



PLANNING & DEVELOPMENT REPORT

To: Council

Meeting Date: August 27, 2024

Prepared by: Tim Van Hinte
Director of Planning

Date Prepared: August 20, 2024

Subject: Zoning By-law Amendment 03-24
3363 Ament Line

Recommendation:

That the Council of the Township of Wellesley adopt the Zoning By-law for file ZBA 03-24 to permit an On-Farm Diversified Use (OFDU) at 3363 Ament Line.

Summary:

The subject lands are currently zoned Agricultural (A1) and the owner has applied to rezone the lands to Small Lot Agricultural (A2) to recognize the undersized farm lot and to permit an OFDU on the property. Staff are of the opinion that the proposed amendment meets the purpose and intent of the Township Official Plan and Zoning By-law.

Report:

The applicant is requesting to change the zoning on the property from A1 (Agricultural) to A2 (Small Lot Agricultural) and EC (Environmental Constraint) to facilitate the development of an On-Farm Diversified Use (OFDU). In accordance with Section 6.9.1 of the Zoning By-law, prior to establishing an OFDU on a lot less than 4.0 hectares in area, an amendment to the By-law is required to place the property in the A2 zone.

The subject lands are currently zoned Agricultural (A1). The property is 2.12 hectares in size and currently includes a house and barn. The applicant is proposing to establish an OFDU consisting of a 372m² building and 140m² of outdoor storage area.

The subject lands are within the GRCA regulated area due to the proximity of the floodplain and valley slope for the Conestogo River. No change is proposed to the existing access from Ament Line (Regional Road at this location).

Official Plan

The subject lands are designated Prime Agricultural on Map 10 of the Official Plan and within the Significant Valley of the Conestogo River (Map 7). The policies of Section 3.3.1 regarding secondary uses on farm properties apply to this designation and the relevant sections are noted below:

3.3.1 Where a secondary use is proposed to be established on a farm within the Prime Agricultural Area and Rural Areas designations, the development application will comply with the following:

- a) it must be demonstrated that the proposed *secondary use* will be clearly subordinate to the principal use of the farm operation and that the cumulative effect of the *secondary use* will not undermine the agricultural nature of the area. Determination of whether a proposed activity is accessory to the farm operation must include an evaluation of the relationship between the existing agricultural operation and the proposed *secondary use*. This will include the financial investment, the number of employees, the type and the scale of the operation for both the agricultural operation and the proposed *secondary use* and any other factors as may be deemed appropriate.
- b) the subject property will remain zoned for agricultural purposes.
- c) the proposed secondary use will not be detrimental to the environment.
- d) shall not include any use which is or may become obnoxious, offensive or dangerous by reasons of the presence, emission or production in any manner of odour, dust, smoke, noise, fumes, vibration, refuse matter or water carried wastes.
- e) any industrial-related uses shall be limited to dry manufacturing and/or repair, with ancillary retail.
- f) shall not include automotive sales and/or repair; and
- g) the owner/operator must obtain a Township Certificate of Occupancy.

The A2 zone was specifically added into the Township Zoning By-law in 2015 for smaller lots that have limited potential for farming, and recognizes that these properties are existing, can be better utilized and will not significantly impact surrounding agricultural uses. Staff is of the opinion that the proposal meets the purpose and intent of the requirements under Section 3.3.1 of the Official Plan.

Zoning By-law

The property is currently within the A1 zone which allows for farm-related uses and accessory uses. Currently, the lot is legal non-complying for lot size. By rezoning this property to A2 the lot size can be recognized and legalized. The intent of this A2 zone was to create regulations that would allow for small scale secondary uses on lots between 0.8 and 4.0 hectares in size. Staff will also require as part of this application that part of the lands be zoned Environmental

Constraint (EC) as a result of the Grand River Conservation Authority (GRCA) regulated floodplain and valley slope for the Conestogo River.

Section 6 of the Zoning By-law sets out the following provisions relating to maximum size and permitted uses for OFDUs in the A2 zone:

Criteria	Zoning Regulation	Proposed / Provided
Lot Area	0.8 ha to 4.0 ha	2.12 ha - Complies
Total Floor Area	2% of the lot area or 372 m ² (4000 ft ²), whichever is less	372 m ² - Complies
Outdoor Storage	Maximum 5% of the lot area	140 m ² - Complies

The “A2” Zone regulations are contained in Section 6 of the Zoning By-law and include regulations that limit outdoor storage to 5% of the lot area and require the owner to maintain an agricultural operation on the lands that is sufficient in size and revenue to qualify for a farm business registration number.

The proposal complies with the applicable sections of the Zoning By-law which addresses the small lot size and would permit the OFDU on the property. The size of the lot makes it more difficult to sustain a viable commercial farming operation than on a larger farm property but allowing for the OFDU will keep some of these lands being used for agricultural purposes.

Through this zoning amendment, the applicant will be required to obtain site plan approval and a certificate of occupancy from the Township. Prior to issuance of the certificate of occupancy, the owner must have their farm business registration. For these reasons, staff supports the lot being rezoned as “A2” which permits agricultural uses on smaller lots while allowing the landowner to supplement their income with an OFDU.

In summary, staff is of the opinion that the proposed Zoning By-law amendment is in compliance with Official Plan policies and Zoning By-law regulations.

Township Strategic Plan:

This report aligns with the initiative of Intensification, Zoning, Development and Growth and Business support.

Financial Implications:

None

Other Department / Agency Comments:

Region of Waterloo – Preliminary comments from the Region requested that a stationary noise study be completed for the proposed use due to its proximity to neighbouring dwellings. The noise study has now been completed and accepted by the Region. No mitigation measures are necessary and the proposed development is compatible with respect to environmental noise emissions.

GRCA – No objections. Any future development within the regulated area requires the prior issuance of a permit from GRCA.

Legal Considerations:

None

Attachment(s):

Attachment 1 - Location Map

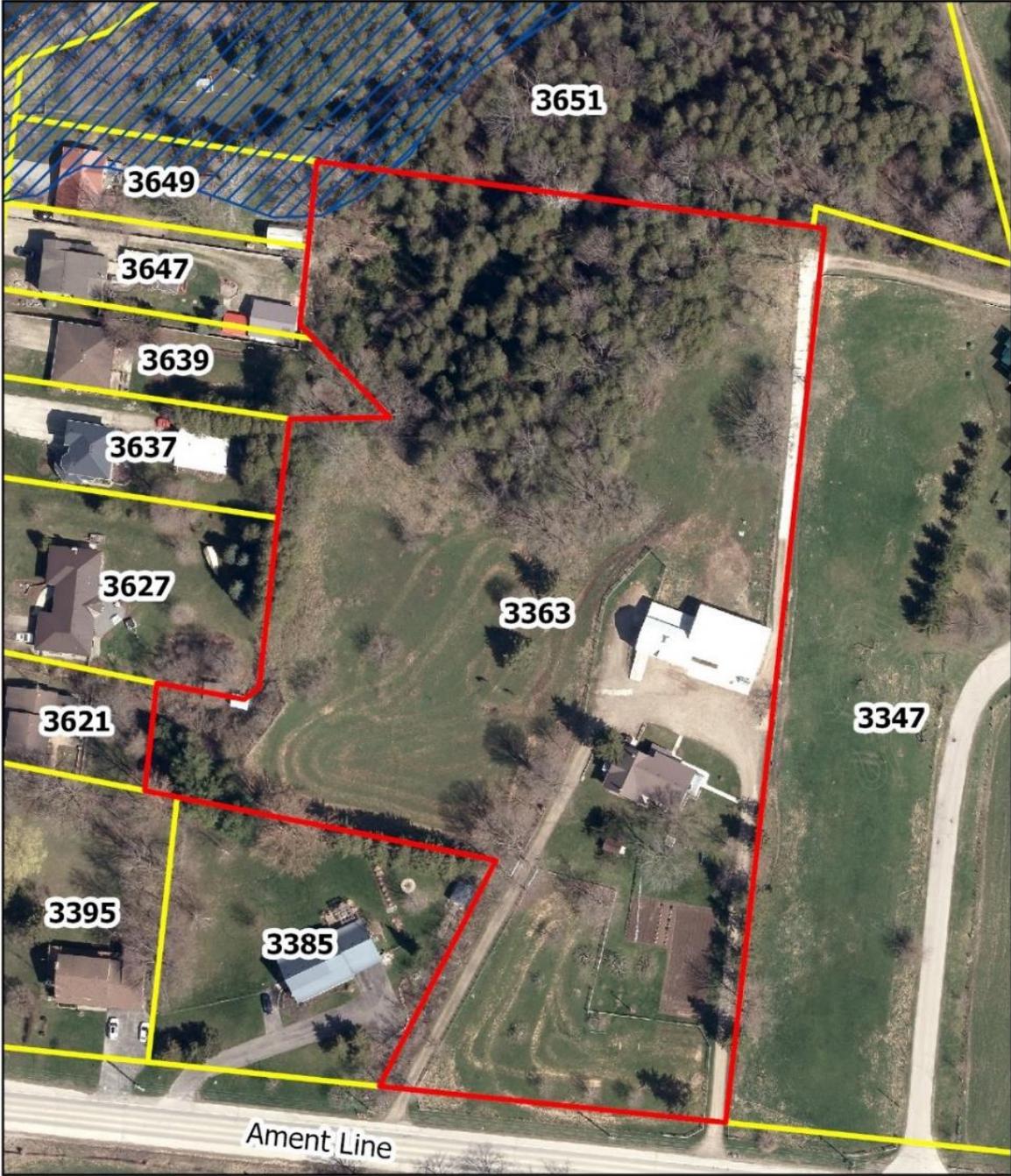
Attachment 2 – Site Plan

Approved By:

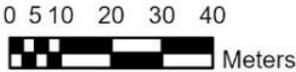
Rik Louwagie, Chief Administrative Officer

Attachment 1 – Location Map

ZBA 03-24 - 3363 Ament Line



- MPAC Assessment Parcels
- GRCA_Regulatory_Floodplain_2024
- Subject Lands



Attachment 2 – Site Plan

