

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.

Natural features and areas

3.2 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures within any defined area or areas,

- i. that is a significant wildlife habitat, wetland, woodland, ravine, valley or area of natural and scientific interest,
- ii. that is a significant corridor or shoreline of a lake, river or stream, or
- iii. that is a significant natural corridor, feature or area.

Significant archaeological resources

3.3 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures on land that is the site of a significant archaeological resource.

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.*

Loading or parking facilities

6. *Subject to subsection (1.1), for requiring the owners or occupants of buildings or structures to be erected or used for a purpose named in the by-law to provide and maintain loading or parking facilities on land that is not part of a highway. R.S.O. 1990, c. P.13, s. 34 (1); 1994, c. 23, s. 21 (1, 2); 1996, c. 4, s. 20 (1-3); 2006, c. 22, s. 115; 2024, c. 16, Sched. 12, s. 5 (1).*

Provincial Planning Statement, 2024

2.5 Rural Areas in Municipalities

1. *Healthy, integrated and viable rural areas should be supported by:*

- a) *building upon rural character, and leveraging rural amenities and assets;...*
- d) *using rural infrastructure and public service facilities efficiently;*
- e) *promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;*
- f) *providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;*
- g) *conserving biodiversity and considering the ecological benefits provided by nature; and*
- h) *providing opportunities for economic activities in prime agricultural areas, in accordance with policy 4.3 [of the PPS].*

4.1 Natural Heritage

1. *Natural features and areas shall be protected for the long term.*

2. *The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.*

8. *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 unless*

the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions

9. *Nothing in policy 4.1 is intended to limit the ability of agricultural uses to continue.*

4.3 Agriculture

4.3.1 General Policies for Agriculture

1. *Planning authorities are required to use an agricultural system approach, based on provincial guidance, to maintain and enhance a geographically continuous agricultural land base and support and foster the long-term economic prosperity and productive capacity of the agri-food network.*
2. *As part of the agricultural land base, prime agricultural areas, including specialty crop areas, shall be designated and protected for long-term use for agriculture.*
3. *Specialty crop areas shall be given the highest priority for protection...*

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. *A principal dwelling associated with an agricultural operation shall be permitted in prime agricultural areas as an agricultural use, in accordance with provincial guidance, except where prohibited in accordance with policy 4.3.3.1.c).*

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.*

8 Definitions

On-farm diversified uses: means uses that are secondary to the principal

agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, uses that produce value-added agricultural products...

Greenbelt Plan, 2017

1.2.2 Protected Countryside Goals

1. Agricultural Viability and Protection

a) Protection of the specialty crop area land base while allowing agriculture-supportive infrastructure and value-added uses necessary for sustainable agricultural uses and activities;

c) Protection of prime agricultural areas by preventing further fragmentation and loss of the agricultural land base caused by lot creation and the redesignation of prime agricultural areas;

d) Provision of the appropriate flexibility to allow for agricultural, agriculture-related and on-farm diversified uses, normal farm practices and an evolving agricultural and rural economy;

e) Increasing certainty for the agricultural sector to foster long-term investment in the agri-food network and improvement to and management of the agricultural land base; and

f) Enhancing the strengths of the Agricultural System, including through consideration for the impacts of development on agriculture and planning for local food and near-urban agriculture.

2. Environmental Protection

a) Protection, maintenance and enhancement of natural heritage, hydrologic and landform features, areas and functions, including protection of habitat for flora and fauna and particularly species at risk

d) Provision of long-term guidance for the management of natural heritage and water resources when contemplating such matters as watershed/subwatershed and stormwater management planning, water and wastewater servicing, development, infrastructure, open space planning and management, aggregate rehabilitation and private or public stewardship program

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.

3.2.2 Natural Heritage System Policies

For lands within the Natural Heritage System of the Protected Countryside, the following policies shall apply:

1. The full range of existing and new agricultural, agriculture-related and on-farm diversified uses and normal farm practices are permitted subject to the policies of section 3.2.2.2.

3.2.3 Water Resource System Policies

The following Water Resource System policies apply throughout the Protected Countryside:

1. All planning authorities shall provide for a comprehensive, integrated and long-term approach for the protection, improvement or restoration of the quality and quantity of water. Such an approach shall consider all hydrologic features, areas and functions and include a systems approach to the inter-relationships between and/or among key hydrologic features and key hydrologic areas.

3. Water Resource Systems shall be identified, informed by watershed planning and other available information, and the appropriate designations and policies shall be applied in official plans to provide for the long-term protection of key hydrologic features, key hydrologic areas and their functions.

3.2.5 Key Natural Heritage Features and Key Hydrologic Features Policies

For lands within a key natural heritage feature or a key hydrologic feature in the Protected Countryside, the following policies shall apply:

1. Development or site alteration is not permitted in key hydrologic features and key natural heritage features within the Natural Heritage System, including any associated vegetation protection zone, with the exception of:

a) Forest, fish and wildlife management;

b) Conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered; or

c) Infrastructure, aggregate, recreational, shoreline and existing uses, as described by and subject to the policies of section 4

4. In the case of wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, lakes and significant woodlands, the minimum vegetation protection zone shall be a minimum of 30 metres measured from the outside boundary of the key natural heritage feature or key hydrologic feature.

5. A proposal for new development or site alteration within 120 metres of a key natural heritage feature within the Natural Heritage System or a key hydrologic feature anywhere within the Protected Countryside requires a natural heritage evaluation or a hydrological evaluation which identifies a vegetation protection zone which:

- a) Is of sufficient width to protect the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change and associated activities that may occur before, during and after construction and, where possible, restore or enhance the feature and/or its function; and*
- b) Is established to achieve and be maintained as natural self-sustaining vegetation.*

7. Notwithstanding section 3.2.5.5, new buildings and structures for agricultural, agriculture-related or on-farm diversified uses are not required to undertake a natural heritage or hydrologic evaluation if a minimum 30 metre vegetation protection zone is provided from a key natural heritage feature or key hydrologic feature. In addition, these uses are exempt from the requirement of establishing a condition of natural self-sustaining vegetation if the land is and will continue to be used for agricultural purposes. However, agricultural, agriculture-related and on-farm diversified uses shall pursue best management practices to protect and/or restore key natural heritage features and key hydrologic features and functions.

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

2.3 On-Farm Diversified Uses

A wide variety of uses may qualify as on-farm diversified uses based on the PPS definition, as long as they meet the criteria described below. On-farm diversified uses should be related to agriculture, supportive of agriculture or able to co-exist with agriculture without conflict. On-farm diversified uses are intended to enable farm operators to diversify and supplement their farm income, as well as to accommodate value-added and agri-tourism uses in prime agricultural areas.

On-farm diversified uses: means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products. PPS, definitions

2.3.1 PPS Criteria for On-Farm Diversified Uses

All of the following criteria must be met to qualify as on-farm diversified uses, in accordance with the PPS.

1. Located on a farm. (from the label “on-farm” diversified uses and from the definition’s requirement that the use be secondary to the principal “agricultural use” of the property)

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.

As noted in Section 2.1 of these guidelines, agricultural uses occur on a farm with the expectation of gain or reward. This does not include production primarily for use or consumption by members of the household of the owner or operator of the agricultural operation, for purposes of pastime or recreation, or in a park, on a property used primarily for residential purposes or in a garden located in a public space. The planning authority may require evidence that the property is actively farmed. For example, proof may be required that shows the property qualifies for the Farm Property Class under the Assessment Act, 1990.

2. Secondary to the principal agricultural use of the property. (from the PPS definition of on-farm diversified uses)

While the PPS definition of on-farm diversified uses allows for a wide range of on-farm economic opportunities, it also requires those uses be secondary to the principal agricultural use of the property. In other words, agricultural uses must remain the dominant use of the property. This is measured in spatial and temporal terms. Spatially, the use must be secondary relative to the agricultural use of the property. The spatial limits are addressed below under the “limited in area” criterion.

Temporal considerations apply to uses that are temporary or intermittent, such as events. Given that on-farm diversified uses (and agriculture-related uses) must be compatible with surrounding agricultural operations, the frequency and timing of any events must not interfere with cropping cycles or other agricultural uses on the farm or in the surrounding area.

Even temporary uses must meet all criteria for on-farm diversified uses. Acceptable uses must be compatible with and able to coexist with surrounding agricultural operations, and:

- permanently displace little-to-no agricultural land, within the limits discussed under the “limited in area” criterion*
- do not require site grading and/or drainage unless it improves conditions for agricultural production*
- are one-time uses or held infrequently when impacts to agriculture are minimal*
- any land used for a temporary use must be immediately returned to agriculture*
- a harvestable crop is produced on the land the year in which the temporary use is implemented (if applicable)*
- meet compatibility requirements (e.g., do not require significant emergency, water and wastewater services; maintain reasonable noise and traffic levels in the area)*

- *impacts to the site itself and surrounding agricultural operations are mitigated (e.g., compaction, drainage, trespassing)*

If all criteria are met, events may be accommodated through a temporary use zoning by-law under the Planning Act, 1990, provided no permanent alterations are proposed to the land or structures (e.g., stages, washrooms or pavilions). The temporary zoning must be structured in a way that the farmland is returned to agriculture immediately following the event (e.g., detailed provisions to avoid soil compaction, timing events to avoid impacts on cropping systems). The intention is that these uses are permitted only on an interim basis.

The Municipal Act, 2001, authorizes municipalities to pass by-laws, issue permits and impose conditions on events. These by-laws may require site plans, traffic plans, emergency plans and security plans. These by-laws can help ensure uses are reasonable without the need for other approvals.

Large-scale, repeated or permanent events are not on-farm diversified uses and should be directed to existing facilities such as fairgrounds, parks, community centres and halls, settlement areas or rural lands. Guidelines on new venues in prime agricultural areas are provided in Section 3.2 Limited Non-Agricultural Uses.

3. Limited in area. (from the PPS definition of on-farm diversified uses)

While PPS policies enable a wide variety of on-farm economic opportunities, the PPS also requires those uses are limited in area. This criterion is intended to:

- *minimize the amount of land taken out of agricultural production, if any*
- *ensure agriculture remains the main land use in prime agricultural areas*
- *limit off-site impacts (e.g., traffic, changes to the agricultural-rural character) to ensure compatibility with surrounding agricultural operations.*

Many municipalities limit the scale of on-farm diversified uses by limiting the number or place of residence of employees, number of businesses, percentage of products sold that are produced on the farm or floor area of buildings and outdoor storage. However, these factors do not have a direct bearing on the amount of farmland displaced or fully account for all the land occupied by the uses. A preferred approach is to base “limited in area” on the total footprint of the uses, on a lot coverage ratio basis.

Guidance on the “limited in area” criterion is based on a review of existing municipal approaches in Ontario, observations and experiences of OMAFRA staff across the province, benchmarking against existing diverse farms, development of scenarios and stakeholder input. Realistic scenarios to predict how much land could be used for on-farm diversified uses on small, medium and large farms are provided in Appendix 2. Appendix 3 offers an example of an existing, diversified farm with a combination of permitted uses, illustrating how the on-farm diversified uses portion of the property is

calculated.

The approach to the “limited in area” criterion is intended to:

- *achieve the balance between farmland protection required by the PPS and economic opportunities for farmers*
- *improve consistency among municipalities in terms of the land area that could be used for such uses*
- *level the playing field for different types of on-farm diversified uses*
- *provide flexibility as on-farm diversified uses and owners change*
- *simplify implementation*

The “limited in area” requirement should be based on the total land area that is unavailable for agricultural production as a result of the on-farm diversified use (i.e., the footprint occupied by the use, expressed as a percentage of lot coverage). The area calculation should account for all aspects related to an on-farm diversified use such as buildings, outdoor storage, landscaped areas, berms, well and septic systems, parking and new access roads. The lot coverage ratio should be based on the size of the individual parcel of land where the use is located, not the total area of a farm operation which could include several parcels. The rationale for using a lot coverage ratio is built on the premise that a large property is generally able to accommodate a larger on-farm diversified use than a small property while meeting compatibility requirements.

Where available, uses should be within existing agricultural buildings or structures no longer needed to support agricultural production. Reusing existing buildings or structures can help to:

- *reduce the amount of farmland consumed*
- *maintain the agricultural/rural character of the area*
- *ensure existing buildings are kept in good repair or improved*

As farmers expand and modernize their agricultural operations, they often prefer to build new structures based on current standards rather than retrofit older buildings. This can result in surplus buildings that could be repurposed. It is recommended that for “limited in area” calculations, the area of existing buildings used for on-farm diversified uses be discounted at an appropriate rate (e.g., 50%). Be aware that a change in the use of a building may result in a change in building code requirements (Section 2.5.7).

If an on-farm diversified use occupies the same footprint as a demolished building, the land area for the use may be similarly discounted. This recognizes that it is unlikely that land under a demolished building will be returned to an agricultural use. However, preference should be given to reuse of existing buildings where possible.

It is recommended that the area of existing laneways not be included in area calculations. This will encourage on-farm diversified uses to locate within existing farm building clusters and minimize impacts on agricultural production.

If an existing barn (or a barn destroyed by fire,) is restored for an on-farm diversified use with the same footprint as the existing barn, only 50% of the building's footprint is counted in the area calculations. Likewise, the footprint of a home occupation in an existing residence or outbuilding may be calculated at 50% of the area of the office. However, 100% of the area needed for parking and outdoor storage would be included. Existing laneways are not counted in the area calculations but 100% of the area for new laneways would be included.

These guidelines recommend that "limited in area" be relative to the size of the farm property on which the on-farm diversified use is located. The size of the entire farm property, including land subject to an easement, and not just the portion of a farm that is in agricultural use, should be considered. For example, a use occupying 1 ha on a 50 ha farm may be "limited in area," while a 1 ha use on a 15 ha farm may not be. These guidelines recommend that the standard for the acceptable area occupied by an on-farm diversified use is up to 2% of a farm parcel to a maximum of 1 ha (10,000 m²). The examples of on-farm diversified uses in Appendix 2 show the variety of uses that could be placed on different-sized parcels of land, while staying within the recommended maximum lot coverage of 2%.

In the case of on-farm diversified uses that are intermittent, such as events, "limited in area" may mean an area greater than the general recommendations above (Section 2.3.1.1). When calculating the area for agri-tourism uses such as wagon rides or corn mazes, lands producing a harvestable crop are agricultural uses that are not included in area calculations. However, areas such as playgrounds and loading areas for hayrides should be included.

If more than one on-farm diversified use is proposed on a single property, the combined area of all on-farm diversified uses should be within the above area and lot coverage guidelines.

If the area of a proposed on-farm diversified use exceeds the recommended area thresholds in these guidelines, give consideration to PPS Policy 2.3.6 on non-agricultural uses in the prime agricultural areas. On-farm diversified uses that are proposed to grow beyond the area limits, either incrementally or otherwise, are not supported.

Since the PPS requires settlement areas to be the focus of growth and development, large-scale industrial and commercial buildings appropriate in settlement areas (due to servicing, accessibility, etc.) are not permitted in prime agricultural areas. It is recommended that the gross floor area of buildings for on-farm diversified uses be capped at a scale appropriate to prime agricultural areas. Municipalities may set the building size cap based on a maximum lot coverage ratio (i.e., proportion of the 2% of the property that may be used for on-farm diversified uses to be covered by buildings).⁵ Alternatively, municipalities may define maximum gross floor area limits numerically (e.g., maximum gross floor area for properties 15–20 ha is 600 m², and so on for different sized properties). Regardless of how the cap is set, the area of existing

buildings, should not be discounted when calculating the gross floor area of buildings for on-farm diversified uses.

Recommended Area Calculations for On-Farm Diversified Uses

- existing laneways shared between agricultural uses and on-farm diversified uses are not counted*
- area of existing buildings or structures, built prior to April 30, 2014, occupied by on-farm diversified uses is discounted (e.g., 50%)*
- area of new buildings, structures, setbacks, outdoor storage, landscaped areas, berms, laneways, parking, etc. are counted at 100%*
- on-farm diversified uses may occupy no more than 2% of the property on which the uses are located, to a maximum of 1 ha*
- the gross floor area of buildings used for on-farm diversified uses is limited (e.g., 20% of the 2%)*

- 4. Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products. (from the PPS definition of on-farm diversified uses)*

The PPS definition provides a number of examples of on-farm diversified uses. Beyond these examples, other uses may also be suitable, subject to meeting all PPS criteria.

The PPS language related to uses that are not related to agriculture (i.e., home occupations, home industries), suggests that in prime agricultural areas, these operations must be at a reasonable scale, as discussed under the “secondary to...” and “limited in area” criteria.

Municipalities may wish to encourage on-farm diversified uses that relate to agriculture (e.g., agri-tourism and value-added uses) by streamlining approvals for these uses.

- 5. Shall be compatible with, and shall not hinder, surrounding agricultural operations. (from PPS Policy 2.3.3.1)*

Refer to the discussion of this policy under agriculture-related uses (Section 2.2) as it applies equally to on-farm diversified uses. Some uses that meet other on-farm diversified uses criteria may not meet the compatibility criterion. For example, uses that attract large numbers of people onto the farm for non-farm events or for recreational purposes could result in soil compaction on the farm itself, excessive noise and trespass issues that may be incompatible with surrounding agricultural operations. Commercial or industrial uses that have a large number of employees or attract a large number of customers may also not be compatible in the prime agricultural area. In addition, some uses may be better suited to settlement areas where municipal services are available (PPS Policy 1.6.6). Municipalities should consider how effectively any impacts can be mitigated before allowing different uses in prime agricultural areas.

Compatibility Considerations

- does not hinder surrounding agricultural operations*

- *appropriate to available rural services and infrastructure*
- *maintains the agricultural/rural character of the area*
- *meets all applicable environmental standards*
- *cumulative impact of multiple uses in prime agricultural areas is limited and does not undermine the agricultural nature of the area*

Nano or micro-breweries and small distilleries may fit the definition of on-farm diversified uses if they are able to meet all PPS criteria for that category of uses. However, these uses should be appropriate to available rural water and wastewater services. High water use/effluent generation operations are generally inappropriate in prime agricultural areas and may require capacity beyond what is available on the site. The appropriate scale to qualify as an on-farm diversified use needs to be assessed on a case-by-case basis.

In prime agricultural areas with multiple on-farm diversified uses on several farms, the collective impact of these uses should be limited and not undermine the agricultural nature of the area or the health of the environment. Whether a proposed new on-farm diversified use is compatible depends on other uses in the area and how the area would be affected by all of these uses.

Niagara Official Plan, 2022

3.1 The Natural Environment System

3.1.5 Lands within the Provincial Natural Heritage System

3.1.5.1 The policies of Section 3.1.5 apply to lands within the mapped Provincial natural heritage system.

3.1.5.2 Notwithstanding Policy 3.1.5.1, the policies of Section 3.1.5 that apply to key hydrologic features apply in all areas of the region outside of settlement areas whether or not they are in the mapped Provincial natural heritage system in accordance with Provincial policy.

3.1.5.3 Required within the Provincial natural heritage system is a 30 metre wide vegetation protection zone adjacent to significant woodlands, wetlands, as well as permanent and intermittent streams and inland lakes.

3.1.5.4 Notwithstanding Policy 3.1.5.3, a 15 metre wide vegetation protection zone applies to certain key hydrologic features in parts of the Greenbelt Plan area in accordance with the policies of the Greenbelt Plan.

3.1.5.5 Development or site alteration shall not be permitted in key natural heritage features that are within the Provincial natural heritage system or in any key hydrologic features outside of settlement areas except for:

3.1.5.7.1 A proposal for new development or site alteration within 120 metres of any key natural heritage feature within a Provincial natural heritage system or any key hydrologic feature outside of settlement areas will require an environmental impact study and/ or hydrological evaluation that identifies a vegetation protection zone, which:....

3.1.5.7.3 Development or site alteration shall not be permitted in the vegetation protection zone, with the exception of that described in Policy 3.1.5.5, shoreline development as permitted in accordance with Policy 4.1.10.4, or infrastructure serving the agricultural sector

3.1.9 Lands Outside of a Provincial Natural Heritage System and Outside of the Niagara Escarpment Plan Area

3.1.9.2 Required outside of a Provincial natural heritage system and outside of settlement areas is a 30 metre wide vegetation protection zone adjacent to all wetlands, permanent and intermittent streams, and inland lakes and their littoral zones which are key hydrologic features.

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.

4.1.7 A Resilient Agricultural Economy

- 4.1.7.3 *Agriculture 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.*
- 4.1.7.6 *On-farm diversified uses shall be:*
- a. *located on a farm;*
 - b. *secondary to the principal agricultural use of the property;*
 - c. *limited in area; and*
 - d. *compatible with, and shall not hinder, surrounding agricultural operations.*
- 4.1.7.7 *The appropriate scale for on-farm diversified uses may vary depending on the type of use and whether the activities are located in the specialty crop area or in other prime agricultural areas....*

6.4 Archaeology

6.4.2 Conservation in Accordance with Provincial Requirements

6.4.2.1 *Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.*

6.4.2.6 *Where a site proposed for development is located within an area of archaeological potential, the Local Area Municipality shall circulate the application and a Stage 1 Archaeological Assessment by a licensed archaeologist, as well as a Stage 2 Assessment, where required, to the Region as part of a complete application. This policy applies when any part of a development application falls within an area of archaeological potential as identified on Schedule K and will be addressed as early as possible in the planning process. For lands located outside a settlement area boundary where site alteration or development will not affect the entire property, the archaeologist may consult with the Province on a property-by-property basis to determine if these areas can be exempt or the assessment can be scoped.*

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.

Agriculture-Related Uses: Those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

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.

On-Farm Diversified Uses: On a farm; secondary use; limited in area; includes, but is not limited to, home occupations, home industries, agri-tourism uses and value-added uses; compatible with surrounding agricultural operations.

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

Section 6: GENERAL DEVELOPMENT POLICIES

6.1 ARCHAEOLOGICAL SURVEY As a condition of a planning application for the development or redevelopment of land, the municipality in consultation with the authority having jurisdiction may require the proponent to undertake an Archaeological Survey for the purposes of determining whether prehistoric or historic archaeological resources exist on site and determining an appropriate course of action should these resources be found. Detailed requirements are contained in SECTION 18: HERITAGE CONSERVATION.

6.15 LANDS ABUTTING CONSERVATION DESIGNATIONS *The municipality shall consult with the Ministry of Natural Resources and Forestry and/or the Conservation Authority prior to the approval of any development on lands abutting Conservation Areas. Proposed uses shall be sensitive to and minimize any impact on the natural environment in a Conservation designation. Building setbacks and buffering may be a requirement in Zoning By-laws and/or Site Plan Control. It should be noted that additional policies apply to lands abutting or near Wetlands, Conservation Areas and Areas of Natural and Scientific Interest (ANSI's) and reference should be made to Section 16 Conservation/Wetlands in this regard.*

6.21 PARKING AND LOADING FACILITIES *Off-street parking areas and loading facilities shall be provided for the applicable uses as required by the implementing Zoning By-law. Access points to parking areas and loading areas shall be limited in number and designed in a manner which will minimize the danger to pedestrian and vehicular traffic in the immediate area and compatible with abutting properties.*

6.25 PRIVATE WATER SUPPLY AND PRIVATE SEWAGE DISPOSAL

Where development is to take place on individual well and sewage disposal systems, the following policies for private systems shall be complied with before any such development will be permitted:

.....e) Each private sewage disposal system shall require approval by the authority having jurisdiction. Generally, the provision of private systems shall be restricted to residential development. If, in the opinion of the authority having jurisdiction any area appears questionable for the proper operation of a private sewage disposal system, an evaluation of the subject lands by a competent authority, shall be required before development is allowed to proceed.

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

a) All new or expanding livestock barns shall be subject to the Minimum Distance Separation (M.D.S.) II requirements. New livestock barns shall be encouraged to locate on lands designated "Good General Agriculture" in the Regional Policy Plan.

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.) I requirements.

c) All new development located on lands designated "Good General Agriculture" in the Regional Policy Plan shall be subject to the Minimum Distance Separation (M.D.S.) I requirements or a distance separation of 300 metres whichever is greater. Exceptions only to the 300 metre separation distance are as follows:

- (i) lots of record existing prior to the adoption of this Plan are exempt from the minimum separation distance of 300 metres but not the M.D.S. requirements;*
- (ii) the minimum distance of 300 metres does not apply to farm retirement lots. However, the M.D.S. requirements will be applied to retirement lots.*

(3) SECONDARY USE POLICIES

- a) The following development policies shall apply to all secondary uses permitted in the agricultural designation.*
 - (i) Such uses shall avoid wherever reasonably practical Good Tender Fruit/Good Grape land as shown in the Regional Policy Plan.*
 - (ii) Such uses shall be encouraged wherever reasonably practical to locate on a relatively self-contained or isolated area separated from other agricultural lands by woodland, roads, railways or ravines.*
 - (iii) The location of the facility or use imposes no operating constraints or results in no reduction of the efficiency of any existing farms.*
 - (iv) An adequate and potable water supply shall be available and it shall be the responsibility of the applicant to provide a report on the adequacy of the water supply, if required by the Town or the authority having jurisdiction.*
 - (v) Soils shall be suitable or made suitable to support an individual waste disposal systems subject to the approval of the authority having jurisdiction.*
 - (vi) Adequate drainage and outlets shall be available for storm water runoff. Approval of drainage provisions may be required from the Town, the Region, the Ministry of Transportation and/or the Niagara Peninsula Conservation Authority and/or the Niagara Parks Commission.*
 - (vii) Adequate entrances and exits to roads shall be so located as to minimize travel hazards. Ribbon development along roadways shall be discouraged.*
 - (viii) Adequate off-street loading, parking spaces and access points shall be provided for all commercial and industrial development. Access points shall be clearly defined by pavement breaks, landscaping, curbing or other acceptable means. Outside storage may be limited.*
 - (ix) The municipality may impose appropriate controls through available legislation to ensure that the hours of operation of any secondary use does not conflict with adjacent land uses.*
 - (x) The lands shall be appropriately zoned and, where necessary, a Development Agreement be entered into.*

(xi) Development on treed areas, steep slopes, ravines, watercourses and any other natural or cultural resource shall be avoided.

b) WINERIES Subject to the applicable general agricultural policies of this Plan Wineries are permitted subject to the following policies:

Estate Wineries

...(iv) The retail sale of wine shall be permitted as part of an Estate Winery. The amount of floor space will be limited in the implementing zoning by-law so as not to detract from the main use of the land and not adversely affect other uses permitted in the agricultural area.

(v) A hospitality room where food and wine is prepared and served, the sale of products permitted in an agricultural market and over-night accommodation such as a bed & breakfast may also be given consideration where it is clearly demonstrated that such uses are only accessory to and complement the estate winery. These uses shall only be permitted on an individual case by case basis and subject to a site specific zoning by-law amendment where the floor space may be restricted.

SECTION 16: CONSERVATION/WETLANDS

16.3: LAND USE DESIGNATIONS

16.3.1 CONSERVATION

Within the Conservation designation as shown on the Land Use Schedules the following uses are permitted:

Main Uses: Forestry, fisheries management, wildlife management, waterfowl production, floodplains, environmental protection, public and private parks (parks are permitted only within urban boundaries), activities and facilities of the Niagara Parkway Commission.

Secondary Uses:

Uses permitted with a Main Use:

- accessory buildings and structures subject to the approval of the authority having jurisdiction.

Uses permitted independent of a Main Use:

- shoreline protection works

- any agricultural use permitted in Section 7 of this Plan

- yard space for any use permitted in an abutting designation

- accessory buildings or structures not used for human habitation permitted in an abutting designation subject to the approval of the authority having jurisdiction.

16.4 GENERAL CONSERVATION POLICIES

...(2) No buildings or structures, or addition thereto nor the placement or removal of fill material, shall be permitted within or adjacent to the Niagara River, Lake Ontario or any

inland watercourse, and its associated valley system, without the prior written authorization of the Conservation Authority or the Ministry of Natural Resources and Forestry.

(4) No buildings or structures or additions to such buildings or structures nor the placement or removal of fill material shall be permitted within the 100 year erosion limit of Lake Ontario without the written approval of the Niagara Peninsula Conservation Authority.

(11) Within the 100 year erosion limit of Lake Ontario, as shown on Schedule "A" to this Plan any use permitted shall be subject to the approval of the Conservation Authority and will only be permitted if the erosion hazard has been adequately overcome by protective measures approved by the Ministry of Natural Resources and Forestry or to the satisfaction of the Niagara Peninsula Conservation Authority which may require shoreline protection works to be installed prior to development taking place.

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

3.2.3.1 *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;*
- c) On-farm diversified uses which include agri-tourism uses; ...*

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.

3.2.6 Agriculture-Related Uses and On-Farm Diversified Uses

3.2.6.1 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.

3.2.6.2 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.*

3.2.8 On-farm Diversified Uses

On-farm diversified uses which include agri-tourism uses, home industries and home occupations, must be secondary to the principal agricultural use on a property, limited in area and complement and contribute to the sustainability and viability of the farming operation.

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.*

3.2.10 Wineries

3.2.10.1 Estate wineries and farm wineries may be permitted as an on-farm diversified use, an agriculture related use or a blend of the two, subject to the applicable provisions in this Plan and the following specific provisions.

3.2.10.2 Estate Wineries

3.2.10.2.4 The following uses may be permitted as ancillary to an estate winery, provided that the amount of floor space is limited in the zoning by-law, so such uses are only accessory to and complement the estate winery, do not detract from the main use of the land, and do not adversely impact other uses permitted in the agricultural area:

- a) retail sale of wine made on site;*
- b) hospitality room/area where food and wine is prepared and served;*
- c) limited events controlled through a regulatory by-law;*
- d) the sale of products in an agricultural market provided 75% of such products are from the Town; or*
- e) overnight accommodations, as per Section 10.13.2.*

3.2.10.2.7 Where outdoor events are permitted as part of an estate winery operation, they will be regulated through a general and/or site specific by-law that will limit the number, timing and duration of such events to ensure they remain ancillary to the main use and do not negatively impact other uses permitted in the area.