

Municipality of Lakeshore – Report to Council

Growth and Sustainability

Community Planning



To: Mayor & Members of Council

From: Tammie Ryall, RPP, Corporate Leader – Growth and Sustainability

Date: January 12, 2024

Subject: Zoning By-law Amendment File ZBA-01-2024 initiated by Lakeshore regarding Secondary Farm Dwellings

Recommendation

Approve Zoning By-law Amendment Application ZBA-01-2024 (Zoning By-law 2-2012, as amended), to update the definition of Secondary Farm Dwelling to include permanent secondary farm dwelling on lots 40 hectares or greater in area; and

Direct the Clerk to read By-law 19-2024 during the Consideration of By-laws, all as presented at the February 6, 2024 Council meeting.

Background

Administration has identified an inconsistency between the definitions and regulations related to Secondary Farm Dwellings within Zoning By-law 2-2012.

The general definition provided under Section 4.70 f) of By-law 2-2012 defines a Secondary Farm Dwelling as “a dwelling unit that is used for temporary housing of seasonal farm labour and their families and may include a mobile home”.

However, a separate provision provided under Section 6.49 (General Provisions) of By-law 2-2012 states that “a secondary farm dwelling shall only be permitted where the size and nature of the agricultural operation requires additional employment, and the secondary farm dwelling shall only be used for full time farm help.”

There is an inconsistency between these two sections of the By-law as the definition under Section 4.70 f) defines a Secondary Farm Dwelling as being used for “temporary housing of seasonal farm labour,” while the provision under Section 6.49 requires that a Secondary Farm Dwelling only be used for full time farm help.

This inconsistency presents a challenge for Administration, particularly the Building Division, when interpreting the Zoning By-law in relation to applications for permanent housing of full time farm labour. A Zoning By-law Amendment is required to provide clear regulations for both permanent and temporary accommodations for full time and seasonal farm workers.

At the November 7, 2023 Council meeting, the following motion was passed by Council.

Steps to permit Accessory Dwelling Units in Agricultural Areas 321-11-2023

Direct Administration to prepare a report to Council to initiate the required Official Plan and Zoning By-law amendment processes and associated consultation required to consider Accessory Dwelling Unit policies and regulations, as presented at the November 7, 2023 Regular Council meeting.

Carried

It is noted that this report and the proposed zoning changes relate to second dwellings associated with farming. In keeping with the motion above, the report to be considered on the Official Plan review at this meeting (Official Plan Amendment OPA # 16) will include discussion on accessory dwelling units in all areas of Lakeshore including the Agricultural areas.

Comments

Provincial Policy Statement

Section 2.3.3.1 of the Provincial Policy Statement (2020) (the “PPS”) permits agricultural uses, agriculture-related uses and on-farm diversified uses within prime agricultural areas in Ontario. The definition for agricultural uses under Section 6.0 of the PPS includes accommodation for full-time farm labour “when the size and nature of the operation requires additional employment.” Section 2.3.3.1 also states that any proposed agriculture-related uses and on-farm diversified uses “shall be compatible with, and shall not hinder, surrounding agricultural operations.”

Section 2.3.3.2 of the PPS states that all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards in prime agricultural areas.

Under Section 2.3.4.3 of the PPS new lot creation for residential purposes is not permitted except in cases where a residence is rendered surplus as a result of farm consolidation.

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) provides guidance on how to interpret the permitted agricultural use policies in the PPS within their Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas document (the “Guidelines”). Section 2.1.1 of the Guidelines (PPS Criteria for Agricultural Uses) further directs:

- 1) That accommodations for full-time farm labour are permitted in prime agricultural areas when the size and nature of the farm operation requires additional labour on a year-round basis for day-to-day operation of the farm or on a seasonal basis over an extended growing season;
- 2) Where possible, housing for full-time farm labour should be located within the farm building cluster to minimize impacts on agriculture;

- 3) Severance of land with housing for farm labour is not permitted as land division will lead to fragmentation of the agricultural land base and can affect the future viability of agriculture over the long term; and,
- 4) For farms in prime agricultural areas that require temporary workers for only a few weeks a year (i.e., farms that do not require day-to-day or extended seasonal labour), alternate forms of housing to a new permanent structure must be provided.

Section 2.1.1 of the Guidelines also recommends that farmers consider alternatives to building new, separate, permanent dwellings for farm help. Possible alternatives include second dwelling units within an existing building on a farm, temporary structures (such as trailers or portable dwelling units), or existing dwellings on parcels of land that is part of the extended farm operation (or located in a nearby settlement area or rural lot).

County of Essex Official Plan

Section 3.3.3.5 of The County of Essex Official Plan permits accessory farm accommodation for full time or seasonal farm help within the Agricultural designation, provided:

- 1) The size and/or nature of the farm operations makes the employment of such help necessary;
- 2) Such additional dwellings do not have a significant effect on the tillable area of the farm or its viability;
- 3) Accessory farm accommodations are permitted in the local Official Plan; and,
- 4) The lands are appropriately zoned.

Section 3.3.3.5 also indicates that the preferred method of accommodating accessory farm accommodations is within temporary structures (i.e., garden suites). Future severances of the lands that contain the accessory farm accommodation is prohibited.

Lakeshore Official Plan

The Lakeshore Official Plan (2010) permits agricultural uses, agriculturally-related uses and secondary agricultural uses within in the Agricultural designation. This generally includes uses related to growing of crops, raising of livestock, as well as associated on-farm buildings including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

Section 6.2.1 b) of the Lakeshore Official Plan permits a secondary farm residence within the agricultural designation, provided the secondary farm residence:

- 1) Is on the same lot;
- 2) Is accessory to the main farm operation;
- 3) Is used for full-time farm help; and,
- 4) Servicing is adequate.

A consent for land division for the secondary farm residence is not permitted within the agricultural designation. The accommodation of seasonal or temporary farm help may include the use of bunkhouses or mobile homes.

Zoning By-law

The definition of secondary farm dwelling under section 4.70 f) (Definitions) of By-law 2-2012 includes “a dwelling unit that is used for temporary housing of seasonal farm labour and their families and may include a mobile home”. This definition does not contemplate the permanent housing of full-time farm labour as discussed in the Lakeshore Official Plan.

The Agriculture zone in By-law 2-2012 permits a range of agricultural uses and agriculture related uses, including secondary farm dwellings. Under section 6.49 of By-law 2-2012, a secondary farm dwelling is permitted provided it meets the following provisions:

- 1) The size and nature of the agricultural operation requires additional employment, and the secondary farm dwelling shall only be used for full time farm help;
- 2) The secondary farm dwelling is located on the same lot and accessory to the main dwelling;
- 3) servicing is provided to the satisfaction of the appropriate approval authority;
- 4) Consent for land division for a secondary farm dwelling shall not be permitted; and,
- 5) A secondary farm dwelling may include the use of bunkhouses or mobile homes.

These provisions are somewhat inconsistent with the definition as provided in the Zoning By-law in that they contemplate the housing as permanent, and intended for full-time farm help.

Conclusion

There is currently an inconsistency in By-law 2-2012 regarding the definition of Secondary Farm Dwellings and the allowance for accommodation for full time farm labour.

Zoning By-law Amendment 19-2024 seeks to address this inconsistency by:

- 1) Updating the definition of “Bunkhouse” under Section 4.0 of By-law 2-2012 to “a building used for the accommodation of seasonal farm workers provided such accommodation does not serve as the principal place of residence of an occupant and the bunkhouse is located on a farm.”
- 2) Updating the definition of Secondary Farm Dwelling under Section 4.0 of By-law 2-2012 to “a dwelling that is used for housing of full-time farm labour and their families.” Thereby removing the term “temporary” used in the previous definition, while also replacing “seasonal farm labour” with “full-time farm labour”. This corrects the definition to better align with the policies of the PPS, County of Essex and Lakeshore Official Plans and the provisions under Section 6.49 of the By-law.
- 3) Introducing a new definition to Section 4.0 of By-law 2-2012 for “Seasonal Farm Accommodation” to assist with clarity and interpretation of the Zoning By-law as it relates to temporary accommodations for seasonal farm workers. The proposed

definition for Seasonal Farm Accommodation is as follows:

SEASONAL FARM ACCOMMODATION – shall mean a dwelling that is used for temporary housing of seasonal farm labour and their families and may include a mobile home.

- 4) Updating Section 6.49 of By-law 2-2012 (Secondary Farm Dwellings) to include provisions for both Secondary Farm Dwellings and Seasonal Farm Accommodation to differentiate between permanent accommodation for full-time farm workers and temporary accommodation for seasonal farm workers. This is addressed by:
 - a. Permitting Secondary Farm Dwellings for agricultural operations where the size and nature of the operation requires additional employment and the secondary farm dwelling is used only for full time farm help;
 - b. Prohibiting the use of bunkhouses or mobile homes for Secondary Farm Dwellings, thereby restricting Secondary Farm Dwellings to permanent structures on the same lot and accessory to the main dwelling;
 - c. Permitting Seasonal Farm Accommodations for agricultural operations where the size and nature of the operation requires additional employment and the seasonal farm accommodation is used for farm help.
 - d. Permitting the use of bunkhouses or mobile homes for Seasonal Farm Accommodations.

In addition, the new provisions prohibit consents for land division for both Secondary Farm Dwellings and Seasonal Farm Accommodations to protect against potential fragmentation of the agricultural system.

- 5) Amending “Section 7.1 - Permitted Uses Table” of By-law 2-2012 to include Seasonal Farm Accommodation under (b) Agricultural and Rural Uses in order to include it as a permitted use in the Agriculture (A) zone.
- 6) Amending the Zone Regulations table under Section 9.0 of By-law 2-2012 to include a minimum lot area requirement of 40.0 ha for a Secondary Farm Dwelling. The intent of this minimum lot area requirement is to restrict the use of Secondary Farm Dwellings to those agricultural operations that are large enough to require additional employment and to minimize impacts and fragmentation of the agricultural system.

A minimum lot area of 40 hectares is in keeping with the size of farm parcels in the Official Plan (as amended by OPA # 16). The lot creation policies state that the minimum area of the retained and severed parcels will be approximately 40 hectares (Section 6.2.3 a) i).

The corrections brought forward through Zoning By-law Amendment 19-2024 are consistent with the policies of the Provincial Policy Statement, County of Essex Official Plan and Lakeshore Official Plan as they contemplate permanent accommodation for full-time farm labour, and temporary accommodation for seasonal farm labour. In

addition, the introduction of the minimum lot area requirement for the Secondary Farm Dwelling use ensures that new permanent accommodations for full time farm help will only occur on lots that are large enough to require additional employment and that impacts to the broader agricultural system are minimized.

Administration recommends that Council approve Zoning By-law Amendment 19-2024 to correct the existing inconsistency in By-law 2-2012 and align the definitions and regulations of Secondary Farm Dwellings with the PPS, Essex Official Plan and Lakeshore Official Plan.

This report was prepared by Matt Alexander, WSP on behalf of the Municipality of Lakeshore.

Others Consulted

Notice was given to agencies and the general public as required under the provisions of the *Planning Act* and Regulations. As of the writing of this report, no written submissions have been received from members of the public.

Financial Impacts

The costs incurred for the consultant to provide services relating to the preparation of this Report and By-law are covered under the Development Services budgeted consulting account.

Report Approval Details

Document Title:	Zoning By-law Amendment File ZBA-01-2024 initiated by Lakeshore Secondary Farm Dwellings.docx
Attachments:	
Final Approval Date:	Feb 1, 2024

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

Prepared by Tammie Ryall

Approved by Justin Rousseau and Truper McBride