

## PLANNING LEGISLATION AND POLICIES

Planning Act, R.S.O. 1990, c. P.13

### **Provincial interest**

2 The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (a) the protection of ecological systems, including natural areas, features and functions;
- (b) the protection of the agricultural resources of the Province;
- (c) the conservation and management of natural resources and the mineral resource base;
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (e) the supply, efficient use and conservation of energy and water;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (g) the minimization of waste;
- (h) the orderly development of safe and healthy communities;
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (k) the adequate provision of employment opportunities;
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- (m) the co-ordination of planning activities of public bodies;
- (n) the resolution of planning conflicts involving public and private interests;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of built form that,
  - (i) is well-designed,
  - (ii) encourages a sense of place, and
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.

## **Policy statements**

### *Policy statements and provincial plans*

3 (5) A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,

- (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and
- (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. 2006, c. 23, s. 5; 2017, c. 23, Sched. 5, s. 80.

## **24 Public works and by-laws to conform with plan**

(1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith. R.S.O. 1990, c. P.13, s. 24 (1); 1999, c. 12, Sched. M, s. 24.

## **Zoning by-laws**

34 (1) Zoning by-laws may be passed by the councils of local municipalities:

### **Restricting use of land**

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.

### **Restricting erecting, locating or using of buildings**

2. For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.

### **Construction of buildings or structures**

4. For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy.

### **Area, density and height**

(2) The authority to regulate provided in paragraph 4 of subsection (1) includes and, despite the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the minimum and maximum density and the minimum and maximum height of development in the municipality or in the area or areas defined in the by-law. 2006, c. 23, s. 15 (1).

## Provincial Planning Statement, 2024

### **4.3 Agriculture**

#### **4.3.2 Permitted Uses**

1. *In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses based on provincial guidance. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on provincial guidance or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.*
2. *In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.*
3. *New land uses in prime agricultural areas, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.*

#### **4.3.3 Lot Creation and Lot Adjustments**

2. *Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.*

#### **4.3.5 Non-Agricultural Uses in Prime Agricultural Areas**

1. *Planning authorities may only permit non-agricultural uses in prime agricultural areas for:*
  - b) *limited non-residential uses, provided that all of the following are demonstrated:*
    1. *the land does not comprise a specialty crop area;*
    2. *the proposed use complies with the minimum distance separation formulae;*
    4. *alternative locations have been evaluated, and*
      - i. *there are no reasonable alternative locations which avoid prime agricultural areas; and*
      - ii. *there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.*
2. *Impacts from any new or expanding non-agricultural uses on the agricultural system are to be avoided, or where avoidance is not possible, minimized and mitigated as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance.*

### **4.6 Cultural Heritage and Archaeology**

2. *Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.*

## Greenbelt Plan, 2017

### **3.1.2 Specialty Crop Area Policies**

*For lands falling within specialty crop areas of the Protected Countryside, the following policies shall apply:*

- 1. All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted based on the provincial Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with and shall not hinder surrounding agricultural operations.*
- 5. Where agricultural uses and non-agricultural uses interface, land use compatibility shall be achieved by avoiding or, where avoidance is not possible, minimizing and mitigating adverse impacts on the Agricultural System, based on provincial guidance. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed.*

### **4.1 Non-Agricultural Uses**

*The rural lands of the Protected Countryside are intended to continue to accommodate a range of commercial, industrial and institutional (including cemetery) uses serving the rural resource and agricultural sectors. They are also intended to support a range of recreation and tourism uses such as trails, parks, golf courses, bed and breakfasts and other tourism-based accommodation, serviced playing fields and campgrounds, ski hills and resorts.*

#### **4.1.1 General Non-Agricultural Use Policies**

*For non-agricultural uses, the following policies apply:*

- 1. Non-agricultural uses are not permitted in the specialty crop areas as shown on Schedule 2 and Schedule 3 of this Plan or within prime agricultural areas in the Protected Countryside, with the exception of those uses permitted under sections 4.2 to 4.6 of this Plan.*
- 2. Proposals for non-agricultural uses must demonstrate that:*
  - a) The use is appropriate for location on rural lands;*
  - b) The type of water and sewer servicing proposed is appropriate for the type of use;*
  - c) There are no negative impacts on key natural heritage features or key hydrologic features or their functions; ...*

### **4.5 Existing Uses**

*For lands falling within the Protected Countryside, the following policies shall apply:*

- 1. All existing uses are permitted*
- 4. Expansions to existing buildings and structures, accessory structures and uses and/or conversions of legally existing uses which bring the use more into conformity with this Plan are permitted subject to a demonstration of the following:*
  - a) Notwithstanding section 4.2.2.2, new municipal services are not required;*

and

b) The use does not expand into key natural heritage features or key hydrologic features or their associated vegetation protection zones, unless there is no other alternative, in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure

#### **4.6 Lot Creation**

*For lands falling within the Protected Countryside, the following policies shall apply:*

e) *Minor lot adjustments or boundary additions, provided they do not create a separate lot for a residential dwelling in prime agricultural areas, including specialty crop areas, and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature; ...*

### Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, 2016

#### **2.1 Agricultural Uses**

##### **2.1.1 PPS Criteria for Agricultural Uses**

*The PPS criteria for agricultural uses recognize that these uses include the growing of crops and raising of animals. They may be of any type, size or intensity and should respect normal farm practices. Agricultural uses may also include associated on-farm buildings and structures.*

*1. The growing of crops, raising of livestock and raising of other animals for food, fur or fibre. (from the PPS agricultural uses definition)*

*The PPS definition of agricultural uses is purposefully broad, with a range of examples provided.*

*To qualify as an agricultural use, crops generally produce a harvestable product such as fruit, vegetables, mushrooms, field crops including cereal crops, corn, soybeans and forage crops, biomass, nursery crops, trees for harvest/agro-forestry, medicinal herbs, sod/turf grass and seeds.*

*Crops may be used for a variety of purposes such as food for humans, livestock feed, bedding, medicinal purposes, bio-products, firewood and Christmas trees.*

*Cover crops planted to improve soil health (e.g., reduce soil erosion, improve soil fertility) or reduce weeds or pests, may or may not be harvested. These are also considered crops under agricultural uses.*

*Woodlots, riparian buffers and fencerows may or may not be harvested, but are integral to agricultural uses. Other conservation uses such as interpretative centres are not included as agricultural uses.*

*Agricultural uses include the raising of livestock and other animals for food, fur or fibre. Animals must be raised, live on or be used on the farm; this would not include companion animals or zoo animals. Some examples from the PPS definition and the Farming and Food Production Protection Act, 1998 are livestock (including horses), poultry and ratites, fish/aquaculture, apiaries, fur-bearing animals, deer and elk, game animals and birds.*

2. Includes 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. (from the PPS agricultural uses definition)

*On-farm buildings and structures that are used for agricultural purposes and that are integral to the farm operation are agricultural uses. Such buildings and structures are used by the farm operator. Examples include livestock barns, manure storages, feed storages, silos, grain bins, drive sheds, tobacco kilns, farm implement buildings/drivesheds, greenhouses for growing plants, a primary farm residential dwelling and value-retaining facilities.*

*Value-retaining facilities located on farms serve to maintain the quality of raw commodities produced on the farm (i.e., prevent spoilage) to ensure they remain saleable. This includes facilities involving refrigeration (cold storage), controlled-atmosphere storage, freezing, cleaning, grading, drying (e.g., grains, oilseeds, tobacco), as well as simple, bulk packaging that helps maintain the quality of farm commodities. Value-retaining facilities may also include operations that provide a minimum amount of processing to make a farm commodity saleable, such as grading eggs, evaporating maple syrup and extracting honey. Agricultural commodities undergoing value-retaining processes are often shipped in bulk to value-added operations.*

*Based on the PPS definition of agricultural uses, a value-retaining facility is an example of “associated on-farm buildings and structures.” This requires the use to be on-farm and related to the type of farm operation where it is located. For example, a cold storage facility for apples that are grown on the same farm would be an agricultural use, while a cold storage facility serving multiple farms would not be. Such a facility could be an agriculture-related or on-farm diversified use, depending on the operation.*

*Policy 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. Value-retaining facilities on the farm must be recognized and permitted as agricultural uses in official plans and zoning by-laws. Zoning requirements such as location of buildings or structures may need to be met and where applicable, site plan control may be required to address matters such as site specific layout details (Section 2.5.3).*

*Value-added facilities differ from value-retaining facilities. Value-added facilities process agricultural commodities into new forms or products that enhance their value. They may involve the addition of ingredients or processing of agricultural commodities (e.g., chopping and canning vegetables, pressing apples and bottling cider, making wine, milling grain, cherry pitting and preserving, and preserving and roasting grain for livestock feed). Value-added uses may include retail-oriented packaging. Value-added facilities do not meet the PPS definition of agricultural uses but may still satisfy the PPS definition for agriculture-related uses or on-farm diversified uses, depending on the nature of the facilities and if they are located on a farm.*

*PPS policy allows “accommodation for full-time farm labour when additional labour is required” in prime agricultural areas. This applies to farms of a size and nature requiring additional labour on a year-round basis for the day-to-day operation of the farm (e.g., livestock operations) or on a seasonal basis over an extended growing season (e.g., horticultural operations that require labour for several months each year to amend the soil, and to plant, transplant, prune, weed and harvest crops). To minimize impacts on agriculture, locate housing for full-time farm labour within the farm building cluster. If this is not possible, place housing on lower-priority agricultural lands that meet the province’s minimum distance separation (MDS) formulae requirements and take as little land out of agricultural production as possible.*

*While the PPS permits accommodation for farm help, the labour needs of farms may change over time. A best practice is for farmers to consider alternatives to building a new, separate, permanent dwelling for farm help. Alternatives include:*

- a second dwelling unit within an existing building on the farm*
- a temporary structure, such as a trailer or other portable dwelling unit*
- an existing dwelling on a parcel of land that is part of the extended farm operation, or located in a nearby settlement area or on a rural lot*

*Severance of land with housing for farm labour is not permitted as land division fragments the agricultural land base. Fragmentation of the land base can affect the future viability of agriculture over the long term.*

*Farms in prime agricultural areas requiring temporary workers for just a few weeks a year (i.e., NOT requiring day-to-day or extended seasonal labour as noted above) must provide an alternative form of housing to a new permanent dwelling structure (e.g., a temporary structure on the farm or off-farm housing). Housing for workers must meet minimum health and living conditions and may be subject to zoning and building permit requirements. Information on the minimum conditions is found in the Seasonal Farm Worker Housing Guidelines ([www.farmsontario.ca/pdf/MOH\\_Rec.pdf](http://www.farmsontario.ca/pdf/MOH_Rec.pdf)). However, prospective employers are urged to consult with local public health officials, building departments and other agencies to ensure they comply with all applicable regulations and policies for their circumstances.*

*3. All types, sizes and intensities of agricultural uses shall be promoted and protected in accordance with provincial standards. (from PPS policy 2.3.3.2)*

*The PPS protects and promotes all types, sizes and intensities of agricultural uses in prime agricultural areas. Therefore, it would be inappropriate for a municipality to adopt policies in its planning documents to prohibit certain types of agricultural uses (e.g., mushroom farms or aquaculture) or farm sizes (e.g., livestock facilities for a certain number of animals) except in specific circumstances where it is necessary to meet other PPS policies or legislation (e.g., Nutrient Management Act, 2002). Agriculture is a dynamic industry and changes over time depending on consumer demands/preferences, equipment, plant varieties, farmers’ skills, labour, processing capacity and technology. Changes in the type of agricultural uses should not trigger Planning Act, 1990,*

applications or approvals, but may have MDS implications. While the PPS does not limit the establishment or intensity of livestock operations, other provincial standards (e.g., guidelines or regulations) may affect the location, intensity or design of these operations, such as:

- minimum distance separation formulae (MDS) requirements (e.g., odour setbacks between livestock facilities and other land uses)
- Nutrient Management Act, 2002 (provincial nutrient management standards)
- Clean Water Act, 2006 (protection of drinking water)
- Conservation Authorities Act, 1990

*This criterion is not intended to suggest that small farm lots may be created. In general, the larger the farm parcel, the more adaptable it is to changing conditions and the more efficient it is to run the farm. Keeping farms large enough to maintain flexibility is key to agricultural viability and to achieving the PPS requirement of protecting prime agricultural areas for long-term use in agriculture.*

*Lot size may vary depending on the agricultural use. For traditional field crops, large lots are optimal. Higher value specialty crops tend to be located on smaller parcels. In all cases, lots must still be large enough to maintain flexibility for future changes in the type or size of the agricultural operation. Policy 2.3.4 of the PPS addresses lot creation in prime agricultural areas. Other guidelines will address lot creation in more detail.*

**4. Normal farm practices shall be promoted and protected in accordance with provincial standards. (from PPS Policy 2.3.3.2)**

*A normal farm practice follows accepted customs and standards for farm operations or makes use of innovative technology to advance farm management. The Farming and Food Production Protection Act, 1998, (FFPPA) protects the rights of all rural Ontario residents. It protects farmers from nuisance complaints made by neighbours related to noise, odour, dust, light, vibration, smoke or flies if normal farm practices are used. It also protects neighbours from unacceptable nuisances from farms where a farm practice is determined to not be normal.*

*The FFPPA protects farmers from municipal by-laws that restrict their normal farm practices. Such by-laws would not apply to a practice that has been established as a normal farm practice. The Normal Farm Practices Protection Board (NFPPB) is responsible for determining whether an activity in a particular location qualifies as a normal farm practice.*

*Some agricultural uses may involve activities that are normal farm practices, but may not be fully understood or accepted by neighbours or visitors (e.g., the use of bird bangers and wind machines for growing tender fruit and grapes, or the spreading of manure as part of raising livestock and maintaining soil nutrients). When these practices have been determined to be normal farm practices by the NFPPB, the FFPPA allows the farmer to continue operating without interference. This provides the operational flexibility for the farm to succeed.*



*Communication between neighbours is often the key to maintaining good relations.*

## **2.2 Agriculture-Related Uses**

### **2.2.1 PPS Criteria for Agriculture-Related Uses**

*All of the following criteria must be met to qualify as agriculture-related uses in prime agricultural areas.*

- 1. Farm-related commercial and farm-related industrial use.  
(from the PPS definition of agriculture-related uses)*

*Farm-related commercial uses may include uses such as retailing of agriculture-related products (e.g., farm supply co-ops, farmers' markets and retailers of value-added products like wine or cider made from produce grown in the area), livestock assembly yards and farm equipment repair shops if they meet all the criteria for this category of uses.*

*Farm-related industrial uses may include uses such as industrial operations that process farm commodities from the area such as abattoirs, feed mills, grain dryers, cold/dry storage facilities, fertilizer storage and distribution facilities, food and beverage processors (e.g., wineries and cheese factories) and agricultural biomass pelletizers if they meet all the criteria for this category of uses. Many of these uses add value to the agricultural commodities produced in the area.*

*Residential, recreational and institutional uses do not fit the definition of agriculture-related uses.*

- 2. Shall be compatible with, and shall not hinder, surrounding agricultural operations. (from PPS Policy 2.3.3.1) Note: this policy applies to both agriculture-related uses and on-farm diversified uses.*

*"Surrounding agricultural operations" are interpreted in these guidelines to include both the property on which the use is located and the area of potential impact around the property. The area of impact may vary depending on the use. To be compatible with and not hinder surrounding agricultural operations, agriculture-related uses should meet all of the following:*

- Ensure surrounding agricultural operations are able to pursue their agricultural practices without impairment or inconvenience. While agriculture-related uses (and on-farm diversified uses) may or may not be subject to the minimum distance separation formulae<sup>4</sup>, proximity to nearby livestock facilities may still be a consideration in locating these uses. This will help to avoid conflict between new uses and farming due to odour or other nuisances related to normal farm practices. Examples of other potential sources of conflict include noise that disturbs nearby*

*farm operators and their livestock, trespass incidents, soil compaction, dust and impacts on water quantity or quality. Some uses can result in an increase in traffic that may conflict with slow-moving farm vehicles on local roads. Avoid these uses or mitigate their impacts in prime agricultural areas.*

- *Uses should be appropriate to available rural services (e.g., do not require the level of road access, water and wastewater servicing, utilities, fire protection and other public services typically found in settlement areas). Approval for a new land use on a property with individual, on-site water and sewage services requires demonstration of “no negative impacts” as per Policy 1.6.6.4 of the PPS. Urban-type uses typically unsuitable in prime agricultural areas include large food or beverage processing plants. These facilities should be on municipal services.*

*Wineries and cideries may fit the definition of agriculture-related uses if they are able to meet all PPS criteria for that category of uses. These uses require licensing from the Alcohol and Gaming Commission of Ontario ([www.agco.on.ca](http://www.agco.on.ca)) in order to operate. Ensure these uses are appropriate to available water and wastewater services. High water use/effluent generation operations would normally be incompatible in prime agricultural areas and may require capacity beyond what is available on the site. The appropriate scale to qualify as an agriculture-related use needs to be assessed on a case-by-case basis. A necessary first step is to identify required approvals and other requirements to be met to support the use. Examples include a Permit to Take Water or Environmental Compliance Approval under the Ontario Water Resources Act, 1990, and a Building Permit under the Ontario Building Code, 1992.*

*Agriculture-related uses that are compatible when first established may expand and grow over time. Before building permits are issued, the municipality needs to be satisfied that zoning requirements are met. If the compatibility criterion or any other PPS criteria cannot be met, the building permit may be withheld and the expanded business may need to be relocated to a suitable location outside of the prime agricultural area.*

*PPS Policy 2.3.4.1 b) addresses lot creation for agriculture-related uses. Lot creation may be permitted for agriculture-related uses provided that any new lot is limited to a minimum size needed to accommodate the use and its wastewater and water servicing requirements. A best practice is to consider alternatives before creating a new lot.*

- *Maintain the agricultural/rural character of the area (in keeping with the principles of these guidelines and PPS Policy 1.1.4). Compatibility may*

*be achieved by:*

- *re-using existing buildings or locating businesses within existing buildings unless an alternative location reduces overall impacts on agriculture in the area*
  - *designing new structures to fit in aesthetically with the agricultural area*
  - *minimizing outdoor storage and lighting*
  - *avoiding major modification of land and removal of natural heritage features*
  - *visually screening uses from neighbours and roadways*
  - *limiting the use of signage and ensuring that any signage fits with the character of the area*
- *Meet all applicable provincial air emission, noise, water and wastewater standards and receive all relevant environmental approvals. A use that will result in air, noise or odour emissions (e.g., fabrication plant or equipment repair shop) may require an Environmental Compliance Approval issued under the Environmental Protection Act, 1990. Some uses that have high water requirements or generate a significant amount of wastewater (e.g., produce washing, food processing and wine-making) could require a Permit to Take Water and/or sewage works approvals under the Ontario Water Resources Act, 1990.*
  - *The cumulative impact of multiple uses in prime agricultural areas should be limited and not undermine the agricultural nature of the area. Whether a proposed new use is compatible depends in part on other uses in the area and how the area would be affected by all of these uses. For example, the cumulative impact on ground and surface water in the area, wear and tear on roads, traffic safety and demand for policing and fire protection are basic compatibility considerations. The principles of permitted uses identified in Section 1.4 and all compatibility components discussed in this section are to be maintained.*

*The PPS requires prime agricultural areas be protected for long-term agricultural use and that impacts from non-agricultural uses in the prime agricultural area are mitigated. The discussion on impact mitigation in Sections 3.1.3 and 3.2.4 may also be applicable to agriculture-related uses and on-farm diversified uses.*

3. *Directly related to farm operations in the area.*  
*(from the PPS definition of agriculture-related uses)*

*Agriculture-related uses must be directly related to farms in the area, primarily providing products or services that are associated with, required by or that enhance agricultural operations in the area. "Directly related to" means that the use should reflect the type of agricultural production in the area. Examples include:*

- *vegetable processing around the Holland Marsh*

- processing tomatoes in the Leamington and Chatham-Kent areas
- farm equipment repair, farm input suppliers and grain drying in major cash crop areas
- ginseng drying and distributing in Ontario's Sand Plain area

*For a value-added facility to be classified as an agriculture-related use, "in the area" would refer to the area where the feedstock (e.g., crops or livestock) originates. "In the area" is not based on a set distance or on municipal boundaries. It is based on how far farmers will reasonably travel for the agriculture-related products or services. Some commodities are transported further than others. In Ontario, grain elevators usually store bulk grain for farms within a few kilometers as it is not economical to transport grain a long distance. Reasonable travel distance varies, however, with the bulk of the commodity and the density of agricultural operations. In areas with a high density of agricultural activity, the area within which feedstock is transported may be closer than in Northern Ontario or elsewhere where the density of agricultural activity is relatively low.*

*For example, a winery primarily using grapes grown in the area could be an agriculture-related use. A winery making wine from grapes or concentrate shipped in from another region of Ontario, another province or another country, would not be. A winery that brings in grapes or concentrate from another area, may, however, be an on-farm diversified use if all the criteria for that category of uses are met. Uses that are not directly related to farm operations in the area, because they use agricultural products from outside the area, may be on-farm diversified uses if all the criteria for those uses are met.*

*There may be instances when agriculture-related uses that normally provide products or services to farm operations in the area need to bring agricultural commodities in from outside of the area. An apple storage and distribution facility may need to bring in apples grown elsewhere in the province or country to meet customer demand when crop losses occur locally. However, the primary feedstock for agriculture-related uses must be farms in the area.*

*To qualify as agriculture-related uses, farmers' markets must sell produce grown in the area. Farmers' markets selling a variety of produce, both from the area and beyond, and potentially non-agricultural items like baked goods, coffee and crafts, could have both agriculture-related and on-farm diversified components. The criteria for both categories of use would need to be met.*

*Uses that provide products or services beyond the immediate agricultural area such as cold storage facilities near airports or other transportation*

*hubs, or meat packing plants that process meat from a long distance, often shipped by transport truck or shipping container, are not agriculture-related uses. They do not directly relate to farm operations in the area. Even if these uses provide some products or services to farms in the area, they are located in serviced industrial or commercial land in settlement areas, rather than prime agricultural areas.*

**4. Supports agriculture.**  
(from the PPS definition of agriculture-related uses)

*This criterion limits uses to those primarily focused on supporting agriculture. For example, a grain elevator used by farmers in the area supports and benefits area farms.*

*An example of an operation in a prime agricultural area that supports area agriculture is the Elmira Produce Auction. The co-operatively-run produce auction creates a market for regional produce in the Waterloo area. It aims to support growers in the area and increase family farm revenue by encouraging local farms to diversify into higher-value fruits and vegetables. The auction has affected crop production in the area, with more land now devoted to fruit and vegetable production to supply a growing number of area restaurants and institutions.*

**5. Provides direct products and/or services to farm operations as a primary activity.**  
(from the PPS definition of agriculture-related uses)

*This criterion requires that agriculture-related uses directly service farm operations as a primary activity.*

*“Direct products and/or services” refers to uses that serve an agricultural need or create an opportunity for agriculture at any stage of the supply chain (e.g., seed or fertilizer supplier, farm equipment repair, value-added food and beverage processing and distribution or retail of agricultural commodities grown in the area).*

*General-purpose commercial and industrial uses that serve a broad customer base (e.g., building supply centres, window manufacturers, fencing companies, paint stores, pre-cast concrete businesses and contractors’ yards) are not agriculture-related uses even if they have farm operators as customers.*

*Serving farm operations must be a primary function or main activity of the business. As a rule, general purpose commercial and industrial uses should be located outside of prime agricultural areas (i.e., in settlement areas or on rural lands).*

*Many hamlets, villages and towns near active agricultural areas cluster general purpose and agriculture-related uses within their settlement areas, within easy access to farm operations. Some provide servicing to encourage economic development. Directing growth and development that is not imperative in prime agricultural areas to settlement areas is consistent with PPS Policy 1.1.4.2.*

*In the past, some farm implement dealerships and repair shops have located in prime agricultural areas because of land availability and proximity to customers. Municipalities may have permitted this to achieve efficient development patterns in settlement areas. Given that current PPS policy emphasizes the need for agriculture-related uses to provide direct products and/or services to farm operations as a primary activity, a farm equipment dealership or farm equipment repair shop might be justified as an agriculture-related use in a prime agricultural area if servicing farm operations in the area is a primary focus of the business and all other agriculture-related uses criteria are met. However, businesses that sell or repair farm implements, along with items catering to a broad customer base such as lawn mowers, snow blowers, other machinery, parts, toys and clothing, should be directed to settlement areas, rural lands or lower priority agricultural lands as discussed in Section 3.2.*

*Uses that process and/or store predominantly non-agricultural source materials (e.g., compost, leaf and yard waste, food processing waste, sewage biosolids) are not agriculture-related uses, even if the products of such facilities are spread on farmland. The primary function of such facilities is to manage non-agricultural waste streams, rather than produce a product for application to farmland. Facilities that process and/or store agricultural source materials from agricultural operations in the area as their primary activity may fit the definition of agriculture-related uses.*

*Uses that do not benefit from being close to farm operations but wish to take advantage of lower costs in prime agricultural areas would not be classified as agriculture-related uses.*

*Since agri-tourism uses do not provide products or services to farm operations, they would not qualify as agriculture-related uses. If located on farms and meeting all other criteria, these uses may be on-farm diversified uses.*

*To assess whether a proposed use meets the test of providing direct products and/or services to farm operations as a primary activity, municipalities should require evidence demonstrating that the use will service farm operations as a primary business activity (i.e., inputs are primarily produced in the area or customers are primarily farm operators in the area). As a best management practice, municipalities may require*

*evidence that the use cannot be located in settlement areas or on rural lands.*

6. *Benefits from being in close proximity to farm operations.  
(from the PPS definition of agriculture-related uses)*

*To meet this criterion, agriculture-related uses must benefit from or need to be located near the farm operations they serve. Benefits may include more effective or efficient operations due to access to feedstock, roads suited to slow-moving farm vehicles, reduced transportation distance and risk of spoilage and marketing opportunities associated with being part of an agricultural cluster.*

## **2.3 On-Farm Diversified Uses**

### **2.3.1 PPS Criteria for On-Farm Diversified Uses**

*On-farm diversified uses must be located on a farm property that is actively in agricultural use. The on-farm diversified uses provisions in the PPS do not apply to small residential lots in the prime agricultural area.*

The Minimum Distance Separation (MDS) Document, 2016

### **Implementation Guideline #12: Existing Uses that Do Not Conform to MDS**

*An MDS I setback is required for proposed development or dwellings, even though there may be existing or approved development or dwellings nearby that do not conform to MDS I requirements.*

*However, a reduced MDS I setback may be permitted provided there are four, or more, non-agricultural uses, residential uses and/or dwellings closer to the subject livestock facility than the proposed development or dwellings and those four or more non-agricultural uses, residential uses and/or dwellings are:*

- located within the intervening area (120° field of view shown in Figure 4 in Section 7 of this MDS Document) between the closest part of the proposed development or dwelling and the nearest livestock facility or anaerobic digester;*
- located on separate lots; and*
- of the same or greater sensitivity (i.e., Type A or Type B in accordance with Implementation Guidelines #33 and #34) as the proposed development or dwelling.*

*If ALL of the above conditions are met, the MDS I setback for the proposed development or dwelling may be reduced such that it is located no closer to the livestock facility or anaerobic digester than the furthest of the four non-agricultural uses, residential uses and/or dwellings as shown in Figure 4.*

Niagara Official Plan, 2014 Consolidation, as amended

### **4.1.1 Region's Agricultural Land Base**

*4.1.1.2 Prime agricultural areas and specialty crop areas, as shown on Schedule*

*F, shall be protected for long-term use for agriculture. Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through seven lands within the prime agricultural area, in this order of priority.*

- 4.1.1.4 An agricultural system has been identified in which all types, sizes, and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with Provincial standards...*

#### **4.1.2 Specialty Crop Areas and Prime Agricultural Areas**

- 4.1.2.1 Specialty crop areas shall not be redesignated in official plans for non-agricultural uses. Non-agricultural uses may be permitted subject to Policies 4.2 to 4.6 of the Greenbelt Plan and Section 4.1.3 of this Plan.*
- 4.1.2.2 In specialty crop areas, all existing uses lawfully used for such purpose prior to December 16, 2004 are permitted. In specialty crop areas, single detached dwellings and accessory structures are permitted on existing lots of record, provided they were zoned for such or permitted through other regulation as of December 16, 2004.*
- 4.1.2.3 In specialty crop areas and prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted.*

#### **4.1.3 Minimize Conflicts of Non-Agricultural Uses**

- 4.1.3.7 Where agricultural uses and non-agricultural uses interface, land use compatibility shall be achieved by avoiding or, where avoidance is not possible, minimizing and mitigating adverse impacts on the agricultural system, by incorporating measures as part of new or expanding non-agricultural uses, as appropriate, within the area being developed.*

#### **4.1.5 Lot Creation in Specialty Crop Areas**

- 4.1.5.1 In the specialty crop areas, consents to convey may be permitted only in accordance with the following provisions and the general consent provisions in Policy 4.1.4.2...*
  - f. the consent is for legal or technical reasons as determined by Local Area Municipalities, provided they do not create a separate lot for a residential dwelling, there is no increased fragmentation of a key natural heritage feature or key hydrologic feature, and complies with other policies in this Plan; ...*

#### **4.1.7 A Resilient Agricultural Economy**

- 4.1.7.3 Agricultural uses, agriculture-related uses and on-farm diversified uses are permitted in the following areas:*
  - a. specialty crop areas;*
  - b. prime agricultural areas; and*



*c. rural lands.*

*4.1.7.4 Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations.*

*4.1.7.5 Agriculture-related uses and on-farm diversified uses shall be consistent with the provisions of the Provincial Policy Statement, and conform to the Growth Plan, Greenbelt Plan, and Niagara Escarpment Plan.*

#### **4.1.10 Non-Conforming Uses in the Agricultural System**

*4.1.10.2 Expansions to existing buildings and structures, accessory structures and existing uses, as well as conversions or redevelopment of legally existing uses that bring the use more into conformity with this Plan, are permitted subject to demonstration of the following:*

- a. new municipal services are not required;*
- b. the proposal does not expand into key natural heritage features and key hydrologic features, unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure;*
- c. if applicable, the proposed new use complies with the Specialty Crop Guidelines, as amended from time to time;*
- d. for conversions or redevelopments only, the completion of an agricultural impact assessment by a qualified professional;*
- e. the proposal does not result in the intrusion of new incompatible uses;*
- and*
- f. the proposed use is in accordance with the minimum distance separation formulae.*

#### **Definitions:**

*Agricultural System: The system mapped and issued by the Province, comprised of a group of inter-connected elements that collectively create a viable, thriving agricultural sector. It has two components: a. an agricultural land base comprised of prime agricultural areas, including specialty crop areas, and rural lands that together create a continuous, productive land base for agriculture; and b. an agri-food network, which includes infrastructure, services and assets important to the viability of the agri-food sector.*

*Agricultural Uses: 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.*

*Agri-Tourism Uses: Those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.*

*Specialty Crop Area: Areas designated using guidelines developed by the Province, as amended from time to time. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, usually resulting from: a. soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both; b. farmers skilled in the production of specialty crops; and c. a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops.*

Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended

**6.36 VILLAS**

*Villas shall integrate compatibly into residential communities of the Town. They are an important part of the local economy and provide overnight accommodation through the use of existing housing stock. They may be permitted ... outside urban areas with water and sewage disposal services approved by the Niagara Regional Public Health Department.*

*Applications for new Villas or to convert Country Inns to Villas shall require a Zoning By-law Amendment.*

*A Villa is a temporary use of a single detached residential dwelling unit having a minimum of four (4) bedrooms. It is an occasional or seasonal use that allows the travelling public temporary accommodations for rest and relaxation. Although it is intended to restrict Villas to a maximum of six (6) bedrooms, exceptions may be warranted and can therefore be considered as part of a site specific zoning review. Outside urban boundaries the maximum number of bedrooms in a Villa shall be six (6).*

*The Municipality will regulate other matters through the implementing Zoning By-law, site plan approval process and/or licensing by-law.*

*A Villa may be rented for use as temporary accommodation. Prior to the issuance of a short term rental license, a Villa will be subject to an amendment to the Zoning-By-law and a Site Plan Control Agreement. Requiring both a Zoning By-law Amendment and a Site Plan Control Agreement and assessing other factors such as sufficient parking, proper local management and licensing. Villas will be subject to sufficient public scrutiny to ensure compatibility within the surrounding residential neighbourhood, thus disruptions such as noise, are limited and subject to municipal regulation.*

*Applications for Villas will be considered in the context of a review process, involving compliance with the following criteria adopted to protect the residential character of the neighbourhood:*

- i. There is sufficient lot area to comfortably accommodate the required number of parking spaces, private amenity space, setback and other requirements.*

ii. Within urban areas, the lot size shall be a minimum of 0.3 hectares (0.75 acres) for five (5) guest rooms and 0.4 hectares (1 acre) for more than five (5) guest rooms. A lesser size lot may be considered for a proposed Villa or an increase in number of rooms for an existing Villa within the urban area without an amendment to this Plan provided the reduction in lot area is:

- Compatible with surrounding land uses, and potential impacts of the proposed development on present and future land uses in the area can be appropriately mitigated by sensitive application of these policies.
- The overall character and stability of the surrounding neighbourhood is maintained, considering such matters as: streetscape, location and sufficiency of parking, private amenity space, existing vegetation, environmental features, loss of privacy associated with adjacent outdoor amenity space, and other factors.
- The following parking provisions are addressed:
  - a) Adequate off-street parking to accommodate each rented room.
  - b) Parking should be as unobtrusive as possible
    - All parking areas are to be screened from abutting residential neighbours.
    - Adjacent heritage resources and/or heritage resources on the property are not negatively impacted.
    - Outside urban boundaries the lot size shall be a minimum of 0.4 hectares (1 acre) for all Villas.

iii. A usable outdoor amenity area shall be provided for the activities and relaxation of guests. The amenity area should not consist of areas contained in the front or side yards and setback areas around parking lots. The amount of amenity space must be sufficient for a limited number of guests and must increase in area corresponding to the number of guest rooms.

Outdoor amenity space is to be provided on-site. A minimum outdoor area of 135m<sup>2</sup> (1453 ft<sup>2</sup>) should be provided, plus an additional 9m<sup>2</sup> (97 ft<sup>2</sup>) for each rented room beyond three (3). All on-site facilities, such as outdoor patios, amenity areas etc. are for the exclusive use of overnight guests of the Villa.

iv. Any application for an amendment to the implementing Zoning By-law for a Villa must be accompanied by a Planning Impact Analysis in accordance with the requirements set out in "Part 2 – General Policies" of the Official Plan... The analysis will be required as part of the application to determine the appropriateness of the proposed change and identify ways of reducing any adverse impact on surrounding land uses.

v. All applications for Villas must be accompanied by a site plan that satisfies the Requirements of the Town's Site Plan Control Agreement, showing the following:

- a) The locations, surface treatment, drainage and driveway access of all parking areas
- b) The location of all buildings and structures

*c) All existing and proposed landscaping.*

*vi. The implementing by-law for the Villa will prohibit the use of the dwelling for lodging of roomers and boarders beyond the number of rooms permitted in the Villa. No signage indicating that the building is a Villa or that rooms are for hire shall be displayed anywhere within the Municipality, other than signs permitted in accordance with the Town's Sign By-law and site plan requirements.*

*vii. A Villa must front on a public road.*

*ix. The provision of adequate services is essential to protecting adjacent land uses and the environment from adverse development impacts, maintaining public safety and ensuring that municipal standards are maintained. In order to meet this objective, Villa development will be allowed to proceed only where adequate services are available.*

*x. The evaluation of Villa applications will consider the proposed on-site services, the servicing capabilities of the area and the capacity of municipal services to accommodate the proposed use in keeping with the "Part 2-General Policies: Planning Impact Analysis" of this plan. This shall include:*

- a) Provision of appropriate water and sanitary services;*
- b) Lot grading/drainage of the property;*
- c) Stormwater management requirements.*

*xi. Villas outside urban boundaries shall not conflict with the broad objective of preserving Niagara-on-the-Lake's agricultural lands. In an agricultural area a Villa is permitted as an ancillary use in an existing building on the property providing that it:*

- a) Maintains appropriate separation distances and is protected from incompatible uses (such as pit and quarry operations, livestock operations, existing and former solid waste disposal sites and industrial/transportation facilities) that may result in adverse environmental effects.*
- b) Has adequate access to the road system.*

*xii. In cases where a Villa application involves a lot located outside urban boundaries, such development must be capable of being served by adequate on-site sewage disposal systems to the satisfaction of the Public Health Department and the Ontario Building Code. O.Reg.278/99, as amended.*

*xiii. Outside urban boundaries, Villa proposals should ensure surrounding farming operations are protected from adverse impacts, unnecessary restrictions on activities and functions, and interference with the farmer's ability to farm. Applications will be considered in terms of their ability to address the following criteria, aimed at minimizing negative effects on agriculture:*

- Potential impacts on surrounding agricultural operations and effectiveness of proposed mitigation.*

- Ability to accommodate on-site services and satisfy site planning requirements.
- Proximity to existing intensive livestock operations, considering conformity with distance provision of the Minimum Distance Separation Formula of the Agricultural Code of Practice.

*There will be no severances and no new lots will be created on lands zoned to permit Villas located outside of urban boundaries.*

## **SECTION 7: AGRICULTURE**

### **7.2 GOALS AND OBJECTIVES**

- (1) *To help ensure the preservation of prime agricultural lands for farming with particular emphasis on the preservation of specialty crop lands.*
- (2) *To help preserve the existing and potential agriculturally productive land giving highest priority to Good Tender Fruit/Grape Lands.*
- (3) *To allow flexibility to farm operations in both type and size and to permit the expansion and contraction of farm operations as necessary provided that the farm remains economically viable and that the size of the farm is appropriate and common in the area.*
- (4) *To permit a limited amount of farm-related development by way of retirement lots, selectively located small scale agriculturally related commercial and industrial developments.*
- (5) *To ensure that existing small scale industries and commercial uses supportive of agricultural operations are allowed to expand where appropriate, while requiring new development or redevelopment not primarily related to agriculture is to locate in appropriately designated areas (ie. Light Industrial, General Commercial, etc.).*
- (6) *To ensure that agricultural areas are protected from harassment and conflict from non farm residents and non-farm related uses through measures such as preventing the development of non-farm uses in the Agricultural designation.*
- (7) *To consider the impact on agriculture as the primary guideline in evaluating development proposals in the agricultural areas.*

### **7.3 LAND USE DESIGNATIONS**

#### **7.3.1 AGRICULTURAL**

*In the agricultural designation the following uses shall be permitted:*

*Main Uses:*

*The main use permitted is agriculture including all types of farming, their related buildings and structures, the farm residence, the raising of animals and fowl, market gardening... Conservation of... wildlife and other natural resources in their natural state is also permitted.*

*Secondary Uses:*

*Uses permitted with a Main Use: ...*

- *farm wineries*
- *home industries and occupations...*

- *accessory buildings and structures*
- *farm help houses and additional farm dwellings for seasonal or full-time farm help*

*Uses permitted independent of a Main Use:*

- *agricultural markets*
- *estate wineries*
- *small scale industrial and commercial activities that are directly related to and serve agriculture and require a location in close proximity to farms. Provided that... it is not possible for such uses to locate in Urban Areas. Such uses should also be located so that their effect on surrounding prime agricultural land and viable farm operations is minimized...*

#### **7.4 GENERAL AGRICULTURE POLICIES**

*The following policies shall apply to all lands designated for agricultural use:*

##### **(2) MINIMUM DISTANCE SEPARATION REQUIREMENTS**

- b) All new development located on lands designated "Good Tender Fruit or Good Grape" in the Regional Policy Plan shall be subject to the Minimum Distance Separation (M.D.S.) requirements.*

#### **Town of Niagara-on-the-Lake Proposed Official Plan, 2019**

### **3.2 Agricultural System**

#### **3.2.2 Objectives**

##### **3.2.2.1 The objectives for managing and building the Town's agricultural system include:**

- a) Preserving and supporting the Specialty Crop Area for farming.*
- b) Expanding the area under production.*
- c) Accommodating supportive components and agricultural infrastructure including the Niagara-on-the-Lake Agricultural Infrastructure System.*
- d) Fostering functional and economic linkages.*
- e) Creating the circumstances that will support ongoing tender fruit and grape production.*
- f) Recognizing, respecting and valuing the full range of ecological goods and services delivered to the community through good farming practices.*
- g) Protecting the integrity of the agricultural system from conflicting uses.*
- h) Managing natural heritage features as part of the agricultural system in a way that will protect the feature but not impede the ability to farm or grow specialty crops in a sustainable manner.*
- i) Acknowledging that agricultural land is integral to the long term sustainability of the Natural Heritage System and provides vital*

*linkages.*

- j) Supporting uses that enable farming and farmers to:
  - i. Become more economically viable, competitive and sustainable;*
  - ii. Adapt to new and changing markets;*
  - iii. Diversify into and take advantage of new agricultural opportunities;*
  - iv. Improve the understanding of agriculture by the general public; and*
  - v. Broaden operations to diversify economic activity and add value to agricultural production.**
- k) Emphasizing the value of agriculture as an essential part of the Town's environment, working landscape, economy, character and quality of life.*
- l) Encouraging the preservation of agricultural lands for agricultural purposes and directing non-farm uses to settlement areas.*
- m) Managing the interface between agricultural and non-agricultural uses by preventing conflicts and implementing edge planning controls (buffering, separation, etc.) that protect the ability and right to farm and grow specialty crops.*
- n) Permitting agriculture-related uses and on-farm diversified uses including agri-tourism uses in appropriate locations and at an appropriate scale relative to surrounding land uses.*
- o) Consolidating and simplifying the regulations associated with farming on agricultural lands.*
- p) Permitting the appropriate reconfiguration of farm operations to support economic viability.*
- q) Permitting existing appropriate small scale industries and commercial uses supportive of, and directly related to, agricultural operations.*
- r) Supporting the eradication of invasive species that threaten agricultural production.*

### **3.2.3 Permitted Uses**

**32.3.1** *The following uses may be permitted in the Protected Countryside in accordance with the applicable provisions of this Plan:*

- a) Agricultural uses except those that require licensing by the Federal Government;*
- b) Agriculture-related uses;*
- i) All existing uses lawfully used for such purpose prior to December 16, 2004, the date the Greenbelt Plan came into effect; and*

- j) *Single-detached dwellings on existing lots of record, provided they were zoned for such as of December 16, 2004 or where an application for an amendment to a zoning by-law is required as a condition of severance granted prior to December 14, 2003 but which did not proceed.*

### **3.2.4 General Policies for Specialty Crop Area**

*3.2.4.2 The size of farm parcels will be maximized by consolidation with other farm properties.*

*3.2.4.4 Agricultural uses, Agriculture-related uses, and On-Farm Diversified uses are permitted subject to conformity with the policies of this plan, Provincial Plans, and relevant Provincial Guidelines for permitted uses in prime agricultural areas.*

*3.2.4.5 All uses in the Specialty Crop Area will be designed, located and managed to not detract from the primacy of agriculture.*

*3.2.4.7 Where municipal services are not available, uses shall be limited to low water and low effluent producing uses, on condition that the site can accommodate the use on private water and private sewage treatment systems in perpetuity.*

### **3.2.6 Agriculture-Related Uses and On-Farm Diversified Uses**

*32.6.1 Allowing a range of appropriate on-farm agriculture-related uses and on-farm diversified uses (which include agri-tourism uses) contribute to economically sustainable agriculture in the Town, strengthens the agricultural system, facilitates broader access to local food and beverages, agricultural products and wines from 100% Ontario grown fruit wines, preserves the agricultural land base, and maintains the scenic quality of the agricultural landscape.*

*32.6.2 Agriculture-related uses and on-farm diversified uses may be permitted in accordance with the policies in this Plan and specifically in accordance with the following:*

- a) The location of the facility or use imposes no operating constraints and results in no reduction of the efficiency of any existing farm.*
- b) An adequate and potable water supply is available.*
- c) Soils are suitable or made suitable to support an individual waste disposal system subject to the approval of the authority having jurisdiction.*
- d) Adequate drainage and outlets are available for stormwater run-off. Approval of drainage provisions may be required from the appropriate agency.*
- e) Adequate entrances and exits to roads are located to minimize travel hazards.*



- f) *Adequate off-street loading, parking spaces and access points will be provided.*
- g) *Access points will be clearly defined by pavement breaks, landscaping, curbing or other acceptable means.*
- h) *Outside storage may be limited.*
- i) *Appropriate controls imposed through available legislation, to ensure that the hours of operation of a use do not conflict with adjacent land uses.*
- j) *Appropriately zoned land supported, where necessary, by a development agreement.*
- k) *Development on treed areas, steep slopes, ravines, watercourses and any other natural or cultural heritage resource will be avoided.*
- l) *Development may be subject to site plan control.*

3.2.6.4 *Lot creation to accommodate agriculture-related or on-farm diversified uses is not permitted.*

### **3.2.7 Agriculture-related uses**

3.2.7.1 *Agriculture-related uses must be small scale, relate directly to and be required in close proximity to the farm operation.*

3.2.7.2 *To sustain a market and allow for efficient operation of agriculture-related uses, products processed and/or sold by these businesses may be obtained from surrounding local farm operations or from further away provided that a minimum of 75% of the product processed or sold is from farm operations in the Town. To assess whether a proposed agriculture-related use meets the test of providing direct products and/or services to farm operations as a primary activity, the Town may require evidence demonstrating that the use will service the local agricultural industry as the sole or main business activity.*

### **3.2.9 Agri-tourism uses**

3.2.9.1 *Agri-tourism uses are on-farm tourism uses that promote the enjoyment, education or activities related to the farm operation and are permitted subject to the following:*

- a) *Small scale agri-tourism uses that are directly related to agriculture will be permitted as-of-right in the implementing zoning by-law.*
- b) *Agri-tourism uses indirectly related to agriculture that benefit from a farm location may be permitted but will require an amendment to the zoning by-law. These types of agri-tourism uses will be considered based on the following criteria:*
  - i. *the scale of the operation is limited and appropriate to the site and surrounding farming operations;*

- ii. *the use has minimal impact on, does not interfere with and is compatible with surrounding agricultural uses and neighbouring properties;*
- iii. *the use does not generate potentially conflicting off-site impacts including impacts related to infrastructure or transportation;*
- iv. *the use is limited to low water consumption and low effluent-producing uses, and the site is capable of accommodating the use on private water and private sewage treatment systems and will not generate the need for additional public infrastructure;*
- v. *for special events, the use represents an occasional activity and is not a regularly recurring activity;*
- vi. *the timing and duration of such uses do not hinder the agricultural operation on the site or on surrounding agricultural or non-farm properties;*
- vii. *the use does not require significant improvements to utilities or infrastructure such as roads or hydro services;*
- viii. *the use complies with all of the policies of this Plan and the Regional Official Plan;*
- ix. *the area used shall not negatively impact the amount of land available for agricultural production; and*
- x. *the proposed use or site alteration and/or development will not negatively impact cultural heritage resources.*

### **10.13.2 Short-term Tourist Accommodations**

*10.13.2.1 Short-term tourist accommodations (STAs) are an important part of the cultural landscape, tourism infrastructure and the economy of the Town. The Town has identified various types of STAs that are appropriately located in various areas of the Town. These include Bed and Breakfast Establishments, Country Inns, Vacation Rentals (Villas), Vacation Cottage rentals and Vacation Apartments.*

*10.13.2.2 Short-term tourist accommodations will be regulated through the implementing zoning by-law, site plan approval and/or licensing by-law. Any application for a zoning amendment for a short-term tourist accommodation shall be accompanied by a planning justification report and heritage impact assessment for any cultural heritage resource.*

*10.13.2.3 Short term tourist accommodations must not negatively impact agricultural production or remove land from production. An agricultural impact assessment may be required to accompany a zoning application for short-term tourist accommodation. The assessment will identify potential impacts on agriculture and acceptable, mitigating*

*measures to address negative impacts.*

**10.13.2.7 Provisions applicable to Vacation Rentals – Villas**

- a) A villa is an occasional or seasonal use that allows the travelling public temporary accommodations for rest and relaxation. Although it is intended to restrict villas to a maximum of six (6) bedrooms, exceptions may be warranted and can be considered as part of a site specific zoning review.*
- b) Villas will integrate compatibly into residential communities of the Town. They are an important part of the local economy and provide overnight accommodation through the use of existing housing stock. They may be permitted throughout the Town.*
- c) A villa may be rented for use as temporary accommodation. Prior to the issuance of a short-term rental license, a villa will be subject to an amendment to the zoning-by-law and a site plan control agreement.*
- d) Applications for villas will be considered where they protect the residential character of the neighbourhood.*
- e) A usable outdoor amenity area will be provided for the activities and relaxation of guests.*
- f) The implementing by-law for the villa will prohibit the use of the dwelling for lodging of roomers and boarders beyond the number of rooms permitted in the villa.*