



Zoning for Agriculture in Wellington County

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1.0 Introduction

The Ontario Federation of Agriculture (OFA) in partnership with the Wellington Federation of Agriculture (WFA) has retained D.M. Wills Associates Limited (Wills) to review the agricultural Zoning By-law (ZBL) provisions of the seven lower-tier municipalities in Wellington County (County). The WFA has identified that its members are experiencing difficulties in attempting to diversify their farming operations due to the inconsistent ZBL provisions administered across the County.

Of the seven lower-tier municipalities in the County, only the Town of Erin has amended its zoning by-law to include on-farm diversified uses (OFDUs) as a right on agricultural properties, subject to site plan approvals. For farmers located in the other lower-tier municipalities, depending on the proposed use, they are subject to planning approvals which could include official plan and zoning by-law amendments, and site plan approval, which can prove to be a costly and timely process. The provincial direction currently in place is to provide an avenue for farmers to generate additional income to stay on the farm and keep agricultural land in agricultural production. The existing misalignment of this policy direction can have the opposite effect.

This Zoning for Agriculture in Wellington County Report (inclusive of a zoning by-law template (ZBL Template)) provides a summary of the investigation into the alignment of the existing Agricultural Zoning By-law permitted uses, definitions and regulations with current provincial policy direction. The previously completed comprehensive review has informed the creation of the ZBL Template that can be implemented across the County in each of the lower-tier municipalities to provide harmonized direction with respect to permitted uses for farm diversification. This Report (and ZBL Template) is a tool available to assist local planning staff to implement zoning provisions to better align their ZBLs with provincial direction and provide consistency across the County. This report concludes with Zoning By-law recommendations on how best to implement the template to better facilitate agricultural and rural development in the County.

2.0 Provincial Alignment

The province, through the PPS, 2020 and other supplementary policy documents provide the following definitions that allow for uniform development and implementation of the policies across the province. Similar to the policy direction provided by the province, municipalities are to update their policy documents to align with the province's definitions.

Definitions

Additional Residential Unit: *Means a second residential dwelling unit self-contained that is either located within or attached to the primary dwelling unit or located within a detached accessory structure to the primary dwelling unit. An Additional Residential Unit is subordinate to the primary dwelling unit.*

Agricultural condition means:

- a) regarding specialty crop areas, a condition in which substantially the same areas and same average soil capability for agriculture are restored, the same range and productivity of specialty crops common in the area can be achieved, and, where applicable, the microclimate on which the site and surrounding area may be dependent for specialty crop production will be maintained or restored; and
- b) in regard to prime agricultural land outside of specialty crop areas, a condition in which substantially the same areas and same average soil capability for agriculture are restored.

Agricultural uses: means 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.

Agricultural uses (proposed PPS, 2023): means 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 housing for farm workers, when the size and nature of the operation requires additional employment.

Agri-tourism uses: means 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.

Agriculture-related uses: means 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.

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. Ground-mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses.

On-farm diversified uses (proposed PPS, 2023): 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. Land-extensive energy facilities, such as ground-mounted solar or battery storage are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses.

Prime agricultural area: means areas where prime agricultural lands predominate. This includes areas of prime agricultural lands and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture and Food using guidelines developed by the Province as amended from time to time. A prime agricultural area may also be identified through an alternative agricultural land evaluation system approved by the Province.

Prime agricultural area (proposed PPS, 2023): means areas where prime agricultural lands predominate. This includes areas of prime agricultural lands and associated Canada Land Inventory Class 4 through 7 lands, and additional areas with a local concentration of farms which exhibit characteristics on ongoing agriculture. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture and Food and Rural Affairs, or by a planning authority based on provincial guidance.

Prime agricultural land: means specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection.

Residence surplus to a farming operation: means an existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

Residence surplus to an agricultural operation (proposed PPS, 2023): means an existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

Rural areas: means a system of lands within municipalities that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas.

Rural lands: means lands which are located outside settlement areas and which are outside prime agricultural areas.

Specialty crop area: means 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

Speciality crop area (proposed PPS, 2023): *means areas within the agricultural land base designated based on provincial guidance. 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.*

2.1 Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas

As municipal interpretation and implementation of provincial policy can vary, the Guidelines aim to increase consistency across the province. To best capture the variety of uses that the PPS permits, municipalities have been encouraged to adopt policies that explicitly reflect PPS policies and the criteria outlined in the Guidelines. The table below outlines the general criteria for classifying a use as agricultural, agriculture-related, or an on-farm diversified use.

Type of Use	Criteria as provided by PPS policies and definitions
Agricultural	<ol style="list-style-type: none"> 1. The growing of crops, raising of livestock and raising of other animals for food, fur or fibre 2. Includes associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment 3. All types, sizes and intensities of agricultural uses shall be promoted and protected in accordance with provincial standards 4. Normal farm practices shall be promoted and protected in accordance with provincial standards.
Agriculture-Related	<ol style="list-style-type: none"> 1. Farm-related commercial and farm-related industrial uses 2. Shall be compatible with and shall not hinder surrounding agricultural operations 3. Directly related to farm operations in the area 4. Supports agriculture 5. Provides direct products and/or services to farm operations as a primary activity 6. Benefits from being in close proximity to farm operations
On-Farm Diversified	<ol style="list-style-type: none"> 1. Located on a farm 2. Secondary to the principal agricultural use of the property 3. Limited in area 4. Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products 5. Shall be compatible with, and shall not hinder, surrounding agricultural operations

Agricultural Uses

As noted above, agricultural uses “include 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.” The Guidelines provide further clarification and distinction between what is considered a value-retaining facility and a value-

added facility. A value-retaining facility located on a farm serves to maintain the quality of raw commodities produced on the farm to ensure they remain saleable. A value-added facility processes agricultural commodities into new forms or products that enhance their value.

Agriculture-Related Uses

Agriculture-related uses are farm-related commercial and industrial uses that add to the vitality and economic viability of prime agricultural areas because they are directly related to and service farm operations in the area as a primary activity. These uses may be located on farms or on separate agriculture-related commercial or industrial properties.

On-Farm Diversified Uses

The Guidelines note that *“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.”*

The Guidelines provide that an on-farm diversified use be “limited in area”. The Guidelines further recommend that this criterion be relative to the size of the farm property on which the proposed on-farm diversified use is located. The 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. It is additionally recommended that the gross floor area of buildings for on-farm diversified uses be capped at a scale appropriate to prime agricultural areas. The Guidelines provide further guidance on how to calculate the area occupied by an on-farm diversified use.

Implementation

The Guidelines note that the official plan is the most important tool for implementing the policies of the PPS. The Guidelines state that municipal official plan policies under the Planning Act must explicitly state that agricultural uses, agriculture-related uses and on-farm diversified uses are permitted in prime agricultural areas. Uses that meet the criteria may then be permitted without the need for an official plan amendment. They may however, be subject to zoning by-law requirements, site plan control and other local requirements.

Further, the Guidelines recommend that municipalities should adopt “as-of-right” zoning for agricultural uses and other permitted uses that are clearly compatible and appropriate in prime agricultural areas. “As-of-right” zoning means that property owners could establish any of these uses as long as they comply with applicable by-law requirements for the uses. Other uses may be located in prime agricultural areas subject to a minor variance or zoning by-law amendment to ensure issues such as site layout and traffic are compatible with surrounding agricultural uses.

The Planning Act, 1990, allows municipalities to control the form of development through the use of site plan control. As a best practice, most municipalities exempt agricultural uses from site plan control and the Guidelines recommend that this practice should continue. With respect to on-farm diversified uses, the Guidelines note that municipalities may find it useful to apply site plan control given the broad range of uses permitted (both farm-and non-farm related uses). Site plan control may be used to ensure that new uses are compatible with the agricultural character of the area and with surrounding agricultural uses. In applying site plan control, it eliminates the need for official plan and zoning by-law amendments. The Guidelines further recommend that where any agriculture-related uses and on-farm diversified uses are under site plan control, municipalities consider an expedited site plan approval process.

3.0 Municipal Alignment

3.1 Permitted Uses Comparison

All seven of the lower-tier municipalities ZBLs are uniform in their permitted uses with a few exceptions.

Agricultural-Related Uses

The Town of Erin, Township of Puslinch and the Township of Guelph/Eramosa ZBLs permit agriculture-related uses (agriculture-related business). In reviewing the Agricultural Commercial (AC) Zones, the Town of Minto, Township of Wellington North, Township of Mapleton and the Township of Puslinch have included agricultural-related uses as a permitted use in that zone.

Farm Business

The Township of Centre Wellington, Township of Guelph/Eramosa and Township of Puslinch permit a 'Farm Business' ('Farm related business' – Township of Puslinch). The Township of Guelph/Eramosa and Township of Puslinch have similar definitions for 'Farm Business' that resemble those included in the on-farm diversified use definition. The Township of Puslinch ZBL defines a 'Farm related business' as *"any premises that is limited in area and located on a farm, and depends directly on the farm for the business to operate. Examples include: agri-tourism business; micro brewery, distiller, or winery; value-added processing or packaging; and pick your own operation. Farm related businesses shall be accessory to the existing permitted agriculture use(s) on the lot and any commercial retail space shall primarily include the sale of value-added products produced by the farm."*

Bed and Breakfast Establishment

All seven of the lower-tier municipalities permit bed and breakfast establishments as a permitted use, however the provisions are inconsistent as some municipalities allow them outright with no provisions, some allow both Class 1 and Class 2 establishments and other municipalities only allow Class 2 establishments subject to an inconsistent number of guests. Harmonizing the provisions for bed and breakfast establishments is recommended and clarity on the policy direction is required (i.e. defining the difference between Class 1 and 2).

Home Occupation

All seven of the lower-tier municipal ZBLs listed 'Home Occupation' (or 'Home Business' – Township of Puslinch) as a permitted use. The provisions for home occupations are consistent across the ZBLs, noting that up to 25% of the ground floor area of the dwelling may be used for the home occupation (30% in the Township of Centre Wellington). The Township of Centre Wellington ZBL provides examples of what is considered a home occupation. The Township of Puslinch ZBL provides a list of specifically prohibited uses that may not be considered a home business. There is some variance between the ZBLs with respect to parking, external storage, # of employees and signage.

Home Industry

All seven of the lower-tier municipal ZBLs list 'Home Industry' (or 'Home Business – tradesperson' (Township of Centre Wellington) or 'Farm Home Industry' (Township of Guelph/Eramosa)) as a permitted use. The provisions for home industry (or similarly named uses) vary slightly. The Town of Minto, Township of Wellington North and Township of Mapleton stipulate that a home industry is permitted on a lot greater than 10.1 ha in size, whereas the Town of Erin permits the use on a lot with a minimum size of 2.5 ha. The maximum square footage prescribed in the ZBLs vary from 232.25 m² to 100m² or are not prescribed at all. All the ZBLs note that outdoor storage is not permitted. All the ZBLs provide examples of what constitutes a home industry providing at a minimum "A home industry may include such uses as a carpentry shop, a welding shop, a machine shop, a tool and equipment repair shop and a small engine shop but does not include automotive body repair shop, or automotive sales establishment, or automotive service station or a wrecking yard."

Kennels

The Township of Centre Wellington and the Township of Guelph/Eramosa permit commercial kennels where the other municipalities have explicitly prohibited them or restricted their use pending a specific zoning by-law amendment.

3.2 Regulations

Agricultural (A) Zone Minimum Lot Area

	Town of Minto	Township of Wellington North	Township of Mapleton	Township of Centre Wellington	Town of Erin	Township of Guelph/Eramosa	Township of Puslinch
Min Lot Area	35.0 ha*	35.0 ha*	35.0 ha*	10.0 ha	10.0 ha + <10.0 ha	35.0 ha	4.0 ha

The Town of Minto, Township of Wellington North, and the Township of Mapleton ZBLs have reduced lot provisions. Existing lots having less than 35.0 ha but more than 10.1 ha, may be allowed a permitted use including agricultural uses, buildings and structures.

Lots less than 10.1 ha may be permitted a 'Hobby Barn'. In those respective municipalities, a 'Hobby Barn' is defined as *"a building or structure designed, intended or used to house animals for personal use and pleasure, including the boarding of horses, but excludes kennels."* Further clarification on the use of the Hobby Barn is not provided in the respective By-laws.

The Township of Centre Wellington ZBL also contains reduced lot provisions that permit an agricultural use and other uses including a commercial kennel. The Township of Puslinch ZBL also contains specific reduced lot provisions.

It was noticed that the zoning by-laws of the Town of Minto, the Township of Wellington North and the Township of Mapleton were most aligned, sharing very similar definitions and provisions.

The Town of Erin and the Township of Puslinch appear to permit the most uses in the Agricultural (A) Zone. The Town of Erin with the inclusion of the on-farm diversified uses provisions and the Township of Puslinch with the number of various uses permitted that could be considered an on-farm diversified use. In reviewing the Agricultural Commercial Zones, it was noted that the Townships of Guelph/Eramosa, Centre Wellington and Erin do not have an Agricultural Commercial Zone, rather they have Rural Commercial and Rural Industrial zones which capture some of the Agricultural Commercial permitted uses.

4.0 Zoning By-law Template

To provide harmonized direction with respect to development on agricultural lands, the following definitions should be included and/or updated in the respective Zoning By-laws of the seven lower-tier municipalities within Wellington County:

Definitions:

Abattoir: shall mean a building or structure or part thereof, designed and used, for the commercial slaughtering and the preliminary processing of animal carcasses and may include the packing, storing and sale of the product on the premises

Additional Residential Unit (ARU): means a separate, self-contained dwelling unit located within a single detached, semi-detached or street townhouse dwelling, or within a detached building ancillary to such dwelling, and which is located on the same lot as, and is clearly subordinate to the principal dwelling.

Agricultural impact assessment: *A study that evaluates the potential impacts of non-agricultural development on agricultural operations and the Agricultural System and recommends way to avoid or, if avoidance is not possible, minimize and mitigate adverse impacts.*

Agricultural use: means 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 housing for farm workers, when the size and nature of the operation requires additional employment.

Agri-food network: Within the agricultural system, a network that includes elements important to the viability of the agri-food sector such as regional infrastructure and transportation networks; on-farm buildings and infrastructure; agricultural services, farm markets, distributors, and primary processing; and vibrant, agriculture-supportive communities.

Agri-tourism use: shall mean a use, that is limited in area, promotes enjoyment, education, or activities related to the agricultural operation. The main activity on the property must be an agricultural use.

Agriculture-related use: shall mean 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.

Agricultural Animal Veterinary Clinic: any premises where agricultural companion animals, livestock or horses are given onsite medical or surgical treatment and may include overnight or long-term medical treatment but shall not include a kennel. Accessory office use, pharmacy, laboratory and/or mobile veterinary operation are also permitted.

Battery Energy Storage Systems (BESS): One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

Bed and Breakfast (B&B) Establishment: shall mean a single detached dwelling or part thereof in which the proprietor resides and supplies accommodation and meals to overnight guests on a temporary basis for monetary gain. B&Bs in an agricultural zone is considered an on-farm diversified use.

Farm Building Cluster: Means an area of a farm that has the majority of the agricultural structure located within in, with the structures being located within close functional proximity to each other.

Farming Operation or Farm Operation: Means lands that are assessed as farmland and, where applicable, having a valid Farm Business Registration Number, for the purpose of agricultural uses.

Farm Labour Housing: Means an agricultural use whereby a structure provides temporary accommodation for farm labourer where the size and nature of the farm operation requires additional employment. The structure may be located on a parcel of land that is part of the extended farm operation but is not intended to be used as a permanent or principal place of residence. The structure is intended to be located within proximity to the farm building cluster to preserve prime agricultural

lands. Where a structure is used as temporary accommodation for employees of multiple farm operations, the use shall be considered an on-farm diversified use.

Farm Unit: means the composite of all parcels operated as a farm, the principal farm residence, any accessory residences, woodlands, barns and other structures necessary to support agricultural and ancillary uses.

Garden Suite: shall mean a one-unit detached residential structure containing bathroom and kitchen facilities that is accessory to an existing detached dwelling. A garden suite is a portable, non-seasonal residential dwelling unit.

Green Energy Products: shall include wind turbines and solar panels and their required transmission lines, access roads, and transformers and any structures associated with energy transmission.

Greenhouse – Agricultural Use: a building used for the growing of flowers, fruits, vegetables, plants, shrubs, trees and other similar agricultural products, under glass, fiberglass or plastic, that are used as inputs on the farm or primarily sold off-site at wholesale or retail.

Hobby Farm - shall mean a farm with buildings designed, intended or used to house domestic animals for personal use and pleasure and not as a business.

Home Industry: shall mean a small-scale industrial use conducted secondary to the principal agricultural use of the property. A home industry must be limited in area and may be conducted in whole or in part in an accessory building and may include a carpentry shop, a welding shop, a machine shop, furniture fabrication, assembly, and repair; a tool and repair shop, and a small engine repair shop and similar industries.

Home Occupation: shall mean an occupation conducted by the occupant of a dwelling as a secondary use. A home occupation must take place within the dwelling unit. A home occupation may include a profession or occupation such as an accountant, architect, auditor, engineer, realtor, insurance agent, planner, lawyer, doctor, dentist; a personal service such as a barber, hairdresser, beautician, seamstress, dressmaker, photographer, pet groomer, caterer's establishment, and similar occupations or businesses

Kennel: means a place where more than 3 dogs are housed, groomed, bred, boarded, trained, sold or kept for hunting and includes both Boarding Kennels and Breeding Kennels, on a lot or parcel which is 25 acres or greater in size within an Agricultural Zone and which are licensed by the Township of XXX under the provisions of the Bylaw to Regulate and Provide for the Keeping, Control and Licensing of Dogs within the Township of XXX.

Minimum Distance Separation Formulae (MDS I and MDS II): means formulae of developed by the Province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

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. Ground-mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses.

Poultry Processing Facility: shall mean the use of land, buildings or structures, or parts thereof, wherein where poultry – all domestic fowl including small game birds such as Cornish hen and large birds such as EMU – are slaughtered, washed, cleaned, treated or otherwise prepared, processed and packaged, and from which such produce is shipped to a wholesale or retail outlet.

Seasonal On-Farm Camp: means a facility related to the agricultural business (generally equine) which operates from May 1 to October 1 and provides instruction and accessory recreation programming in an overnight camp setting catering to short term guests.

Residence Surplus to a Farming Operation: means an existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

4.1 Agricultural (A) Zone

Permitted Uses:

- Agricultural Use
- Agriculture-Related Use
- On-Farm Diversified Use
- Single Detached Dwelling
- A maximum of two (2) Additional Residential Units are permitted on a property, subject to Section X of this By-law.
- Temporary Farm Labour Housing or Garden Suites

Streamlined permitted uses directs property owners and planning staff to reference provincial guidelines to allow for flexibility in interpretation. For example, in the *Zoning By-law Agricultural Issues Identification Report*, it was noted that each lower-tier municipality had a different definition of a “Bed and Breakfast”, which provided some confusion. According to the guidelines a “Bed and Breakfast” is considered an “On- Farm Diversified Use”, therefore streamlining the definitions in the ZBLs can provide clearer direction to property owners and planning staff.

Regulations:

Lot Area, Minimum	35 ha
Lot Frontage, Minimum	120 m

The regulations above are reflective of the standard regulations applied to 4 of the 7 lower-tier municipalities within Wellington County and what is generally reflected in other municipalities in Ontario.

However, it is important to note that as previously demonstrated in the *Zoning By-law Agricultural Issues Identification Report*, each lower-tier municipality is unique and has experienced changes in their agricultural landscapes to varying degrees. For example, the Township of Puslinch and the Town of Erin experienced a % decrease in their number of farms between 2016 to 2021, whereas the remaining municipalities experienced varying % increases in the number of farms within their municipalities.

Lot area and frontage regulations are reflective of the existing land base within each respective Municipality, and as such, a one-size-fits-all approach to lot regulations is not appropriate.

Each lower-tier municipality is encouraged to undergo an inventory and review of their agriculturally zoned lands to implement regulations that are specific to the agricultural characteristics of their municipality.

4.2 Zoning Bylaws

Additional Residential Units in Agricultural Zoning

- i. One (1) within a single detached dwelling; and one (1) within an accessory building or structure to a single detached dwelling;
- ii. The uses above are subject to the availability of adequate servicing whether such servicing is provided via municipal services or private individual on-site services;
- iii. Additional residential unit shall not be permitted on a parcel of land, which is located on a private road that is not assumed and maintained year-round by the Municipality and where emergency access may be limited;
- iv. Additional residential units located within an accessory building or structure may not be severed as a separate conveyable parcel from the principle dwelling;
- v. The additional residential unit shall be of a size which is less than the gross floor area of the principle dwelling;
- vi. That the additional residential unit complies with the requirements of the Ontario Building and Fire Code;
- vii. Additional Residential Units shall be located within the farm building cluster; and
- viii. Additional Residential Units, located in accessory buildings shall comply with the accessory building standards of this By-law.

Accessory Farm Employee Accommodations

One accessory farm employee accommodation shall be permitted accessory to and on the same lot as an agricultural use subject to the following provisions:

- i. the lot shall have a minimum area of 20 hectares;
- ii. access to the accessory farm employee accommodation shall be provided by way of the same driveway and entrance way as the principal dwelling unit; and
- iii. The accessory farm employee accommodation shall be located within 100 metres of the principal dwelling unit.

Agriculture-Related Uses;

Agriculture-related uses secondary to principal farming operations may be permitted, subject to the following criteria:

- i. The agriculture-related use shall not be permitted in the Natural Heritage System (NHS) within the Greenbelt Plan without written approval of the Conservation Authority having jurisdiction in the area.
- ii. The maximum lot coverage for all agriculture-related uses shall not exceed 30% of the total lot area of the subject lands which includes all building, structures, outdoor storage, landscaped areas, berms, servicing, laneways, and parking.
- iii. An agriculture-related use shall be subject to the Province of Ontario's Minimum Distance Separation (MDS) Guidelines for compatibility between livestock facilities and sensitive land-uses.
- iv. The majority of the product processed, preserved, packaged and/or stored shall be from the farm operation on the subject lands, including crops used to produce wines, beers, spirits, or similar products.
- v. The agriculture-related use shall be secondary to the principal farm operation on lots having an area greater than 4 hectares in size.
- vi. An agriculture-related use shall only be permitted as the principal use on lots having an area not exceeding 4 hectares in size.
- vii. An agriculture-related use must demonstrate that it can be serviced on-site by private water and sanitary services and does not require approval from the Ministry of the Environment, Conservation and Parks under the Ontario Water Resources Act.

Battery Energy Storage Systems (BESS):

Battery Energy Storage Systems are relatively new in Ontario with many municipalities currently developing Zoning Bylaw regulations. **As Zoning Bylaws are developed it is important to include:**

- i. The current Provincial Policy Statement places a priority on protection of Prime Agricultural Land which is defined as Class 1, 2, or 3 soils.
- ii. Battery energy storage systems are permitted in prime agricultural areas, but only as on-farm diversified uses. On-farm diversified uses means uses that are secondary to the principal agricultural use of the property and are limited in area (two percent (2%) up to a maximum of one (1) hectare of the area of the lands on which the use is proposed)
- iii. Setbacks from Existing Structures – Current projects in Ontario are recommending a 600 m setback.
- iv. Setbacks from future development – Regulation 359/09 requires that development of Renewable Energy Projects recognize potential future development allowed by the zoning of properties adjacent to BESS developments. The calculation of setbacks needs to ensure that the BESS project does not interfere with the future development project.
- v. Fire Safety Standards – In the current absence of specific direction from the Ontario Fire Marshall, the zoning bylaw should meet the requirements of the US National Fire Protection Association Standard 855 that addresses design, construction, installation, commissioning, operation, maintenance and decommissioning as updated in 2023.

- vi. Emergency Plan – BESS can present complex emergency situations which local emergency services have not countered previously. The zoning bylaw should require the development of an emergency plan in conjunction with the municipal emergency services. This plan should include regular training of personnel on handling emergencies at BESS facilities and the type of responses that the municipality will provide in response to emergency situations.
- vii. Support for Fire Emergencies – The standard approach in the event of a fire in a BESS facility is to let the section involved burn while controlling the spread of the fire to adjacent units. Given the potential for an explosion if water is sprayed on a burning battery, the facility should incorporate dry sprinkler systems which allow water to be precisely directed on neighbouring units in the development to allow cooling without water being applied to the burning unit. The emergency plan should include confirmation that municipal water will be available to the site to allow extended cooling operations.
- viii. Noise Emissions - Existing municipal noise control bylaws should be reviewed to confirm that the noise levels from cooling systems and the transformer station will not exceed noise limits allowed by the municipal noise regulations.
- ix. Decommissioning - Before approving a Support Resolution for a BESS project, the municipality should confirm that appropriate plans for decommissioning the project are in place.

Farm Home Industry

- i. *A farm home industry must be located on a farm and shall be secondary to the agricultural use.*
- ii. *A farm home industry shall include a carpentry shop, a contractor or tradesperson establishment, a welding shop, a machine shop, a plumbing shop, an electrical shop, furniture fabrication, assembly and repair, tool and equipment repair shop, small engine repair, farm implement repair; or a use of a similar nature to those listed above.*
- iii. *The farm home industry must employ at least one person who dwells on the property and may employ two additional employees.*
- iv. *All buildings, structures, parking areas and loading areas used for the farm home industry shall not occupy an area exceeding 2% of the lot, to a maximum of 0.4 hectares in area.*
- v. *A farm home industry must be appropriate for rural servicing and be compatible with agricultural uses.*
- vi. *There shall be no open storage of materials, supplies, tools, equipment, or goods which are used for, or result from, the farm home industry.*
- vii. *A farm home industry must comply with all applicable by-laws and regulations such as noise and parking regulations.*

Farm Home Occupation

A home occupation is permitted within a dwelling unit by a permanent resident of said dwelling unit subject to the following requirements:

- i. Subject to compliance with all other Township by-laws, a home occupation is permitted in any zone where a residential dwelling unit is a permitted principal use. A home occupation is an accessory use and may be established only when the principal residential use has been established.
- ii. Only two employees or assistants who are not a resident of the dwelling are permitted.
- iii. The maximum gross floor area devoted to a home occupation use shall be 30% of the gross floor area of the dwelling.
- iv. One visitors parking space and one employee parking space (where applicable) is required in addition to the required off street parking space for the dwelling unit. Tandem parking spaces shall be permitted for the required parking for a home occupation use.
- v. A home occupation may include the shipping or receiving of goods or materials by automobiles or delivery vans used by courier services but shall not result in the parking or storage of commercial vehicles on adjacent streets, except temporary parking for pick-up and delivery.
- vi. f) There shall be no machinery or mechanical equipment used on premises in connection with a home occupation except that which is customarily used for household or office purposes.
- vii. g) No manufacturing activity involving the processing of raw or semi-processed material shall be carried out in conjunction with a home occupation except for the fabrication of handmade goods or crafts associated with an artisan studio and the assembly of fully processed goods.
- viii. A home occupation shall not in any way be offensive, obnoxious, or dangerous to the neighbourhood or area by reason of light, heat, fumes, noise, vibration, gas, dust, smoke, fire, odour, air or water borne waste or pollution; or interference with radio or TV; or an increase in vehicular traffic due to frequency of deliveries by commercial carriers or patron parking.
- ix. The retail sale of goods, wares or merchandise is limited to those produced on the premises, or items accessory to a permitted home occupation use. Retail sales shall not occupy more than 25% of the floor area associated with the home occupation.
- x. No external display or outdoor storage area of goods, materials or equipment or parking of commercial vehicles is permitted in conjunction with a home occupation.
- xi. A home occupation must be clearly incidental and secondary to the main residential use. No exterior alterations to the dwelling unit shall be permitted which will change the residential character of the building or premises.
- xii. Without limiting the generality of the above definition, a home occupation use may include the following: a personal service such as a barber, hairdresser, beautician, seamstress, dressmaker, tailor or photographer; a light repair service such as radio, television or appliance, but not including vehicle or equipment repair; an office for a trade such as a home builder or renovator; an office for a charitable organization; a workroom for a dressmaker or tailor, hair stylist or beautician, teacher of art, music, computer literacy or academic subject; a professional or occupation such as a doctor, lawyer, dentist, architect, planner, engineer, realtor, or insurance agent etc.; a craft such as pottery, weaving or needlework; an artisan studio. Notwithstanding the foregoing, a medical clinic or an adult entertainment establishment cannot be

established as a home occupation.

Fencing – Electric for agricultural use

1. Except for an invisible fence no fence or attachment to a fence shall be used as a conductor of electricity unless the fence is located on agricultural property that is in actual use for raising livestock and the fence or attachment:
 - i. the power source to energize the fence does not deliver electricity exceeding 120 volts
 - ii. the pulsatile electrical current delivered by the fence does not exceed 120 milliamps;
 - iii. is designed and installed only to contain and protect livestock and to keep livestock predators out,
 - iv. a sign is installed that is clearly visible and legible at the intersection of a fence line adjacent to a public highway or other place to which the public has access warning that the fence carries electricity; and
 - v. the electric fence energiser is CSA certified
2. No barbed wire or other barbed or sharp material shall be used in a fence except in accordance with the following:
 - i. on agricultural property and for the purpose of containing livestock,
 - ii. on the top of a fence on commercial or industrial property having a minimum height of 2.4 meters (7.9 feet), provided that it projects inwards to the area enclosed at a 45 degree angle; or,
 - iii. on the top of a fence erected for security purposes around any recreational, operational or storage facility owned and operated by the Township.

Garden Suites

A garden suite may be permitted within the Agricultural Zone and R1A Zone where single detached residential dwelling units are permitted and pursuant to Section 39 of the Planning Act (Temporary Use Regulation). Upon successfully receiving a temporary use rezoning from the municipality, the establishment of a garden suite shall be subject to the following regulations:

- i. Only one garden suite may be established per lot on which a single-detached residential dwelling unit exists. Where a lot already contains a singled detached residential dwelling unit and an accessory apartment as defined in the By-law, a garden suite shall not be permitted;
- ii. Garden suites in a Residential Zone shall be located in either a side yard or rear yard and located behind or even with the front wall of the single-detached residential dwelling unit. A minimum interior side and rear yard of 1.5m (5.0 ft), and a minimum exterior side yard of 7.6 m (24.9 ft) is required;
- iii. Garden suites in an Agricultural (A) Zone shall follow the regulations and provisions that apply to the establishment of Second Residential Dwelling as specified in Section XXX of this By-law;
- iv. Driveway access to both the main residence and the garden suite shall be limited to one so that no new entrance from the street shall be created;
- v. The maximum floor area of a garden suite shall be 92.9 m² (1000.0 ft²);
- vi. The maximum height of a garden suite shall be one storey or 4.5m (14.8 ft) whichever is less;

- vii. *No garden suite shall be located closer than 3.0m (9.8 ft) to the main residence on the lot;*
- viii. *All garden suites shall be constructed upon suitable foundation, caissons or piers;*
- ix. *Notwithstanding the above, garden suites may be serviced with a private sewage treatment system and well in the Agricultural Zone and R1A Zone subject to the minimum lot area requirements of the specific zone and the approval of the municipality for the proposed servicing;*
- x. *All garden suites shall be of a portable, pre-fabricated or modular nature and shall not include a mobile home;*

Pursuant to Section 39 of the Planning Act, Council may require a development agreement with the owner of the Garden Suite to deal with, among other things, the installation, maintenance and removal of the unit, the period of occupancy, the deposit of a performance bond or security, and rehabilitation of the site to its pre- garden suite condition

Kennels

Notwithstanding anything else in this by-law to the contrary, a kennel as defined herein may be permitted upon any lands within the Agricultural Zone subject to compliance with the following regulations, which apply to all kennel buildings, structures and defined use areas including outdoor runs, pens or exercise yards.

- i. Minimum Lot Frontage: 120 m (393.7 feet)
- ii. Minimum Lot Area: 6 ha (14.8 acres)
- iii. Minimum Front Yard: 30 m (98.4 feet)
- iv. Minimum Side Yard: 46 m (150.9 feet)
- v. Minimum Rear Yard: 46 m (150.9 feet)
- vi. Minimum Separation Distances:
 - ii. 90 m (295.2 feet) from any residential, commercial, public or institutional building on an adjacent property or from the lot line of any other property containing a licensed kennel.
 - i. The provisions of Section XXX shall apply to enlargements, extensions, reconstructions or repairs to lawfully existing kennels

On-Farm Diversified Use –

On-farm diversified uses accessory to principal farming operations may be permitted, subject to the following criteria:

1. *The use shall be secondary to the principal agricultural uses of the property.*
2. *On-farm diversified use(s) shall not exceed a combined total of either one **(1) hectare or two percent (2%)** of the area of the lands on which the use is proposed, whichever is less, including but not limited to, buildings or structures, parking areas and all components or lands used exclusively for the on-farm diversified use.*
3. *The area calculations for on-farm diversified uses shall be calculated as follows:*
 - i. *existing laneways and parking areas shared by the agricultural uses and the on-farm diversified uses are not counted;*
 - ii. *area of existing buildings or structures, built prior to April 30, 2014, occupied by on-farm diversified uses are discounted by 50%;*

- iii. area of new buildings, structures, outdoor storage, landscaped areas, berms, servicing, laneways and parking for the on-farm diversified use are counted at 100%;
- iv. production lands which are used for the growing of crops and are simultaneously used as part of an activity area, such as a corn maze, shall not be included in the area calculations for the on farm diversified use. However, these activity areas shall not exceed five percent (5%) of the total lot area of the subject lands.
- .4 A minimum of 1 parking space per 100 square metres of total floor area is required.
- .5 There shall be no advertising on the property, other than a lawful sign, to indicate to persons outside that a part of the lot is being used for an on farm diversified use.
- .6 No more than 25% of the area of the dwelling unit shall be used for an on farm diversified use.
- .7 The accessory display and retail sale of on-farm diversified use, goods, wares, or merchandise is permitted subject to the following provisions:
 - i. the combined area of all areas devoted to retail sales and display shall not exceed 30% of the gross floor area of the on-farm diversified use.
 - ii. the accessory display and retail sales component of an on-farm diversified use shall be conducted by or directly involve the owner/operator of the agricultural use
- .8 Food concession stand(s) accessory to an agri-tourism use shall not exceed a combined total floor area of 50 metres squared.
- .9 An on-farm diversified use shall be subject to the Minimum Distance Separation (MDS) Guidelines.
- .10 Services required for the use proposed are provided on the same lot, to the satisfaction of the Town.
- .11 An on-farm diversified use may be subject to municipal site plan control

The on-farm diversified use shall not be permitted in the Natural Heritage System (NHS) within the Greenbelt Plan without written approval of the Conservation Authority having jurisdiction in the area.

5.0 Conclusions & Recommendations

As previously noted, this Report (and ZBL Template) is a tool available to assist local planning staff to implement zoning provisions to better align their ZBLs with provincial direction and provide consistency across the County. The ZBL Template was prepared by drawing upon the strengths of existing zoning by-laws, ensuring that conformity to provincial direction is maintained and enhanced, while also considering the local agricultural climate of the County. It is important to reiterate that every municipality is unique, and a complete one-size-fits-all approach is not recommended. However, the guidance provided by the ZBL template will ensure there is further consistency in how agricultural operations in Wellington County can diversify and prosper for years to come.

To better facilitate agricultural and rural development in the County, in addition to the implementation of the ZBL Template, the following are recommendations for County and Municipal staff to assist them in better aligning their policy documents to promote rural economic development and farm diversification:

1. Clear and consistent definitions.
 - a. The definition of 'Farm' should be consistent across all policy documents and include a provision of "proof", similar to what the Town of Erin has included in the farm business definition that speaks to an active farm having a Farm Business Registration Number when permitting on-farm diversifying uses.
 - b. The Planning Act speaks to "additional residential units" and this terminology should be adopted across all of the policy documents to provide clear direction with respect to residential permissions.
2. Review the permitted uses of the Agricultural (A) Zone and the Agricultural Commercial (AC) Zones and streamline appropriate permitted uses.
3. Harmonize and clarify the additional residential unit provisions to provide clear direction with respect to farm help housing and succession planning.
4. Using the provincial guidelines, the updated County Official Plan should include as-of-right policies for on-farm diversified uses. In doing so, it will lessen the number of resources required on the part of the municipality in planning for on-farm diversified used and will also remove some of the barriers that may deter farmers from diversifying their operations.
5. Although not a part of the zoning by-law review, in updating the County Official Plan, County Staff should evaluate the primary and secondary agricultural designations and determine how best to promote farm diversification and farmland protection.
6. The seven lower-tier municipalities should create a streamlined site plan control process for on-farm diversified uses.
7. Pending the status of the proposed PPS, 2023, the County of Wellington should continue to strengthen its policies to protect prime agricultural land with respect to settlement boundary expansions and severance policies.