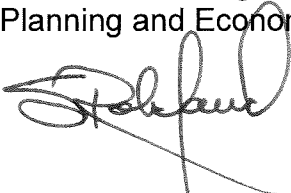




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 23, 2024
SUBJECT/REPORT NO:	Farm Labour Residences and Additional Dwelling Units in the Rural Area - AMENDED (PED22002(a)) (Wards 9, 10, 11, 12, 13 and 15)
WARD(S) AFFECTED:	Wards 9, 10, 11, 12, 13 and 15
PREPARED BY:	Lucas Mascotto-Carbone (905) 546-2424 Ext. 1287
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to **City Initiative CI-23-J for modifications and updates to the Rural Hamilton Official Plan** and which implements the direction given at the February 6, 2024 Planning Committee meeting, as it relates to Farm Labour Residences and Additional Dwelling Units – Detached in the Rural Area, be **APPROVED** on the following basis:
 - (i) That the amended Rural Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED22002(a), be adopted by Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, 2020, conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), Greenbelt Plan (2017) and Niagara Escarpment Plan (2017);

- (b) That approval be given to **City Initiative CI-23-J for modifications and updates to the City of Hamilton Zoning By-law No. 05-200** and which implements the direction given at the February 6, 2024 Planning Committee meeting as it relates to Farm Labour Residences and Additional Dwelling Units – Detached in the Rural Area, be **APPROVED** on the following basis:

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- (i) That the amended By-law, attached as Appendix “B” to Report PED22002(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (ii) That the proposed changes in zoning are in conformity with the Rural Hamilton Official Plan upon approval of Rural Hamilton Official Plan Amendment No. 39 (Appendix “B” attached to Report PED22002(a));
- (iii) That the proposed amended Zoning By-law Amendment is consistent with the Provincial Policy Statement, 2020, conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), the Greenbelt Plan (2017) and Niagara Escarpment Plan (2017);
- (iv) That the amendments to the By-law which have been prepared as a result of the public submissions at the statutory public meeting of February 6, 2024, attached as Appendix “B” to Report PED22002(a) do not require additional Public Notice in accordance with Section 34(17) of the *Planning Act*.

EXECUTIVE SUMMARY

There is a growing need to provide more options for housing seasonal agricultural workers to support the agricultural industry. The Farm Labour Residences provide accommodation for seasonal farm workers where additional employment is justified for agricultural production. Following delegations to Planning Committee in May of 2021 staff have reviewed the policies and zoning regulations associated with Farm Labour Residences and Additional Dwelling Units - Detached, presented a Discussion Paper (Report PED22002) and conducted consultation with stakeholders on options for providing more flexibility to the City’s policies and regulations on Farm Labour Residences and Additional Dwelling Units – Detached in the Rural area.

Planning staff have recommended modifications to policies and regulations for Farm Labour Residences including:

- Increases to the maximum size permissions for Farm Labour Residences;
- Allowing for multiple Farm Labour Residences associated with farm operations;
- Allowing permanent Farm Labour Residences; and,
- Removing the requirement for shared services between the primary residence and the Farm Labour Residence;

Additionally, staff are recommending permitting Additional Dwelling Units – Detached in the Rural area for lots greater than 1.5 hectares in size and carrying forward the

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applicable regulations associated with Additional Dwelling Unit – Detached in the Urban Area.

At the February 6, 2024, Planning Committee staff was directed to consider the necessary changes to remove the requirement that a permanent principal Farm Dwelling must be located on the same lot as a Farm Labour Residence(s). As a result, technical changes have been made to the Rural Hamilton Official Plan Amendment (see amended Appendix “A” attached to Report PED22002(a)) and implementing Zoning By-law (see amended Appendix “B” attached to Report PED22002(a)) to implement Council’s direction.

Alternatives for Consideration – See Page 20

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council will hold a Public Meeting to consider an amendment to the Rural Hamilton Official Plan and Zoning By-law.

In accordance with Section 34(17) of the Planning Act no additional Public Notice is required as a result of the changes to the By-law which implement the direction given at the February 6, 2024 Planning Committee meeting.

HISTORICAL BACKGROUND

The current Farm Labour Residence policies implemented under the Rural Hamilton Official Plan were adopted by the City Council on September 27, 2006. The implementing Rural Zones were approved by City Council on July 10, 2015 (By-law No. 15-172) and introduced regulations for on-site Farm Labour Residences.

At the May 4, 2021, Planning Committee meeting, the Committee received delegations from greenhouse operators in response hardships experienced with the City’s development application process and Farm Labour Residence policies in the Rural Hamilton Official Plan. The delegates specifically highlighted the restrictions that prevented the development of a second Farm Labour Residence to support the expansion of their greenhouse operation. The delegates emphasized the need for multiple Farm Labour Residences with independent private servicing separate from the existing principal residence. The Planning Committee acknowledged that the

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policy and zoning limitations were not limited to the delegates' site alone but also applied to the broader rural area. As a result, the Planning Committee directed the staff to undertake a review of the Farm Labour Residence.

On April 28, 2021, the City adopted amendments to Zoning Bylaw No. 05-200 to make modifications to the Farm Labour Residence regulations in the Agriculture (A1) Zone and Rural (A2) Zone (PED20093(a)/By-law No. 21-071). These amendments included, among other matters:

- Updates to the definition of Farm Labour Residence;
- Introduce a new clause describing permitted built forms; and,
- Remove a clause related to FLRs in the form of an accessory apartment not exceeding 25% of the gross floor area of the principal farm dwelling.

These housekeeping amendments were part of the broader Additional Dwelling Unit regulations recently introduced across the Hamilton urban area.

At the March 22, 2022, Planning Committee staff presented the Farm Labour Residence Discussion Paper (PED22002) which included options for the potential modifications to the Official Plan policies and Zoning By-law amendments related to Farm Labour Residences and Additional Dwelling Units – Detached. Report PED22002 also provided direction to staff to consult on the options of the Discussion Paper and to report back to Planning Committee on the results of consultation and recommendations to revise the policies and regulations.

Staff consulted with stakeholders throughout 2022 and 2023 to determine the final recommendations for amendments to the Rural Hamilton Official Plan and Zoning By-law No. 05-200.

At the February 6, 2024, Planning Committee staff was directed to consider the necessary changes to remove the requirement that a permanent principal Farm Dwelling must be located on the same lot as a Farm Labour Residence(s). As a result, technical changes have been made to the Rural Hamilton Official Plan Amendment (see amended Appendix “A” to Report PED22002(a)) and implementing Zoning By-law (see amended Appendix “B” to Report PED22002(a)) to implement Council’s direction.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Plans

The Provincial Policy Statement (PPS) 2020 and the Greenbelt Plan 2017 include farm labour residences as part of the Agriculture definitions provided the associated on-farm buildings and structures constitute accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

The current Provincial Policy Statement (PPS) and the Greenbelt Plan include the following definition:

“Agricultural uses: means 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.”

Farm labour residences are classified as a permitted use within agricultural areas based on their definition. Neither the Provincial Policy Statement nor the Greenbelt Plan have specific policies regarding farm labour residences. However, there is general guidance for rural lands in municipalities, emphasizing the promotion of development that is compatible with the rural landscape and can be sustained by rural service levels. In general, farm labour residences are supported provided they are necessary due to the size and nature of the farm operation requiring additional employment. However, the creation of new lots solely for the purpose of accommodating a farm labour residence is not supported.

Additional Dwelling Units – Detached are recognized in the Greenbelt Plan outside of the Natural Heritage System with accessory structures on the same lot as existing single detached dwellings (Policy 4.5.3).

The proposed amendments to the Rural Hamilton Official Plan and Zoning By-law No. 05-200 are consistent with the Provincial Policy Statement and conform to the Greenbelt Plan.

Niagara Escarpment Plan (2017)

The Niagara Escarpment Plan builds on the policies of the Provincial Policy Statement and provides additional land use planning policies for preservation of the Niagara Escarpment. The Niagara Escarpment Plan land use designations and policies prevails over the policies of the Rural Hamilton Official Plan and the authority of the regulations of Zoning By-law No. 05-200.

The Niagara Escarpment Plan permits temporary dwelling unit(s) accessory to agriculture for farm labour subject to general criteria set out in Policy 2.8.5: "2.8 Agriculture

Dwelling Units Accessory to Agricultural Uses

5. A temporary dwelling unit(s) for farm labour may be permitted on the same property as the principal farmhouse, subject to the following criteria:
 - a) Additional farm labour is required on a full-time or seasonal basis;
 - b) The dwelling unit(s) shall be mobile or portable, without a basement; or the dwelling unit(s) may be permitted within an existing farm building or structure on a temporary basis, where justified (e.g., barn);
 - c) The dwelling unit(s) should be located within the existing farm building cluster, and the existing farm lane access is to be used where possible; and,
 - d) The dwelling unit(s) shall be temporary and shall be removed within a period set out in the Development Permit when the dwelling unit is no longer required."

A permit will be required from the Niagara Escarpment Commission for any development within the Niagara Escarpment Plan and for the purposes of Farm Labour Residences, development will be restricted to temporary structures. Additionally, Policy 1.5.3 of the Niagara Escarpment Plan permits Secondary Dwelling Units in accordance with the General Development Criteria set out in Policy 2.2.11 which states:

"11. The following provisions apply to secondary dwelling units:

- a) A single secondary dwelling unit may be permitted on an existing lot of record;

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- b) Notwithstanding the above, a secondary dwelling unit shall not be permitted on an existing lot of record where there is more than one single dwelling, including any dwelling approved under Part 2.2.7 of this Plan;
- c) The secondary dwelling unit shall be contained entirely within a single dwelling or in an addition to a single dwelling and shall not be permitted in a detached accessory facility;
- d) The floor area of a secondary dwelling unit shall be subordinate in size to the single dwelling;
- e) Secondary dwelling units shall not be permitted in a group home or a single dwelling containing a bed and breakfast; and,
- f) A home occupation or home industry shall not be permitted within a secondary dwelling unit.”

The proposed amendments for Additional Dwelling Units – Detached align with the policies of the Niagara Escarpment Plan.

2.0 Rural Hamilton Official Plan

The Rural Hamilton Official Plan currently provides a policy direction for Farm Labour Residences planned within the rural area. Policies D 2.1.1.6 and D.2.1.1.7 of the Rural Hamilton Official Plan permits a maximum of one farm labour residence on the same lot of a primary farm use with the following required conditions:

- Confirmation that the size and nature of the farm operation requires additional labourers to support the farm;
- Limited to one unit attached to the primary residence or one temporary structure (mobile home or bunk house);
- Servicing is required to be shared with the Farm Labour Residence and the primary dwelling;
- The temporary structure is to be removed when no longer necessary for farm support; and,
- No severance is permitted for the Farm Labour Residence.

An Official Plan Amendment is required to provide more flexibility for Farm Labour Residences to allow 24/7/365 farm operations, more appropriate housing options for seasonal labourers and on farm diversification opportunities.

Additionally, Policies C.3.1.2 and F.1.14.2 of the Rural Hamilton Official Plan apply to, apply to secondary dwelling unit - detached:

“C.3.1.2 The following uses shall be permitted in the Agriculture, Specialty Crop, Rural and Rural Settlement Area designations, provided the applicable conditions are met:

- e) *A secondary dwelling unit - detached* shall not be permitted in Rural Hamilton until such time as the City:
 - i) Has completed a study to address the adequacy of sustainable servicing policies of Section C.5 to address secondary dwelling units - detached; and,
 - ii) Has developed and implemented appropriate policies and regulations for these uses.

F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations: (OPA 18)

- i) Severances shall not be granted for dwellings created as *secondary dwelling units – detached.*”

City staff recommends permitting Additional Dwelling Units - Detached, provided they are constructed on properties exceeding 1.5 hectares in size. This recommendation aims to ensure that the development aligns with appropriate servicing needs, promoting sustainable growth and addressing the evolving housing requirements in Rural Areas. An Official Plan amendment is required to permit Additional Dwelling Units – Detached in the Agriculture, Specialty Crop, Rural and Rural Settlement Area designation and establish the minimum lot area requirements to ensure the adequacy of sustainable services. A reduction to the minimum lot area requirement may be appropriate where it can be demonstrated that the primary dwelling and the Additional Dwelling Unit – Detached can achieve the minimum servicing requirements established in the Rural Hamilton Official Plan policies.

3.0 Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA)

The Ontario Ministry of Agriculture Food and Rural Affairs released “Guidelines on Permitted Uses in Ontario Prime Agricultural Areas”. These guidelines aim to assist municipalities, farmers, and other stakeholders in understanding and applying the

policies of the Provincial Policy Statement regarding the allowable uses in prime agricultural areas. The Guidelines work in conjunction with the Provincial Policy Statement and Greenbelt Plan to provide specific guidance on farm help housing as an agricultural use. While the guidelines primarily focus on land uses in prime agricultural areas, they are also applicable to rural lands. The guidelines provide direction to locate Farm Labour Residences in a cluster when possible and in an area of the farm that has the least impact on agriculture, meeting the province's minimum distance separation formulae. The Minimum Distance Separation will apply to the location of any new Farm Labour Residence as well as Additional Dwelling Unit – Detached.

The Provincial Policy Statement defines prime agricultural areas as follows:

“...areas where prime agricultural lands predominate (specialty crops and Canadian Land Inventory Class 1, 2, and 3 lands). This includes areas of prime agricultural lands and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture and Food using guidelines developed by the Province as amended from time to time. A prime agricultural area may also be identified through an alternative agricultural land evaluation system approved by the Province.”

4.0 Foreign Agricultural Resource Management Service (F.A.R.M.S)

The Foreign Agricultural Resource Management Service is a federally incorporated non-profit organization. They developed the *Seasonal Farm Worker Housing Guidelines* to aid local public health and other agencies in assessing the suitability of housing for both domestic and foreign farm workers. The guidelines were last updated in 2010 and establish minimum construction standards, sewage disposal protocols, occupancy calculations, water supply guidelines, and food handling requirements. These guidelines serve as baseline requirements for seasonal farm worker housing and focus on ensuring health and safety rather than land use considerations.

Currently, the authority to regulate the construction and maintenance of farm labour housing generally remains under municipal jurisdiction through the implementation of the Ontario Building Code via building permits, Official Plan policies and Zoning By-law standards and regulations. Other authority bodies such as the Ministry of Municipal Affairs and Housing, Ontario Fire Marshal's Office, Ontario Ministry of Agriculture, and the Foreign Agricultural Resource Management Services play a role in the inspection and oversight of farm labour practices and residences as part of broader farm resource management.

5.0 Zoning By-law No. 05-200

The City’s comprehensive Zoning By-law No. 05-200 regulates and defines Farm Labour Residences which are permitted in Agriculture (A1), Rural (A2), and Extractive Industrial (M12) Zones. The regulations were updated as a result of the Secondary Dwelling Unit project in April 2021 (By-law No. 21-071 (PED20093(a))). Farm Labour Residences are subject to the regulations found within Section 9.12.3.1j), 12.1.3.1 j), and 12.2.3.1 j) which are summarized as follows:

- One Farm Labour Residence allowed per lot as an accessory to agriculture on the same lot as the principal Farm Dwelling in the following permitted forms:
 - Accessory detached dwelling (e.g., mobile home); and,
 - Accessory detached bunk house with shared cooking and sanitary facilities.

- Current Regulations:
 - Must be located within 30.0 metres of the Farm Dwelling;
 - Maximum building height of 10.5 meters;
 - Must use existing driveway access to the Farm Dwelling;
 - Temporary detached dwelling must have a minimum floor area of 65.06 square meters and a maximum of 116.2 square meters; and,
 - Temporary bunk house must have a minimum gross floor area of 65.06 square meters or 8.36 square meters per resident, whichever is greater.

A Zoning By-law amendment is required to provide additional flexibility in the Agriculture (A1) Zone, Rural (A2) Zone, or Settlement Residential (S1) Zone. As a result of the proposed Rural Hamilton Official Plan amendments staff are proposing amendments to allow for Additional Dwelling Units – Detached as of right, on lots greater than 1.5 hectares. The associated regulations establish the permissions for the building location in relation and subordinate to the primary dwelling. An Additional Dwelling Unit – Detached may be considered on a lot less than 1.5 hectares where it can be demonstrated that the minimum servicing requirements for both the primary and Additional Dwelling Unit – Detached can be achieved in accordance with the Rural Hamilton Official Plan policies and Adequate Services regulations of Zoning By-law No. 05-200.

RELEVANT CONSULTATION

Staff within the Building Division, Hamilton Water (Source Water Protection) and Development Planning, Heritage and Design were consulted to identify any interpretation and/or implementation issues with the alternatives provided under the initial Farm Labour Residence Discussion Paper (CI-22-E).

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Consultation has been undertaken with staff in the Licensing and By-law Services Division, Development Planning and Zoning Review Sections of the Planning and Economic Development Department which have informed the final recommendations of this Report.

At the March 22, 2022, Planning Committee authorized staff to undertake public and stakeholder consultation on the preliminary recommendations set out in the Farm Labour Residence Discussion Paper prepared by staff in Report PED22002.

The following external stakeholders and agencies were consulted to inform the proposed amendments to accommodate Farm Labour Residences and Additional Dwelling Units - Detached:

- Agricultural and Rural Affairs Committee;
- Ontario Federation of Agriculture;
- Ontario Ministry of Agriculture, Food and Rural Affairs; and,
- Other interested parties.

A variety of online tools were used to engage the public and obtain feedback on the issues and themes identified in the Farm Labour Residence Discussion Paper. The public and stakeholder engagement occurred on the Engage Hamilton portal between April 2022 and September 2022. One comment was received, and the recommendations of this Report address the concerns related to creating more flexibility in farm operations.

Staff also held individual meetings with various agencies and interested parties such as the Niagara Escarpment Commission, Ontario Ministry of Agriculture, Food, Hamilton-Wentworth Federation of Agriculture and Rural Affairs, agricultural operators and the Agriculture and Rural Affairs Committee to obtain seek feedback on the potential Farm Labour Residence regulations. The feedback received by staff assisted in formulating the final recommendations on increasing opportunities for Farm Labour Residences and Additional Dwelling Units – Detached on Rural properties.

In November 2023, staff participated in a joint training session organized by the Ontario Ministry of Agriculture, Food and Rural Affairs and the Ontario Federation of Agriculture focused on "Uses Permitted in Prime Agricultural Areas." This collaborative initiative aimed at enhancing knowledge and understanding of the evolving landscape within prime agricultural areas. In addition, staff engaged in a joint tour of Brenn-B Farms and Beverly Greenhouses, organized by the Hamilton-Wentworth Federation of Agriculture and the City's Business Investment and Sector Development Division. This hands-on experience provided valuable insights into agricultural practices and allowed for meaningful exchanges with industry experts.

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On November 29, 2023, Planning Staff delivered presented the proposed Farm Labour Residence and Additional Dwelling Unit regulations to the members of the Hamilton-Wentworth Federation of Agriculture. Subsequently, November 30th, 2023, Planning Staff presented the proposed Official Plan Amendments and Zoning Regulations to the Agriculture and Rural Affairs Advisory Committee. This extended forum allowed for the presentation of finalized proposals and facilitated valuable discourse, enabling the gathering of additional feedback. The collaborative exchange during these sessions exemplified our commitment to transparent communication and inclusive decision-making processes, ensuring that all stakeholders had an opportunity to contribute to the refinement of our proposals. As a result of the consultation staff have modified the recommendations to:

- Provide additional flexibility in the maximum size of Farm Labour Residences;
- Removed the requirement that Farm Labour Residences be a temporary construction; and,
- Increased the maximum size of Additional Dwelling Units – Detached.

Notice of the proposed amendments was posted in the Hamilton Spectator on January 19, 2024, for a Public Meeting held on February 6, 2024 in accordance with the *Planning Act*.

At the February 6, 2024, Planning Committee staff was directed to consider the necessary changes to remove the requirement that a permanent principal Farm Dwelling must be located on the same lot as a Farm Labour Residence(s). As a result, technical changes have been made to the Rural Hamilton Official Plan Amendment (see amended Appendix “A” to Report PED22002(a)) and implementing Zoning By-law (see amended Appendix “B” to Report PED22002(a)) to implement Council’s direction.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1.0 Municipal Comparisons

As part of Report PED22002, staff conducted a review of Municipal Official Plan policies and Zoning By-law regulations relating to Farm Labour Residences across several other provincial jurisdictions based on county profile data from Ontario Ministry of Agriculture, Food and Rural Affairs. These jurisdictions include:

- City of Ottawa;
- Haldimand County;
- Norfolk County;
- Niagara Region;

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- Town of Niagara-on-the-Lake;
- Lincoln County;
- Halton Region;
- Town of Milton; and,
- Wellington County.

The options for expanding Hamilton's requirements for Farm Labour Residences recommended below have been drawn from examples implemented in other provincial municipalities, which include:

- Farm Labour Residences must be on the same lot or farm as primary farm dwellings;
- Approved waste disposal system and adequate water supply is 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 are encouraged to be located in proximity to the farm building but may be permitted on a separate lot that is part of the farm operation; and,
- Farm Labour Housing is of temporary construction and removed when no longer required.

A common trend reviewed among municipalities is the inclusion of provisions allowing for a maximum of one Farm Labour Residence on the same lot as the principal dwelling. Farm Labour Residences are typically required to be of temporary construction and have sufficient servicing. However, the City of Ottawa and the Town of Lincoln stand out as exceptions, permitting additional Farm Labour Residences if the size and nature of the farm operation justifies it. The regulation of the maximum number of occupants within a Farm Labour Residences is not commonly found across the reviewed municipalities, except in Norfolk County where a maximum of six bedrooms is specified for bunk houses or mobile homes. Furthermore, specific minimum parcel sizes for Farm Labour Residences are present in the City of Ottawa and St. Catherine's Zoning By-laws, while other municipalities lack such references.

Farm Labour Residence development applications are currently evaluated by Development Planning staff. To initiate the process, a farm operator must complete a request form and provide a detailed sketch of the proposed Farm Labour Residence to Development Planning staff. The applicant's submission is assessed based on the justification provided, confirming that the size and nature of the farm operation necessitate additional employment housing in line with the Rural Hamilton Official Plan policies and zoning regulations. After Planning approval, the Owner may submit Building Permit application for the proposed Farm Labour Residence construction.

Between 2015 and 2021, Development Planning received a total of eight applications for Farm Labour Residences. As part of their evaluation, planning staff analysed a selected number of FHH applications to identify patterns, common issues, and minor variance requests, aiming to identify any potential gaps in RHOP policies, zoning regulations, and the Development Planning staff review processes. The examination of Farm Labour Residences applications has revealed the following findings:

- Proposed increase to the maximum floor area ranging between 139.5 square metres – 513 square metres for Farm Labour Residences;
- Multiple Farm Labour Residences proposed on a lot (e.g. 3 units contained within a building);
- Farm Labour Residences as permanent structures;
- Convert an existing single detached dwelling to a Farm Labour Residence and construct a new primary residence; and,
- Request to locate a Farm Labour Residence more than 30 metres from the principal dwelling.

The requests mentioned above were primarily observed within greenhouse operations, which require a higher volume of labour to support their scale and intensity. Consequently, these operations often require larger housing accommodations for farm help. However, it is noteworthy that several of the Farm Labour Residence applications were not materialized by the applicants. This was due to the inability to meet the requirements outlined in the Rural Hamilton Official Plan policies, zoning regulations, or other external factors.

The Farm Labour Residences Discussion Paper (Report PED22002) discussed five issues related to Farm Labour Residences and Additional Dwelling Units – Detached. The proposed Official Plan Amendment and Zoning By-law amendments are based on the following analysis.

2.0 Recommendations

2.1 Issue 1 – Number of Farm Labour Residences per lot

Currently, a maximum of one Farm Labour Residence is allowed per lot (Policy D.2.1.1.6 b)) and Zoning By-law Regulations 12.1.3.1 j) ii), and 12.2.3.1 j) ii)). Development applications that considered more than one Farm Labour Residence have historically not been supported by staff as they did not comply with Policy D.2.1.1 b) of the Rural Hamilton Official Plan. The Farm Labour Residence Discussion Paper considered the following alternatives:

- 1) Maintain existing policies to limit Farm Labour Residences to a maximum of one per lot.
- 2) As of right permissions for more than one Farm Labour Residence per farm site in the form of a temporary detached structure with a maximum aggregate gross floor area of 420 square metres.
- 3) Permit up to a maximum of three Farm Labour Residences per lot.

Consultation on the alternatives has demonstrated that providing opportunity for more than one Farm Labour Residence will better support the 24/7/365 operation of some farms. Additionally, the temporary nature of the Farm Labour Residence has proven to be difficult to implement and, in some cases, results in the structures being substandard for year round operations. The temporary nature of a building does not result in less impact on the farming practice or servicing. Permanent structures offer better options for weather proofing.

The Discussion paper also suggested a maximum aggregate gross floor area of 420 square metres for all Farm Labour Residences. The recommendation was based on a maximum of 40 Farm Labourers, minimum area associated with sleeping facilities, kitchen, living room and bathroom facilities and common areas. Through consultation staff determined that the maximum gross floor area limited the number of workers permitted rather than regulating the effect of additional buildings on-site. Therefore, the recommendation of this report is to limit the aggregate lot coverage for all Farm Labour Residences to 420 square metres. The maximum lot coverage reduces the amount of impervious area but provides flexibility in the number of labourers accommodated and the format of living arrangements.

Therefore, staff are recommending allowing more than one permanent Farm Labour Residence with a maximum aggregate lot coverage of 420 square metres.

2.2 Issue 2 – Maximum Gross Floor Area for an Individual Farm Labour Residence

Currently, the City's comprehensive Zoning Bylaw No. 05-200 allows a maximum floor area of 116.2 m² (1250.76 ft²) for a Farm Labour Residence (FLR). The Farm Labour Residence Discussion Paper considered the following alternatives:

- 1) Maintain current 116.2 square metre maximum gross floor area per individual Farm Labour Residence;
- 2) Increased maximum gross floor area to 200 square metres per individual Farm Labour Residence;
- 3) Eliminate maximum gross floor area per individual Farm Labour Residence.

Staff have reviewed historic Farm Labour Residence development applications which has shown that the existing maximum floor area requirement (116.2 square metres) is

too restrictive. Several applications, including those for greenhouse and agri-tourism uses, have demonstrated the need for Farm Labour Residence's ranging from 139 square metres to 513 square metres. The Southwestern Public Health Unit has published "Housing Guidelines for Seasonal Farm Workers", which recommend a maximum occupancy rate of one person per 7.44 square metres for sleeping facilities. Based on the current 116.2 square metre floor area requirement, the maximum occupancy allowed under the City's standards is 15 persons. However, it is important to note that this figure does not account for other living spaces, washroom facilities, and common amenity areas necessary for a satisfactory living environment.

During their analysis of other surrounding municipalities, Planning Staff found that only a few regulate the maximum number of farm laborers based on the number of bedrooms or occupant limits. Recognizing that directly regulating the maximum number of occupants may be overly restrictive, a combination of occupancy rates, typical water/wastewater servicing capacity, and minimum requirements from the Ontario Building Code were used to determine a maximum gross floor area per individual Farm Labour Residence. Therefore, a maximum gross floor area per individual Farm Labour Residence of 200 square metres is proposed.

The increased gross floor area can have several benefits, including supporting the expansion of farm operations, reducing the risk of overcrowding in farm housing, and facilitating the provision of quality housing accommodations. By allowing for larger farm housing accommodations, the increased gross floor area can contribute to improved living conditions for farm workers and promote a healthier and more sustainable working environment on farms.

2.3 Issue 3 – Farm Labour Residence Built Form (Permanent or Temporary Structures)

The existing Rural Hamilton Official Plan policies and Zoning By-law regulations require that Farm Labour Residences be in the form of temporary structures, to be removed once no longer necessary. The Farm Labour Residence Discussion Paper contemplated the following alternatives:

- 1) Maintain the requirement for temporary structures for Farm Labour Residences;
- 2) Allow permanent Farm Labour Residence structures for Greenhouse Facilities only; and,
- 3) As of right permissions for permanent Farm Labour Residences.

Agricultural producers, particularly greenhouse operators, have expressed the need to provide farm worker accommodations within permanent structures. However, the While the Discussion Paper initially recommended maintaining the temporary

construction requirements of Farm Labour Residences, staff are recommending that Farm Labour Residences be permitted as permanent structures aligning with practices in other municipalities such as the City of Ottawa and Town of Lincoln.

Staff recognize that farming operations consistently require year-round staffing. The adoption of intensified growing processes underscores the necessity of permitting permanent Farm Labour Residence structures. This support aligns with the increased production demands inherent in specialized agricultural industries. Notably, the continuous nature of greenhouse operations demands 24-hour supervision and attention to commodities. Planning staff already have established mechanisms to address built form regulations, location of Farm Labour Residences, and private servicing requirements. These regulations are effective mechanisms to mitigate any potential concerns associated with permanent structures, ensuring they do not compromise the agricultural viability and long-term soil productivity of the lands. By implementing thoughtful planning measures, the proposed policy and implementing regulations strike a balance between meeting the demands of intensified growing processes and preserving the sustainable future of agricultural activities on the designated lands.

Farm operations serve as a crucial catalyst for driving economic growth within the City and its surrounding regions. Recognizing their pivotal role, Staff comprehends that permitting permanent Farm Labour Residences holds significant potential in facilitating the expansion of farm operators' businesses and fostering the diversification of economic opportunities in the area. Through extensive stakeholder engagement, it has become evident that deeming Farm Labour Residences as temporary without establishing a specific timeline for removal is not an implementable approach. Acknowledging the importance of clarity and practicality in regulatory frameworks, Planning Staff is committed to crafting effective policies that support the sustainable growth of farm operations while ensuring a responsible and feasible implementation of regulations related to Farm Labour Residences.

2.4 Issue 4 – Servicing

The existing policies of the Rural Hamilton Official Plan require shared servicing between the principal farm dwelling and Farm Labour Residences.

- 1) Maintain shared servicing requirement.
- 2) Separate private servicing.

Requiring shared servicing between the primary farm dwelling and the Farm Labour Residence discouraged the division and fragmentation of agricultural land while promoting the construction of buildings within a farm cluster. However, the policies under Section C.5.1, Private Water and Wastewater Services, must be met to

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SUBJECT: Farm Labour Residences and Additional Dwelling Units in the Rural Area - AMENDED (PED22002(a)) (Wards 9, 10, 11, 12, 13 and 15) - Page 18 of 20

accommodate the development of a Farm Labour Residence and provide sufficient direction on servicing requirements. Further, Policy D.2.1.1.7 of the Rural Hamilton Official Plan prohibits the severance of a lot for a farm labour residence. The additional measure to require shared services limits the location and size of Farm Labour Residences unnecessarily.

Planning staff, in consultation with Hamilton Water staff, recommend deleting Rural Hamilton Official Plan Policy D 2.1.1.6 b) i), which requires Farm Labour Residences to be serviced by the same private sewer and water systems as the principal farm residence.

The shared servicing policy restricts the development of flexible alternatives for agricultural producers in constructing Farm Labour Residences. The proposed Official Plan amendment will remove the shared servicing requirement, however there is still an option to implement a shared system between the primary farm dwelling and Farm Labour Residence if the minimum servicing standards can be met.

2.5 Issue 5 – Compatibility with Additional Dwelling Units – Detached (Rural)

The Rural Hamilton Official Plan and Zoning By-law No. 05-200 defines and regulates Farm Labour Residences and Additional Dwelling Units – Detached distinctly. The Farm Labour Residence Discussion Paper included a review of the changes being proposed for Additional Dwelling Units and Additional Dwelling Units – Detached throughout the City and determined that Farm Labour Residences and Additional Dwelling Units – Detached should remain different and distinct from each other. The proposed Official Plan amendment and Zoning By-law amendments will allow Additional Dwelling Units – Detach on properties greater than 1.5 hectares in size, in addition to the permissions for Farm Labour Residences. In consultation with Hamilton Water staff have determined that a minimum lot area of 1.5 hectares is required to service a primary farm dwelling, Additional Dwelling Unit – Detached and Farm Labour Residence. Any development will be required to meet the requirements of Section 4.20 Adequate Services of Zoning By-law No. 05-200 and will be reviewed on a site by site basis.

Additional Dwelling Units – Detached are restricted from the following Settlement areas as a continuation of previous restrictions:

- Lower Stoney Creek lands;
- Freelton Rural Settlement Area;
- Greensville Rural Settlement Area;
- Lynden Rural Settlement Area; and,
- Carlisle Rural Settlement Area;

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The built form regulations associated with Additional Dwelling Units – Detached in the Urban Area are proposed to be carried forward except for the maximum gross floor area. The existing regulation limits an Additional Dwelling Unit – Detached to 75% of the gross floor area of the principal dwelling to limit over development on properties. The same concern is avoided on lots larger than 1.5 hectares. Therefore, the Additional Dwelling Unit – Detached is not permitted to exceed the gross floor area of the principal dwelling.

Eliminating the requirement for shared services is also proposed to enhance flexibility and accommodate the unique operational demands of agricultural enterprises. These strategic adjustments aim to foster a regulatory environment that is both consistent and accommodating to the evolving needs of farm operations within the community.

3.0 Implementation

The development of a Farm Labour Residence(s), Additional Dwelling Unit – Detached, or both will be subject to the issuance of a Building Permit to demonstrate conformity with the Ontario Building Code. Prior to issuance of a Building Permit the developments will be required to pay the requisite Development Charges, Parkland Dedication, Community Benefit Charges.

4.0 February 6, 2024 Planning Committee Council Direction

At the February 6, 2024, Planning Committee meeting, the Committee received delegations and public comments from both farm operators and consultants in response to the regulations staff proposed regarding Farm Labour Residences and Additional Dwelling Units – Detached in the Rural Area. The delegates specifically highlighted that the regulations requiring a permanent principal Farm Dwelling to be on the same lot as a Farm Labour Residence prevented the development of large agricultural operations and did not acknowledge farming operations outside of a traditional farming model. The delegates emphasized the need for Farm Labour Residences without having a principal Farm Dwelling on-site.

As a result, the Planning Committee directed staff to undertake a review of the Farm Labour Residence regulations to remove the requirement that a permanent principal Farm Dwelling must be located on the same lot.

In addition to the amendments to the Zoning By-law, staff have incorporated the necessary technical amendments to the Rural Hamilton Official Plan amendment to the definition of Farm Labour Residence to remove reference to an accessory use and to provide clarity that a Farm Labour Residence does not constitute a dwelling for the purposes of a farm consolidation severance. While the Rural Hamilton Official Plan

specifically prohibits the severance of a lot for a Farm Labour Residence (Policy F.1.14.2.1 a) iii)), clarification should be made that a Farm Labour Residence on a lot without a primary farm dwelling, is not considered a dwelling for a severance because of a farm consolidation.

Staff have made amendments to the Zoning By-law and Rural Hamilton Official Plan to remove references to a Farm Labour Residence as an accessory use to a principal farm dwelling. To facilitate individual Farm Labour Residences not on the same site as a principal farm dwelling, staff added a technical amendment which mandates a minimum of one parking space per individual Farm Labour Residence in the absence of a principal farm dwelling on-site, ensuring accessibility for farm operators/occupants, and emergency personnel.

The changes required to implement Council direction have been incorporated into the amended Official Plan Amendment (Appendix "A" attached to Report PED22002(a) and amended By-law (Appendix "B" attached to Report PED22002(a).

ALTERNATIVES FOR CONSIDERATION

Council could opt to not approve the proposed amendments and maintain the existing policies and regulations associated with Farm Labour Residences. This alternative will also have the effect of restricting Additional Dwelling Units – Detached in the rural area.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED22002(a) – Draft Official Plan Amendment
Appendix "B" to Report PED22002(a) – Draft Zoning By-law Amendment

LMC:sd

Rural Hamilton Official Plan Amendment No. 39

The following text, together with Appendix "A" attached hereto, constitutes Official Plan Amendment No. "39" to the Rural Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the permissions for Secondary Dwelling Unit – Detached and farm labour residences within the Rural Hamilton Official Plan.

2.0 Location:

The lands affected by this Amendment are located within the Rural Area of the City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is as follows:

- The Amendment provides consistency between the Rural Hamilton Official Plan and Zoning By-law No. 05-200 respecting Additional Dwelling Unit – Detached and Farm Labour Residences.
- The Amendment allows for on farm diversification in support of evolving year round farming operations.
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Text

4.1.1 Chapter C – City Wide Systems and Designations

- a. That Volume 1: Chapter C – City Wide Systems and Designations, Section 3.0 – General Land Use Provisions and Designations, Policy C.3.1.2 e) be deleted and replaced with the following:

"e) An *additional dwelling unit – detached* shall be permitted in *Rural Hamilton* subject to the following:

- i) One *additional dwelling unit – detached* may be permitted on a lot with a minimum lot area of 1.5 hectares.
- ii) The primary dwelling and the *additional dwelling unit – detached* can achieve the minimum servicing requirements of Policy C.5.1 of this Plan.
- iii) The minimum lot area established in e) i) above may be reduced where it can be demonstrated that the minimum servicing requirements of Policy C.5.1 of this Plan can be achieved."

4.1.2 Chapter D – Rural Systems, Designations and Resources

- a. That Volume 1: Chapter D – Rural Systems, Designations and Resources, Section D.2.0 – Agriculture Designation, Policy D.2.1.1.6 b) be amended by:

- i) Deleting the "maximum of one" before "*farm labour residence*";
- ii) Deleting the word "temporary" between "*accessory detached*" and "*dwelling*";
- iii) Deleting Policy D.2.1.1.6 b) i); and,
- iv) Renumbering Policy D.2.1.1.6 b) ii) as D.2.1.1.6 b) i).

4.1.3 Chapter F – Implementation

- a. That Volume 1: Chapter F – Implementation, Section F.1.0 – Planning Act Implementation Tools, Policy F.1.14.2.1 a) i) 1) be amended by adding the words ", provided the dwelling is not a *farm labour residence*," between the words "consolidation" and ";and," so the policy reads as follows:

"a) Severances that create a new lot for the following purposes shall be prohibited:

- i) Residential uses except in accordance with:

1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation, provided the dwelling is not a farm labour residence; and, "

4.1.4 Chapter G – Glossary

a. That Volume 1: Chapter G – Glossary, be amended by deleting and replacing the definition of Farm Labour Residence as follows:

"Farm Labour Residence: means accommodation provided for full-time farm labour where the size and nature of the farm operation requires additional employment."

5.0 Implementation:

An implementing Zoning By-Law Amendment will give effect to the amended policies.

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the _____th of _____, 2024.

**The
City of Hamilton**

A. Horwath
MAYOR

J. Pilon
ACTING CITY CLERK

Authority: Item,
Report (PED22002(a))
CM:
Wards: 9, 10, 11, 12, 13, 15

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

To amend Zoning By-law No. 05-200 with respect to Farm Labour Residences and Additional Dwelling Units – Detached in Rural Zones

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at

AND WHEREAS this By-law conforms with the Rural Hamilton Official Plan upon adoption of Rural Hamilton Official Plan Amendment No. 39;

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

1. That Section 4: General Provisions be amended by adding the following Section:

“4.33.4 ADDITIONAL DWELLING UNIT – DETACHED IN AGRICULTURE (A1), RURAL (A2) AND SETTLEMENT RESIDENTIAL (S1) ZONES

- a) For lands within an A1, A2, S1 Zone, a maximum of one Additional Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling.
 - i) Notwithstanding 4.33.4 a) above, an Additional Dwelling Unit – Detached shall not be permitted on lands identified in Figures 24.1 to 24.5 of Schedule “F” – Special Figures.
- b) In addition to Section 4.33.4 a), a legally established accessory building existing as of May 12, 2021, may be converted to the one Additional Dwelling Unit - Detached permitted on a lot containing an existing Single Detached Dwelling subject to the following provision:
 - i) Any additions over 10% of the existing gross floor area of the legally established accessory building converted to an Additional Dwelling Unit – Detached shall be in accordance with the regulations of Section 4.33.4.

- c) All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 4.33.4.
- d) An Additional Dwelling Unit – Detached shall only be permitted in a Rear and/or interior Side Yard.
- e) A minimum 1.2 metre setback shall be provided from the interior Side Lot Line and Rear Lot Line
 - i) Notwithstanding Section 4.33.4 e), an eave or a gutter may extend a maximum of 0.45 metres into a required minimum setback area.
 - ii) In addition to Section 4.33.4 e), a landscape strip is required to be provided within the required side yard adjacent to an Additional Dwelling Unit – Detached and shall be limited to sod, ground cover, permeable pavers, or a planting strip, and may include a visual barrier.
- f) An Additional Dwelling Unit – Detached shall not be located closer to the flankage street than the principal dwelling.
- g) An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metre clearance in height from a street line to the entrance of the Additional Dwelling Unit – Detached shall be provided and maintained.
- h) The following building separation shall be provided:
 - i) Where an Additional Dwelling Unit – Detached is in the Rear Yard, a minimum distance of 7.5 metres shall be required between the rear wall of the principal dwelling and the Additional Dwelling Unit – Detached
 - ii) Where an Additional Dwelling Unit – Detached is in an Interior Side Yard, the following is required:
 - A) A minimum distance of 4.0 metres shall be provided between the side wall of the principal dwelling and an Additional Dwelling Unit – Detached; and,
 - B) An Additional Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.

- i) A maximum height of 6.0 metres shall be permitted.
- i) Notwithstanding Section 4.33.4 i), balconies and rooftop patios shall be prohibited above the first floor level.
- j) The maximum gross floor area shall not exceed the principal dwelling.
- k) Notwithstanding 4.33.4 g) above, the maximum combined lot coverage of all accessory buildings, Farm Labour Residence(s) and the Additional Dwelling Unit - Detached shall be 25%.
- l) The waste disposal and water supply systems shall be in accordance with Section 4.22 iii)."

2. That Section 9.12.3.1 j) be deleted and replaced with the following:

- | | |
|---------------------------|---|
| "j) Farm Labour Residence | A Farm Labour Residence, accessory to Agriculture, may be permitted in accordance with the following: <ul style="list-style-type: none">1. Shall have a maximum building height of 10.5 metres.2. All Farm Labour Residences shall have an aggregate maximum lot coverage of 420 square metres.3. Individual Farm Labour Residence units shall have a maximum gross floor area of 200 square metres.4. All Farm Labour Residences shall be separated from the principal Farm Dwelling by a minimum of 30 metres.5. All Farm Labour Residences shall be a separated by a minimum of 10 metres.6. In addition to Section 5 of this By-law, a minimum of 1 parking space per Farm Labour Residence shall be required in the absence of a principal farm dwelling on the same lot. |
|---------------------------|---|

3. That Section 12.1.3.1 j) be deleted and replaced with the following:

- "j) Farm Labour Residence
- A Farm Labour Residence, accessory to Agriculture, may be permitted in accordance with the following:
1. Shall have a maximum building height of 10.5 metres.
 2. All Farm Labour Residences shall have an aggregate maximum lot coverage of 420 square metres.
 3. Individual Farm Labour Residence units shall have a maximum gross floor area of 200 square metres.
 4. All Farm Labour Residences shall be separated from the principal Farm Dwelling by a minimum of 30 metres.
 5. All Farm Labour Residences shall be separated by a minimum of 10 metres.
 6. In addition to Section 5 of this By-law, a minimum of 1 parking space per Farm Labour Residence shall be required in the absence of a principal farm dwelling on the same lot.
4. That Section 12.1.3.4 be amended by adding the words "ADDITIONAL AND DWELLING UNIT – DETACHED" between the words "UNIT" and "REGULATIONS".
5. That Section 12.2.3.1 j) be deleted and replaced with the following:

- "j) Farm Labour Residence
- A Farm Labour Residence, accessory to Agriculture, may be permitted in accordance with the following:
1. Shall have a maximum building height of 10.5 metres.
 2. All Farm Labour Residences shall have an aggregate maximum lot coverage of 420 square metres.
 3. Individual Farm Labour Residence units shall have a maximum gross floor area of 200 square metres.

4. All Farm Labour Residences shall be separated from the principal Farm Dwelling by a minimum of 30 metres.
 5. All Farm Labour Residences shall be a separated by a minimum of 10 metres.
 6. In addition to Section 5 of this By-law, a minimum of 1 parking space per Farm Labour Residence shall be required in the absence of a principal farm dwelling on the same lot.
-
6. That Section 12.2.3.8 be amended by adding the words "AND ADDITIONAL DWELLING UNIT – DETACHED" between the words "UNIT" and "REGULATIONS".
 7. That Section 12.3.4 be amended by deleting the words "Secondary Dwelling" and replacing them with "ADDITIONAL DWELLING UNIT AND ADDITIONAL DWELLING UNIT – DETACHED".
 8. That Figures 24.1 to 24.5 of Schedule "F" – Special Figures be amended by adding the words "and Additional Dwelling Units – Detached" to the title block.
 9. 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*.

PASSED this _____, 2024

A. Horwath
Mayor

J. Pilon
Acting City Clerk

CI-23-J