

**Supporting Urban and Residential Agriculture:
A Review of Policies in Cornwall and Stormont-Dundas-Glengarry &
Recommendations**

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Part 1: Topic, Scope & Methodology

1.1 Topic

The focus for this research project is a comprehensive review of the relevant bylaws in the Cornwall and Stormont-Dundas-Glengarry region of Eastern Ontario with respect to the regulation of all forms of urban agriculture.¹ This review focuses on seven jurisdictions: the City of Cornwall, and the municipalities of North Dundas, North Glengarry, North Stormont, South Dundas, South Glengarry and South Stormont.

Due to the highly rural nature of the counties of Stormont-Dundas-Glengarry, for the purposes of this project, the regulations relevant to urban agriculture are also examined within the context of residential applications. Each of the six counties of Stormont-Dundas-Glengarry is comprised of farmland and small hamlets, villages and towns which would not fall under traditional definitions of the term ‘urban’. Therefore, the analysis presented in this research focuses on urban and residential areas combined.

1.2 Thesis

There are currently only limited policies in place to regulate urban/residential agriculture in Cornwall and Stormont-Dundas-Glengarry, with much of the existing policy framework prohibitive. While one could argue the lack of formal policy allows for greater flexibility and more latitude when establishing and carrying out forms of urban/residential agriculture, it actually creates an element of uncertainty and inability for these growers/producers to establish long-term plans for their operations. This report recommends that the City of Cornwall and each of the municipalities of SDG consider steps to increase their support of urban/residential agriculture – in particular by completing a survey of their residents to gauge support, then developing a policy based on the degree of support for these activities.

1.3 Relevance & Limitations

This research is important because there is currently no such policy review in existence. This research will become a reference document for [All Things Food / Bouffe 360°](#), a non-profit organization in the Cornwall & Stormont-Dundas-Glengarry area that promotes food security in the region.

The research presented in this report has two primary limitations. The first is that it is based on bylaws in effect at the time of submission – August 11, 2015. Second, it is further limited by the standard definition used to define population centres (formerly urban areas):

[a] population centre will be defined as an area with a population of at least 1,000 and a density of 400 or more people per square kilometre. All areas outside population centres will continue to be defined as rural area. This new terminology will be implemented consistently across the Agency. Secondly, population centres will be divided into three groups

¹ In this project, the term ‘urban agriculture’ is defined as the “growing of plants and the raising of animals within and around cities” (FAO, 2015). According to the United Nation’s Food and Agriculture Organization, “urban and peri-urban agriculture provides food products from different types of crops (grains, root crops, vegetables, mushrooms, fruits), animals (poultry, rabbits, goats, sheep, cattle, pigs, guinea pigs, fish, etc.) as well as non-food products (e.g. aromatic and medicinal herbs, ornamental plants, tree products). UPA includes trees managed for producing fruit and fuelwood, as well as tree systems integrated and managed with crops (agroforestry) and small-scale aquaculture” (FAO, 2015).

based on the size of their population to reflect the existence of an urban-rural continuum:

- small population centres, with a population of between 1,000 and 29,999;
- medium population centres, with a population of between 30,000 and 99,999;
- large urban population centres, consisting of a population of 100,000 and over (Statistics Canada, 2015).

This is a limitation insofar as there are limited areas in the Cornwall, Stormont, Dundas and Glengarry regions that would be considered population centres. Cornwall would be considered a medium population centre (with a population of approximately 46,000), and the region is also host to several small population centres (Alexandria, Chesterville, Ingleside, Iroquois, Lancaster, and Winchester), each with far fewer than 29,999 residents. Much of the population count of these areas also includes some limited rural area, and within each of the counties (North Dundas, North Glengarry, North Stormont, South Dundas, South Glengarry, South Stormont) there is a significant rural population that is located in hamlets and villages. For the purposes of this report, these are considered and referred to as residential areas, as they are areas encompassed within the bounds of municipal policies.

Much of the basis for the terminology related to agricultural use that is used in the following bylaws stems from their definition in Farming and Food Production Act, 1998. According to this statute:

[f]or the purpose of the definition of “agricultural operation”,
“agricultural, aquacultural, horticultural or silvicultural operation” shall
be construed to include,

- (a) draining, irrigating or cultivating land;
- (b) growing, producing or raising,
 - (i) livestock, including poultry and ratites,
 - (ii) fur-bearing animals,
 - (iii) bees,,
 - (iv) cultured fish,
 - (v) deer and elk,
 - (vi) game animals and birds, or
 - (vii) any additional animals, birds or fish prescribed by the Minister;
- (c) the production of agricultural crops, greenhouse crops, maple syrup, mushrooms, nursery stock, tobacco, tree and turf grass, and any additional agricultural crops prescribed by the Minister;

- (d) the production of eggs, cream and milk;
- (e) the operation of agricultural machinery and equipment;
- (f) the application of fertilizers, soil conditioners and pesticides;
- (g) ground and aerial spraying;
- (h) the storage, handling or use of organic wastes for farm purposes;
- (i) the processing by a farmer of the products produced primarily from the farmer's agricultural operation;
- (j) activities that are a necessary but ancillary part of an agricultural operation such as the movement of transport vehicles for the purposes of the agricultural operation; and
- (k) any other agricultural activity prescribed by the Minister, conducted on, in or over agricultural land. 1998, c. 1, s. 1 (2) (1998: 2-3).

1.4 Research methods

The research presented in this report is of three types: first a review of municipal bylaws (online), interviews with municipal staff (in absence of online copies of relevant bylaws) and those in the industry, secondary academic research of best practices of urban/residential agriculture in the Canadian context.

Part 2: Cornwall

The city of Cornwall has extensive regulations in place affecting the development of urban/residential agriculture. In the Definitions section of the municipality's comprehensive zoning bylaw (Bylaw No. 751, 1969), agriculture use is defined as 'general farming' (including the general cultivation of land, processing and storing of field crops as well as the breeding and care of livestock, fowl and bees). They further define agriculture use (intensive) as the raising of livestock and includes a farm dwelling and outbuildings. Such types of agricultural uses (regular or intensive) may only be carried out in areas that are zoned 'rural area', 'prime agricultural', and 'environmental constraint – floodplain' (1969: various).

According to the Property Standards bylaw sections 2.07 and 2.08, landscaping other than grass, trees, bushes and hedges must be maintained so as not be unsightly or unsafe, however the use of 'suitable ground cover' to prevent soil erosion is an important inclusion in the policy (2014: 12). Furthermore, section 6.01 of this bylaw states that yards must be kept free from rodents, insects and vermin (2014: 29).

With respect to boulevards, the City of Cornwall expressly prohibits the alteration or modification of any part of a street, park or other public property unless prior consent is obtained by the City (2003: 8).

Part 3: Stormont

3.1 North Stormont

The municipality of North Stormont is quite restrictive regarding what it terms ‘agricultural use’ in its residential areas. According to an interview with Amy Doyle, Community Planner for the Township of North Stormont, there are no restrictions on intensive gardening practices (whether for personal or commercial use) as this would fall under the purview of a home occupation (making goods in the residential area, selling offsite). Ms. Doyle further commented that agricultural uses (e.g. apiaries, poultry raising) are only permitted in rural and agriculturally zoned areas with a minimum property size of 75 acres. Further restrictions are in place on farm/produce stands which are not permitted in the villages (i.e. produce from a SPIN farming garden would have to be sold offsite)(Personal Communication, 2015).

In addition to the information provided by Ms. Doyle, a motion was put to council on July 14, 2015 regarding the allowance of poultry in residential areas, however this motion was defeated (2015: 1).

3.2 South Stormont

The municipality of South Stormont, like other municipalities in SDG, defines agricultural use as including the growing of crops, raising of livestock and other animals for food (including apiaries, poultry and fish). It further identifies a related use of ‘agricultural use – small’ as agricultural use (as defined above) but limited to five nutrient units or less (defined by the Nutrient Management Act). The bylaw further defines greenhouses – commercial as any greenhouse that grows product for wholesale or retail sale (2011: 13) and livestock includes dairy, beef, poultry, goats, sheep. Section 3.26 makes it clear that the keeping and raising of livestock (including poultry) is prohibited in residential zones (2011: 65). Section 5 specifies the permitted uses in residential zones, amongst which agricultural use is not listed as permissible (2011: 76).

Part 4: Dundas

4.1 North Dundas

The municipality of North Dundas is in the process of consolidating their zoning bylaws for their four areas: the two former Townships of Mountain and Winchester and two former Villages of Chesterville and Winchester (North Dundas, 2015). During an interview with Calvin Pol, Director of Planning, Building and By-law Enforcement, he stated agricultural uses such as the keeping of domestic livestock (e.g. bees, poultry) is not permitted in residentially zoned areas. While there are no restrictions on gardening or the use of personal greenhouses, there are restrictions on farm/produce stands in residential areas and they are not allowed (Personal Communication, 2015).

As part of the zoning bylaw consolidation process, Mr. Pol indicated that the Municipality of North Dundas will be examining the possible inclusion of provisions allowing residents to keep up to a specified number of hens (no roosters or peacocks), which would be a blanket provision with no need to acquire a permit in order to keep the animals (Personal Communication, 2015). At the time of writing however, this is only in the preliminary stages of the process.

4.2 South Dundas

According to Section 2 of South Dundas' Bylaw 2010-48 (Zoning Bylaw), agriculture use refers to the use of land, building or structures for the growing, harvesting, storage and or sale of crops, as well as the raising and keeping of domestic livestock including poultry, bees or fish. It also includes the production of animal products such as milk, eggs, wool, fur or honey (2010: 1). Section 3.17 specifically states that the keeping of livestock (as defined above) shall only be permitted in areas zoned as either rural or agricultural. (2010: 8). As per section 5 of the bylaw, no person shall use residentially zoned areas in a manner not provided for, or put differently, agricultural use is not permitted (2010: 5).

Part 5: Glengarry

5.1 North Glengarry

In the Municipality of North Glengarry, there are severe restrictions on residential/urban agriculture practices. According to Bylaw 39-2000 (2013), agriculture use is defined as the raising of crops, the raising of domestic animals other than dogs or exotic animals, and the production of animal products (including eggs, honey and milk). According to the requirements specified in Section 5 (Residential Zones) of the bylaw, agriculture use is not specified as a permitted use and is therefore not allowed (2013: 62-55). Agricultural uses as specified above are only allowed in Agricultural and Rural zones (2013: 111-124).

5.2 South Glengarry

Like the other municipalities of SDG, South Glengarry defines agriculture as the growing of crops and raising livestock including poultry and apiaries (2010:35). It further defines agricultural industry as the use of buildings in relation to agriculture (e.g. produce or grain storage) (2010: 36). According to Section 3.21 of the Comprehensive Zoning Bylaw, livestock may only be kept in areas zoned agricultural or rural use (2010: 86).

According to the Property Standards bylaw, landscaping must be maintained and ground cover should be used as an effective method of soil erosion (2013: 5). As well, properties are to be maintained in such a way that it remains free of rodents, insects and other vermin (2013: 14-15).

Part 6: General Best Practices for Consideration

The Ontario provincial government highlights several considerations that should inform municipal approaches to urban agriculture, particularly the keeping of poultry. According to the Ontario government, “[v]egetable gardens and fruit trees are already part of the urban environment for many people, but others are looking for more ways to bring the farm to the city. Some, for example, want to raise chickens in their backyards” (2015). Among the considerations the provincial government highlights are 1) animal health and public health; 2) animal care; 3) predators; and 4) food safety (2015).

There are a number of municipalities across Canada that set the standard for strong municipal support for urban agricultural practices. While many of these (e.g. Hamilton, Toronto, Vancouver) are major metropolitan areas, the theories guiding their underlying municipal policies could be applied to the urban centre of Cornwall and the smaller residential areas that exist in each of the six municipalities of SDG. Detailing all the best practices across Canada would be beyond the scope of this project, however it considers the policies of Hamilton, ON and Kamloops, BC as part of its analysis.

6.1 Hamilton, ON

The city of Hamilton, ON is currently working towards implementing the Neighbourhood Action Strategy, to be finalized in 2017. As part of this project, it was identified that accessing fresh and healthy food was a significant concern among Hamilton residents (2013: 7). In their extensive review of policies and bylaws currently in effect, it was identified that zoning and licensing are effective tools that can regulate where and when the sale of urban agriculture products take place (2013: 49). A variety of places (including farmers' markets, farmgate stands, market gardens and food hubs) can offer urban gardeners and farmers to make a profit through urban agriculture, therefore in Hamilton, the vision should be that by 2020, the retail sale of urban agriculture products should be integrated into zoning and business licencing categories (2013: 49). This type of approach would enable the bridging of several efforts in many different areas related to food security and urban agriculture currently in existence across the City.

The next steps for the city of Hamilton are of three veins: 1) establish a vision to guide the approach to food system planning within the City; 2) include provisions in bylaws and amendments specific to urban agriculture so that they become part of the official planning process; and 3) formalize support for existing urban agricultural initiatives by providing access to land and other resources, as well as participating in studies on the health and safety of these areas (2013: 50-51).

6.2 Kamloops, BC

The municipality of Kamloops, BC currently works within a different policy framework than that of many other municipalities, as its bylaws have a different definition of 'agriculture use' than most: "[a] use provided for the growing, rearing, producing, harvesting, storage, processing and sale of agricultural products. Specifically excluded is the retail sale of garden or nursery stock and abattoirs" (emphasis added) (True Consulting Group, 2007). This positions the municipality of Kamloops to allow urban agriculture to coexist with other land uses (including residential) while minimizing the effects normally associated with traditional agricultural practices (mechanization, chemical inputs) (2007: 5). Among their recommendations for further action, there were provisions for augmenting support for community gardens, providing support for edible landscaping, and to expand land use policies to support urban agriculture in areas outside of the Agriculture Land Reserve (i.e. formalize informal arrangements) (2007: 20-28).

Part 7: Next Steps & Recommendations

According to a report prepared by Deloitte for the Ontario Municipal Knowledge Network, focal food industry challenges include outdated planning policies and zoning by-laws (2013), so this should be a consideration for all planners and zoning officials in Cornwall and SDG. For Alain D'Aoust of Fresh City Urban Harvest, there is a clear need for coherent policy in all the municipalities across Cornwall, Stormont-Dundas and Glengarry. In an interview with Mr. D'Aoust, starting up a SPIN farming business in Cornwall proved to be challenging in the 2015 for reasons directly related to the lack of policy support (specific policy or zoning bylaws). This lack of policy support has a direct negative impact on his ability to grow his business and make it viable in the Cornwall area (personal communication, 2015).

Based on the fact there are currently only limited policies in place to regulate urban/residential agriculture in Cornwall and Stormont-Dundas-Glengarry, with much of the existing policy framework prohibitive, this report proposes that the City of Cornwall and each of the municipalities of North Dundas, North Glengarry, North Stormont, South Dundas, South Glengarry and South Stormont consider steps to increase their support of urban/residential agriculture.

Recommendation #1: Each municipality (or in collaboration with an organization such as [All Things Food / Bouffe 360°](#)) should conduct a survey of residents to gauge support for urban/residential agriculture. The results from this survey, in turn, could be used as the foundation for developing a vision in each of the municipalities that would have broad support amongst residents that helps guide the policy making process. An example of such a survey, used by the City of Edmonton, AB in 2014, is presented in Appendix A.

Recommendation #2: As a result of the findings of the survey identified in Recommendation #1 above, each municipality should develop a food strategy or charter and implement this in their official community plans to guide the development of urban/residential agriculture in their communities. This will further enable entrepreneurs and existing businesses (like Fresh City Harvest in Cornwall, ON) to diversify the economic opportunities available in each of these areas.

Recommendation #3: Each municipality should support and further investigate urban agriculture by including it within their respective community's zoning bylaws. (It should be re-emphasized that the municipality of North Dundas has already expressing interest in doing this, and is in the process of including provisions for this in their zoning bylaw consolidation.)

By following these straightforward recommendations, each of the municipalities discussed in this report could easily move forward with strengthening their provisions for urban/residential agriculture, thereby improving the social, economic and environmental well-being of their communities.

Appendix A

City of Edmonton Urban Agriculture Survey

Available at: http://www.edmonton.ca/city_government/documents/Urban_Agriculture_Survey_-_July_2014.pdf. Retrieved 03/08/2015.

Survey Introduction

The City of Edmonton is reviewing the way in which the Edmonton Zoning Bylaw permits and regulates urban agriculture in the City. This review is intended to ensure that the Zoning Bylaw aligns with city policies.

The purpose of this project is to create Zoning Bylaw regulations that permit the operation of urban agriculture and provide standards for the design, maintenance and operation of urban agriculture projects in the City.

Please complete your survey no later than August 31, 2014.

Information on this form is being collected under authority of section 33(c) of the Alberta Freedom of Information and Protection of Privacy (FOIP) Act. It will be used for administrative and policy development purposes and to steer changes to zoning bylaws/regulations involving urban agriculture. Statistical or aggregate data may be made available to the public. If you have any questions about the collection or use of your personal information, please contact Kate Mann at 780-496-6165.

Demographics

The following questions relate to basic information to help contextualize your answers.

1) What are the first 3 digits of your postal code? _____

2) Select the age range that best represents yourself:

- a. Under 18
- b. 18-24
- c. 25-34
- d. 35-44
- e. 45-54
- f. 55-64
- g. 65+

3) Select the dwelling type that most closely describes your residence:

- a. Single Detached Housing or Single Family Home
- b. Semi-detached Housing or Duplex Housing
- c. Row/Town Housing
- d. Apartment Housing

Personal Interest in Gardening

These questions relate to your relationship to gardening and food production within the city. Please select all that apply.

4) Please indicate what gardening activities you currently engage in:

- a. General landscaping or home yard care
- b. Home/personal gardening
- c. Patio/balcony gardening or planters
- d. Community gardening or yard shares
- e. Commercial gardening
- f. None of the above

5) On a scale from 1 to 5, how would you describe your interest in gardening?

- 1 Not At All Interested
- 2 Not Very Interested
- 3 Neither Interested or Disinterested
- 4 Somewhat Interested
- 5 Very Interested

6) When purchasing food, do you look for local food:

- a. at a grocery store
- b. at farmers' market or market gardens
- c. from a food or farm share program
- d. from u-pick farms
- e. from private gardens
- f. I do not look for local food when purchasing food

Community Gardens

While there is no definition for community gardens in the Edmonton Zoning Bylaw, community gardens are generally understood to refer to a piece of land used either collectively or individually which can be used to grow food for personal use.

7) What is your relationship with community gardens?

- a. I am currently a member
- b. I would like to be a member or am on a waitlist to be a member
- c. Have been a member previously but am currently not a member
- d. I have no interest in community gardens
- e. I am unfamiliar with community gardens

8) Please rate where you feel community gardens for personal use would be appropriate?

- Inappropriate
- Somewhat Inappropriate

No Opinion
Somewhat Appropriate
Appropriate
Agricultural Areas
Residential Areas
Commercial Areas
School sites
Public parks
Utility Corridors
Other (please specify): _____
Urban Agriculture

While urban agriculture is not defined within the Edmonton Zoning Bylaw, the term is understood to mean the growing of food within the urban environment for commercial purposes.

9) Where would you think urban agriculture for commercial purposes would be appropriate? (Select all that apply)

Inappropriate
Somewhat Inappropriate
No Opinion
Somewhat Appropriate
Appropriate
Agricultural Areas
Residential Areas
Commercial Areas
School sites
Public parks
Utility Corridors
Other (please specify): _____

10) Please select the statement that most closely resembles your opinion:

- a. Land being used for urban agriculture should be specifically zoned for Agricultural Use
- b. Urban agriculture should be allowed on any vacant lots, regardless of their zoning
- c. Urban agriculture should be allowed on some vacant lots

11) Please select the statement that most closely resembles your opinion:

- a. Gardens being used for urban agriculture should be allowed to sell produce on site with no restrictions
- b. Gardens being used for urban agriculture should only be allowed to sell produce offsite at farmers markets or grocery stores
- c. Gardens being used for urban agriculture should be allowed limited onsite sales, restricted to within the neighbourhood and only at certain times.

12) Would you support urban agriculture for commercial purposes in your neighbourhood?

- a. Yes
- b. Yes, with some restrictions [go to question 13]
- c. No
- d. Don't know

13) [open if response to 12 is B] What restrictions would, if any, you want to see in place that would allow for urban agriculture in your neighbourhood? For example: area, hours of operation, etc.

Text box/written answer

Operation of Urban and Community Gardens

The following questions relate to both community gardens and urban agriculture.

14) Please indicate what types of garden structures/activities you feel are appropriate for use within your neighbourhood

Inappropriate

Somewhat Inappropriate

No Opinion

Somewhat Appropriate

Appropriate

Greenhouses

Tool sheds

Farm stands – limited sales on site

Market gardens – continual sales on site

Production facilities –for jam or preserves produced on site

Compost – Bins or storage

Motorized gardening equipment

Fertilizer use

Pesticide use

Herbicide use

Other (please specify): _____

15) Are there details about your above answers that should be considered?

Text box/written answer

16) When making decisions regarding gardening within your neighbourhood, what do you feel should be the top priorities to consider?

Not a Priority

Low Priority

Medium Priority

High Priority

Establish a local food supply

Support the local economy
Protect local food security
Utilize vacant lots
Limit noise
Limit odour
Limit operating hours
Community engagement
Other (please specify): _____

17) Are there details about your above answers that should be considered?

Text box/written answer

Final Question

The following question is an opportunity to provide further feedback on community gardens and urban agriculture in the City of Edmonton.

18) Please share any additional comments relating to community gardens or urban agriculture

Text box/written answer

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Bylaws

The following is a list of bylaws that are available online from the City of Cornwall and municipalities of North Dundas, North Glengarry, North Stormont, South Dundas, South Glengarry and South Stormont. They are the core foundation of the research required for the analysis presented in this report.

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