

**The Corporation of the City of Kawartha Lakes**  
**Planning Advisory Committee Report**

**Report Number PLAN2017-031**

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**Date:** June 7, 2017

**Time:** 1:00 p.m.

**Place:** Council Chambers

**Public Meeting**

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**Ward Community Identifier: Ward 12 – Ops**

**Subject:** An application to amend the Township of Ops Zoning By-law to add a kennel use as an additional permitted use in the Agricultural (A) Zone for the property identified as 554 River Road, Ops (Lober)

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**Author and Title: Ian Walker, Planner II**

**Recommendations:**

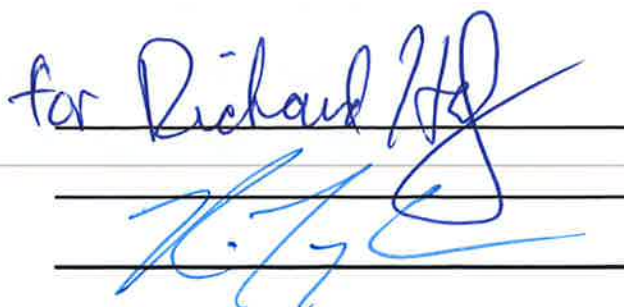
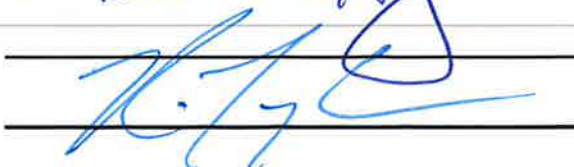
**RESOLVED THAT** Report PLAN2017-031, respecting **Concession 3 Part of Lot 5, Geographic Township of Ops, “Lober – Application D06-17-018”**, be received; and

**THAT** Report PLAN2017-031 respecting Application D06-17-018 be referred back to staff to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments and that any comments and concerns have been addressed.

**Department Head:**

**Legal/Other:**

**Chief Administrative Officer:**

for Richard Ho  
  


## Background:

The subject lot is an agricultural parcel which contains a single detached dwelling, a barn, and other accessory buildings and structures. The applicant submitted a Zoning By-law Amendment application to amend the “Agricultural (A) Zone” to permit a kennel use as an on-farm diversified use on a portion of the property. The By-law defines a kennel as “A building, structure or premises used for the raising or boarding of more than 3 dogs, cats or other household pets on a commercial basis”. The use is not permitted in any zone, except by a site specific By-law amendment. The “A” zone currently permits a one-family house in addition to a range of non-residential uses including but not limited to: a farm; livestock buildings; forestry use; nursery; bed and breakfast; home occupation; and home industry. See Appendix ‘E’. This proposal would convert the existing unused livestock barn into a kennel. In addition to requiring a kennel use as a permitted use in the zone provisions, a kennel is subject to the City’s Kennel Licensing By-law. At the Council meeting on February 21, 2017, the applicant requested and obtained a setback reduction from 150 metres to 135 metres from an adjacent residential use (CR2017-145).

Owners:	Jason Lober, Nancy Collins, William Hickson, and Midnight Acres Inc.
Applicant:	Jason Lober
Legal Description:	Concession 3, Part Lot 5, geographic Township of Ops
Designation:	“Prime Agricultural” and “Environmental Protection”, City of Kawartha Lakes Official Plan
Zone:	“Agricultural (A) Zone” on Schedule ‘A’ of the Township of Ops Zoning By-law No. 93-30
Lot Area:	81.6 ha. [192.82 ac. – MPAC], of which approximately 0.3 ha are currently contemplated for the kennel use
Site Servicing:	Private individual on-site sewage disposal and well
Existing Uses:	Agricultural and Rural Residential
Adjacent Uses:	North: River Road, Agricultural East: Agricultural South: Vacant Land, Agricultural West: Rural Residential, River Road, Agricultural

## **Rationale:**

The property is located on the south side of River Road to the west of Highway 35, south of Lindsay. See Appendix 'A'. It contains a single detached dwelling, and multiple buildings and structures at the northeast corner of the property. The proposed development would convert the existing barn (Building M) into a kennel. See Appendix 'B' and 'C'. The portion of the lot subject to this proposal is located in the "Prime Agricultural" designation in the City of Kawartha Lakes Official Plan (OP). The goals of this designation include:

- protecting land that is primarily Class 1-3 agricultural production from development and non-farm related uses; and
- protecting prime agricultural lands by encouraging the business of agriculture by providing additional economic opportunities through secondary uses.

The "Prime Agricultural" designation permits secondary uses including kennels.

In 2014, the Province of Ontario released the updated Provincial Policy Statement (PPS), which added "on-farm diversified uses" as permitted uses in prime agricultural areas. They shall be compatible with, and shall not hinder surrounding agricultural operations. Criteria for these uses have been developed by the Province. See Appendix 'D'. The proposed kennel use is not a permitted use in the "A" zone. See Appendix 'E'. Therefore, an amendment to the Zoning By-law is necessary to permit the additional kennel use on this property.

The applicant has submitted a survey of the property which includes all buildings and structures on the property. The survey has been circulated to various City Departments and commenting agencies for review. At this time, staff cannot determine the appropriateness of the proposal as responses from all City departments and commenting agencies have not been received. Staff recommend that the application be referred back to staff until such time as commenting agencies and/or City departments have submitted comments, and any concerns have been addressed, and to permit discussions with the applicant respecting conformity to applicable policies, if required. Possible issues to be resolved may include the number of animals, noise, and nutrient management.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2006:**

The Growth Plan (GP) provides that growth should be directed towards settlement areas, except where related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas. This is an existing agricultural lot in the rural area, and development may be permitted in rural areas in accordance with Section

2.2.2.1(i). The proposed use is small-scale, limited in size and secondary to the primary agricultural use of the land, therefore, this application does not appear to conflict with the GP.

### **Provincial Policy Statement, 2014 (PPS):**

The Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. In rural areas, permitted uses and activities shall relate to the management or use of resources, resource-based recreational uses, limited residential development, home occupations and home industries, and other rural land uses. Healthy, integrated and viable rural areas should be supported by promoting diversification of the economic base and employment opportunities through goods and services including value-added products, and providing opportunities for economic activities in prime agricultural areas in accordance with Section 2.3.

The PPS defines on-farm diversified uses as uses that are secondary to the principal agricultural use of the property, and are limited in area. They include, but are not limited to, home occupations, home industries, and uses that produce value-added agricultural products. As noted in the rationale above, the Province has developed guidelines on permitted uses in prime agricultural areas. Based on these criteria, an on-farm diversified use on this property cannot exceed 2% of lot area, to a maximum of 1.0 ha. (2.47 ac.), and the building area cannot exceed 20% of that maximum area, therefore no more than 2,000 sq. m. (21,344 sq. ft.). The applicant is proposing to use an existing building, with an area of 352.0 sq. m. (3,789.0 sq. ft.). The total area devoted to the kennel use (including buildings, outdoor storage, landscaped areas, parking, etc.) must be less than 2% of the total lot area, to a maximum of 1.0 ha. (2.47 ac.).

Development and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the PPS. The portion of the lot subject to this application is outside of any natural heritage or natural hazard features. Conformity with the PPS will be established through a full review of the application.

### **Official Plan Conformity:**

The lot is designated “Prime Agricultural” and “Environmental Protection” on Schedule ‘A-3’ of the City of Kawartha Lakes Official Plan (OP). Portions of the property have been identified as “Unevaluated Wetlands” and “Significant Woodlands” on Schedule ‘B-3’ of the OP. The “Environmental Protection” designation applies to a watercourse which traverses the lot. The proposed development is within the “Prime Agricultural” designation, and is located outside of the natural heritage features. Secondary uses, including kennels, are

permitted uses in the Prime Agricultural designation. For the proposed kennel use, a site-specific zoning by-law amendment is required. The development will be limited in area, and not remove any current productive agricultural lands. Therefore, this application conforms to the OP.

### **Zoning By-Law Compliance:**

The lot subject to this application is zoned “Agricultural (A) Zone” in the Township of Ops Zoning By-law 93-30. The By-law defines a kennel, and currently only permits the use on any properties which are zoned “Agricultural Exception Twelve (A-12) Zone” in the By-law. The applicant has submitted a Zoning By-law Amendment application for consideration, to add a kennel use to the list of permitted uses for the “A” zone on this property. A site-specific “Agricultural Exception \*\* (A-\*\*) Zone” would be considered for the portion of the lot subject to this application. All other provisions of the “A” zone would continue to apply.

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Financial/Operation Impacts:**

There are no financial considerations unless Council’s decision to adopt or its refusal to adopt the requested amendments are appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

### **Relationship of Recommendations To The 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- Goal 1 – A Vibrant and Growing Economy
- Goal 2 – An Exceptional Quality of Life
- Goal 3 – A Healthy Environment

This application aligns with the vibrant and growing economy strategic goal as it provides to expand the employment base.

### **Servicing Comments:**

The lot is serviced by a private individual well and septic system.

## **Consultations:**

Notice of this application was circulated to persons within a 120 metre radius, agencies, and City Departments which may have an interest in the application. To date, we have received the following comments:

### Agency Review & Public Comments:

May 15, 2017 – The Engineering and Corporate Assets Department confirms it has no objection to this application.

May 16, 2017 – Barry Verwey requested additional information regarding the portion of the property subject to this application, which has been provided. No further comments have been received.

May 23, 2017 – Enbridge Gas confirms it has no objection to this application.

May 26, 2017 – The Agriculture Development Officer, Economic Development confirms they have no objection to this application, as it represents an example of an on-farm diversified use which is supported in the 2014 PPS.

## **Development Services – Planning Division Comments:**

The background information which has been submitted in support of the application has been circulated to the appropriate agencies and City Departments for review and comment. At this time, comments have not been received from all circulated agencies and City Departments. Staff recommend that the application be referred back to staff until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

## **Conclusion:**

In consideration of the comments and issues contained in this report, staff respectfully recommend that the proposed Zoning By-law Amendment application be referred back to staff for further review and processing until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

## **Attachments:**

The following attached documents may include scanned images of appendixes, maps, and photographs. If you require an alternative format, please call Ian Walker, Planner II, (705) 324-9411 extension 1368.

## Appendix 'A' – Location Map



PLAN2017-031  
Appendix A.pdf

## Appendix 'B' – Site Plan – not dated



PLAN2017-031  
Appendix B.pdf

## Appendix 'C' – Survey – dated December 21, 2016



PLAN2017-031  
Appendix C.pdf

## Appendix 'D' – On-farm diversified uses excerpt – Publication 851



PLAN2017-031  
Appendix D.pdf

## Appendix 'E' – Zoning excerpts, By-law 93-30, as amended



PLAN2017-031  
Appendix E.pdf

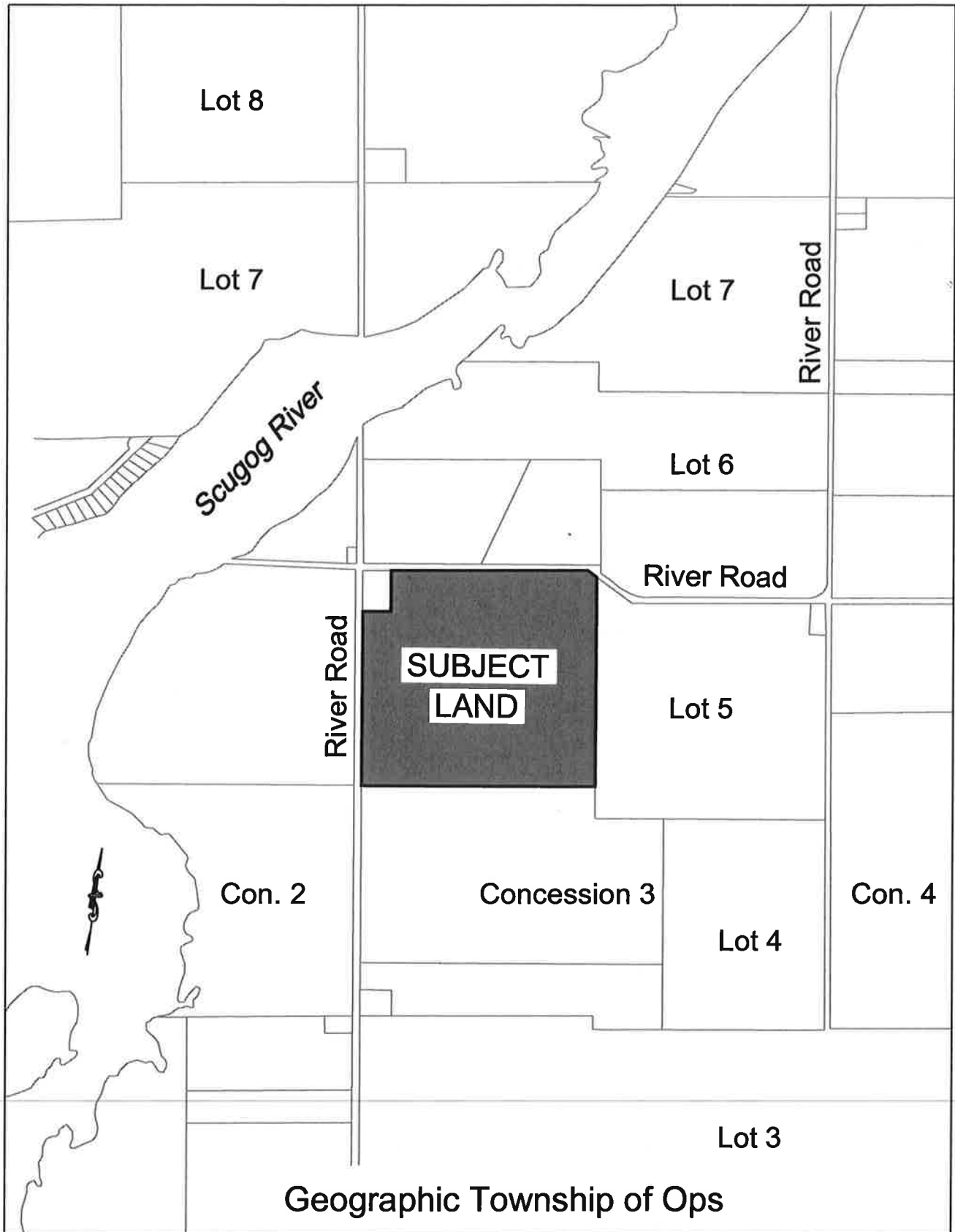
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**Department Head E-Mail:** [cmarshall@city.kawarthalakes.on.ca](mailto:cmarshall@city.kawarthalakes.on.ca)

**Department Head:** Chris Marshall, Director, Development Services

**Department File:** D06-17-018

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to  
REPORT

PLAN 2017-03

RIVER

ROAD

ROAD ALLOWANCE BETWEEN LOTS 5 AND 6

FILE NO.

D06-17-018

96.52

SEE DETAIL

# 554 RIVER RD PARKING AND LOADING ZONE SKETCH

554 RIVER RD

SUBJECT TO EASEMENT AS  
DESCRIBED IN KL85416

W1/2 LOT 5,

G

DRIVEWAY

H

J

GRAVEL

K

LOADING  
ZONE

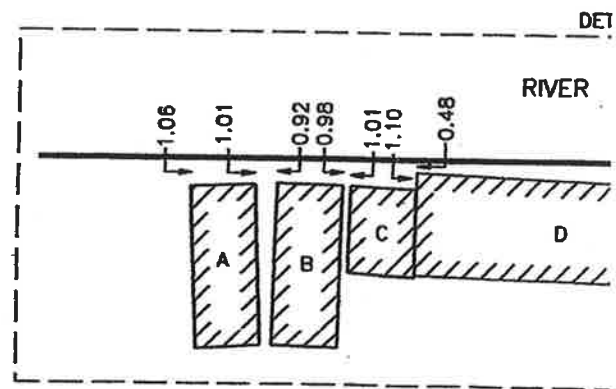
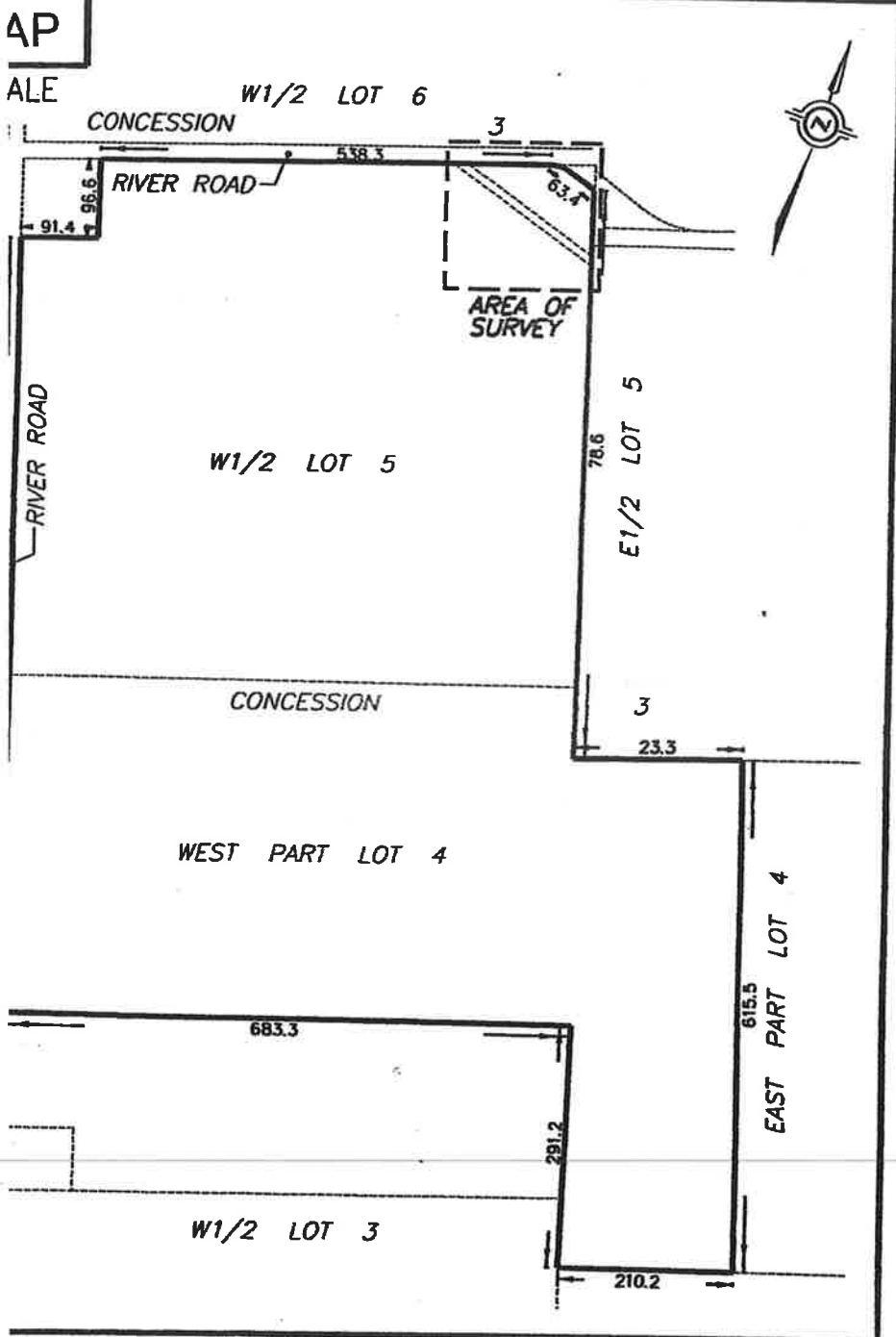
L

2 PARKING  
SPACES

BARN  
M

N

110.00



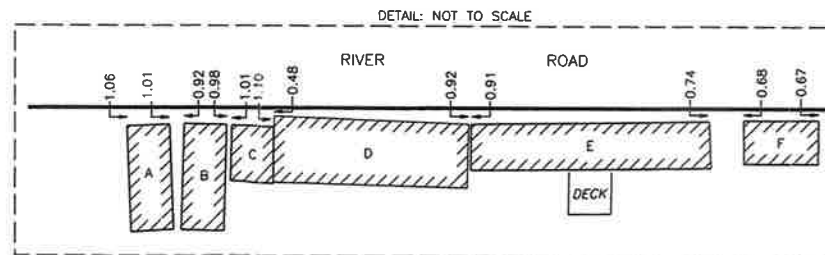
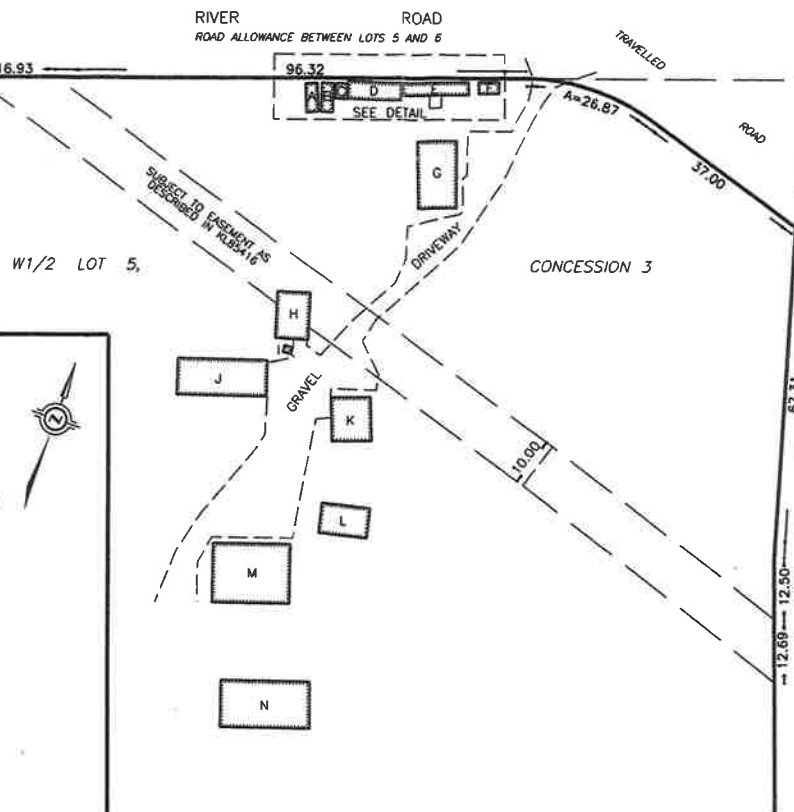
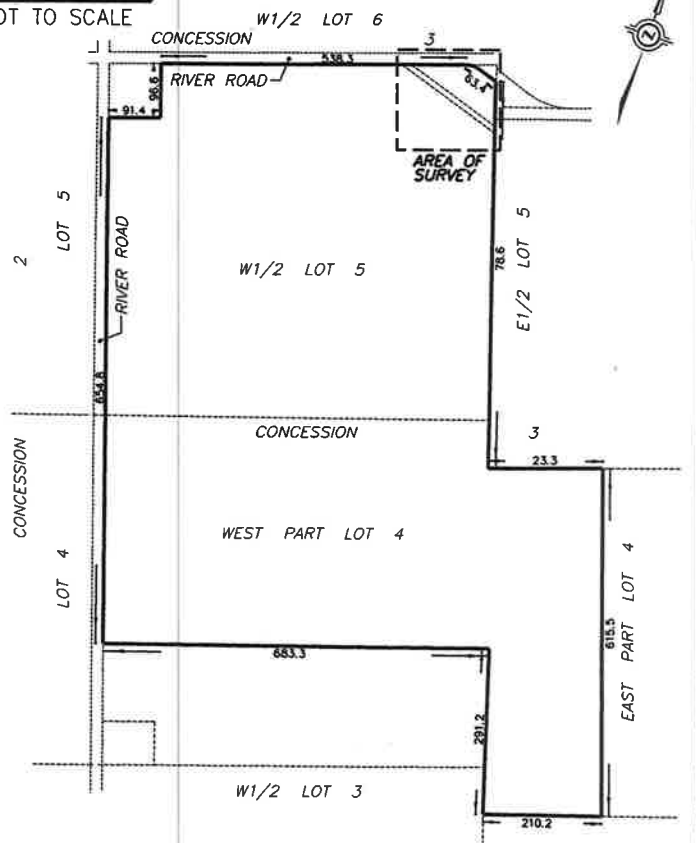
CAUTION:

THIS PLAN IS NOT A PLAN OF  
EXCEPT FOR THE PURPOSE IND



## KEY MAP

NOT TO SCALE



## SKETCH FOR ZONING 554 RIVER ROAD GEOGRAPHIC TOWNSHIP OF OPS CITY OF KAWARTHA LAKES

SCALE 1 : 1000



© COPYRIGHT 2016

### METRIC

DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

### SUBJECT LANDS

PART OF WEST PART LOT 4  
AND  
PART OF W1/2 LOT 5  
CONCESSION 3  
GEOGRAPHIC TOWNSHIP OF OPS  
BEING PIN 63200-0747 (LT)

TOTAL AREA = 81.6 ha. (201.6 ac.)

### CURRENT ZONING:

A

### BUILDING LEGEND

- A - STEEL SHIPPING CONTAINER
- B - STEEL SHIPPING CONTAINER
- C - FRAME SHED
- D - FRAME SHELTER
- E - FRAME DWELLING
- F - FRAME KENNEL
- G - LOG AND FRAME DWELLING
- H - FRAME SHELTER
- I - FRAME PRIVY
- J - FRAME SHELTER
- K - FRAME DWELLING
- L - GREENHOUSE (PLASTIC COVER)
- M - BARN
- N - FRAME SHELTER

### CAUTION:

THIS PLAN IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.



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LAND SURVEYORS

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APPENDIX C  
to  
REPORT PLAN 2017-031  
FILE NO. D06-17-018

C.R.M. DRAWN	CHECKED
J.C.C.K.	DATED
12/21/16	

Ref. No.  
16-17-047-00

### 2.2.3 Examples of Uses that Would Typically Not be Agriculture-Related Uses

Examples of uses that would typically not be *agriculture-related uses* because they do not meet PPS definitions or criteria include:

- large food processing plants, large wineries and other uses that are high-water-use or effluent generators and are better suited to locations with full municipal services
- micro-breweries and distilleries
- contractors' yards, construction companies, landscapers, well drillers, excavators, paint or building suppliers
- sewage biosolids storage and composting facilities for non-agricultural source material
- antique businesses
- art or music studios
- automobile dealerships, towing companies, mechanics shop or wrecking yards
- rural retreats, recreational uses and facilities, campgrounds or fairgrounds
- conference centres, hotels, guest houses or restaurants
- furniture makers
- institutions such as schools or clinics
- seasonal storage of boats, trailers or cars
- veterinary clinics
- trucking yards

While not meeting the criteria for *agriculture-related uses*, some of these uses may fit under *on-farm diversified uses* if all criteria for that category of uses are met.

## 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 m<sup>2</sup>). 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).<sup>5</sup> Alternatively, municipalities may define maximum gross floor area limits numerically (e.g., maximum gross floor area for properties 15–20 ha is 600 m<sup>2</sup>, 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*.

<sup>5</sup> Maximum lot coverage ratios for rural commercial or rural industrial lots might provide a useful perspective in setting the cap on gross floor area for buildings used for *on-farm diversified uses*. For example, if the maximum lot coverage ratio for rural commercial or rural industrial lots is 30%, the appropriate ratio for the *on-farm diversified uses* portion of the farm might be lower given the agricultural setting (e.g., 20% of the 2%).



### 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.

### 2.3.2 Examples of On-Farm Diversified Uses

Figure 3 provides examples of the uses that could be classified as *on-farm diversified uses* if they meet all the PPS criteria.

#### Veterinary Clinics

Veterinarians who treat farm animals are usually based out of mixed animal clinics and provide mobile veterinary services. Mixed animal clinics are often located within *settlement areas*, but they could be *on-farm diversified uses* if all PPS criteria can be met.

Besides these examples, uses that share some characteristics with *agriculture-related uses* but that do not meet all of the criteria for *agriculture-related uses* (e.g., primarily provide products or services to agriculture in the area), could qualify as *on-farm diversified uses*. Storage for non-regional agricultural products is an example.



## 2. PERMITTED USES



Value-added uses that could use feedstock from outside the surrounding agricultural area (e.g., processor, packager, winery, cheese factory, bakery, abattoir)



Home occupations (e.g., professional office, bookkeeper, land surveyor, art studio, hairdresser, massage therapist, daycare, veterinary clinic, kennel, classes or workshops)\*



Home industries (e.g., sawmill, welding or woodworking shop, manufacturing/fabrication, equipment repair, seasonal storage of boats or trailers)



Agri-tourism and recreation uses (e.g., farm vacation suite, bed and breakfast, hay rides, petting zoo, farm-themed playground, horse trail rides, corn maze, seasonal events, equine events, wine tasting, retreats, zip lines)\*



Retail uses (e.g., farm market, antique business, seed supplier, tack shop)\*



Café/small restaurant, cooking classes, food store (e.g., cheese, ice cream)\*

**Figure 3.** Examples of on-farm diversified uses provided all PPS criteria are met.

\* Source: Shutterstock

### 2.3.3 Examples of Uses that Would Typically Not be On-Farm Diversified Uses

Examples of uses that would typically NOT be *on-farm diversified uses* because they would not meet PPS definitions or criteria include:

- large-scale equipment or vehicle dealerships, hotels, landscape businesses, manufacturing plants, trucking yards
- uses with high water and sewage needs and/or that generate significant traffic, such as large food processors, distribution centres, full-scale restaurants, banquet halls
- large-scale recurring events with permanent structures
- institutional uses (e.g., churches, schools, nursing homes, cemeteries)<sup>6</sup>
- large-scale recreational facilities such as golf courses, soccer fields, ball diamonds or arenas

<sup>6</sup> Churches, schools and cemeteries that serve communities reliant on horse-drawn vehicles as a primary means of transportation may be limited non-residential uses, as discussed in Section 3.2 of these guidelines. The MDS Implementation Guidelines include a special provision for these types of uses.

## SECTION 16: AGRICULTURAL (A) ZONE

### 16.1 Uses Permitted

In any Agricultural (A) Zone, no person shall use any lot or construct, alter or use any building or structure for any purpose except for the following uses:

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#### 16.1.1 Residential Uses

- an accessory house
- a one-family house
- a group home but excluding any group home licensed under the Ministry of Correctional Services Act and the Charitable Institutions Act
- Seasonal Farm Residential Use is subject to Section 2.27 of the General Provisions. B/L 2007-289

#### 16.1.2 Non-Residential Uses

- a bed and breakfast
- a bunkhouse
- a communications tower
- a conservation use
- a farm
- a farm equipment storage building
- a farm produce outlet excluding dairy products
- a forestry use
- a home industry
- a home occupation
- a livestock building
- a nursery
- a portable saw mill
- a private gasoline pump island
- a produce storage building
- a public park
- a wayside pit
- a woodlot

### 16.2 Zone Provisions

In any A Zone, no person shall use any lot or construct, alter or use any building or structure except in accordance with the following provisions:

#### Lot Areas (Minimum):

- |                |               |
|----------------|---------------|
| (a) group home | • 4 hectares  |
| (b) other uses | • 37 hectares |

#### Lot Frontage (minimum):

- 135 metres

#### Houses Per Lot (maximum):

- |                        |     |
|------------------------|-----|
| (a) lot used as a farm | • 1 |
|------------------------|-----|

#### Building Area (maximum):

- 5%

#### Front Yard (minimum):

- 15 metres

**19.95 IMPROVED PUBLIC ROAD**

A road or highway under the jurisdiction of the Province of Ontario or the Township or the County of Victoria or a private road within a registered Plan of Condominium which is maintained so as to allow normal vehicular access to adjacent properties and which, in the case of a Township road, is a road for which the Township receives construction and maintenance subsidies from the Ministry of Transportation.

**19.96 IMPROVED STREET**

A street designated as a Provincial Highway, a County Road, on Schedule A or a Township Road as defined in this By-law.

**19.97 KENNEL**

A building, structure or premises used for the raising or boarding of more than 3 dogs, cats or other household pets on a commercial basis

**19.98 LANDSCAPING AREA**

That portion of the lot area of a lot required for the growth and maintenance of grass, flowers, bushes, trees and other landscaping. This definition may include any surfaced walk, surfaced patio, play facility, or similar area but shall not include any driveway or ramp (whether surfaced or not) nor any curb, retaining wall, parking area, delivery space, loading space, swimming pool nor any open space beneath or within a building or structure.

**19.99 LANE**

A public thoroughfare, whether or not improved for use, which has a right-of-way width of 10 metres or less and which affords only a secondary means of access for vehicular traffic to abutting lots and which is not intended for general traffic circulation.

**19.100 LAUNDROMAT**

A building or part of a building containing 1 or more washers, each having a capacity not exceeding 23 kilograms, and drying, ironing, finishing and incidental equipment, provided that only water and soaps or detergents are used and provided that no such operation shall emit any noise or vibrations which cause a nuisance or inconvenience within or without the premises. This definition may include a self-service dry cleaning establishment.

**19.101 LIGHT EQUIPMENT SALES AND RENTAL ESTABLISHMENT**

A building or structure or part of a building or structure in which light machinery and equipment such as air compressors and related tools and accessories, augers, automotive tools, cleaning equipment, light compaction equipment, concrete and masonry equipment, electric tools and accessories, fastening devices such as staplers and tackers, floor and carpet tools, gasoline generators, jacks and hydraulic equipment, lawn and garden tools, ladders, moving equipment, painting and decorating equipment, pipe tools and accessories, plumbing tools and accessories, pumps, hoses, scaffolding, welding equipment, and, other similar tools and appurtenances are offered or kept for rent, lease or hire under agreement for compensation, but shall not include any other establishment defined or classified in this By-law.