

## 2.3 Agriculture

2.3.1 *Prime agricultural areas* shall be protected for long-term use for agriculture.

*Prime agricultural areas* are areas where *prime agricultural lands* predominate. *Specialty crop areas* shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the *prime agricultural area*, in this order of priority.

2.3.2 Planning authorities shall designate *prime agricultural areas* and *specialty crop areas* in accordance with guidelines developed by the Province, as amended from time to time.

### 2.3.3 Permitted uses

2.3.3.1 In *prime agricultural areas*, permitted uses and activities are: *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses*.

Proposed *agriculture-related uses* and *on-farm diversified uses* shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

2.3.3.2 In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards.

2.3.3.3 New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the *minimum distance separation formulae*.

### 2.3.4 Lot creation and lot adjustments

2.3.4.1 Lot creation in *prime agricultural areas* is discouraged and may only be permitted for:

- a. *agricultural uses*, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;

- b. *agriculture-related uses*, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*;
- c. a *residence surplus to a farming operation* as a result of farm consolidation, provided that:
  - 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*; and
  - 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and
- d. *infrastructure*, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

2.3.4.2 Lot adjustments in *prime agricultural areas* may be permitted for *legal or technical reasons*.

2.3.4.3 The creation of new residential lots in *prime agricultural areas* shall not be permitted, except in accordance with policy 2.3.4.1(c).

## **2.3.5 Removal of land from prime agricultural areas**

2.3.5.1 Planning authorities may only exclude land from *prime agricultural areas* for expansions of or identification of *settlement areas* in accordance with policy 1.1.3.8.

## **2.3.6 Non-agricultural uses in prime agricultural areas**

2.3.6.1 Planning authorities may only permit non-agricultural uses in *prime agricultural areas* for:

- a. extraction of *minerals, petroleum resources and mineral aggregate resources*, in accordance with policies 2.4 and 2.5; or
- b. limited non-residential uses, provided that all of the following are demonstrated:
  - 1. the land does not comprise a *specialty crop area*;
  - 2. the proposed use complies with the *minimum distance separation formulae*;
  - 3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use; and
  - 4. alternative locations have been evaluated, and
    - i. there are no reasonable alternative locations which avoid *prime agricultural areas*; and
    - ii. there are no reasonable alternative locations in *prime agricultural areas* with lower priority agricultural lands.

2.3.6.2 Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.

- address any potential visual or physical impacts on the prominent Escarpment slope and address all other applicable policies of this Plan
- describe the works proposed and shall include detailed scaled plans showing the following:
  - the existing physical features of the land
  - all existing buildings and structures
    - the proposed building, structure of facility to be erected, relocated or enlarged and the final layout of development
  - the proposed remedial works to be undertaken
  - the final grade and elevation and proposed vegetative cover including proposed plantings
  - proposed stormwater management.

## B4 RURAL COUNTRYSIDE DESIGNATIONS

### B4.1 GENERAL PROVISIONS – AGRICULTURAL, SPECIAL AGRICULTURAL AND RURAL DESIGNATIONS

#### **B4.1.1 Accessory Residential Uses on Farm Properties**

Where permitted, the establishment of one additional dwelling unit or trailer/mobile homes on a farm property for farm help is permitted, provided the lands are appropriately zoned to permit such a second dwelling. Prior to considering an application for re-zoning, *Council* shall be satisfied that the second dwelling unit:

- a) is required for farm help;
- b) will be located within the existing farm-building cluster, where appropriate;
- c) can be serviced by private sewage and water services; and,
- d) will be designed and/or located to be *compatible* or otherwise blend in with the farm operation.

#### **B4.1.2 Agri-tourism Uses**

The Town supports the *development* of uses that highlight the importance and value of the agricultural economy. On this basis, uses such as farm machinery and equipment exhibitions (on a temporary basis), farm tours, petting zoos, hay rides and sleigh rides, processing demonstrations, pick-your-own produce establishments, *small-scale* farm theme playgrounds and *small-scale* educational establishments that focus on farming instruction are permitted in the Agricultural, Special Agricultural and Rural designations as on-farm diversified uses on a farm subject to the policies of the Official Plan provided that:

- a) the proposed use shall not have a *negative impact* on the enjoyment and privacy of neighbouring properties;
- b) adequate on-site parking facilities are provided for the use, in addition to the parking required for the principal use on the property, and such parking is provided in locations *compatible* with surrounding land uses;
- c) the proposed access to the site will not cause a traffic hazard;
- d) the proposed use can be serviced with an appropriate water supply and appropriate means of sewage disposal;
- e) the proposed use *enhances* the agricultural *character* of the Town through the preservation of historic barns and/or the establishment of a built form that is *compatible* with the agricultural surroundings; and,
- f) the building containing the proposed use is located within the existing farm-building cluster where possible and shall utilize a common driveway with the principal use of the property.

#### **B4.1.3 Estate Winery**

Estate wineries (which may also include estate cideries and similar uses) may be permitted in the Agricultural, Special Agricultural and Rural designations subject to the following:

- a) A minimum 8 hectares (20 acres) must be planted with vines, apples trees or pear trees;
- b) The retail sale of wine and wine related products, and a hospitality room where food and wine is prepared and served, will be permitted when such uses are accessory to complement the estate winery;

- c) The maximum total floor area for retail and hospitality uses shall be 400m<sup>2</sup> so as not to detract from the main use of the land and not adversely affect other uses permitted in the area;
- d) Estate wineries shall be required to locate with direct access and frontage onto an improved public roadway maintained year round with sufficient capacity to accommodate the anticipated traffic;
- e) Estate wineries shall be subject to a Zoning By-law Amendment and Site Plan Agreement approval by the Town. The following matters must be addressed to the satisfaction of the municipality:
  - i) water supply and waste disposal;
  - ii) best practices for drainage and outlets for stormwater;
  - iii) entrances and exits to roads;
  - iv) off-street loading, parking spaces;
  - v) outside storage;
  - vi) buffering/screening, landscaping; and,
  - vii) outdoor areas to be used by the public (e.g. patios).

#### **B4.1.4 Farm Winery**

Farm wineries (which may also include farm cideries and other similar uses) are considered to be an *agricultural use* and may be permitted in the Agricultural, Special Agricultural and Rural designations subject to the following:

- a) A minimum of 2 hectares (5 acres) must be planted with vines, apple or other fruit trees;
- b) The fruit used in the annual production of wine at a farm winery shall consist predominately of fruit grown in the *County* of Grey by that farm winery operation. This may be reduced in any one year due to crop failure or damage resulting from causes beyond the control of the winery, such as climate and precipitation abnormalities, with the balance being from Ontario fruit; and,
- c) The retail sale of wine produced on-site shall be permitted, provided that it does not conflict with any minimum floor area requirement for licensing approval, on-site tasting room and retail floor space shall not exceed the lesser of 100m<sup>2</sup> or 25 percent of the total winery floor area (excluding any below ground floor area). The on-site retail floor space for non-agricultural and/or non Grey

County agricultural products, shall not exceed 5 percent of the total retail floor space.

#### **B4.1.5 Minimum Distance Separation Formulae**

The *Minimum Distance Separation* (MDS) Formulae I and II shall be used to determine appropriate separation distances for new or expanding livestock facilities and new or expanding non-farm lots or uses. The Town Zoning By-law shall incorporate the MDS Formulae.

In the case of a catastrophe (e.g. barn or non-farm structure destroyed in a fire), MDS shall not be applied provided that the building is proposed no closer to the livestock facility or non-farm structure than before the catastrophic event. However, should a landowner wish to expand the livestock facility beyond what had existed prior to the catastrophic event which results in higher values for Factor A, B and/or D as part of the MDS calculations, then MDS II shall be used.

The purposes of MDS, cemeteries should be considered a Type B land use when performing MDS calculations. However, cemeteries may be treated as a Type A land use when the cemetery is closed and receives low levels of visitation.

MDS shall not be applied to existing vacant lots in a manner what would prohibit the development of the lot unless such prohibition has been implemented through zoning.

In accordance with Minimum Distance Separation Implementation Guideline # 8, in instances where a severance is being proposed with an existing dwelling on it, Minimum Distance Separation Formulae 1 shall only be applied to any livestock facilities which are currently on the same lot as the dwelling, but would be on a separate lot following the severance. Minimum Distance Separation Formulae 1 is not applied to severances where an existing dwelling is being severed and there is an existing livestock facility on a separate lot.

#### **B4.1.6 Development in Proximity of a Primary Settlement Area**

New non-farm *development* within 500 metres of the Thornbury-Clarksburg Settlement Area boundary shall be limited to existing lots, where minor infilling and rounding out of existing *development* may be considered. Prior to *development* the applicant must demonstrate that the *development* is *compatible* with adjacent uses and would not create or contribute to hard servicing problems or would not prejudice future *development*. Non-farm lot creation within 500 metres of the Thornbury-Clarksburg Settlement Area boundary shall not be considered.

#### **B4.1.7 Best Management Practices**

Sound farm land management practices including the management of woodlots, the establishment of windbreaks, the proper cultivation of valley slopes and bottom lands, and the sound design of agricultural land drainage schemes shall be encouraged. Clearing of forested areas will not be permitted except in conformity with the County Forest Management By-law, as amended.

#### **B4.1.8 Small-scale Commercial or Industrial Uses**

*Small-scale* commercial or *industrial* uses must be directly supportive and related to the farm operations in the area.

For accessory retail commercial uses on farm properties:

- a) the use must be clearly associated with and located on a farm property;
- b) the retail component floor area can not exceed 250 m<sup>2</sup>; and,
- c) the majority of the products offered for sale, in terms of monetary value, must be produced or manufactured on the farm property.

The development of a new commercial or *industrial use* on a farm property may be subject to site plan control in accordance with the policies of this Plan.

### **B4.2 AGRICULTURAL**

#### **B4.2.1 Objectives**

It is the intent of this plan to:

- recognize agriculture as the primary activity and land use;
- maintain and protect the agricultural resource base of the Town;
- protect land suitable for agricultural production from *development* and land uses unrelated to agriculture;
- permit uses which support the agricultural industry;
- protect and promote the agricultural *character* of the Town and to encourage the maintenance of a productive agricultural area; and
- promote best management practices and land stewardship.



#### **B4.2.2 Location**

Lands designated Agricultural as shown on Schedule A are considered to be *prime agricultural lands* and larger blocks of good agricultural land under active production in accordance with the *County of Grey Official Plan*.

#### **B4.2.3 Permitted Uses**

The principal use of land in the Agricultural designation shall be agriculture and uses connected with the conservation of water, soil, wildlife and other natural resources. Permitted uses include:

- a) all types and sizes of *agriculture uses* and related buildings and structures;
- b) a farm residence;
- c) accessory residential uses on farm properties subject to Section B4.1.1 or B2.7;
- d) *bed and breakfast establishments* subject to Sections B2.5.1;
- e) market gardening and nurseries;
- f) small scale *on-farm diversified uses*;
- g) *agriculture-related uses*;
- h) *forestry* and reforestation;
- i) passive recreational uses, such as walking trails;
- j) nature interpretation centres on lands owned by a public authority;
- k) an estate or farm winery subject to Sections B4.1.3 and B4.1.4;
- l) *agri-tourism uses* subject to Section B4.1.2;
- m) sand and/or gravel operations on lands identified as aggregate resource areas on Appendix 1;
- n) licensed aggregate operations on lands identified as mineral resource extraction on Appendix 1; and,
- o) wayside pits and quarries and *portable asphalt plants* for road works in the area, but shall not include the stockpiling of sand-salt mixtures.

A limited amount of non-farm land uses may also be permitted within the Agricultural designation if there is a demonstrated need for additional land to be utilized to accommodate the proposed use and there are no reasonable alternative locations, which would avoid agricultural areas. Permitted non-farm uses may include residential uses located on existing lots or lots created in accordance with the consent policies of this Plan.

Airports, utilities, transmission towers, designated historic sites and other *infrastructure* shall be permitted on existing lots of record or new lots in accordance with the consent policies of this Plan.

All uses in the Agricultural designation shall be designed, located and managed to not detract from the primary role of the agricultural area.

The erection of a mobile home, as defined in the implementing Zoning By-law, is not permitted on a lot, unless the mobile home is located within an existing and legally recognized mobile home park or is being used to accommodate farm help in accordance with Section B4.1.1 of this Plan.

In order to preserve and support the historic social and cultural needs of a unique segment of the *County's* existing rural community whose primary means of transportation is horse drawn vehicles, *Council* may permit by amendment to the Zoning By-law the establishment of such uses as churches, schools, cemeteries, community halls and other similar *institutional uses* only on existing lots of record. In all cases, the establishment of more than one *institutional use* shall be clustered with a singular *institutional use* for this purpose.

#### **B4.2.4 Consents**

##### **B4.2.4.1 The Creation of New Lots**

In accordance with the intent of this Plan to maintain and protect the agricultural resource of the Town and direct the majority of new residential growth to settlement areas or existing vacant building lots, a consent for one lot may be permitted provided the original farm parcel is a minimum of 40 hectares. In this regard, the options for consent are to create a:

- a) farm parcel of generally 40 hectares in size provided the retained farm parcel is also generally 40 hectares in size; or,
- b) lot to accommodate a surplus dwelling.

The size of farm lots should generally be 40 hectares to discourage the unwarranted fragmentation of farmland. These policies are not intended to prevent the creation of smaller farm parcels that are of a size appropriate for the type of *agricultural use(s)* common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operation. In order to determine if a proposed farm

parcel is sufficiently large enough to maintain flexibility for future changes, the applicant shall demonstrate that similar continuously active farm operations exist in the area, which are of a comparable size and type.

However, new lots for public airports, *infrastructure*, utilities, transmission towers, conservation purposes (acquired by an approved conservation organization), and historic sites designated under the Ontario Heritage Act, shall be exempt from the requirements for lot density and size requirements identified above but shall be permitted only in the following circumstances:

- a) The new lot shall only be as large as is necessary for the purposes required.
- b) Except for severances for conservation purposes by an approved conservation organization, the applicant shall demonstrate that the objectives for which the new lot is proposed cannot be achieved by easement, right-of-way, or other form of consent.
- c) In cases where more than one land use designation applies to a property, the proposed non-farm consent shall not be within the Agricultural designation if the other designation(s) permits the consent.
- d) Severances for conservation purposes by an approved conservation organization in the Agricultural designation need to satisfy the policies of this Plan and shall not result in the creation of a new building lot.

#### **B4.2.4.2 Surplus Farm Consents**

A severance may be permitted where a residence is deemed surplus to a farm operation as a result of farm consolidation, provided that:

- a) The owner of the lands to be severed is a 'bona fide farmer'. For the purposes of this policy, the 'bona fide farmer' must have a Farm Business Registration number. A 'bona fide farmer' shall be defined as to include a limited company, sole proprietorship, incorporated company, numbered company, partnership and other similar ownership forms;
- b) The lot proposed for the residence and buildings surplus to the farming operation shall be limited in area and shall only be of sufficient size to accommodate the residence surplus to the farming operation, *accessory buildings* (where including *accessory buildings* does not render the lot excessively large), a well and a sewage disposal system, while ensuring that as little land as possible is removed from the agricultural lands;

- c) The remnant parcel shall be rezoned to prohibit the future erection of a residential dwelling of any type on the agricultural lands provided that a residential dwelling does not exist at the time of severance;
- d) The severance of a residence surplus to a farming operation must comply with *Minimum Distance Separation* (MDS) Formulae I in accordance with Section B4.1.5 of this Plan.
- e) The existing residence is habitable at the time of application.

#### **B4.2.4.3 Other Types of Consents**

Consents may be granted where the land being conveyed is to be added to an existing farm and non-farm uses, or to provide for minor lot line adjustments or correct lot boundaries. The granting of such a consent shall not be permitted if it results in the creation of an undersized remnant lot except in the case of a lot created for conservation purposes by a conservation authority or conservation organization. Justification shall be provided to demonstrate the appropriateness of the land area to be severed (i.e. land need, servicing, parking, etc.).

Consents may be considered for lot adjustments for legal or technical reasons such as easements, corrections to deeds, quit claims and minor boundary adjustments, which do not result in the creation of a new lot.

*Infrastructure*, utilities and transmission towers may be permitted by easement, right of way or other forms of consent only.

#### **B4.2.5 Implementing Zoning By-law**

All lands designated Agricultural shall be placed in an Agricultural Zone in the implementing Zoning By-law.

### **B4.3 SPECIAL AGRICULTURAL**

#### **B4.3.1 Objectives**

It is the intent of this Plan to:

- maintain and protect lands capable of producing apples and tender fruits;
- recognize the role of specialty croplands in the region and *enhance* their capacity to contribute to the economy of the Town; and,
- maintain the *character* of the Town created by the presence of orchard lands.

### **B4.3.2 Location**

Lands designated Special Agricultural as shown on Schedule A represent contiguous areas in the Town where orchard lands are the primary land use. It is the intent of this Plan to protect these lands while permitting a *compatible* range of land uses that are appropriate and *compatible* within the Special Agricultural designation.

### **B4.3.3 Permitted Uses**

The principle use of land in the Special Agricultural designation is apple and/or tender fruit production and storage facilities. Permitted uses include:

- a) all types of *agricultural uses* and related buildings and structures;
- b) a farm residence;
- c) accessory residential uses on farm properties subject to Section B4.1.1 or B2.7;
- d) market gardening and nurseries;
- e) farm related uses such as home/rural occupations;
- f) *bed and breakfast establishments* subject to Section B2.5.1;
- g) retail sales of farm produce accessory to an agricultural use;
- h) *forestry* and reforestation;
- i) small scale industrial or commercial uses subject to Section B4.1.8 of this Plan;
- j) passive recreational uses, such as walking trails and nature interpretation centres on lands owned by a public authority;
- k) an estate or farm winery subject to Sections B4.1.3 and B4.1.4;
- l) *agri-tourism uses* subject to Section B4.1.2 of this Plan; and,
- m) sand and/or gravel operations on lands identified as aggregate resource areas on Appendix 1;
- n) licensed aggregate operations on lands identified as mineral resource extraction Appendix 1; and,
- o) wayside pits and quarries and *portable asphalt plants* for road

works in the area, but shall not include the stockpiling of sand-salt mixtures.

The relevant Development Policies set out in Section B4.1 also apply.

The erection of a mobile home, as defined in the implementing Zoning By-law, on a lot is not permitted, unless the mobile home is located within an existing and legally recognized in a Zoning By-law mobile home park or is being used to accommodate farm help in accordance with Section B4.1.1 of this Plan.

#### **B4.3.4 The Creation of New Lots for Agricultural Purposes**

The creation of a non-farm parcel by the consent process shall not be permitted within the Special Agricultural designation. The creation of new lots for *special agricultural* purposes may be considered by Council in accordance with Section B4.2, provided the agriculturally productive size of both the severed and retained lots is at least 10 hectares. Consents may be granted on lands designated Specialty Agricultural provided the creation of the new lot can be justified to the satisfaction of the Town. In this regard, applicants must:

- a) Submit a farm/business plan that:
  - i) describes how the soil conditions, climate and location are appropriate for the proposed specialized farm use;
  - ii) describes the proposed specialized agricultural use in detail;
  - iii) describes the capital investment that is to be made;
  - iv) identifies the market area for the product; and,
  - v) forecasts the income that would be generated by the proposed use.
- b) Demonstrate experience and/or training with the type of specialized agricultural use being proposed.
- c) Demonstrate that the new lot can be used for other *agricultural uses* that are common to the area if the lot ceases to be used for specialized agricultural purposes. In order to assist the Town in this regard, the applicant shall provide a report prepared by a qualified agrologist that:
  - i) describes the nature of farming operations in the area; and,

- ii) describes what types of *agricultural uses* are feasible on the lot if the use of the lot for a specialized agricultural use ceases.
- d) Demonstrate that the remnant parcel will continue to be viable for agricultural use after the severance has been granted. To assist *Council* in determining the viability of the remnant parcel, an agricultural viability report shall be prepared by a qualified agrologist. This report shall review:
  - i) the quality of soils;
  - ii) the nature of the existing farming operation, if one exists; and,
  - iii) the potential uses of the remnant parcel.

#### **B4.3.6 Other Types of Consents**

Consents may be granted where the land being conveyed is to be added to an existing farm and non-farm uses, or to provide for minor lot line adjustments or correct lot boundaries. The granting of such a consent shall not be permitted if it results in the creation of an undersized remnant lot. Justification shall be provided to demonstrate the appropriateness of the land area to be severed (i.e. land need, servicing, parking, etc.).

Consents may be considered for lot adjustments for legal or technical reasons such as easements, corrections to deeds, quit claims and minor boundary adjustments, which do not result in the creation of a new lot.

*Infrastructure*, utilities and transmission towers may be permitted by easement, right of way or other forms of consent only.

#### **B4.3.7 Implementing Zoning By-law**

All lands designated Special Agricultural shall be placed in a Special Agricultural Zone in the implementing Zoning By-law.

#### **B4.4 RURAL**

##### **B4.4.1 Objectives**

It is the intent of this Plan to:

- protect the rural *character* of the Town and the maintenance of those elements which contribute to the open space *character* of the countryside;

- prevent the intrusion of land uses which are incompatible with the rural *character* and/or resource activities of the area;
- protect land suitable for agricultural production from *development* and land uses unrelated to agriculture;
- encourage a range of land uses which provide an economic benefit to the Town and to support appropriate on-farm diversified uses including eco-tourism;
- promote the agricultural industry and associated activities and *enhance* their capacity to contribute to the economy of the Town;
- provide for the *development* of recreational uses which are *compatible* with the rural and agricultural *character* of the Town;
- ensure that new recreational uses will not have an impact on the environmental and hydrogeological resources of the Town; and,
- ensure that the scale of *development* is *compatible* with the role and function of the rural area.

#### **B4.4.2 Location**

The Rural designation as shown on Schedule A applies to those rural lands in the Town which are not considered to be *prime agricultural area*, and the predominant land use within will be agriculture and *forestry*.

#### **B4.4.3 Permitted Uses**

Permitted uses include:

- a) all types of *agricultural uses* and related buildings and structures;
- b) a farm residence;
- c) accessory residential uses on farm properties subject to Section B4.1.1 or B2.7;
- d) *bed and breakfast establishments* subject to Section B2.5.1;
- e) market gardening and nurseries;
- f) small scale *on-farm diversified uses*;
- g) *agriculture-related uses*;
- h) *forestry* and reforestation;



- i) passive recreational uses, such as walking trails;
- j) nature interpretation centres on lands owned by a public authority;
- k) an estate or farm winery subject to Sections B4.1.3 and B4.1.4;
- l) *agri-tourism uses* subject to Section B4.1.2;
- m) sand and/or gravel operations on lands identified as aggregate resource areas on Appendix 1;
- n) licensed aggregate operations on lands identified as mineral resource extraction on Appendix 1;
- o) wayside pits and quarries and *portable asphalt plants* for road works in the area, but shall not include the stockpiling of sand-salt mixtures.
- p) farm related uses such as home/rural occupations;
- q) small scale industrial or commercial uses subject to Section B4.1.8 of this Plan;
- r) retail sales of farm produce;
- s) veterinary clinics;
- t) commercial dog kennels subject to Section B4.4.4.4 of this Plan;
- u) open air recreational uses such as golf courses, conservation clubs, cross country ski facilities and mountain bike facilities subject to Section B4.4.4.5 of this Plan;
- v) *institutional uses* subject to Section B4.4.4.3; and,

#### **B4.4.4 Development Policies**

##### **B4.4.4.1 Non-farm Land Uses**

For any non-farm land uses to be permitted within the Rural designation, all of the following must be satisfied:

- a) That *development* on improved agricultural land shall be discouraged. Where *development* is proposed on improved agricultural land (i.e. land that is currently or has been previously used for farm purposes) it must be demonstrated that no reasonable alternative exists. The investigation for a reasonable alternative shall be limited to the lot to be developed.

- b) If municipal services are not available, on existing lots of record or new lots, evidence of the site's suitability to provide an adequate *quality and quantity of water* supply and that the site can accommodate an approved sanitary sewage disposal system. Evidence of the site's suitability for an adequate quantity and quality of water supply shall be provided in the form of an evaluation conducted in accordance with Ministry of the Environment Guidelines (or any municipal procedure that achieves the same objective). In cases where new *development* is being proposed in proximity to existing *development*, the provision of neighbouring well water records may be sufficient to determine adequacy of water supply.

Evidence of the site's suitability to accommodate an approved sewage disposal system shall be provided in the form of an evaluation conducted in accordance with Ministry of the Environment Guidelines or the Ontario Building Code, where applicable.

In addition to the above-noted requirements, for existing lots of record less than 0.4 hectares, evidence of the site's suitability to accommodate a sewage disposal system shall be accompanied by an evaluation conducted in accordance with Ministry of the Environment Guidelines (or any municipal guideline that achieves the same objective), regarding Reasonable Use.

- c) That adequate drainage and outlets are available for storm water runoff. Approval of drainage provisions may be required from the Town, the *County*, the Ministry of Transportation and/or the *Conservation Authority* having jurisdiction.
- d) That access to the site is from a public highway of reasonable construction and open and maintained on a year round basis and is appropriate for the use proposed. Access must not result in traffic hazards due to poor sight lines or proximity to an intersection.
- f) That no ribbon *development* along roadways will result from the *development*. Ribbon *development* shall mean a strip of four or more contiguous non-farm lots, less than 20 hectares along an existing road.
- g) An amendment to the Town's Zoning By-law is required for *development*, *redevelopment* or *intensification* of existing lots less than 0.4 hectares, for small scale commercial and *industrial uses*, institutional *development*. All zoning by-law amendments under

this section shall be required to establish provisions *compatible* with the rural landscape.

#### **B4.4.4.2 Consent Policies**

- a) New lot creation shall be permitted only via consents in accordance with the conditions of the general consent policies of this Plan.
- b) All consents for new lot development shall be no smaller than 0.8 hectares in area, the frontage-to-depth ratio for non-farm lots shall be approximately 1:3 and a maximum density of two lots may be considered (plus the retained lot), by the consent process, per 40 hectares. Justification to go beyond the 1:3 frontage-to-depth ratio shall be justified in a development application. The lot density shall be determined based on the original Township lot fabric (i.e. as determined by the original crown survey) and shall be pro-rated up or down based on the size of the original Township lot. For example in cases where the original Township lot is 80 hectares a maximum of four lots may be considered (plus the retained).
- c) The creation or acquisition of a lot by a public body (e.g. for a road deviation) will not be considered as a previous severance providing this does not result in an additional buildable remnant lot.
- d) The above-noted lot density, lot size and lot frontage policies would not apply where a lot is being created for conservation purposes by an approved conservation organization.
- e) Consents are permitted where the land being conveyed is to be added to an existing use provided the severed and retained lots are greater than 0.4 hectares each.
- f) Consents may also be granted to correct lot boundaries.
- g) Non farm lot creation shall not be permitted within an area identified as aggregate resource area on Appendix 1 to this Plan.

#### **B4.4.4.3 Institutional Uses**

New *institutional uses* may be permitted subject to an amendment to the implementing Zoning By-law.

#### **B4.4.4.4 Commercial Dog Kennels**

Commercial dog kennels may be permitted in the Rural designation subject to an amendment to the implementing Zoning By-law. Before considering such an amendment, *Council* shall be satisfied that:

- a) the size of the proposed dog kennel is appropriate for the area;
- b) the building housing the dog *kennel* and the associated dog runs is set back at least 100 metres from lot lines;
- c) the noise emanating from the kennel will not have an adverse impact on the enjoyment of adjacent properties;
- d) an appropriate animal waste management plan is put in place; and,
- e) an undue concentration of dog kennels does not already exist in the general vicinity of the proposed kennel.

A new dog kennel shall also be subject to a Site Plan Agreement in accordance with this Plan. A noise assessment may be required to support the application.

#### **B4.4.4.5 Recreational Uses**

The *development* of new recreational uses shall require an amendment to the Zoning By-law and shall be subject to Site Plan Control. Before considering an amendment to the Zoning By-law, *Council* shall be satisfied that:

- a) the proposed use or expansion is *compatible* with the rural *character* of the area;
- b) the *development* can be designed and sited to blend in with surrounding land uses;
- c) the proposed use or expansion is located where it will not impact existing agricultural operations on adjacent lands;
- d) the proposed use can be serviced with an appropriate water supply and means of sewage disposal;
- e) if an expansion is proposed, the entire use is serviced by an appropriate water supply and means of sewage disposal;
- f) the proposed use is to be accessed by open maintained municipal roads that can accommodate the increased traffic generated by the proposed use;
- g) the proposed use can be appropriately buffered from adjacent residential uses; and,
- h) an appropriate monitoring program, administered by the landowner and reviewed by the Town, which serves to monitor the

impact of the use on the quality and quantity of the groundwater, surface waters and the environment in general is developed.

**B4.4.5 Implementing Zoning By-law**

All lands designated Rural shall be placed in a Rural Zone in the implementing Zoning By-law.

**B4.4.6 Special Site Policies**

**B4.4.6.1 Schedule A – Part Lots 5 and 6, Concession 8**

These lands may also be used for a gun and sportsman club and related uses.

B4.5 HAMLET AREA

**B4.5.1 Objectives**

It is the intent of this Plan to:

- recognize the existing Tertiary Settlement Areas, as identified in the County Official Plan, that provide a limited opportunity for growth but also provide retail/commercial functions to local residents and the surrounding agricultural community;
- carefully control new residential *development* in the hamlets in order to maintain the *character* and scale of these areas; and,
- provide opportunities for *small-scale* commercial and tourism related uses that are *compatible* with the *character* and scale of the areas.

**B4.5.2 Location**

The Hamlet Area designation as shown on Schedule A applies to developed and undeveloped lands within the settlements of Ravenna and Heathcote as identified in the *County* Official Plan.

Changes to the boundaries (eg. an expansion) of these Hamlets as shown on Schedule A of this Plan will require an Amendment to this Plan, the *County* of Grey Official Plan and Niagara Escarpment Plan, as applicable, and will be subject to the comprehensive review policies of this Plan.

**B4.5.3 Permitted Uses**

Permitted uses on lands designated Hamlet Area include:

- c) Be restricted to one lock-off per *village commercial resort unit*, and,
- d) Be restricted to a maximum of 20% of the total number of *village commercial resort units* within a *village commercial resort unit complex*.

#### 4.18 MINIMUM DISTANCE SEPARATION

No *residential*, institutional, commercial, industrial or recreational use, located on a separate *lot* and otherwise permitted by this By-law shall be erected or enlarged unless it complies with the Minimum Distance Separation (MDS I) formula calculated using the Province's Minimum Distance Separation (MDS) Formulae as amended from time to time.

Notwithstanding any other *yard* or *setback* provision in this By-law, no livestock facility shall be erected or enlarged unless it complies with the Minimum Distance Separation Formula (MDS II) calculated using the Province's Minimum Distance Separation (MDS) as amended from time to time.

#### 4.19 MODEL HOMES AND TEMPORARY SALES OFFICE

*Model homes* and a *temporary sales office* shall only be permitted on lands that have received Draft Plan of Subdivision or Condominium approval for *residential* purposes provided that:

- a) Not more than 10% of the total number of *residential* units contained in the Draft Approved Plan of Subdivision are constructed as *model homes* to a maximum of 3 *model homes*;
- b) The *model home* is built within a *lot* defined by the Draft Approved Plan of Subdivision; and,
- c) The *model home* complies with all other requirements of this Zoning By-law for the applicable type of *dwelling unit*.
- d) The *temporary sales office* is limited to a maximum period of three years and that the temporary sales office is not used for human habitation.

#### 4.20 MULTIPLE USES AND ZONES ON ONE LOT

- a) Where any *building*, *structure* or *lot* is used for more than one purpose as provided by this By-law, the said *building*, *structure* or *lot* must comply with the provisions of this By-law relating to each *use*.
- b) Where a *lot* is divided into more than one *zone*, each portion of the *lot* must be used for a purpose that is permitted within

each applicable *zone*. *Accessory buildings or structures* must be located in the same *zone* as the *main building*. In no case shall the *zone* boundary function as a *lot* line for the purposes of determining required *setbacks* and *minimum yards*. Notwithstanding the above, the maximum permitted *lot coverage* shall apply only to the portion of the *lot* that is within each respective *zone*, as required.

#### 4.21 NON-COMPLYING BUILDINGS AND STRUCTURES

A *non-complying building* or *structure* that does not comply with this By-law, but which was legally erected/alterd in accordance with a by-law that was in effect in accordance with Section 34 of the Planning Act R.S.O. c. P. 13 as amended at the time of construction and/or alteration may be replaced, enlarged, repaired or renovated provided that the replacement, enlargement, repair or renovation does not further encroach into a required *yard* and does not in any other way increase a situation of non-compliance.

#### 4.22 NON-COMPLYING LOTS

A *lot* in existence prior to the effective date of this By-law that does not meet the *lot area* and/or *lot frontage* requirements of the applicable *zone*, is permitted to be used and *buildings* and *structures* thereon be erected, enlarged, repaired or renovated provided the *use* conforms with the By-law and the *buildings* or *structures* comply with all of the other provisions of this By-law.

#### 4.23 NON-CONFORMING USES

No lands shall be used and no *building* or *structure* shall be used except in conformity with the provisions of this By-law unless such *use* existed before the date of passing this By-law and provided that it has continued and continues to be used for such purpose, and that such *use*, when established, was not contrary to any By-law in force at that time.

#### 4.24 ON-FARM DIVERSIFIED USES AND OTHER RURAL USES

A Winery, Agricultural Tourism use or Home Industry may occur individually, together, and/or with a Farm Produce Outlet on a lot where each is otherwise permitted.

Where a Farm Winery, Agricultural Tourism use or Home Industry is located together on a lot with a Farm Produce Outlet, the gross floor area and storage areas of all such uses on the lot shall contribute to

the calculation of maximum permitted floor and storage areas for the Farm Produce Outlet in Section 4.26.3.

#### 4.24.1 Agri-Tourism Uses

Temporary or seasonal Agri-Tourism uses are permitted accessory to an agricultural use on lots of at least 10 hectares in size, subject to the following provisions:

- a) Retail sales are permitted in conjunction with a Home Industry, Seasonal Agricultural Stand, Farm Produce Outlet, or Farm Winery, as otherwise permitted by this By-law;
- b) The use shall not include a restaurant or banquet hall nor any accommodation component (e.g. tourist establishment, campground, trailer park, etc.);
- c) Where a petting zoo, children's playground or outdoor activity is provided as part of an Agricultural Tourism use, it shall be setback a minimum of 30.0m from any lot line and may include equipment typical of a school playground such as swings, slides, and climbers and may not include motorized vehicles and/or rides;
- d) Associated buildings or structures (e.g. picnic shelters, washrooms, dedicated areas within on-farm buildings) shall not exceed a combined gross floor area of 75 square metres.

#### 4.24.2 Farm Wineries

Farm Wineries are subject to the following provisions:

- a) A minimum of 2.0 hectares must be planted with vines, apple or other fruit trees; and
- b) The retail sale of wine produced on-site shall be permitted, provided any on-site tasting room and retail floor space does not exceed the lesser of 100 square metres or 25% of the total winery floor area (excluding any below ground floor area). The on-site retail floor space for non-agricultural and/or non-Grey County agricultural products shall not exceed 5% of the total floor area.

#### 4.24.3 Estate Wineries

Estate wineries are subject to the following provisions:

- a) A minimum 8 hectares (20 acres) must be planted with vines, apples trees or other fruit trees;
- b) The retail sale of wine and wine related products, and a hospitality room where food and wine is prepared and



served, will be permitted when such *uses* are *accessory* to complement the estate winery; and,

- c) The maximum total floor area for retail and hospitality *uses* shall be 400 square metres so as not to detract from the main *use* of the land and not adversely affect other *uses* permitted in the area.

#### 4.24.4 Farm Produce Outlet

Where a Farm Produce Outlet is identified as a permitted use in a zone, the use is permitted subject to the following:

- a) On a lot 10.0 hectares or greater in the Special Agricultural or Rural zones, or on a lot 20 hectares or greater in the Agricultural zone, the maximum gross floor area of the farm produce outlet shall be 250 square metres; and
- b) Outdoor storage is permitted up to a maximum of 750 square metres.

#### 4.24.5 Home Industries

Home Industries are subject to the following provisions:

- a) Maximum size of a home industry:
  - i) On a lot 20 hectares or greater, the maximum gross floor area dedicated to the home industry shall be 250 square metres;
  - ii) On a lot at least 4 hectares, but less than 20 hectares, the maximum gross floor area dedicated to the home industry shall be 25% of the gross floor area of the dwelling unit, or where in an accessory structure, a maximum of 55 square metres.
- b) The use shall be clearly secondary and accessory to the principal use on the same lot;
- c) Only the sale of goods that are primarily manufactured, processed, fabricated, or produced on the premises shall be permitted;
- d) Outdoor storage of goods or materials, and outdoor display and sales areas, related to a home industry shall be permitted in the rear yard and interior side yards only;
- e) Only currently licensed motor vehicles, associated with the home industry, shall be parked or stored on the lot and within an interior side or rear yard;

- f) No external advertising other than a sign erected in accordance with The Town of The Blue Mountains Sign By-law is permitted in conjunction with the home industry;
- g) The following uses shall not be permitted as a home industry:
  - i) Adult entertainment establishment;
  - ii) Dating/escort services;
  - iii) Taxi service depot/dispatch establishments and limousine businesses; and
  - iv) Any use involving the storage, repair, maintenance and/or towing of motor vehicles or recreational trailer or vehicles.

## 4.25 PHASED CONDOMINIUMS

Unless provided elsewhere, where a plan of condominium is proposed to be developed as a phased condominium as defined and set out in the Condominium Act, S.O. 1998, Chapter 19 the lands shall be considered as one singular property for the purpose of determining conformity with the provisions of the Zoning By-law and temporary *lot* lines created as a result of the phasing shall not be considered.

## 4.26 PLANTING STRIP REQUIREMENTS

### 4.26.1 Planting Strip – Location

- a) A 3.0 metre-wide *planting strip* adjacent to the full length of the *lot line* shall be required:
  - i. Where a *lot* in an Institutional (I), Recreation (REC) or any Commercial Zone [except in the Bruce Street/Marsh Street Corridor and Village Commercial (BMC and C1) Zones] abuts an interior side or *rear lot line* of a *lot* in any Residential Zone;
  - ii. Where a *lot* zoned Residential Three (R3) abuts a *lot* zoned Residential One (R1) or Residential Two (R2);
- b) Where a *lot* in any Employment or Industrial Zone abuts an *interior side or rear lot* of a *lot* in any Residential Zone, a 5.0 metre-wide *planting strip* shall be required adjacent to the full length of the *lot line*;
- c) Where *parking areas* are connected to *parking areas* on adjacent *lots*, a *planting strip* is not required; and,
- d) Where there is an opaque wall or opaque fence having a height of 1.5 metres or more, the width of the *planting strip* may be reduced to 1.8 metre in width.

# PART 8.0

## AGRICULTURAL, RURAL, RECREATIONAL AND OTHER ZONES

### 8.1 ZONES

Uses permitted in the Agricultural, Rural, Recreational and Other Zones are denoted by the symbol 'X' in the column applicable to that Zone and corresponding with the row for a specific permitted use in **Table 8.1**.

If a number(s) follows the symbol 'X' or identified permitted use, then one or more special provisions may apply. Special provisions are listed below **Table 8.1** (if applicable).

**Table 8.1 – Agricultural, Rural, Recreational and Other Zone Use Permissions**

Permitted Use	A	SA	RU	D	H	W	I	REC1	REC2	REC3	P	OS	PU
Accessory Apartment	X	X	X	X (3)									
Accessory Farm Employee Accommodation	X	X	X										
Agricultural Use	X	X	X	X	X (4)	X (1)						X (1)	
Agri-Tourism Use	X	X	X										
Arena							X						
Base lodge								X				X (1)	
Cemetery							X						
Child Care Centre							X	X	X				
Commercial Greenhouse	X	X	X										
Community Centre							X						
Conservation Use	X	X	X	X	X (6)		X	X	X	X		X	
Conservation Use - Wetland						X							
Emergency Service Facility							X						
Farm Produce Outlet	X	X	X										

Permitted Use	A	SA	RU	D	H	W	I	REC1	REC2	REC3	P	OS	PU
Farm Winery	X	X	X										
Forest management	X	X	X	X	X (6)	X (1)		X	X	X		X	
Golf course					X (6)				X				
Golf Driving Range									X				
Group Home	X	X	X				X						
Home Child Care	X	X	X	X (3)									
Home Industry	X	X	X										
Home Business	X	X	X	X (3)									
Hospital							X						
Library							X						
Long Term Care Facility							X						
Museum							X						
On-Farm Diversified Use	X	X	X										
Outdoor Recreation Use					X (6)			X	X	X		X (1)	
Parking Lot											X		
Parking Garage											X		
Passive Recreational Use	X (6)	X (6)	X	X									
Place of Worship							X						
Private Club								X	X	X			
Private park					X (1)		X	X	X	X		X (5)	
Private Recreational Use								X	X	X			
Private School							X						
Public Park	X	X	X		X	X	X	X	X	X	X	X	
Public School							X						
Recreational Establishment							X	X	X	X	X	X (5)	
Residential Care Facility							X						
Retirement Home							X						
Single Detached Dwelling	X	X	X	X (5)						X (2)			
Ski-Lift Facility								X					
Ski Resort								X					
Snack bar								X	X	X			
Veterinary Clinic			X										

## Special Provisions

- (1) Existing *uses* only. All *buildings* or *structures* are prohibited, unless for flood or erosion control.
- (2) Only permitted accessory to an existing *campground* or *trailer park* for gatekeeper or caretaker.
- (3) Only permitted within a *single detached dwelling* that existed on the effective date of this By-law.
- (4) Only existing *golf courses* are permitted.
- (5) No *buildings* or *structures* are permitted, except for the following:
  - a) Renovated or minor expansions to existing *buildings* and *structures* which were legally established on the date of passage of this By-law;
  - b) Non-habitable *buildings* connected with *public parks* (i.e. picnic shelters);
  - c) Flood and erosion/sedimentation control *structures*;
  - d) Fences, provided they will not constitute an obstruction or debris catching obstacle to the passage of flood waters or create or aggravate an erosion problem; and,
  - e) Recreational facilities, as approved by the Niagara Escarpment Commission, on lands identified as being prominent escarpment slope. *Buildings* and *structures* (excluding docks and *boathouses* which are portable or floating in nature) will be *setback* 30 metres from all lakes.
- (6) *Passive recreational uses* shall only be permitted on lands owned by a *public authority*.

## 8.2 ZONE STANDARDS

Regulations for *uses* permitted in Section 8.1 are set out in **Table 8.2**. A number(s) following the *Zone* standard, *Zone* heading or description of the standard, indicates that one or more special provisions apply. These special provisions are listed below **Table 8.2**.

**Table 8.2 - Agricultural, Rural, Recreational and Other Zone Standards**

Zone Standard	A	SA	RU	D	H & W	I	REC1	REC2	REC3	P	OS	PU	
Minimum <i>lot area</i> (ha)	40.0 (2)	10.0 (2)	20.0 (2)	(1)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Minimum <i>lot frontage</i> (m)	150.0			(1)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Minimum <i>front yard</i> (m)	15.0			(1)	N/A	7.5					9.0 (3)	5.0	
Minimum <i>exterior side yard</i> (m)	15.0			(1)	N/A	4.0	7.5					9.0 (3)	5.0
Minimum <i>interior side yard</i> (m)	8.0			(1)	N/A	4.0	7.5					9.0 (3)	5.0
Minimum <i>rear yard</i> (m)	15.0			(1)	N/A	7.5					9.0 (3)	5.0	
Maximum <i>height</i> (m)	11.0			(1)	N/A	11.0					4.5	11.0	

**Special Provisions**

- (1) As existing on the date of passing of this By-law.
- (2) For lots 2.0ha or less, the regulations and permitted uses of the Residential R1-4 zone shall apply with the exception of lot frontage and lot area requirements which shall be as existing at the date of passing of this By-law.
- (3) A minimum distance of 12.0m shall be provided from a public street and a minimum of 15.0m shall be provided from any residential zone.