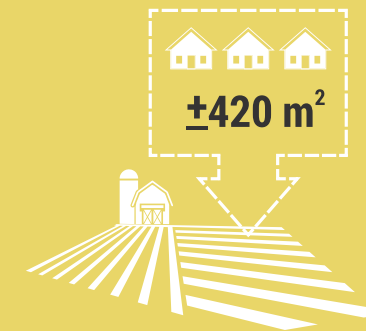


PRELIMINARY RECOMMENDATION:

Alternative for Consideration 2: As-of-right permission for more than one FLR per farm site but must take the form of temporary detached structure up to a 420m² maximum aggregate building floor area. This figure is planning staff's preliminary recommendation and may change based on the outcomes of stakeholder consultation.

The maximum aggregate floor area would be established by totaling the maximum GFA per FLR cluster. Additionally, the *Housing Guidelines for Seasonal Farm Workers*¹² recommends that detached multiple dwellings (trailers, portables) have 10m spacing between each. Planning staff recommends establishing a Zoning By-law provision for minimum separation between temporary detached dwellings classified as FLRs.

Farm Labour Residence Maximum Gross Floor Area



Based on the review of Zoning By-laws of other municipalities, the City of Ottawa is an Ontario example where its Official Plan policies and zoning regulations permit more than one FLR (if justified), provided that the second and subsequent dwellings are mobile homes. Additionally, the City of Ottawa's Official Plan may require the farmer to enter into an agreement with the City to ensure the mobile homes are removed once no longer required. The City of Hamilton may consider a similar agreement mechanism to ensure the FLRs remain temporary. The City of Ottawa's draft "New Official Plan" contains high-level policy direction and its Zoning By-law permits multiple farm help houses.

Planning staff recommend as-of-right permissions for more than one FLR to include temporary detached structures, mobile homes or bunk houses on a farm site. The industry has now evolved where farm operations have expanded, which require increased labour needs to support production demands.

Alternative for Consideration 2 allows for a flexible approach for agricultural operators with managing their resources to respond to food production demands in highly variable conditions and competitive markets. The maximum aggregate building floor area can be established through Planning staff's further review of the zoning performance standards.

¹² <https://www.swpublichealth.ca/en/community-health/resources/Environmental-Health/Seasonal-Housing/GUID-Seasonal-Farm-Worker-Housing-Guidelines.pdf>

ISSUE 2 – INCREASE THE MAXIMUM GROSS FLOOR AREA (GFA) FOR AN INDIVIDUAL FLR

Zoning By-law 05-200 currently permits a maximum floor area of 116.2 m² (1250.76 ft²) for a FLR in the form of a temporary detached structure. There is not currently a maximum floor area for a bunkhouse. The review of past and current FFH applications has revealed that the 116.2m² maximum floor area is proven to be small. For example, three FFH applications reviewed under this discussion paper demonstrate proposed FLR sizes between 139m² to 513m² necessary to support a greenhouse and Agri-tourism uses, respectively.

Alternative for Consideration 1: Status Quo

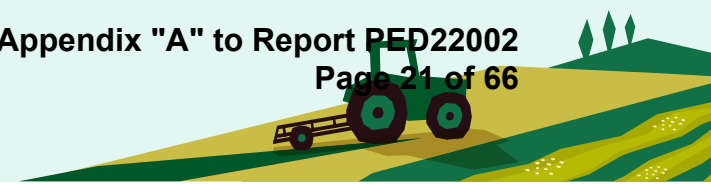
- **Advantages:** The current 116.2m² maximum GFA achieves the objective that FLRs are ancillary to the agricultural use and accessory to the principal dwelling. This requirement retains the principal dwelling as the dominant housing form on an agricultural parcel.
- **Disadvantages:** Three separate FFH applications have proposed FLRs that exceeded the maximum 116.2m² GFA, which demonstrates a need for increased space requirements for farm help housing accommodations. A smaller FLR footprint may limit the amount of amenity areas to support multiple labourers and pose potential quality of life concerns.

Alternative for Consideration 2: Increased Maximum GFA to 200m² for an individual temporary detached structure

Zoning By-law 05-200 currently permits a maximum GFA of 116.2 m² for temporary detached structures, while a temporary bunk house requires a minimum 65.06m² or 8.36m² per resident, which ever is greater. Planning staff's scan of other municipalities have identified that some municipalities regulate the maximum number of farm labourers via occupancy or number of bedrooms rather than GFA. Regulating maximum occupants through a direct measure may be too restrictive, and is not recommended to be explored further.

Based on the reviewed municipalities, a maximum GFA of 200m² is recommended as an acceptable FLR size. Planning staff's research did not identify a large cross-section of Ontario municipalities that have implemented a maximum GFA for a FLR. An exception is the Town of Niagara-on-the-Lake, where a 280m² maximum GFA is required for a farm help house that contains no primary residence. Additionally, the Municipality of Leamington requires a maximum of 2.5 labourers per 0.5 ha of greenhouses, however a maximum GFA for farm help dwellings is not stipulated in their Zoning By-law. Planning staff's review of British Columbia municipalities have identified maximum floor areas ranging from 200m² to 420m² for FLRs within the zoning regulations.

- **Advantages:** The increased GFA may support the farm operation expansion and reduce potential overcrowding within farm housing accommodations and facilitate quality housing accommodations.
- **Disadvantages:** Increasing the size of FLRs on a site may result in further fragmentation of the agricultural land base. Staff note that if the City considers multiple FLRs per lot, the maximum GFA should be revisited to ensure the scale and visual impact of multiple FLRs are minimized.



Alternative for Consideration 3: Eliminate Maximum GFA Requirement for FLR

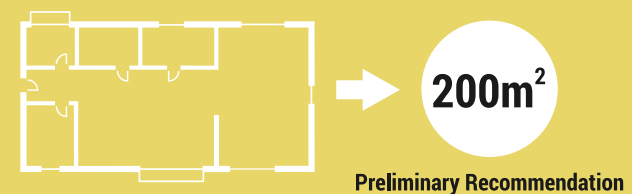
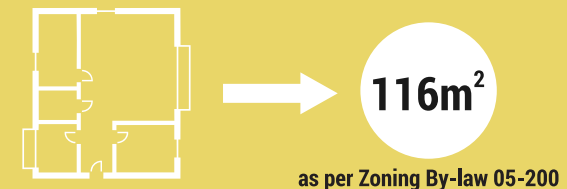
Planning staff's scan of other municipal jurisdictions in Ontario have identified that the FLR maximum floor area is rarely regulated under the respective Zoning By-laws. The Town of Niagara-on-the-Lake requires that the farm help accommodation building must not exceed the main farm building, and in the case of no main farm building than the floor area shall not exceed 280m².

- Advantages:** Removal of the maximum GFA allows for a proponent-based approach where the size of the FLR would be driven by justification provided by the applicant. Conversely, planning staff may utilize the maximum lot coverage provision to regulate the unit size if multiple FLRs are proposed on a lot. From a GFA perspective, a FLR would be permitted provided that the applicant meets the maximum lot coverage requirements and minimum space standards under the Ontario Building Code. The GFA for a proposed FLR would be at the discretion of Planning staff at the application review stage. Further, eliminating the maximize GFA would be supportive of farm operator accommodation needs by permitting larger spaces with potentially multiple bedrooms and shared living facilities. This alternative for consideration would support a proponent-driven approach to regulate the number of FLRs rather than restricting the temporary dwelling size.
- Disadvantages:** Development Planning, Heritage and Design staff may be challenged in maintaining consistency in their review of FFH applications if a maximum size is not established. Planning staff recognizes greenhouse operators have expressed a need for multiple FLRs, therefore an increase to the maximum GFA would not fully achieve that outcome.

PRELIMINARY RECOMMENDATION:

Alternative for Consideration 2: Increased Maximum GFA to 200m² for individual temporary detached structures (i.e. mobile homes and bunkhouses)

Increasing the maximum GFA would bring the City's current zoning regulations in alignment with comparable municipalities. **Appendix C** provides a comparison of FLR size requirements across other Canadian municipalities.





ISSUE 3 – FLR BUILT FORM

Agricultural producers, specifically greenhouse operators, have expressed a need to accommodate farm help within permanent structures. Currently, the RHOP policies and zoning regulations define FLRs as temporary construction. As per the Ontario Building Code (OBC), Building staff have interpreted permanent construction to mean a dwelling containing a foundation comprised of a block or a concrete wall with supporting footings that extends 1.2m below grade. Additionally, the OBC has provisions for Site Assembled and Factory-Built Buildings that could be referred as a mobile home. These types of factory-built buildings are constructed in conformance with an approved Canadian Standards Association (CSA) Standard CSA Z240.2.1, "Structural Requirements for Manufactured Homes" (if constructed in sections not wider than 4.88 m).

Building staff currently review each FLR Building Permit application on an individual basis to assess if the structure may be deemed temporary construction. For the case of factory-built structures, if the foundation proposed for the mobile home complied with the CSA standard than it would be deemed temporary construction.

Additionally, Zoning By-law 05-200 currently requires that a FLR must be located 30 metres from the farm dwelling and shall utilize the existing driveway access to the farm dwelling. By virtue of the aforementioned zoning provisions, a single detached dwelling (primary residence) must be present on a property to permit a FLR. Planning staff have identified two development applications where a FLR was proposed on a farm parcel within an existing single detached dwelling. Planning staff should consider flexible language in the Zoning By-law to avoid inadvertently limiting FLR development where a primary residence does not exist on a property.

Alternative for Consideration 1: Temporary Construction Only (Status Quo)

- **Advantages:** Maintains the goals of the RHOP to preserve and enhance prime agricultural areas and specialty crop areas for farming. Proposals contrary to current RHOP policies and zoning regulations may be supported by Planning staff via amendment to the City planning documents and establishment of site-specific provisions.
- **Disadvantages:** This alternative for consideration does not adapt to the evolving needs of the agricultural industry for additional farm labour housing accommodations to support growing operation demands.



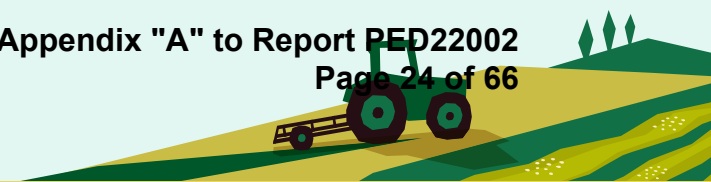
Alternative for Consideration 2: Permanent FLR permitted for Greenhouse Facilities Only

- **Advantages:** Greenhouses operate year-round and involve more intensified growing processes, therefore permitting permanent FLR structures would be supportive of the production demands required for this specialized industry. Greenhouses often require supervision or attention to commodities throughout 24-hour durations and year-round. Additionally, RHOP Policy D 2.1.1.3 requires that farm greenhouses are subject to Site Plan approval, therefore Development Planning, Heritage and Design staff have a mechanism to address building placement, private servicing and other development factors.
- **Disadvantages:** Permanent structures may deter the agricultural viability and future soil productivity of the lands. A continued best practise is to permit FLRs as temporary detached structures such as mobile homes or bunk houses that can be removed once no longer required for farm help. As-of-right permissions for permanent structure may establish an inherit bias towards greenhouse operators, where other agricultural producers will not benefit from these new permissions.

Alternative for Consideration 3: As-of-right Permanent FLR

- **Advantages:** This alternative for consideration would “level the playing field” to expand as-of-right permissions for all agricultural producers rather than specific to greenhouse operators.
- **Disadvantages:** Permitting FLRs as permanent structures would be contrary to principles of permitted uses outlined under the OMAFARA Guidelines, where agricultural and rural character and heritage should be maintained as much as possible.

A common practise within other municipalities is to permit FLRs as temporary detached structures, mobile homes or bunk houses that can be removed once no longer required for farm help. From a temporary housing accommodation perspective, there is limited justification that permanent structures yield a greater benefit based on the trade-off of agricultural land loss.

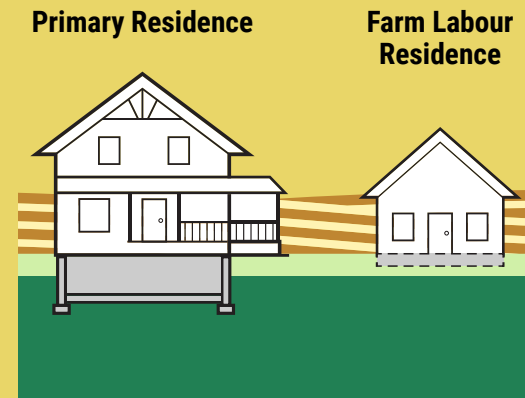


PRELIMINARY RECOMMENDATION:

Alternative for Consideration 1: Temporary Construction Only (Status Quo)

FLRs are intended to be temporary structures, which maintain consistency with common practices among the municipalities reviewed under this discussion paper. The recommended alternative for consideration for increased GFA and multiple FLRs per lot aim to support farm help housing accommodations above and beyond the City's current RHOP policies and zoning regulations and should be viewed as more suitable alternatives to enhance the City's current FLR policies and zoning regulations.

As per the City's Site Plan Control By-law 15-176, agriculture buildings and structures are exempt from site plan control provisions with the exception of commercial and agricultural greenhouses. Planning staff consider the current RHOP policies and zoning provisions are sufficient to enforce FLRs as temporary accommodations and do not recommend FLRs being subject site plan control. Planning staff are in the opinion that the forthcoming SDU permissions in the rural area will alleviate pressures and/or risks of FLRs being used as permanent dwellings. In the future, Planning staff may explore separate site plan control mechanisms (i.e. agreements/securities) with Committee direction following any future policy and zoning regulations changes adopted into the RHOP and Zoning By-law 05-200.



ISSUE 4 –SERVICING

Planning staff have consulted with Source Water Protection (Hamilton Water) staff to consider alternatives for consideration related to separate private services for FLRs. RHOP policy D 2.1.1.6 requires that a FLR is serviced by the same private sewer and water systems used by the principal farm residence and be in accordance with Section C.5.1, Private Water and Wastewater Services policies of the RHOP. Planning staff recognizes proponents are challenged with meeting this requirement where a shared system could be compromised due to higher usage anticipated from FLR development.

Planning staff's review of servicing requirements has identified that some municipalities include servicing provisions within general provisions of their zoning by-law. Generally, many of the municipalities stipulate that a site can accommodate a water supply system and is serviced by an on-site sewage system designed and installed in accordance to the Ontario Building Code (OBC) and/or satisfaction to the appropriate approval authority.



Below is a summary of typical servicing conditions that City staff would impose on proposed FLR:

- Private wastewater services, proponent to demonstrate that the proposed septic system can accommodate use as per the requirement of the Building Code;
- Proposals resulting in increased water demand, the proponent is reminded that if water demand exceeds 50,000 L/day from all water takings on site, a Permit to Take Water from the Ministry of Environment, Conservation, and Parks (MOECP) would be required;
- Any new on-site wastewater treatment systems are required to complete a test-pit investigation in the areas where the leaching beds will be located; and,
- The proponent shall demonstrate that the MOECP has been or will be notified of an amendment to their Environmental Compliance Approval, if a proposed farm labour residence that may contribute to a larger daily design sanitary sewage flow.

Existing FLR policies within the RHOP mandate that servicing is shared between the principal residence and FLR. Historically, this policy is in place to discourage severance and fragmentation of agricultural land and to encourage building within a farm cluster. It is in the opinion of Planning staff and Hamilton Water staff that a FLR should be permitted irrespective of a shared versus separate private servicing provided that policies under Section C.5.1, Sustainable Private Water and Wastewater Services are satisfied. RHOP policy D 2.1.1.7 currently prohibits severance of a lot for a farm labour residence, it can be interpreted that a shared servicing policy is indirectly implied through the intent of policy D 2.1.1.7.

Regardless of a separate or shared private septic system proposed on-site, the total design sewage flows on-site must not exceed a threshold of 10,000 L/day required under the Part 8 of the OBC. The OBC regulates a daily design sewage flow of 250 L/day per each work camp/construction camp and/or semi-permanent worker – a farm labourer is classified under this category for purposes of the capacity threshold calculation. It should be recognized that a FLR and principal residence must satisfy the 10,000 L/day threshold. If a FLR development proposes a number of employees above the OBC requirements, the farm owner will be required to provide an acceptable Wastewater Environment Compliance Approval (ECA) from the Ministry of Environment, Conservation, and Parks. Table 2 illustrates the maximum amount of farm labourers permitted based on the OBC requirements.



Table 2 illustrates the maximum amount of farm labourers permitted based on the OBC requirements.

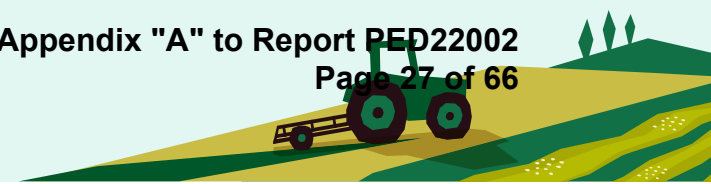
Table 2

Residential Occupancy	Daily Design Sewage Flow (L/day)	Number of Occupants	Combined On-Site Daily Design Sewage Flow
Primary Residence	1600-3500 ¹	Varies	10,000 L/day
Work Camp/Construction Camp, semi-permanent per worker	200-250	25-42	

Note: ¹ The average daily sewage flow is estimated to range from 1600-3500 L/day for a typical principal residence (Source: Hamilton Source Water Protection).

Alternative for Consideration 1: Shared Private Servicing (Status Quo)

- **Advantages:** From an infrastructure efficiency and cost savings perspective, a shared water supply well could be beneficial provided that the production of the aquifer and well are able to support the new demands from farm labour employees. Sharing services also results in the FLR being located in proximity to the existing farm dwelling, thereby maintaining a farm cluster and reducing agricultural land fragmentation.
- **Disadvantages:** The capacity of an existing septic system will likely be inadequate if a large FLR is proposed. The farm owner would be required to supply a larger septic system to accommodate all on-site sewage flows. Functionality of the septic system could be compromised if it is oversized during the winter months when wastewater discharges are considerably lower compared to the growing season when farm labour employees are on-site. A combined sewage system could potentially direct more sewage from an FLR into the location of the septic system of the primary residence, therefore posing increased groundwater quality risks to this water supply well.



Alternative for Consideration 2: Separate Private Servicing

- **Advantages:** The alternative for consideration of separated systems allows for added flexibility for the farm owner to make operational decisions based on site planning and associated cost-benefits factors. Septic systems and water supply wells separated by large distances could lower public health / groundwater quality risks.
- **Disadvantages:** Added costs to agricultural operators and extended approval timelines required to satisfy City and Ministry requirements.

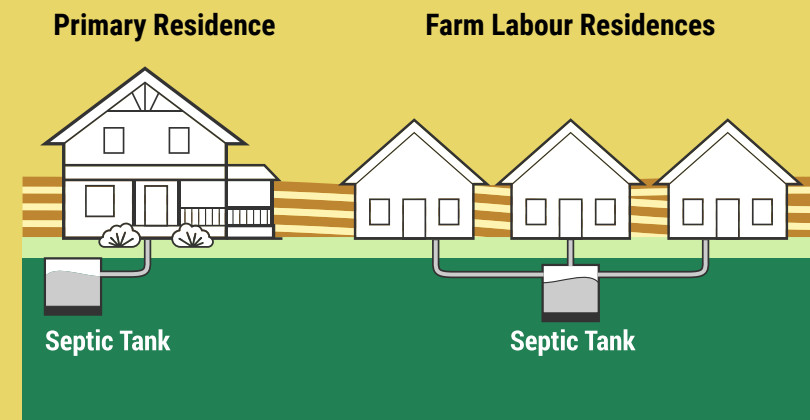
PRELIMINARY RECOMMENDATION:

Alternative for Consideration 2: Separate Private Servicing

Planning staff in consultation with Hamilton Water staff recommends that the following RHOP Policy D 2.1.1.6 b) i) be deleted:

"The second unit shall be serviced by the same private sewer and water systems used by the principal farm residence and be in accordance with Section C.5.1, Sustainable Private Water and Wastewater Services policies of this Plan"

It is in the opinion of City staff that the shared servicing policy is prohibitive in achieving flexible alternatives for agricultural producers to develop FLRs. From a planning policy and zoning regulation perspective, a shared private service would not be required as-of-right, but this does not preclude an owner from implementing a shared system on their property.





ISSUE 5 – AMENDMENT TO ENSURE COMPATIBILITY WITH SDU CHANGES

City Council has recently adopted a series of technical changes to Zoning By-law 05-200 relating to Farm Labour Residences that were approved by City Council on May 12th, 2021. The intended purpose was to eliminate inconsistencies and overlaps with the Farm Labour Residence definition and regulations that have occurred as a result of adding a Secondary Dwelling Unit definition to Zoning By-law 05-200. The amending By-law is outlined in **Appendix E**. Planning staff intends to recommend a separate set of Official Plan / Zoning By-law regulations for rural detached SDUs sometime in 2022. The following are considerations that will need to be assessed to ensure compatibility with any forthcoming changes for rural SDUs:

i. Accessory Apartments

Currently, RHOP policy D 2.1.1.6 a), references “accessory apartments attached to the principal farm residence dwelling or accessory detached temporary dwellings” as permitted FLR forms. Planning staff recommends the policy reference to accessory apartments within the definition of Farm Labour Residence is removed to provide a clear distinction between the built forms of a FLR versus an SDU. An accessory apartment attached to the principal dwelling is more appropriately classified as an internal SDU based on the current definitions provided under Zoning By-law 05-200. Generally, the FLR RHOP policy should reference temporary detached structures as a permitted use to be consistent with Zoning By-law 05-200 and the FLR definition provided in the RHOP glossary.

Irrespective of the policy review outcomes recommended under this discussion paper, an RHOP amendment to remove accessory apartment references from the definition of FLR would be considered minor (i.e. housekeeping amendments) to allow consistency between policy interpretation of internal SDUs and FLRs.

ii. Detached SDUs where an approved FLR exists

The City’s objective is to mitigate the number of dwellings on lands intended for agricultural production. A detached SDU, if permitted in the rural area, would be a permanent structure accessory to the principal dwelling. Therefore, should the City bring forward future regulations permitting detached SDUs in the rural area, consideration will need to be given to restricting the development of a detached SDU and a FLR on the same property, to ensure that impacts related to servicing, agricultural land protection and other issues are addressed. This analysis cannot take place until the City has completed the servicing study in the rural area related to permissions for detached SDUs.

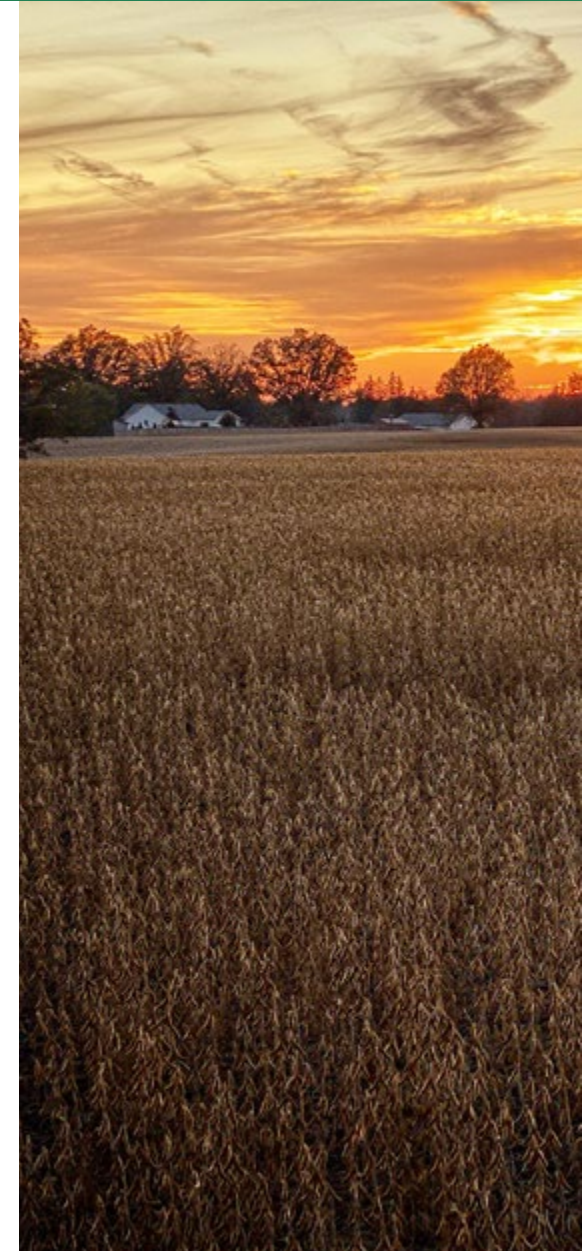
5.0 NEXT STEPS

This section explores key issues related to FLR and identifies alternatives for further consideration and consultation.

The alternatives for consideration recommended under this discussion paper will be distributed to the Ontario Federation of Agriculture and other local agriculture industry stakeholder for feedback. Further, the discussion paper will be presented to the City's Agricultural and Rural Affairs Committee prior to returning for Planning Committee to recommend necessary changes to the RHOP and Zoning By-law 05-200.

Appendices

- Appendix A – Rural Hamilton Official Plan Policies for Farm Labour Residences
- Appendix B – Zoning By-law 05-200 Provisions for Farm Labour Residences
- Appendix C – Municipal Policy and Zoning By-law Comparisons
- Appendix D – Farm Labour Residence Request Form
- Appendix E – Amending By-law No 21-071 (SDUs in the Urban and Rural Areas)



Chapter D – Rural Systems, Designations and Resources

- c) The testing, packaging, and shipping of cannabis shall be accessory to the *cannabis production growing and harvesting facility*;
- d) An appropriate setback between a *cannabis production growing and harvesting facility* and a sensitive land use shall be established in the Zoning By-law;
- e) No retail sales are permitted;
- f) No outdoor storage is permitted; and
- g) In accordance with Section F.1.19 – Complete Application Requirements and Formal Consultation, the following studies shall be submitted as part of an official plan amendment, zoning by-law amendment and site plan applications:
 - i) Odour and Dust Impact Assessment;
 - ii) Light Impact Assessment;
 - iii) Transportation Impact Study;
 - iv) Hydrogeological studies; and,
 - v) any other appropriate studies, identified as part of the complete application and formal consultation process; and,
- h) The establishment of a new *cannabis production growing and harvesting facility* or the expansion of an existing facility shall be subject to Site Plan approval to address the appropriate building location, setbacks, drainage, sustainable private services, odour/dust, traffic and any other matters.

2.1.1.5 Aquaponics facilities may be permitted provided the following conditions are met: (OPA 9)

- a) Site Plan approval shall be required to address appropriate building location, storm water management and drainage; and
- b) Any goods or materials offered for sale shall be limited to *small scale* retailing of products grown and produced primarily on site in accordance with the policies of Section D.2.1.3.2 c) of this Plan for on-farm secondary uses.

2.1.1.6 A *farm labour residence* may be permitted on the same lot as the primary farm use provided all the following conditions are met:

- a) The size and nature of the *farm operation* requires additional on-site employment for regular and extended periods of time in the annual production process such that additional accommodation is required for the viability and effective operation of the farm, as shown in a justification report deemed acceptable by the City; (OPA 5)
- b) A maximum of one *farm labour residence* may be permitted without an amendment to the Zoning By-Law, in the form of an accessory apartment attached to and forming part of the principal farm residence, or an accessory detached temporary dwelling, such as a mobile home or bunk house provided: (OPA 9)

- i) The second unit shall be serviced by the same private sewer and water systems used by the principal farm residence and be in accordance with Section C.5.1, Sustainable Private Water and Wastewater Services policies of this Plan.
- ii) Where a temporary dwelling is used as a *farm labour residence*, the owner shall remove the temporary dwelling from the subject farm if, in the opinion of the City, it is no longer required or used as a *farm labour residence*.

2.1.1.7 The severance of a lot for a *farm labour residence* shall not be permitted.

Agricultural-Related Uses

2.1.2 *Agricultural-related uses* are farm-related commercial and farm-related industrial uses that are *small scale*, producing products and services, wholly and directly related to a farming operation and which are required in close proximity to an *agricultural use*. They are uses necessary to support *agricultural uses* and are permitted provided the following conditions are met:

- a) The use must produce products or services directly related to a *farming operation*, and requires a location in close proximity to a *farm operation*. Permitted uses shall be limited to grain dryers, feed mills, grain and seed storage facilities, primary farm produce bulk storage and agricultural processing facilities, farm product supply dealers, livestock assembly points, agricultural research operations, and veterinary services for farm animals; (OPA 9)
- b) The use shall be located to minimize the amount of land removed from agricultural production;
- c) The use shall be located where access is by a road capable of handling the traffic generated. Access to the site shall not create a traffic hazard due to inadequate sight lines or any other traffic hazard;
- d) The use shall not negatively affect environmental features in accordance with Section C.2.0, Natural Heritage System of this Plan; and
- e) *Agricultural-related uses* shall be subject to Site Plan approval to address appropriate setbacks, building size and location, parking, lighting, drainage, buffering, screening and landscaping, and any other matter.

2.1.2.1 Appropriate *development* standards shall be established in the Zoning By-law regarding the maximum floor area for such uses, access, parking, outside storage, and any other appropriate requirements.

2.1.2.2 The severance of a lot for agricultural-related uses shall be in accordance with Section F.1.14.2, Lot Creation policies of this Plan. Where private services are required, the lot severed for the *agricultural-related use* shall be in accordance.

SECTION 12: RURAL ZONES

- h) Parking In accordance with the requirements of Section 5 of this By-law.
- i) Small Scale Retailing of Agricultural Products
- i) The total maximum gross floor area of all buildings and structures devoted to retailing of agricultural products grown primarily as part of the farm operation, exclusive of a Farm Produce/Product Stand, shall be 200.0 square metres;
- ii) Shall not be permitted within a Dwelling or a Farm Labour Residence;
- iii) In addition to Section 12.1.3.1 i) i), the total maximum gross floor area of a Farm Produce/Product Stand shall be 18.5 square metres;
- iv) Notwithstanding Sections 12.1.3.1 b), c) and d) and Section 4.8.2 a), a Farm Produce/Product Stand shall be permitted in any yard.
(By-law 19-062, March 27, 2019)
- j) Farm Labour Residence
- i) A Farm Labour Residence, Accessory to Agriculture and on the same lot as an existing permanent principal Farm Dwelling, may be permitted in the following forms:
- a) An Accessory detached dwelling of temporary construction, such as a mobile home; or,
- b) An Accessory detached bunk house of temporary construction, where cooking and sanitary facilities are shared.
- ii) A maximum of one Farm Labour Residence shall be permitted on a lot;

SECTION 12: RURAL ZONES

- iii) The following regulations shall apply:
 1. Shall be located within 30 metres of the farm Dwelling;
 2. Shall have a maximum building height of 10.5 metres;
 3. Shall utilize the existing driveway access to the farm Dwelling;
 4. Any temporary detached dwelling shall have a minimum floor area of 65.06 square metres, and a maximum floor area of 116.2 square metres;
 5. Any temporary bunk house shall have a minimum gross floor area of 65.06 square metres or 8.36 square metres per resident, whichever is greater.
(By-law No. 21-071, May 12, 2021)

- k) Mushroom Operations
 - i) Notwithstanding Sections 12.1.3.1 b), c), and d) above, any buildings or structures used for a Mushroom Operation shall be set back a minimum of 30.0 metres from any lot line;
 - ii) No stockpiles of waste, manure, fertilizers or compost shall be permitted within 30.0 metres of any lot line.

- l) Nursery
 - i) Retailing of horticultural products and bulk material shall be in accordance with Section 12.1.3.1 i);
 - ii) The outdoor storage of unenclosed piles of bulk product for retail purposes shall not exceed an aggregate area of 100.0 square

Appendix C – Summary of Municipal Policies and Zoning Provisions Related to Farm Labour Residences

Municipality	Statutory Document	Section/Part	Sub-section	Notes / Definitions
City Ottawa	Volume 1 - Official Plan	3.7.3 – Agricultural Resources	<p>3.7.3 – Agricultural Resources</p> <p>6. Residential uses will be permitted either in the form of farm housing or as a detached dwelling on a lot fronting on an existing public road. Accommodation for full- time farm labour is permitted when the size and nature of the operation requires additional employment. It may be located on the same lot as the farmhouse and should preferably take the form of a mobile home as defined in the zoning by-law, so that it can be removed once the farm help is no longer required. If more than one farm-help dwelling is required, the second and subsequent dwelling(s) must be mobile homes. Alternatively, the farm help may be permitted on a separate parcel but, in this case, must always take the form of a mobile home. To ensure that mobile homes for farm help are removed once they are no longer required, the farmer may be required to enter into an agreement with the City. Housing may be restricted in the case of the severance of a surplus dwelling as per policies 8 and 9. [Amendment 14, September 8, 2004] [Amendment # 58, December 07, 2007] [Amendment #180, November 8, 2017]</p>	Not specific definition for Farm help House.
City of Ottawa (continued)	Zoning Bylaw 2008-250, Consolidation	Section 211 (AG – Agricultural Zone)	<p>(2) Conditional Permitted Uses</p> <p>(b) provided that they are located on the same lot and are accessory or ancillary to an agricultural use and the main detached dwelling;</p> <p>(c) provided that they serve as housing for farm help and the minimum lot size must be 10 hectares;</p> <p>(d) provided that in addition to the principal detached dwelling there is a maximum of one additional detached dwelling and a maximum total of three dwelling additional dwelling units.</p> <p>bunk house dwelling detached dwelling mobile home (By-law 2020-299)</p>	<p>Farm Help House is not explicitly defined, however the “planned unit development” definition under the Zoning Bylaw excludes the following dwelling types:</p> <ul style="list-style-type: none"> • more than one detached dwelling, mobile home or bunk house dwelling for farm help permitted to locate on the same lot in an AG-Agricultural Zone, • accessory buildings on a lot where they are otherwise permitted; and • garden suite
		Part 2 – General Provisions (Section 56)	<p>Section 56 - Adequate Municipal Services</p> <ol style="list-style-type: none"> 1. No land can be used or the intensity of any use of land expanded or any building placed, erected, altered, enlarged, or used within of the City of Ottawa unless the land is serviced by municipal water, sewerage and drainage systems that have adequate capacity.(By-law 2010-307) 2. Despite subsection (1) above, where municipal water, sewerage or drainage systems are not available, private services approved by the City of Ottawa or its delegate are permitted. 3. Despite subsections (1) and (2) above, lands subject to unique servicing constraints or restricted connection privileges through separate municipal by-laws and through legal and servicing agreements with the City of Ottawa are considered to be in conformity with this By-law. 	

		<p>Part 12 – Rural Zones AG- Agricultural Zone (Sections 211 and 212)</p>	<p>Section 211 Conditional Permitted Uses</p> <p>2. The following conditional uses are permitted subject to the following:</p> <ol style="list-style-type: none"> 1. the provisions of subsection 211(3) to (5); 2. provided that they are located on the same lot and are accessory or ancillary to an agricultural use and the main detached dwelling; 3. provided that they serve as housing for farm help and the minimum lot size must be 10 hectares; 4. provided that in addition to the principal detached dwelling there is a maximum of one additional detached dwelling and a maximum total of three dwelling additional dwelling units. <p>bunk house dwelling detached dwelling mobile home (By-law 2020-299)</p> <ol style="list-style-type: none"> 3. Despite subsection 211(3), an agricultural use may also be permitted as an accessory use to a detached dwelling on a lot of 0.8ha or larger in area. (By-law 2012-349) (By-law 2016-290) 4. The minimum lot area stated in Table 211 reflects that of many existing smaller sized lots. New residential lot severances are only permitted for an existing residence made surplus to a farming operation, as per Official Plan requirements, and such will have a minimum lot area of 0.4 hectares.(By-law 2008-457) 5. Despite subsection 211(3), there are no minimum lot width and lot area requirements for an agricultural use that excludes livestock-related food production. (By-law 2017-148) <p>Table 211- AG Zone Provisions</p> <table border="1" data-bbox="541 841 1176 1109"> <tr><td>(a) Minimum Lot Width (m)</td><td>90</td></tr> <tr><td>(b) Minimum Lot Area (ha)</td><td>36</td></tr> <tr><td>(c) Minimum Distance Separation</td><td>see Part 2, Section 62</td></tr> <tr><td>(d) Minimum Front Yard Setback (m)</td><td>(i) 10</td></tr> <tr><td></td><td>(ii) 6 for a farm produce outlet with a floor area of 28 m² or less</td></tr> <tr><td>(e) Minimum Rear Yard Setback (m)</td><td>10</td></tr> <tr><td>(f) Minimum Interior Side Yard Setback (m)</td><td>5</td></tr> <tr><td>(g) Minimum Corner Side Yard Setback (m)</td><td>10</td></tr> <tr><td>(h) Maximum Height (m)</td><td>12</td></tr> <tr><td>(i) Maximum Lot Coverage (%)</td><td>20</td></tr> </table>	(a) Minimum Lot Width (m)	90	(b) Minimum Lot Area (ha)	36	(c) Minimum Distance Separation	see Part 2, Section 62	(d) Minimum Front Yard Setback (m)	(i) 10		(ii) 6 for a farm produce outlet with a floor area of 28 m ² or less	(e) Minimum Rear Yard Setback (m)	10	(f) Minimum Interior Side Yard Setback (m)	5	(g) Minimum Corner Side Yard Setback (m)	10	(h) Maximum Height (m)	12	(i) Maximum Lot Coverage (%)	20	<p>Mobile home means a residence that is designed and manufactured to be transported on its own chassis and is equipped for year-round occupancy. (maison mobile)</p> <p>Bunk House Dwelling means a seasonal dwelling for the housing of temporary farm workers and includes a kitchen, bathroom and communal sleeping facilities. (pavillon-dortoir).</p> <p>Detached Dwelling means a residential use building that contains only one principal dwelling unit or oversize dwelling unit. (une habitation isolée) (By-law 2018-206)</p>
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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Halldimand County</p>	<p>Official Plan 2019</p>	<p>A Natural Resources (1) Agriculture</p>	<p>One additional dwelling may be permitted on any farm holding for the following:</p> <ol style="list-style-type: none"> a. a temporary or year round dwelling unit for full-time farm help where the farm holding is of a type and scale that warrants such full-time help close by; b. a mobile home unit for the housing of seasonal workers actively involved in the operation of the farm holding; or c. a garden suite in accordance with Section 5.M. <p>Approvals for an additional dwelling in accordance with this policy may require an agreement with the County outlining the process for the eventual removal of the unit when no longer required.</p> <p>A severance for a dwelling unit established under this subsection shall not be permitted.</p>	<p>Garden Suites are defined as a form of temporary accommodation and consist of a self-contained portable dwelling unit, whose purpose is to provide accommodation for elderly, sick or disabled person.</p>																				

	Official Plan 2019	<p>B. Servicing 2. Non-Urban Areas</p>	<p>1. Generally, municipal water and/or sanitary sewer services shall not be provided to lands outside the designated boundaries of the Urban Areas. Development outside the designated boundaries of the Urban Areas shall be primarily serviced by individual water supply and sewage disposal systems. In only one instance, a private communal servicing system is being considered as a pilot project in accordance with the policies this Plan. The results of the pilot project will be used in determining the appropriateness of developing communal sanitary servicing systems in non-urban settlement areas of the County. Development using on-site sanitary sewage systems shall require the prior evaluation and approval of such systems in accordance with the Ontario Building Code.</p> <p>2. A single detached dwelling may be erected upon any legally existing vacant lot of record provided:</p> <p>a) The lot has access and frontage on an open public road; b) The lot is capable of accommodating a water supply system and an on-site sanitary sewage system designed and installed as per the Ontario Building Code; and c) The site has appropriate drainage patterns.</p> <p>3. New development shall not be permitted on a holding tank and/or the conversion from seasonal occupancy to year-round occupancy. Any new installation of a holding tank shall only occur where permitted under the Ontario Building Code. Additions to existing development may be permitted on an existing holding tank provided that the holding tank has the adequate capacity to accept the increased loading as calculated per the Ontario Building Code.</p> <p>A suite of other minimum servicing requirement for stormwater management and protecting water quality of streams are outlined in subsection 3 – Storm Water Management of the Haldimand Official Plan.</p>																						
<p>Haldimand County (continued)</p>	Comprehensive Zoning Bylaw HC 1-2020	<p>11. Agricultural & Future Development Zones 11.2 Permitted Uses</p>	<p>Permitted Uses under Agricultural Zone (A) [Applicable to FLRs]</p> <p>(b) Agricultural uses</p> <ul style="list-style-type: none"> ● Agriculture use ● Agriculture use, on-farm diversified (refer to Section 4.44) ● Agriculture-related processing (refer to Section 4.44) ● Bunk house ● Cannabis Production Facility 	<p>"BUNK HOUSE" shall mean a building or part of a building used for the temporary accommodation of seasonal farm workers, provided such accommodation does not serve as a principal place of residence of an occupant. A mobile home or recreational vehicle may be used for the purpose of a bunk house.</p>																					
		<p>11.3 Zone Provisions</p>	<p>Table 11.2</p> <table border="1"> <thead> <tr> <th>Zone Provision</th> <th>Standard</th> </tr> </thead> <tbody> <tr> <td>Minimum Lot Area to keep livestock</td> <td>2 ha</td> </tr> <tr> <td>Minimum Lot Area</td> <td>1,855 sq. m.</td> </tr> <tr> <td>Minimum Lot Frontage (Interior Lot)</td> <td>30 m</td> </tr> <tr> <td>Minimum Lot Frontage (Exterior Lot)</td> <td>36 m</td> </tr> <tr> <td>Minimum Front Yard</td> <td>13.0 m</td> </tr> <tr> <td>Minimum Exterior Side Yard</td> <td>13.0 m</td> </tr> <tr> <td>Minimum Interior Side Yard</td> <td>3.0 m</td> </tr> <tr> <td>Minimum Rear Yard</td> <td>9.0 m</td> </tr> <tr> <td>Maximum Building Height</td> <td>11.0 m</td> </tr> <tr> <td>Minimum Gross Floor Area (per dwelling)</td> <td>70 sq. m.</td> </tr> </tbody> </table>	Zone Provision	Standard	Minimum Lot Area to keep livestock	2 ha	Minimum Lot Area	1,855 sq. m.	Minimum Lot Frontage (Interior Lot)	30 m	Minimum Lot Frontage (Exterior Lot)	36 m	Minimum Front Yard	13.0 m	Minimum Exterior Side Yard	13.0 m	Minimum Interior Side Yard	3.0 m	Minimum Rear Yard	9.0 m	Maximum Building Height	11.0 m	Minimum Gross Floor Area (per dwelling)	70 sq. m.
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		4.38 Minimum Services	<p>b) No land shall be used and no building or structure shall be used or occupied, including alteration or change of use of a building in any hamlet settlement area, as defined in the County Official Plan, unless:</p> <ul style="list-style-type: none"> i. an approved waste disposal system, water supply and hydro service are constructed and operational and all regulatory approvals have been received to the satisfaction of the County or any jurisdiction having authority; ii. stormwater management facilities, if required, are constructed and operational; iii. adequate water supply is available for fire protection; and iv. streets and/or lanes are constructed to the satisfaction of the County and provide safe and adequate access to all buildings or structures. 																		
Norfolk County	Norfolk County Official Plan Consolidation to January 1, 2021	5.3.3 Special Housing Forms	<p>It is recognized in this Plan that mobile homes may be a suitable housing alternative in certain circumstances. The following polices shall apply to the use of mobile homes:</p> <ul style="list-style-type: none"> a. The accommodation of temporary farm help may include mobile homes. A consent shall not be permitted to place the mobile home on a separate lot. b. Individual mobile homes shall be discouraged in the Urban Areas, and strongly discouraged in established residential neighbourhoods, save and except for the development of comprehensive mobile home parks. Mobile homes shall not be permitted in the Downtown Areas. 																		
	Norkfolk County Zoning Bylaw 1-Z-2014	Section 7.5.1 Rural Industrial Zone (MR)	<p>Permitted Uses</p> <p>e) bunk house provided occupants are employed predominately by the farm operation where the bunk house is located.</p>																		
		Section 12.1.1 Agricultural Zone (A)	<p>Permitted Uses</p> <p>c) bunk house e) dwelling, single detached f) farm</p>																		
	12.1.2 Zone Provisions	<table border="1"> <thead> <tr> <th>Zone Provisions</th> <th>Standard</th> </tr> </thead> <tbody> <tr> <td>Minimum lot area</td> <td> <ul style="list-style-type: none"> i. Lot 40 ha ii. Residential lot surplus to a farm operation (27-Z-2016) </td> </tr> <tr> <td>Minimum lot frontage</td> <td>i. Interior and corner lots 30m</td> </tr> <tr> <td>Minimum front yard</td> <td>13 m</td> </tr> <tr> <td>Minimum exterior side yard</td> <td>13 m</td> </tr> <tr> <td>Minimum interior side yard</td> <td>3 m</td> </tr> <tr> <td>Minimum rear yard</td> <td>9 m</td> </tr> <tr> <td>Minimum separation: between farm processing facility and a dwelling on an adjacent lot</td> <td>30 m</td> </tr> <tr> <td>Maximum building height</td> <td>11 m</td> </tr> </tbody> </table>	Zone Provisions	Standard	Minimum lot area	<ul style="list-style-type: none"> i. Lot 40 ha ii. Residential lot surplus to a farm operation (27-Z-2016) 	Minimum lot frontage	i. Interior and corner lots 30m	Minimum front yard	13 m	Minimum exterior side yard	13 m	Minimum interior side yard	3 m	Minimum rear yard	9 m	Minimum separation: between farm processing facility and a dwelling on an adjacent lot	30 m	Maximum building height	11 m	<p>Section 2.27 "BUNK HOUSE" shall mean a building or part of a building used for the temporary accommodation of seasonal farm workers provided such accommodation does not serve as the principal place of residence of an occupant and the bunk house is located on a farm. A mobile home may be used for the purposes of a bunk house. [5-Z-2018]</p>
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Norfolk County (continued)		14.38 Special Provisions	In addition to the uses permitted in the A Zone, the following shall also be permitted: d) one (1) apartment for employee accommodation with a maximum of six (6) bedrooms. The number of occupants in the apartment shall not exceed six (6).	
	Norfolk County Zoning Bylaw 1-Z-2014	8.9.2 Services Outside Urban Areas	<p>The following shall be the policy of the County:</p> <ul style="list-style-type: none"> a. The primary means of waste water disposal in the Rural Area and the Hamlet Areas, is the septic tank and weeping tile system. It is anticipated that such systems or other private waste water disposal systems will continue to be the principal means of waste water disposal outside of Urban Areas. The installation of septic systems is subject to the approval of the authority having jurisdiction. b. Municipal water and waste water systems shall generally not be provided to areas outside of Urban Areas. Council may consider extension of municipal sanitary sewer or watermain services beyond the Urban Area but only to address an existing waste water disposal or water quality problem that represents a hazard to public health and safety and provided that Council is satisfied that there is positive public benefit from such action for residents of the County. c. The County and/or appropriate agency shall approve all new septic tank and tile or leaching bed systems. A servicing report may be required to identify the most appropriate form of servicing to ensure environmental protection. At the time of approval of new lots, the County shall ensure that there is capacity for hauled waste water at a municipal facility. d. Communal servicing systems to service new development shall not be permitted except under specific circumstances outlined in this Plan. Communal servicing systems may only be considered in an existing Hamlet Area or Resort Area to resolve existing servicing malfunctions, physical constraints and/or deficiencies, posing potential public health risks. e. The County shall not assume any communal servicing systems in the County, and shall generally not execute responsibility agreements in relation to such systems. However, in the event that execution of a responsibility agreement is required as a result of circumstances outlined in this Subsection, prior to executing the agreement, the County shall be satisfied with the design and economic sustainability of the system and shall require that certain securities be posted, and that a separate financial and maintenance agreement be executed between the owner of the system and the County. f. Holding tanks shall not be permitted for new development. Holding tanks will only be permitted for existing development where the County is satisfied that there is no other alternative to solving a deficiency with an existing septic system. Should a holding tank be permitted, the County shall ensure that appropriate provisions are in place for disposal at an approved facility, or that there is capacity for hauled waste water at a municipal facility. g. Any lot affected by an application for consent or plan of subdivision shall be sized such that there is sufficient area for attenuation of nitrates, space for a building envelope, sewage envelope, sewage system contingency area, and potable water supply. 	<p>"SEPTIC SYSTEM AND/OR HOLDING TANK" shall mean a system that stores and/or treats human waste on-site and shall include, but not be limited to, greywater systems, DCS 19-21 Page 3 of 7 cesspools, leaching bed systems and associated treatment units, and holding tanks, and shall not include sewage treatment plants. [37-Z-2017]</p>

Niagara Region	2014 Consolidated Regional Official Plan	Section 5: Rural and Agriculture	Policy 5.B.11 Additional permanent or portable farm-related dwellings may be permitted without severance for full time farm help where the size and/or nature of the farm operations makes the employment of such help necessary, where such additional dwelling does not have a significant effect on the tillable area of the farm or its viability.	
		Section 5c: Policies for Rural Areas	<p>Policy 5.C.3 Development in the Rural Area will be permitted only when the individual lot and its soil conditions are suitable for the satisfactory long-term operation of a private sewage disposal system, in accordance with the requirements of the Ministry of the Environment and the Ministry of Municipal Affairs and Housing</p> <p>Policy 5.C.4 Development in the Rural Area will be permitted only when the water supply meets the requirements of the Ministry of the Environment or its agents and the Medical Officer of Health.</p>	
Town of Niagara-on-the-Lake	Official Plan (as July 17, 2017)	7.3.1 Agricultural	<p>Secondary Uses</p> <p>Uses permitted with a Main Use:</p> <ul style="list-style-type: none"> - farm help houses and additional farm dwellings for seasonal or full-time farm help 	

Town of Niagara-on-the-Lake	Official Plan (as July 17, 2017)	7.4 General Agricultural Policies	<p>(3) Secondary Use Policies</p> <p>(a) The following development policies shall apply to all secondary uses permitted in the agricultural designation:</p> <ul style="list-style-type: none"> (v) Soils shall be suitable or made suitable to support an individual waste disposal systems subject to the approval of the authority having jurisdiction. (iv) An adequate and potable water supply shall be available and it shall be the responsibility of the applicant to provide a report on the adequacy of the water supply, if required by the Town or the authority having jurisdiction <p>(b) Additional Dwellings All farm holdings may have accommodation for full-time and seasonal laborers. If a residence is required to provide accommodation for full-time farm help or seasonal farm help, the dwelling units providing accommodation shall be permitted as part of a farm unit where the nature of the farm is such that help needs to be located nearby.</p> <p>Zoning By-law Amendment applications for additional farm-related dwelling units, shall be evaluated having regard for the type of farm operation, other holdings of the operator, the suitability of the location of the dwelling units as to adjacent land uses, access, number of units, etc.</p> <p>Additional permanent and portable dwellings may be permitted without severance for full time farm help.</p>	
		6.25 Private Water Supply and Private Sewage Disposal	<p>Where development is to take place on individual well and sewage disposal systems, the following policies for private systems shall be complied with before any such development will be permitted:</p> <ul style="list-style-type: none"> (a) The lot area shall comply with requirements of the authority having jurisdiction for the type of development proposed and the type of private system to be used. (b) The size of lots which are to be serviced in an unserviced area with private on site on-site sewage disposal shall not exceed an area of 0.4 hectares or 1 acre of useable land except if additional area is necessary because of private servicing concerns as determined by the authority having jurisdiction. (c) Lots serviced via on-site sewage disposal units should have a minimum frontage of 150 feet. (d) Frontage of 100 feet may be considered for lots containing a minimum 1.25 acres of suitable land area. (e) Each private sewage disposal system shall require approval by the authority having jurisdiction. Generally, the provision of private systems shall be restricted to residential development. If, in the opinion of the authority having jurisdiction any area appears questionable for the proper operation of a private sewage disposal system, an evaluation of the subject lands by a competent authority, shall be required before development is allowed to proceed. (f) The improvement of existing substandard private systems shall be encouraged by all means available to the municipality 	
	Zoning Bylaw 4316-09	6.1 Accessory Buildings	<p>c) No accessory building or structure shall be used for human habitation except for a building or mobile home used for farm help accommodation in an Agricultural (A) Zone;</p>	5.174 Farm Help Accommodation means an accessory building, and may include a mobile home, containing proper sanitation facilities, for the use of housing seasonal agricultural employees, and is not used for year round occupancy, by any employee.

Town of Niagara-on-the-Lake	Zoning Bylaw 4316-09	6.15 Farm Help Accommodation	Farm help accommodation buildings may be permitted as an accessory building to an agricultural operation provided that: (a) The total floor area of the farm help accommodation buildings shall not exceed 280 m ² (3,013 ft ²); (b) The setbacks for the farm help accommodation building shall be in accordance with the building setback requirements of the Agricultural (A) Zone; and (c) The maximum building height for a farm accommodation building shall not exceed 9.75 m (32.02 ft)	
	Zoning By-law 500A-74 (Outside Urban Boundary)	3.17 Number of Dwelling Units on One Lot	In this By-law, the number of dwelling units permitted on any lot shall be contained in one building except in the following zone: (b) In a Rural (A) Zone where a lot has an area of at least 8.09 hectares (20 acres) and is used only for farming, one additional dwelling may be erected, altered or maintained and for each additional 20.24 hectares (50 acres) used only for farming, one further additional dwelling may be erected, altered or maintained; providing that such additional dwelling shall be used only for the accommodation of persons necessary to the operation of such farm on a fulltime basis. (By-law 500GD-91	<u>Section 2.31 Farm</u> : means land used for the growing of trees, grain, vegetables or fruit crops, the raising of livestock, or dairying and includes a farm dwelling and accessory buildings, where such accessory buildings may include accommodation for seasonal farm workers.
		Section 4 - Rural (A) Zone Section 4A – Agricultural Only Zone (AO) Section 4B – Agricultural Purposes Only Zone (APO)	Permitted Uses: No person shall within the prescribed zone, use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following: • a farm including accessory building but not a house, providing that in the event the structures or the land is to be used for the purpose of a Specialized Farm Use as defined in Section 2.32 of this By-law, that a Certificate of Compliance shall have been obtained from the Ministry of the Environment and the Ministry of Agriculture and Food;	<u>Section 2.32 Farm, Specialized Use</u> : means land on which the predominate use is for buildings for the raising of chickens, turkeys or other fowl, fur-bearing animals, hogs, or the growing of mushrooms or the intensive feeding of cattle in a feed lot, and includes a farm dwelling and accessory buildings. (By-law 500M-76)
Town of Lincoln	Official Plan	2.1.4. General Policies in the Specialty Agricultural and Prime Agricultural Designations 2.1.4.1. Agricultural Uses	(e) Additional permanent or portable farm helphouses may be permitted for full-time farm help where the size and/or nature of the farm operation makes the employment of such help necessary, subject to the following criteria: i. Both the farmer and the employee shall be employed full-time on the farm; ii. The farm helphouse will be located within the existing farm-building cluster; and iii. Sewage and water services shall be as required by the Region. The Town may require that the development of a farm helphouse be subject to Site Plan Control. In no case, shall any farm helphouse use established in accordance with this policy be subdivided or severed from the original parcel on which it was constructed.	
		7.1.4. Water Supply and Sanitary Sewers	(g) Development shall only be permitted in areas beyond the Urban Area Boundary on sustainable private water services and sewage disposal systems that meet the requirements of the Region and/or the Ministry of the Environment. Connection to municipal water and/or sanitary services that are readily available across the frontage of the lands may be permitted, subject to the policies of the Regional Official Plan.	
	Zoning Bylaw No. 93-14-Z1	6.18.8 Number of Single Detached Dwellings per Lot	Where this Bylaw allows a single detached dwelling to be located on a lot, not more than one single detached dwelling unit shall be permitted, except in the case of a farm helphouse.	4.111 Farm Helphouse means a dwelling in the form of a permanent dwelling or a mobile home used for seasonal full-time farm help, ancillary to a farm and located on the same lot therewith.

	Zoning Bylaw No. 93-14-Z1	Section 8 Agricultural Zone (A)	<p>8.1 Permitted Uses (only applicable uses listed for discussion purposes, not an exhaustive list)</p> <p>(a) agriculture (k) greenhouse (p) single detached dwelling (r) Farm help house</p>	6.21 MOBILE HOMES Except as provided for in this By-law no person shall erect, locate or occupy a mobile home on a lot in any zone except as a farm helphouse within the Agricultural (A) Zone or within a Mobile Home Park.
		8.2.8 Farm Helphouse	<p>(a) Minimum Yard Requirements</p> <p>i. Front Yard - 15 metres ii. Exterior Side Yard - 15 metres iii. Interior Side Yard - 3 metres iv. Rear Yard - 15 metres</p> <p>(b) Maximum Lot Coverage - 15% (c) Maximum Building Height - 12.5 metres (d) Minimum Dwelling Unit Area - 45 square metres (e) Parking - In accordance with the provisions of Section 7 (f) Separation Requirement - In accordance with the provisions of Section 8.3. (g) Where a farm helphouse is located within an agricultural building, the setbacks and yard requirements for the agricultural building shall prevail and subsections (d) to (f) shall also apply.</p>	
		7.1.1 Parking	(f) Farm Helphouse 1 space per dwelling unit	
Town of Milton	Official Plan Amendment (OPA) No. 31 As Approved, With Modifications, By Halton Region May 2018	4.0 Rural System and Natural Heritage System Land Use Policies, And Specific Policy Areas	<p>4.1.1.11 Accessory Farm Dwelling</p> <p>One second dwelling accessory to an agricultural operation, which must be mobile or portable if located within the Niagara Escarpment Plan Area, for the accommodation of (a) person(s) employed by the owner on a full time basis in the activity of farming shall be permitted subject to an amendment to the Zoning By-law provided that:</p> <p>(a) No severance of a lot for the second dwelling is proposed and the dwelling is situated on the lot so that it is in a cluster with the existing dwelling or in a location where a future severance is not feasible or practical; (b) The applicant is a bona fide farmer and the farm can support all person(s) employed as well as the farmer; (c) The applicant submits a Site Plan showing the details of the proposed development related to the nature and duration of the labour requirements of the farm. Such a Site Plan will form the basis of a Site Plan Agreement with the Municipality that is registered on title prior to the issuance of a building permit; (d) The applicant documents, in good faith, to the satisfaction of Council of the need for the help house, that the farm is a viable farm operation and that it will be utilized productively and actively for agricultural purposes. (e) The onus of proof with respect to the above lies with the applicant and may take the form of information such as a detailed account of labour requirements related to the size and nature of the operation, available and required residential accommodation of the farm, history of past labour assistance, etc.; (f) Within the area of the Niagara Escarpment Plan accessory residential uses on farm properties within the Escarpment Protection Area and the Escarpment Rural Area shall be in accordance with the appropriate development criteria contained in the Niagara Escarpment Plan; and (g) In evaluating a submitted Site Plan for a seasonal and/or permanent help house, due regard shall be given to the following factors:</p> <p>i) The physical suitability of the proposed location (i.e. slopes, soil stability, susceptibility to flooding, etc.); ii) The suitability of access to the proposed location; and iii) The suitability of the site to accommodate a potable water supply and septic system in accordance with the requirements of the Region of Halton.</p>	
Town of Milton	Town of Milton Comprehensive Zoning Bylaw 144-2003 October 2019	Section 10 – Rural Zones Table 10B Zone Standards	<p>Table 10A Permitted Uses: Agricultural (A1) and Rural (A2) Zones (only applicable uses listed for discussion purpose)</p> <ul style="list-style-type: none"> - Agricultural Operations - Horticultural Nursery - Forestry Use - Equestrian Centre - Storage Building for Agricultural Equipment or Produce 	Section 3 Definitions: ACCESSORY FARM DWELLING Means a dwelling unit or mobile home dwelling, the use of which is necessary for an agricultural operation and is incidental, subordinate and exclusively devoted to the primary agricultural operation located on the same lot

Provisions	Zone	
	Agricultural (A1)	Rural (A2)
LOT AREA (Minimum)		
Residential Uses	0.4 ha	0.8 ha
Equestrian Centres	10.0 ha	10.0 ha
On-Farm Production, Conditioning, Processing & Storing of Produce	20.0 ha	20.0 ha
Agricultural Operation	2.0ha	2.0ha
Cannabis Production and Processing Facility	2.0 ha	2.0 ha
Boarding Kennels	N/A	4.0 ha
Lot Frontages (Minimum)		
Lots of 40 ha or more	150.0m	150.0m
Other Lots	60.0m	60.0m
Lot Depth	45.0m	130.0m
Lot Coverage	25%	15%
Front Yard Setback	15.0m	22.5m
Rear Yard Setback	15.0m	22.5m
Side Yard Setback		
Interior Side Yard	3.0m	7.5m
Exterior Side Yard	15.0m	22.5m
Building Height (Maximum)		
Residential Uses	11.0m	11.0m
Agricultural Buildings	No maximum	No maximum

Wellington County	Wellington County Official Plan May 6, 1999 (Last Revision January 8, 2021)	6.4. Prime Agricultural Areas	<p>6.4.3 Permitted Uses Permitted uses and activities in Prime Agricultural Areas may include:</p> <ul style="list-style-type: none"> a) agricultural uses b) secondary uses including home businesses and farm businesses c) agriculture-related uses d) existing uses e) single detached homes f) Additional Residential Units subject to Sections 4.4.6 g) garden suites subject to Section 4.4.7 h) accessory residence i) forestry uses j) wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts k) licensed aggregate operations l) community service facilities m) group homes on existing lots of records n) kennels on existing lots of record <p>All uses permitted by this section must be compatible with and not hinder surrounding agricultural uses</p> <p>6.4.6 Accessory Residence An accessory residence needed for farm help may be allowed provided that it is established within the main building cluster on the property and adequate water supply and sewage disposal systems are available.</p>	
		9.5 Mapleton Local Policies	<p>The following local policies and policy areas have been identified in Mapleton:</p> <p>9.5.2 Mobile Homes The zoning by-law may include provisions for individual mobile homes on separate lots or as secondary residences for farm help within the municipality.</p>	
		9.6 Minto Local Policies	<p>The following local policies and policy areas have been identified in Minto:</p> <p>9.6.2 Mobile Homes The zoning by-law may include provisions for individual mobile homes on separate lots or as secondary residences for farm help within the municipality. An amendment to the Official Plan will not be required for such uses.</p>	

Wellington County	4.16 Garden Suites	<p>Notwithstanding anything else in this by-law to the contrary, a garden suite may be located on a lot containing a single detached dwelling, subject to compliance with the following:</p> <ul style="list-style-type: none"> a) A garden suite used for the purpose of providing farm help accommodation is not permitted on a lot with an area of less than 10 ha (24.7 ac). b) Driveway access shall be shared with the main dwelling. No new entrance from the street shall be created c) A garden suite shall be sited in accordance with the applicable provisions for buildings accessory to a dwelling, except that a garden suite is not permitted in front of the main front wall of the principal residence. d) The maximum floor area of a garden suite shall be 186 m² (2,002 ft²). e) The maximum height of a garden suite shall be one storey and shall not exceed 4.5 m (14.8 ft) f) A garden suite shall be located no less than 3 m (9.8 ft) and no more than 15 m (49.2 ft) from the main residence on the lot, and not less than 3.0 m (9.8 ft) from any building on an abutting property. g) Only one garden suite may be established for each existing single detached residential unit on a lot. h) All garden suites shall be provided with adequate water supply and an individual sewage disposal system. i) Garden suites shall be established only by Temporary Use By-laws passed under the provisions of Section 39 of the Planning Act and shall be subject to a development agreement with the Municipality. j) A garden suite that existed on December 31, 1998 and is subject to a development agreement that was in effect on December 31st, 1998 shall be permitted until May 1st, 2010, and shall be deemed to comply with this subsection. 	<p>Garden Suite means a transportable dwelling unit, designed to be used for year round occupancy, which is located on the same lot as a single detached dwelling, and is used as temporary accommodation for farm help or for relatives of the owner-occupants of the single detached dwelling.</p>
	6.0 Agricultural Zones	<p>6.1.1 Permitted Uses</p> <ul style="list-style-type: none"> a) An agricultural use, building or structure b) A single detached dwelling c) A single detached dwelling accessory to an agricultural use. d) A group home in accordance with Section 4.16 e) A commercial kennel in accordance with Section 4.9 f) A lawfully existing institutional use g) A wayside pit or quarry h) A temporary portable asphalt plant i) Uses accessory to the foregoing, including: <ul style="list-style-type: none"> i. A bed and breakfast establishment (Class 1 or Class 2) in accordance with Section 4.6 ii. An accessory apartment in accordance with Section 4.1 iii. A farm business in accordance with Section 4.12 iv. A home occupation in accordance with Section 4.18 v. A home business-tradespersons in accordance with Section 4.19 vi. A micro wind energy system in accordance with Section 4.43 (This section has been superseded by O. Reg. 359/09 made under the Environmental Protection Act) vii. A small wind energy system in accordance with Section 4.44 (This section has been superseded by O. Reg. 359/09 made under the Environmental Protection Act) viii. A sales outlet for agricultural products in accordance with Section 4.34 	<p>Garden Suites are not permitted as-of-right under the Zoning Bylaw. Section 15 – Exemption Zones identifies 13 agricultural-related zoning amendments to permit a garden suite as a temporary use. This discussion paper did not examine the extent of the exemptions zones being farm-help related.</p>

B.C Municipality	Terminology	Minimum Lot Size	Additional FLR Dwellings	Lot Coverage (Agricultural Zoning)	Maximum Floor Area	Maximum Workers per Farm Operation	Other Notable Conditions
City of Abbotsford Zoning Bylaw, 2014	Accessory Seasonal Employee Residential Use Accessory Full-Time Employee Residential Use	3.8 ha	Not exceed 2 dwelling units per farm operation; Not exceed 3 dwelling units for Accessory Full-Time Employee Residential Use located on a farm operation greater than 40 ha.	35%, 60% for greenhouse operations, where 20% is only for buildings and structures. An increase to 75%, provided, in addition to section 210.3.4(a)(i), that irrigation water recirculation systems are employed in the entire greenhouse operation.	200m ² per farm operation 300m ² for an Accessory Seasonal Employee Residential Use	N/A	Shall only be permitted: <ul style="list-style-type: none"> on lots within Agricultural Land Reserve; classified as "farm" under the B.C. Assessment Act the minimum established level of operation on the farm operation meets or is equivalent to standards outlined in Section 210.
Langley Township Zoning Bylaw No. 2500	Temporary Farm Labourer Accommodation Migrant Agricultural Worker Accommodation	4.0 ha	Not specified	<ul style="list-style-type: none"> Maximum 33% of the lot area. Commercial greenhouses shall not cover more than 66% of the lot area inclusive of all buildings and structures on the lot, provided the buildings and structures on the lot other than commercial greenhouses shall not cover more than 33% of the lot area. Accessory buildings and structures not used for agricultural or farm purposes shall not exceed a total of 200 m² of ground floor building area 	400m ² 10m ² per occupant, where sleeping accommodations shall be no less than 4.6m ² and no more than 5m ² per occupant.	Ratio of 10 persons for each 4 ha up to a maximum of 40 persons	Occupancy between April 1st and November 30th in any calendar year shall be permitted on farms requiring seasonal help, subject to the units being occupied by an employee of the owner where such property is operated as a bona fide farm; provided, however, that the accommodation shall not be occupied by any person at any other time of the year.
Municipality of Maple Ridge Zoning Bylaw No. 7600-2019	Agricultural Employee Residential	1.7- 2.0ha	Not specified	Maximum 15% for Accessory Buildings, Structure and Uses.	279m ²	N/A	<ul style="list-style-type: none"> on lots within Agricultural Land Reserve; classified as "farm" under the B.C. Assessment Act Subject to home plate provisions (Section 402.12) shall be approved by the Agricultural Land Commission
Pitt Meadows Zoning Bylaw No. 2505, 2011	Additional Farm House	8.0 ha	Max 1 additional farm house for lot less than 25 ha Max 2 additional farm houses on a lot over 25 la	<ul style="list-style-type: none"> 75% for greenhouses 35% for all other agricultural buildings and structures 20% for apiculture 	180 m ² : lot less than 8 ha 233 m ² : Lot greater than 8ha	For migrant workers, 40 persons per farm operation. Except a maximum of 150 persons on a farm operation comprising of at least 40.5 ha and a maximum of 250 persons for a 405 ha farm operation.	<ul style="list-style-type: none"> Migrant working housing is subject specific conditions outlined in Section 5.10

			Note: excludes migrant worker housing				
City of Richmond Zoning Bylaw 8500	Seasonal Farm Labour Accommodation	8.09 ha	1 per farm operation	<ul style="list-style-type: none"> • 75% for greenhouses; and • 35% for all other agricultural buildings and structures 	A building used for seasonal farm labour accommodation shall not exceed 400m ²	A maximum of 40 seasonal farm labour occupants per seasonal farm labour accommodation is permitted.	<ul style="list-style-type: none"> • a lot containing two or more existing dwelling units may be permitted to use only one dwelling for the purpose of seasonal farm labour accommodation;
City of Delta Zoning Bylaw 7600	Additional Farmhouse	8 ha	Not more than 1 additional farm house is permitted per lot.	<ul style="list-style-type: none"> • 75% for greenhouses • 35% for all other agricultural buildings and structures. 	<ul style="list-style-type: none"> • 180 m², if located on a lot less than 8 ha; • 233 m² if located on a lot 8 ha or greater 	N/A	<ul style="list-style-type: none"> • Subject to farm home plate provisions (Section 14.1.4.A)



Hamilton

Planning and Development
Department

**Required Information:
Request for a 'Farm Labour Residence'**

Last Updated – May 2012

1. What type of operation is currently found on the subject lands? Please include an explanation of the farm operation, the size of the parcel, number and types of livestock, buildings, area of crops, operating conditions, etc.
2. Please describe the nature of your application. What is it you seek to build (size, location, etc.).
3. How will the farm labour residence be serviced?
4. Please provide justification/reasoning as to why you feel you need a farm labour residence. Please refer to section D.2.1.1.4 of the Rural Hamilton Official Plan and the definition of a 'farm labour residence' within the Rural Hamilton Official Plan.
5. Will both the farmer and the farm helper work full-time on the farming operation?
6. Will both the farmer and the farm helper derive their main source of income from the farming operation?

Please provide a detailed sketch of your property showing the location of all existing and proposed structures including buildings, driveways, septic systems, wells, crop areas, etc.

Please note that Staff may require additional information prior to issuing a decision.

The Rural Hamilton Official Plan can be accessed through the City's website at www.hamilton.ca/newruralop

Authority: Item 9, Planning Committee
Report 21-006 (PED20093(a))
CM: April 28, 2021
Ward: City Wide

Bill No. 071

CITY OF HAMILTON

BY-LAW NO. 21-071

**To Amend Zoning By-law No. 05-200, Respecting
Secondary Dwelling Unit Regulations**

WHEREAS Council approved Item 9 of Report 21-006 of the Planning Committee, at the meeting held on April 28, 2021;

AND WHEREAS this By-law is in conformity with the Urban and Rural Hamilton Official Plans.

NOW THEREFORE Council amends Zoning By-law No. 05-200 as follows:

1.0 That SECTION 3: DEFINITIONS of By-law No. 05-200 be amended by adding the following new definitions:

Ditch	Shall mean a small to moderate excavation created to channel water.
Secondary Dwelling Unit	Shall mean a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling and shall not include a Farm Labour Residence.
Secondary Dwelling Unit – Detached	Shall mean a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling but shall not include a Farm Labour Residence.
Swale	Shall mean a graded or engineered landscape feature appearing as a linear, shallow, open channel to provide for water drainage.

1.1. That SECTION 3: DEFINITIONS of By-law No. 05-200 be amended by revising the following definition:

To Amend Zoning By-law No. 05-200, Respecting
Secondary Dwelling Unit Regulations

Page 2 of 17

Farm Labour Residence	Shall mean accommodation for full-time farm labour where the size and nature of the farm operation requires additional employment.
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2.0 That SECTION 4: GENERAL PROVISIONS of Zoning By-law No. 05-200 be amended as follows:

2.1 That SECTION 4.12: VACUUM CLAUSE of Zoning By-law No. 05-200 be amended by:

i) adding a new Subsection h) as follows:

“h) Notwithstanding Sections 1.4 and 1.7 of this By-law, a Building Permit for a Secondary Dwelling Unit may be issued in accordance with any minor variance, site specific zoning, or site plan that has been approved or conditionally approved by the City of Hamilton or the Local Planning Area Tribunal as it read on the day before By-law 21-xxx was passed by Council, provided the Building Permit application complies with Zoning By-law 05-200, as amended, that affected the lot before By-law No. 21-XXX came into effect. For the purposes of determining zoning conformity the following provisions shall apply:

- i) This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with Subsection h) above.
- ii) Once the permit or approval under Subsection h) above, has been granted, the provisions of this By-law apply in all other respects to the land in question.”

2.2. That SECTION 4.22: ADEQUATE SERVICES of Zoning By-law No. 05-200 is amended by:

- i) deleting the word ‘and’ at the end of clause ii); and,
- ii) renumbering clause iii) to iv);
- iii) adding a new clause iii) as follows:
 - “iii) For lands in a Rural zone,

To Amend Zoning By-law No. 05-200, Respecting
Secondary Dwelling Unit Regulations

Page 3 of 17

1. An approved waste disposal and water supply systems to sustain the use of land for buildings shall be provided and maintained to the satisfaction of the Chief Building Official; and,
 2. All regulatory approvals have been received to the satisfaction of the General Manager of the Planning and Economic Development Department and/or his or her designate.”
- 2.3. That SECTION 4: GENERAL PROVISIONS of Zoning By-law No.05-200 be amended by adding the following new subsection:

“4.33 SECONDARY DWELLING UNIT AND SECONDARY DWELLING UNIT - DETACHED

Where a Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling is permitted in this by-law, the following regulations apply:

- a) For lands within a Downtown (D5) Zone, Institutional Zone, Commercial and Mixed Use (C1) Zone, Transit Oriented Corridor (TOC3) Zone, Agriculture (A1), Rural (A2) or Settlement Residential (S1) Zone, a maximum of one Secondary Dwelling Unit shall be permitted within a Single Detached Dwelling, a Semi-Detached Dwelling or Street Townhouse Dwelling.
- b) For lands within a Downtown (D5) Zone, Institutional Zone, Commercial and Mixed Use (C1) Zone or Transit Oriented Corridor (TOC3) Zone, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Street Townhouse Dwelling.
- c) Section 4.5a) shall not apply to a Secondary Dwelling Unit – Detached.
- d) A Secondary Dwelling Unit shall be permitted in each semi-detached or street townhouse dwelling unit on a non-severed lot.
- e) A single detached dwelling on one lot containing one Secondary Dwelling Unit, Secondary Dwelling Unit – Detached, or both, shall not be considered a duplex or triplex.
- f) A semi-detached dwelling on one lot containing one Secondary Dwelling Unit, one Secondary Dwelling Unit – Detached, or both, shall not be considered a triplex or multiple dwelling.

To Amend Zoning By-law No. 05-200, Respecting
Secondary Dwelling Unit Regulations

Page 4 of 17

- g) A street townhouse dwelling on one lot containing one Secondary Dwelling Unit, one Secondary Dwelling Unit – Detached, or both, shall not be considered a triplex or multiple dwelling.
- h) Parking shall be provided in accordance with Section 5 of this by-law.
- i) Notwithstanding Sections 5.1b)i) and 5.1b)ii), parking for a Secondary Dwelling Unit and Secondary Dwelling Unit – Detached may be provided in the required front yard in accordance with Section 5 of this by-law.
- j) Notwithstanding Section 5.2e)i)a), permeable pavers may also be permitted.
- k) Notwithstanding Section 5.6a) and c), for a lot containing a Secondary Dwelling Unit, a Secondary Dwelling Unit - Detached, or both, identified in Special Figure 24 to Schedule "F", no additional parking space or spaces shall be required, provided the number of legally established parking spaces, which existed as of May 12, 2021, shall continue to be provided and maintained.
- l) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and interior Side Yard.
- m) In the case of a through lot, a Secondary Dwelling Unit – Detached shall be permitted, in accordance with the following provisions:
 - i) A lot shall not be considered a through lot when abutting a laneway.
 - ii) Where a lot abuts two streets that are not a laneway, the front lot line shall be deemed to be the lot line where the front entrance of the existing principal dwelling faces, and the lot line opposite the front lot line shall be deemed the rear lot line, and all other lot lines shall be deemed the side lot lines.
- n) Except as provided in Subsection 4.33q), the exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall be preserved.
- o) There shall be no outside stairway above the first floor other than an required exterior exit.
- p) Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line

- q) Notwithstanding 4.33p), an additional entrance may be located on the front façade of the building for lands identified on Special Figure 24 to Schedule "F".
- r) A minimum landscaped area shall be provided and maintained in the rear yard for each Secondary Dwelling Unit – Detached on the lot, in accordance with the following provisions:
 - i) A landscaped area of 8.0 square metres for each dwelling unit less than 50.0 square metres; and,
 - ii) A landscaped area of 12.0 metres for each dwelling unit 50.0 square metres or more.

4.33.1. REGULATIONS FOR SECONDARY DWELLING UNIT - DETACHED

- a) A legally established accessory building existing as of May 12, 2021 in a Downtown (D5) Zone, Institutional Zone, Commercial and Mixed Use (C1) Zone or Transit Oriented Corridor (TOC3) Zone may be converted to a Secondary Dwelling Unit - Detached on a lot containing a single detached dwelling, semi-detached dwelling, and street townhouse dwelling subject to the following provisions:
 - 1. The number of required parking spaces for the principal dwelling shall be provided and maintained on the lot in accordance with the applicable provisions of this by-law.
 - 2. Any additions over 10% of the existing gross floor area of the legally established accessory building to create a Secondary Dwelling Unit – Detached shall be in accordance with Subsections 4.33 a), c) to l), n), and r) and Subsections 4.33.1 (b) of this Zoning By-law;
- b) A Secondary Dwelling Unit – Detached in a Downtown (D5) Zone, Institutional (I1) Zone, Institutional (I2) Zone, Commercial and Mixed Use (C1) Zone or Transit Oriented Corridor (TOC3) Zone shall be subject to the following provisions:
 - 1. Notwithstanding Section 4.8, only Subsections 4.8 b), 4.8.h), and 4.8.1.1 e) shall apply.
 - 2. A minimum 1.2 metres interior Side Yard shall be provided which shall be unobstructed and not contain structures, walkways,

To Amend Zoning By-law No. 05-200, Respecting
Secondary Dwelling Unit Regulations

Page 6 of 17

sidewalks, hard surfaced material, and landscaping other than sod.

3. A minimum 1.2 metres Rear Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
4. Notwithstanding Section 4.33.1 b)3), permeable pavers may be permitted where a parking space and driveway abut a laneway or street.
5. Notwithstanding Section 4.33.1 b)3), where the entrance to the Secondary Dwelling Unit - Detached faces a laneway, the rear yard may be reduced to a minimum 0.3 m.
6. A minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale's slope of 1.0 metres shall be provided and maintained.
7. A maximum height of 6.0 metres shall be permitted.
8. The maximum Gross Floor Area shall not exceed the lesser of 75.0 square metres or the Gross Floor Area of the principal Single Detached Dwelling, the Semi-Detached Dwelling Unit or the Street Townhouse Dwelling Unit.
9. A minimum distance of 7.5 metres shall be required between the rear façade of principal dwelling and Secondary Dwelling Unit – Detached.
10. Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard;
 - i) A minimum distance of 4.0 metres shall be provided between the principal dwelling and a Secondary Dwelling Unit – Detached; and,
 - ii) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.

11. The maximum lot coverage of all Accessory Buildings and a Secondary Dwelling Unit - Detached shall be 25% of the total lot area.
12. An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metres height clearance from a Front Lot Line or a Flankage Lot Line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
13. Balconies and rooftop patios are prohibited above the first storey.
14. Each of the landscaped areas in Subsection 4.33r) shall be screened on two sides by a visual barrier that has a minimum height of 0.3 metres.
15. A Secondary Dwelling – Detached shall not be permitted within a *swale* or *ditch*.

4.33.2 SECONDARY DWELLING UNITS IN AGRICULTURE (A1), RURAL (A2) AND SETTLEMENT RESIDENTIAL (S1) ZONES

- a) A Secondary Dwelling Unit shall only be permitted on lands within a Agriculture (A1), Rural (A2) or Settlement Residential (S1) Zone shall only be permitted on a lot that is greater than 0.6 ha in size.
- b) Notwithstanding 4.33.2a), a Secondary Dwelling Unit shall not be permitted on lands identified in Special Figures 24.1 to 24.5.
- c) The waste disposal and water supply systems shall be in accordance with Section 4.22 iii).

3. That SECTION 5: PARKING REGULATIONS of By-law 05-200 is amended as follows:

3.1 That Subsection 5.6a) PARKING SCHEDULES be amended by adding the following new clause:

“a) Parking Schedule for all Downtown Zones

Column 1	Column 2
i. Residential Uses	

To Amend Zoning By-law No. 05-200, Respecting
Secondary Dwelling Unit Regulations

Column 1	Column 2
Secondary Dwelling Unit Secondary Dwelling Unit - Detached	1 per unit

3.2 That Subsection 5.6c) PARKING SCHEDULES be amended by adding the following new clause:

“c) Parking Schedule for all Zones, except the Downtown Zones

Column 1	Column 2
i. Residential Uses	
Secondary Dwelling Unit Secondary Dwelling Unit - Detached	1 per unit
vii. Uses in A1 and A2 Zones	
Secondary Dwelling Unit	1 per unit

3.3 That Subsection 5.1b)x) be deleted in its entirety.

4.0 That SECTION 6.5: DOWNTOWN RESIDENTIAL (D5) ZONE be amended by adding a new Subsection as follows:

“6.5.3.8 SECONDARY DWELLING UNIT REGULATIONS In accordance with the requirements of Section 4.33. of this By-law.”

5.0 That SECTION 8.1: NEIGHBOURHOOD INSTITUTIONAL (I1) ZONE be amended by adding a new Subsection as follows:

“8.1.3.8 SECONDARY DWELLING UNIT REGULATIONS In accordance with the requirements of Section 4.33. of this By-law.”

6.0 That SECTION 8.2: COMMUNITY INSTITUTIONAL (I2) ZONE be amended by adding a new Subsection as follows:

“8.2.3.9 SECONDARY DWELLING UNIT REGULATIONS In accordance with the requirements of Section 4.33. of this By-law.”

To Amend Zoning By-law No. 05-200, Respecting
Secondary Dwelling Unit Regulations

Page 9 of 17

7.0 That SECTION 9.12: EXTRACTIVE INDUSTRIAL (M12) ZONE be amended as follows:

7.1 That Subsection 9.12.3.1 AGRICULTURE REGULATIONS be amended by:

- i) Adding a new clause j) i) as follows and renumbering the existing clauses j) i) and j) ii) to j) ii) and j) iii):
 - i) A Farm Labour Residence, Accessory to Agriculture and on the same lot as an existing permanent principal farm, may be permitted in the following forms:
 - a) An Accessory detached dwelling of temporary construction, such as a mobile home; or,
 - b) An Accessory detached bunk house of temporary construction, where cooking and sanitary facilities are shared.
 - ii) Amending existing clause j) ii) to delete the words "Where a Farm Labour Residence is in the form of a temporary detached Dwelling or temporary bunk house," in the first paragraph.
 - iii) Deleting clause j) iii) in its entirety.

8.0 That SECTION 10.1: RESIDENTIAL CHARACTER COMMERCIAL (C1) ZONE be amended by adding a new Subsection as follows:

"10.1.7 SECONDARY DWELLING UNIT REGULATIONS In accordance with the requirements of Section 4.33. of this By-law."

9.0 That SECTION 12.1: AGRICULTURE (A1) ZONE be amended as follows:

9.1 That Subsection 12.1.3.1 AGRICULTURE AND VETERINARY SERVICE – FARM ANIMAL REGULATIONS be amended by:

- i) Adding a new clause j) i) as follows and renumbering the existing clauses j) i) and j) ii) to j) ii) and j) iii) :
 - i) A Farm Labour Residence, Accessory to Agriculture and on the same lot as an existing permanent principal Farm Dwelling, may be permitted in the following forms:
 - a) An Accessory detached dwelling of temporary construction, such as a mobile home; or,

To Amend Zoning By-law No. 05-200, Respecting
Secondary Dwelling Unit Regulations

Page 10 of 17

- b) An Accessory detached bunk house of temporary construction, where cooking and sanitary facilities are shared.
- ii) Amending existing clause j) ii) to delete the words "Where a Farm Labour Residence is in the form of a temporary detached Dwelling or temporary bunk house," in the first paragraph.
- iii) Deleting clause j) iii) in its entirety.

9.2 Adding a new Subsection as follows:

"12.1.3.4 SECONDARY DWELLING UNIT REGULATIONS In accordance with the requirements of Section 4.33. of this By-law."

10.0 That SECTION 12.2: RURAL (A2) ZONE be amended as follows:

10.1 That Subsection 12.2.3.1 AGRICULTURE AND VETERINARY SERVICE – FARM ANIMAL REGULATIONS be amended by:

- i) Adding a new clause j) i) as follows and renumbering the existing clauses j) i) and j) ii) to j) ii) and j) iii) :
 - i) A Farm Labour Residence, Accessory to Agriculture and on the same lot as an existing permanent principal Farm Dwelling, may be permitted in the following forms:
 - a) An Accessory detached dwelling of temporary construction, such as a mobile home; or,
 - b) An Accessory detached bunk house of temporary construction, where cooking and sanitary facilities are shared.
- ii) Amending existing clause j) ii) to delete the words "Where a Farm Labour Residence is in the form of a temporary detached Dwelling or temporary bunk house," in the first paragraph.
- iii) Deleting clause j) iii) in its entirety.

10.2 Adding a new Subsection as follows:

"12.2.3.8 SECONDARY DWELLING UNIT REGULATIONS In accordance with the requirements of Section 4.33. of this By-law."

To Amend Zoning By-law No. 05-200, Respecting
Secondary Dwelling Unit Regulations

Page 11 of 17

11. That SECTION 12.3: SETTLEMENT RESIDENTIAL (S1) ZONE be amended by adding a new Subsection as follows:

“12.3.4 SECONDARY DWELLING In accordance with the requirements of
 UNIT REGULATIONS Section 4.33. of this By-law.”
12. That SECTION 13.3: TRANSIT ORIENTED CORRIDOR – MULTIPLE RESIDENTIAL (TOC3) ZONE be amended by adding a new Subsection as follows:

“11.3.8 SECONDARY DWELLING In accordance with the requirements of
 UNIT REGULATIONS Section 4.33. of this By-law.”
13. That Special Exception 375 in SCHEDULE “C” – Special Exceptions be amended as follows.
 - i) Existing clause b) be renumbered as c);
 - ii) a new clause b) be added as follows:
 - b) In addition to clause a), a Secondary Dwelling Unit may be permitted within a legally established single detached dwelling, semi-detached dwelling, street townhouse, or block townhouse dwelling existing as of May 26, 2010.
14. That Schedule “F” to Zoning By-law No. 05-200 be amended by including new Special Figures 24, and 24.1 to 24.5 inclusive to this By-Law.
15. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.
16. That for the purposes of the Ontario Building Code, this By-law or any part of it is not made until it has come into force as provided by Section 34 of the *Planning Act*.
17. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

PASSED this 12th day of May, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

CI-20-E


To Amend Zoning By-law No. 05-200, Respecting
Secondary Dwelling Unit Regulations



Special Figure 24: Areas Where Parking is Not Required for Secondary Dwelling Units and More Than One Entrance Can Face the Street

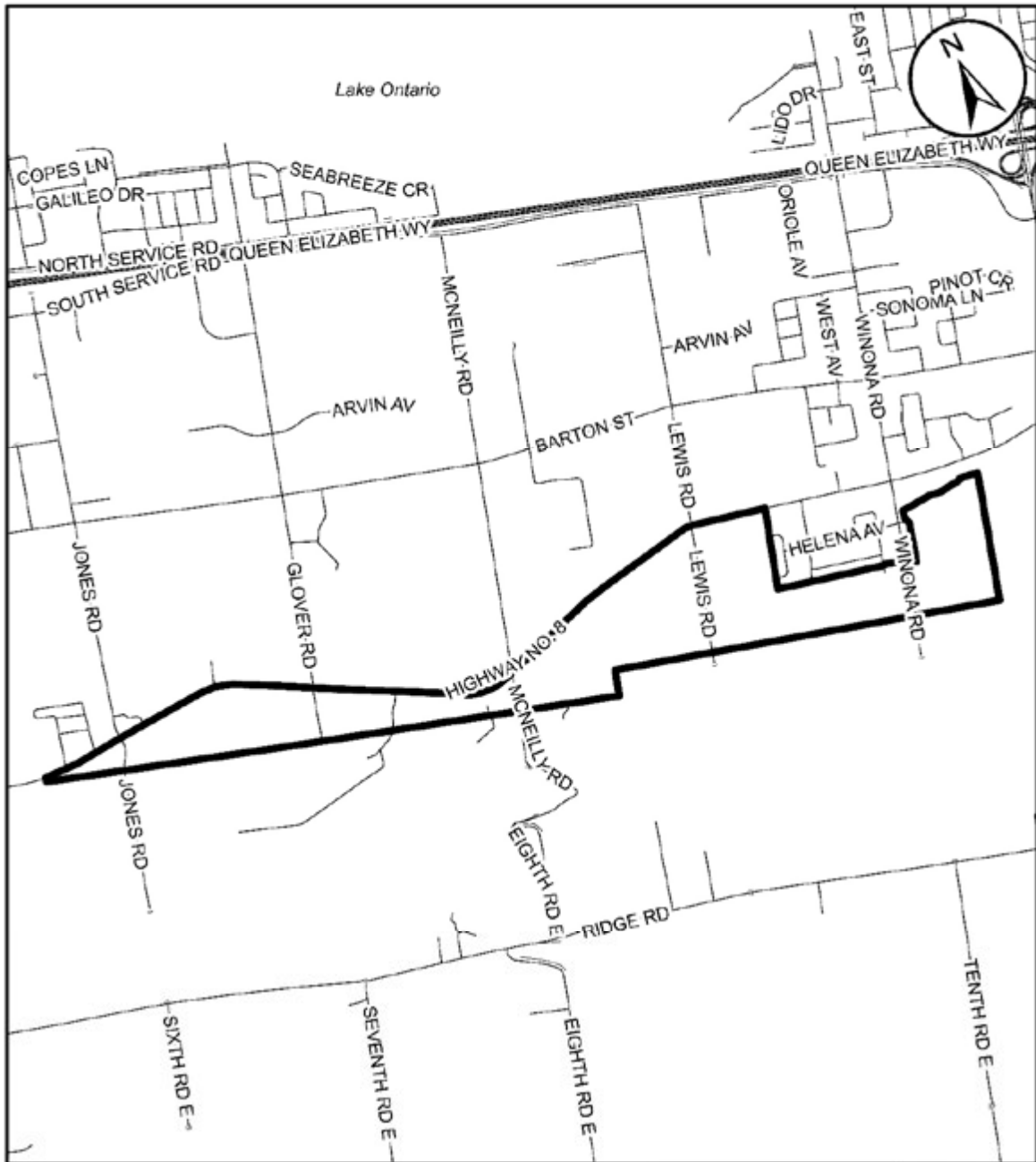
Date:
April 16, 2021

Legend

 Lower Hamilton Lands



To Amend Zoning By-law No. 05-200, Respecting
Secondary Dwelling Unit Regulations



Special Figure 24.1: Secondary Dwelling Units Prohibited in the Lower Stoney Creek Lands

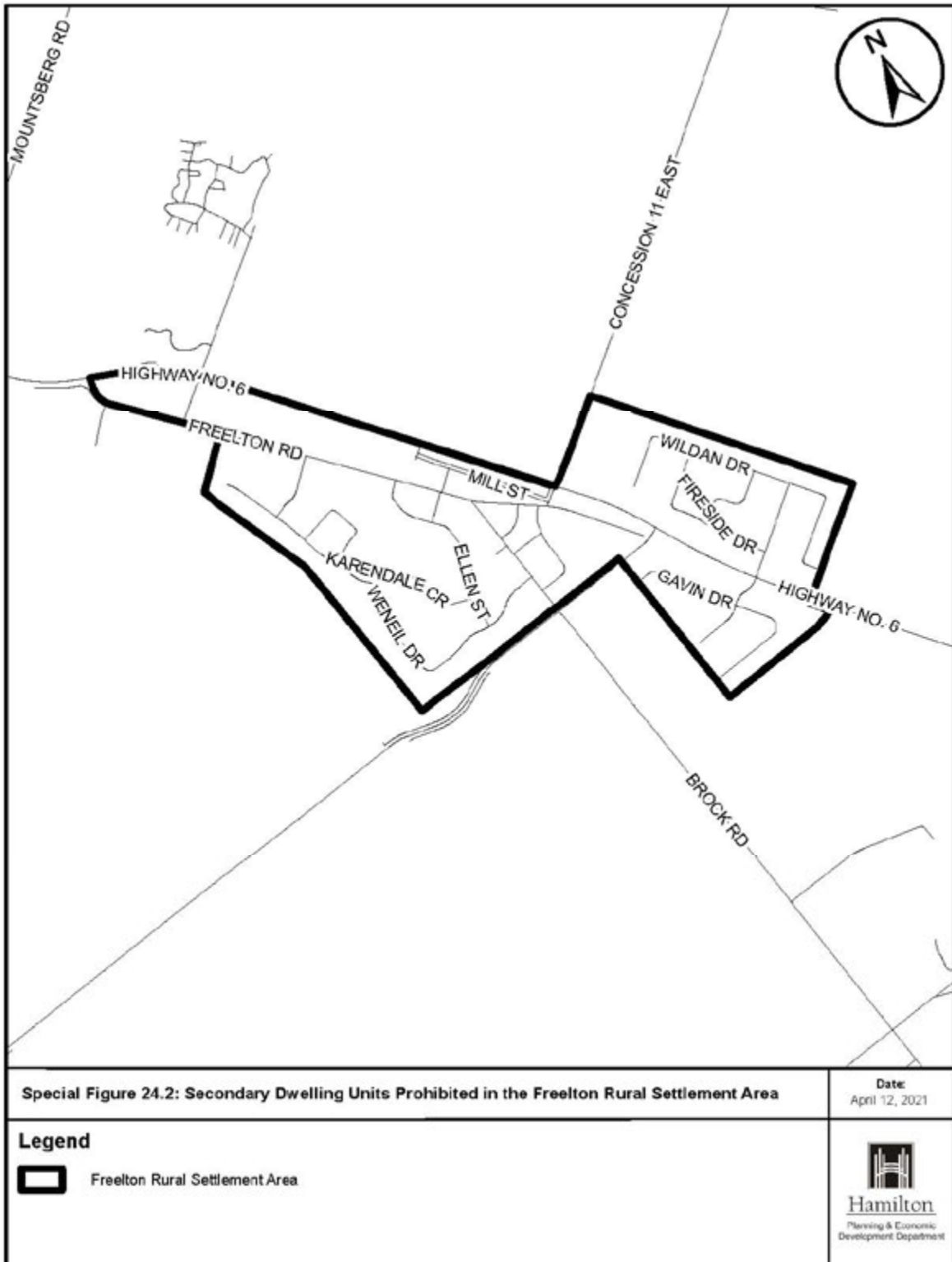
Date:
April 23, 2021

Legend

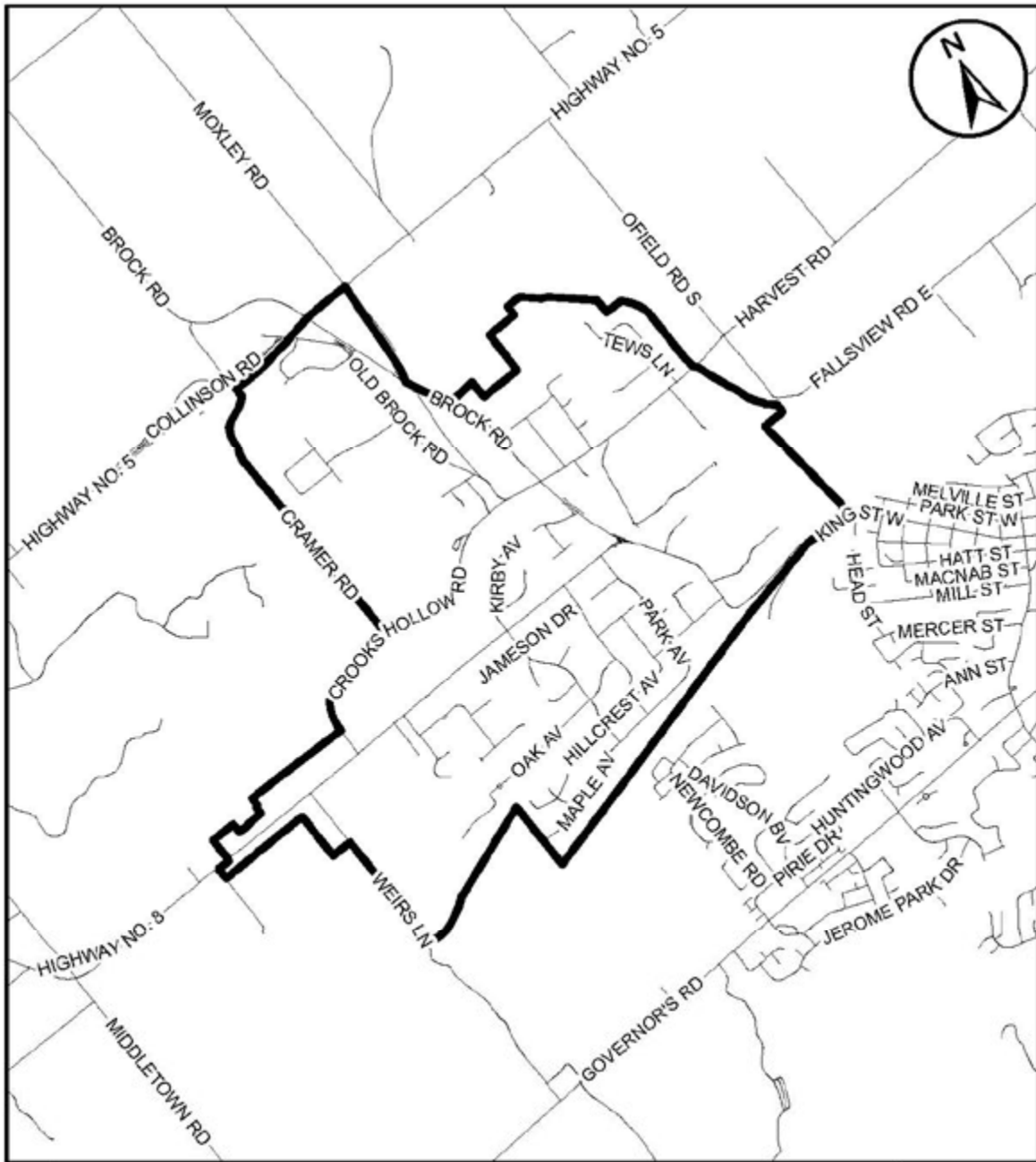
 Lower Stoney Creek Lands



To Amend Zoning By-law No. 05-200, Respecting
Secondary Dwelling Unit Regulations



To Amend Zoning By-law No. 05-200, Respecting
Secondary Dwelling Unit Regulations



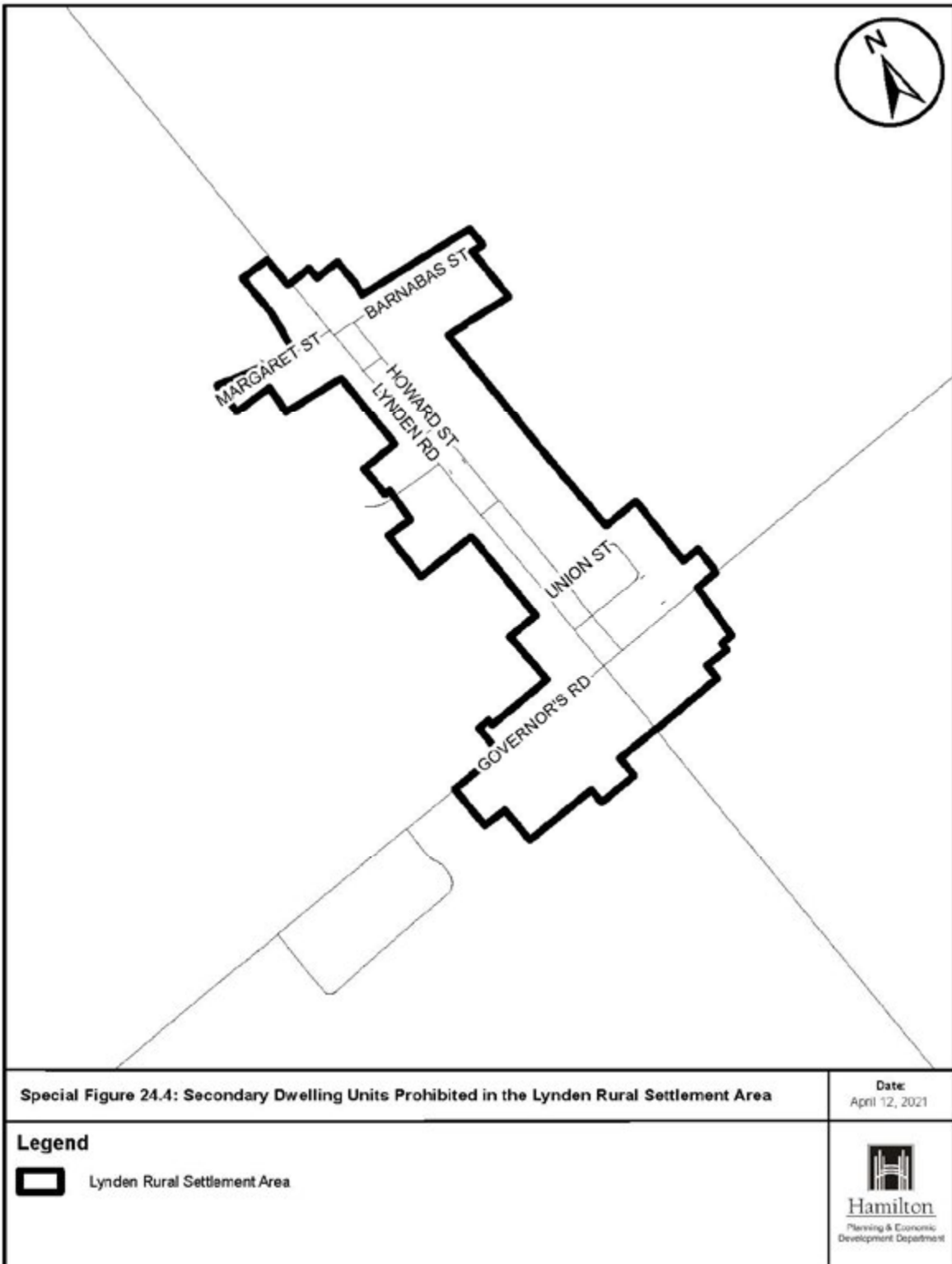
Special Figure 24.3: Secondary Dwelling Units Prohibited in the Greenville Rural Settlement Area

Date:
April 12, 2021

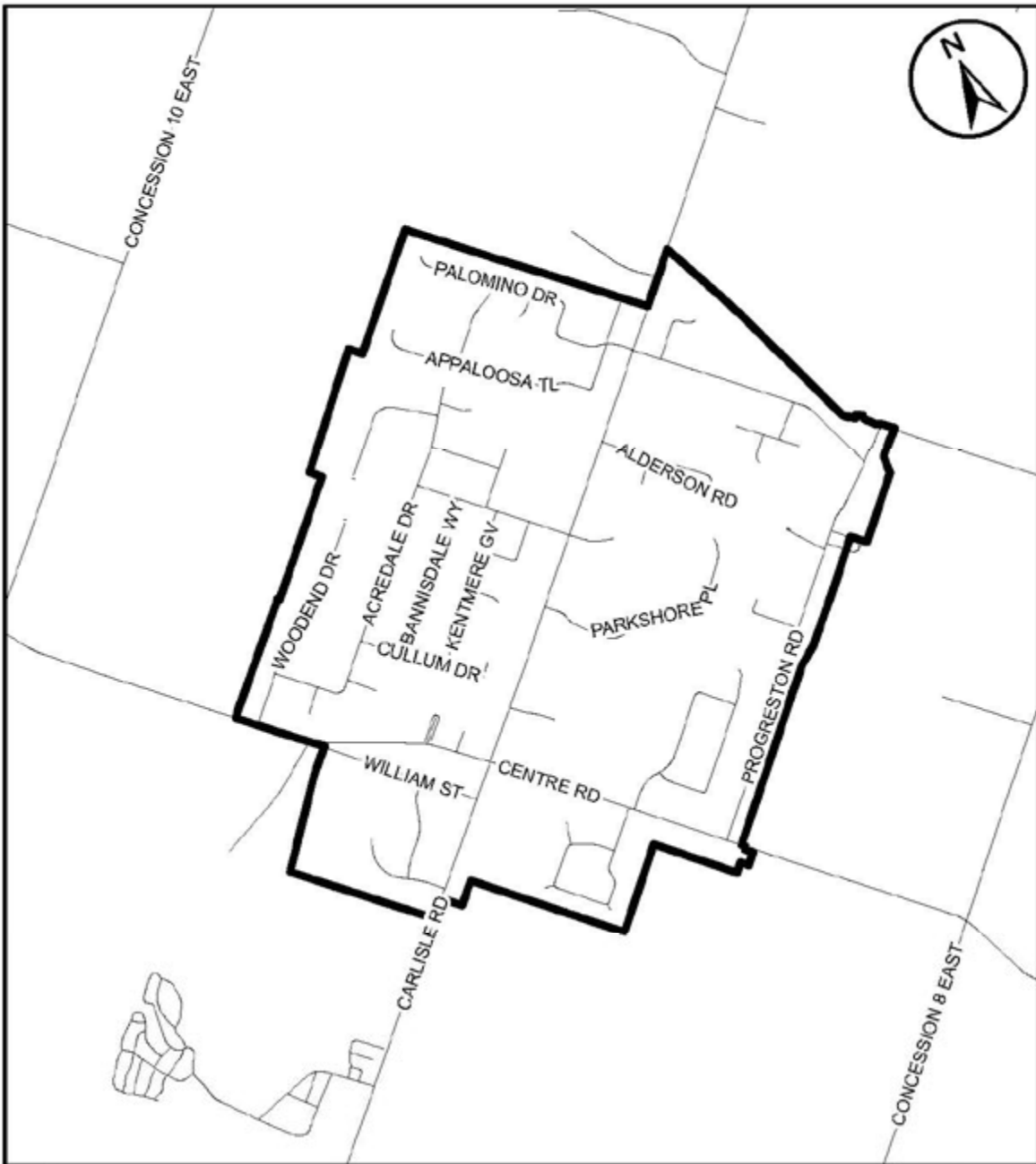
Legend

 Greenville Rural Settlement Area





To Amend Zoning By-law No. 05-200, Respecting
Secondary Dwelling Unit Regulations



Special Figure 24.5: Secondary Dwelling Units Prohibited in the Carlisle Rural Settlement Area

Date:
April 23, 2021

Legend

 Carlisle Rural Settlement Area





Hamilton