

AMENDMENT NO. 8

**TO THE OFFICIAL PLAN FOR THE CORPORATION OF THE MUNICIPALITY OF
LEAMINGTON**

PROPOSED POLICIES FOR FARM WORKER DWELLINGS AND BOARDING HOUSES

I, Brenda M. Percy, Clerk for The Corporation of the Municipality of Leamington, do hereby certify that this is a true and correct copy of Official Plan Amendment No. 8 to the Official Plan (2008) for the Municipality of Leamington. This copy conforms to the original document and has not been altered in any way.

Dated this *2* day of *June*, 2021.

A handwritten signature in cursive script, appearing to read "B. Percy".

Brenda M. Percy, Clerk

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DECISION

**With respect to Official Plan Amendment No. 8
Official Plan of the Municipality of Leamington
Subsection 17(34) of the Planning Act**

I hereby approve Amendment No. 8 to the Official Plan for the Municipality of Leamington, as adopted by By-Law 16-21.

Dated at Essex, Ontario this 30th day of July, 2021



Rebecca Belanger, MCIP, RPP
Manager, Planning Services
County of Essex

The Corporation of the Municipality of Leamington

By-law 16-21

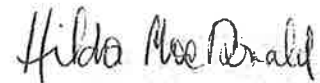
Being a by-law to adopt Official Plan Amendment No. 8

to the Official Plan for the Municipality of Leamington,
pertaining to Boarding Houses and Farm Help Dwellings

NOW THEREFORE the Council of The Corporation of the Municipality of Leamington, in accordance with the provisions of Sections 17 and 21 of the Planning Act, R.S.O. 1990, hereby enacts as follows:

1. Amendment No. 8 to the Official Plan for the Corporation of the Municipality of Leamington, consisting of the attached explanatory text is hereby adopted;
2. That the Clerk is hereby authorized and directed to make application to the Corporation of the County of Essex for approval of Amendment No. 8 to the Official Plan for the Corporation of the Municipality of Leamington;
3. This By-law shall come into force and take effect on the final passing thereof.

Read a first, second and third time and finally enacted this 29th day of April, 2021.



Hilda MacDonald, Mayor



Brenda M. Percy, Clerk

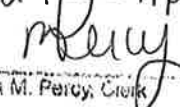
I, Brenda M. Percy, Clerk for the Corporation of the Municipality of Leamington, do hereby certify that this is a true and correct copy of By-law 16-21. This copy conforms to the original document and has not been altered in any way.

Dated this 27 day of May, 2021.



Brenda M. Percy, Clerk

Certified to be a true copy of
By-law No. 16-21
Enacted by the Council of the
Corporation of the Municipality of Leamington
at its meeting held the 29th day of April, 2021


Brenda M. Percy, Clerk

THE CONSTITUTIONAL STATEMENT

PART A - THE PREAMBLE does not constitute part of this amendment.

PART B - THE AMENDMENT consisting of the following text and map, constitutes Amendment No. 8 to the Official Plan for The Corporation of the Municipality of Leamington.

PART A - THE PREAMBLE

Purpose of the Amendment

Official Plan Amendment No. 8 is initiated by the Municipality of Leamington. The purpose of this amendment is to update the policy framework for boarding houses and farm worker dwellings within the Municipality of Leamington. The amendment will add new policies which are intended to provide guidance for the development of boarding houses in Leamington's urban area, where development is intended to be on full municipal services and for farm worker dwellings within the Municipality's Agricultural Area.

Location of Lands

This OPA applies to the following land use designations depicted on Schedule A in the Official Plan:

- i) Residential
- ii) Agricultural

Basis of the Amendment

This Amendment draws upon the findings of the 2018 Boarding House Study (prepared by the Jones Group) and the recently completed 2020 Boarding House Study Update (prepared by Dillon Consulting Limited) which examined approaches to addressing affordable housing opportunities in Leamington while concurrently addressing the housing needs for farm workers.

The following Official Plan Amendment provides a new policy framework intended to promote economic development, provide flexibility by allowing for a variety of housing options which support both affordable housing opportunities in the Settlement Area and also a wider range of housing opportunities for farm workers in Agricultural Areas. The proposed approach is intended to maximize options for housing throughout the Municipality, minimize potential for land use conflict and also ensure that high quality housing is provided in an efficient and safe manner. The proposed approach is considered to be an interim framework to guide decision making until fully serviced land is available to support additional farm worker housing options along Highway 77. The extension of full services into the agricultural area would provide a more sustainable housing and operational solution for larger scale agricultural businesses, such as greenhouses, which require significant water and wastewater servicing compared to other more traditional agricultural industries.

This Amendment includes the following approaches:

- i) **Small Boarding Houses:** Small boarding houses are located in the Urban Settlement Area on lands with access to full municipal services. Small boarding houses are those with more than four (4) and up to six (6) people and will be permitted in areas designated as Residential in the Official Plan and identified for low-density residential uses in Zoning By-law 890-09. This form of development would not require Site Plan Control but would be subject to other applicable permits, by-laws and standards.
- ii) **Large Boarding Houses:** Large boarding houses in the Urban Settlement Area on lands with access to full municipal services. Large boarding houses are as those with seven (7) people or more, and will be permitted on lands identified for medium to high density

residential uses in the Zoning By-law 890-09. The Zoning By-law would include specific details to guide the development process and applicants would be subject Site Plan Control process to address site specific design issues and concerns.

- iii) **Farm Worker Dwellings, On-Site:** Farm worker dwellings co-located with a farm operation in the Agricultural Area. On-site farm worker dwellings would be permitted for Agriculturally designated lands. Farm worker dwellings are to be located on the same site as the agricultural operation. The Zoning By-law would include specific details to guide development. The expectation is that in most cases, on-site farm worker dwellings would be part of the broader site plan approval process for larger scale form of agricultural development (e.g. greenhouses) and is inspected by the relevant public health authority as a condition of its use as such.
- iv) **Farm Worker Dwellings, Off-Site:** Off Site Farm Worker Dwellings would be permitted generally within 800 metres (walking distance) of the primary place of employment, subject to the provision of a pedestrian/active transportation connection. The farm worker dwellings should be placed within the cluster of farm buildings, limited to one farm worker dwelling per site and is inspected by the relevant public health authority as a condition of its use as such. If the property does not have a primary agricultural use, a Zoning Bylaw Amendment to permit a farm worker dwelling within an existing residential dwelling, as a main use on the property, could be considered.
- v) **Farm Worker Dwelling, Urban, Large:** Means a dwelling not on a farm that is used for the housing of seven (7) farm workers or more and is inspected by the relevant public health authority as a condition of its use as such.
- vi) **Farm Worker Dwelling, Urban, Small:** Means a dwelling not on a farm that is used for the housing of more than four (4) and up to six (6) farm workers and is inspected by the relevant public health authority as a condition of its use as such.

PART B - THE AMENDMENT

Details of the Amendment

The Official Plan for The Corporation of the Municipality of Leamington, as amended is hereby further with revisions to the following policies:

Policy 2.1.1. Principles

New items s), t) and u) are added as follows:

- s) To provide a diverse range of appropriate housing options to meet the needs of current and future market.
- t) To ensure that there is a sufficient supply of housing options to support Leamington's economic growth in the Agricultural Area
- u) To provide housing options which meet the social, health economic and well being requirements of current and future residents.

Policy 2.28 Boarding Houses and Farm Worker Dwellings

The following new policy 2.28 is added as follows:

This Official Plan recognizes the importance of a flexible approach to housing to ensure that the wide range of housing needs are satisfied. Historically, the high demand for farm worker housing has put pressure on the Municipality's established lower density residential neighbourhoods. The policies of this Official Plan are intended to broaden the opportunities for satisfying farm worker housing needs by directing farm worker housing to farm sites in the Agricultural Area and to direct denser forms of housing, such as Boarding Houses and Farm Worker Dwellings, Urban, in the fully serviced urban settlement area in medium and higher density formats.

Policy 3.1.2 Agriculture Policies

Item f) is modified as follows (modification shown in **bold text**):

Residential uses on existing lots of record and existing lots of record created by consent in accordance with Section 5 of this Plan are permitted subject to Section 7.14 of this plan. The Zoning By-law shall only permit one primary dwelling per lot. However, more than one dwelling on a lot for the purposes of housing farm workers may be allowed in those instances where: the need for such housing has been adequately demonstrated; the farm workers assists on the subject farm on a regular basis; and the farm operation is of such a size and nature that this assistance is required and needs to be located close by the farm. **An off-site farm worker dwelling may also be permitted in accordance with 3.1.2.1 of this Plan.**

A new item l) is added as follows:

An off-site farm worker dwelling may only be permitted where:

- a) An agricultural use is the primary use of the property;

b) The farm worker dwelling abuts an adjacent farm and a Pedestrian Connecting Link between the farms is identified on an approved site plan; or,

c) The farm worker dwelling is attached by way of a Pedestrian Connecting Link to the farm upon which the dwelling is situated and identified on an approved site plan, such Pedestrian Connecting Link being generally within 800 metres in either case.

Where an agricultural use is not the primary use of the property, an off-site farm worker dwelling may be permitted through a Zoning by-law amendment based on the following criteria:

- i. The subject site is zoned A5 in the Municipality's Zoning by-law;
- ii. There is sufficient existing or planned services to support the proposed farm worker dwelling;
- iii. The criteria with respect to a Pedestrian Connecting Link noted in items b) and c) are met; and,
- iv. The proposed scale and density of the farm worker dwelling fits with the surrounding character of area.

Policy 3.2.2 Residential Policies

Item g) is revised as follows (revisions depicted in **bold text**):

Areas for medium and high density residential development are not specifically identified in this Plan. It is the intent of the Plan that all types of residential development will be permitted throughout the area designated "Residential", subject to satisfying certain criteria. The Zoning By-law will zone only existing medium and high density residential uses as such. Any new medium or high density residential development or redevelopment proposal will require an amendment to the Zoning By-law. When considering the appropriateness of the amendment request, the following criteria shall be considered:

i) Low Density Residential

The low density residential zones will permit single unit dwellings, two unit dwellings and converted dwellings at a maximum density of 15 units per gross hectare. **Small boarding houses and small urban farm worker dwellings as defined in the Zoning By-law are also permitted.**

ii Medium Density Residential

The medium density residential zone will permit single unit dwellings, two unit dwellings, converted dwellings, three unit dwellings, single unit attached housing, townhouse dwellings, apartment buildings not exceeding three storeys in height and all types of senior and other special interest and needs housing. The maximum density for this type of housing shall not exceed 35 dwelling units per gross hectare. **Large boarding houses and large urban farm worker dwellings as defined in the Zoning By-law are also permitted.**

iii) High Density Residential

The high density residential zone will permit multiple family dwellings such as single unit attached housing, townhouse dwellings, apartment buildings exceeding three storeys in height and all types of senior and other special interest and needs housing. The maximum density for this type of housing shall not exceed 120 units per gross hectare. **Small and large boarding houses and small and large urban farm worker dwellings as defined in the Zoning By-law are also permitted.**

Section 7, Implementation and Interpretations

Section 7.4.1 is revised as follows (revisions depicted in **bold text**):

The development of new greenhouse operations and new mushroom operations and the expansion of existing ones shall be subject to site plan control. **All farm worker dwellings (on-site and off-site) as well as large boarding houses and large urban farm worker dwellings are also subject to site plan control.** Notwithstanding, all single unit residential development and all other agricultural uses other than greenhouse and mushroom operations shall be exempt from the site plan control process.

Section 8, Definitions

The following definitions are added to Section 8, Definitions

Boarding House, Large: Means any building or portion of a building which the owner supplies to seven (7) persons or more (which number shall include the owner or the owner's agent if the owner or the owner's agent lives within the boarding house), lodging, meals, or both in return for remuneration, the provision of services or some other form of consideration, but shall not include a hotel, hospital, group home dwellings, home for the young or the aged or institution if the hotel, hospital, home or institution is licensed, approved or supervised under any general or special Act.

Boarding House, Small: Means any building or portion of a building which the owner supplies to more than four (4) and up to six (6) persons (which number shall include the owner or the owner's agent if the owner or the owner's agent lives within the boarding house), lodging, meals, or both in return for remuneration, the provision of services or some other form of consideration, but shall not include a hotel, hospital, group home dwellings, home for the young or the aged or institution if the hotel, hospital, home or institution is licensed, approved or supervised under any general or special Act.

Farm Worker Dwelling, Urban, Large: Means a dwelling not on a farm that is used for the housing of seven (7) farm workers or more and is inspected by the relevant public health authority as a condition of its use as such.

Farm Worker Dwelling, Urban, Small: Means a dwelling not on a farm that is used for the housing of more than four (4) and up to six (6) farm workers and is inspected by the relevant public health authority as a condition of its use as such.

Farm Help Dwelling, On-Site: Means a dwelling on a farm that is used for the housing of farm workers and is inspected by the relevant public health authority as a condition of its use as such and where those workers primarily work on the farm upon which the dwelling is situated.

Farm Help Dwelling, Off-Site: Means a dwelling on a farm that is used for the housing of farm workers and is inspected by the relevant public health authority as a condition of its use as such and where those workers are primarily employed on a different farm that is either:

a) abutting the farm upon which the dwelling is situated and a Pedestrian Connecting Link between the farms is identified on an approved site plan; or

b) attached by way of a Pedestrian Connecting Link to the farm upon which the dwelling is situated and identified on an approved site plan, such Pedestrian Connecting Link being approximately, 800 metres in either case.

Housing Options: means a range of housing types such as, but not limited to single-detached, semi-detached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, multi-residential buildings. The term can also refer to a variety of housing arrangements and forms such as, but not limited to life lease housing, co-ownership housing, co-operative housing, community land trusts, land lease community homes, affordable housing, housing for people with special needs, rooming houses and housing related to employment, institutional, agricultural or educational uses.

Pedestrian Connection Link: shall mean a pedestrian pathway from the main pedestrian entrance of the farm worker dwelling to the main pedestrian entrance of the main employment area, such as a greenhouse, or the work site such as a row-crop farm. If such Pedestrian Connecting Link is not completely located on the subject farms it shall include a constructed Active Transportation route, either on or off of the road, or a registered easement permitting pedestrian access over lands and shall be located on or abutting the property where farm workers live and primarily work; and shall generally be no greater 800 metres distance or as approved by site plan control/or as approved by a minor variance. “

Implementation of the Amendment

OPA No. 8 will be implemented through an amendment to Zoning By-law #890-09 and Site Plan Control by-law.