

**THE CORPORATION OF THE
TOWNSHIP OF OTONABEE-SOUTH MONAGHAN**

BY-LAW NO. 2021-18

Being a By-law under the provisions of Sections 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to amend By-law No. 2010-65, as amended, the Township of Otonabee-South Monaghan Comprehensive Zoning By-law, with respect to certain lands located in Part of Lot 21, Concession 7, Otonabee, Township of Otonabee-South Monaghan.

WHEREAS By-law No. 2010-65 was passed under the authority of Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, and regulates the use of land and the use and erection of buildings and structures within the Township of Otonabee-South Monaghan;

AND WHEREAS the Council of the Township of Otonabee-South Monaghan conducted a public meeting in regard of the subject application as required by Section 34(12) of the *Planning Act*, R.S.O. 1990, as amended;

AND WHEREAS Section 34 of the *Planning Act*, R.S.O. 1990, as amended, permits Council to pass an amending Zoning By-law, and the Council of the Township of Otonabee-South Monaghan deems it advisable to amend By-law No. 2010-65 with respect to the lands described in this By-law;

AND WHEREAS the matters herein are in conformity with the provisions of the Official Plan of the Township of Otonabee-South Monaghan;

NOW THEREFORE the Council of the Township of Otonabee-South Monaghan hereby enacts as follows:

1. THAT By-law No. 2010-65, as amended, is hereby amended as follows:

- (a) Section 3 of By-law 2010-65, as amended, entitled "Definitions", is hereby amended by deleting and replacing the following terms:

"AGRICULTURE/AGRICULTURE USE means the growing of crops including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fiber including poultry or 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 seasonal accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

HOME INDUSTRY Home Industries include, all the uses permitted as a Home Occupation, together with uses such as, but not limited to workshops (carpentry, metal working/welding, electrical, plumbing), small engine repair, and a landscaping or landscape contracting business, and a nursery greenhouse, but shall not include Cannabis Production and Processing.

HOME OCCUPATION means a home business conducted for gain or profit entirely within a dwelling unit by a person residing therein. Home occupations include uses such as but are not limited to, an office, personal service shop, a studio, or a workroom, or similar activity, and a private-home day care operation in a dwelling that does not require a license under the Day Nurseries Act.

FARM PRODUCT RETAIL OUTLET means a temporary building, or part of a building or a structure, in which farm products are offered for sale to the general public on a seasonal basis, and which are predominately produced on the farm where the outlet is located. Farm products may include produce, honey, jams, or wine.

LIMITED ON-FARM ACCOMMODATION means overnight accommodation that is available to farm visitors for short-term stays on a farm property that is in active agricultural production. The accommodation is not intended to be available to the travelling public. Accommodation may include temporary structures such as yurts, bell tents, safari tents, or shepherd's huts, but shall not include trailers. The accommodation aspect shall not be the primary component and shall be associated with the On-farm Diversified Use.

ON-FARM DIVERSIFIED USE 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.”

- (b) Section 4.16 of By-law 2010-65, as amended, entitled “Home Industries” is hereby amended by the deleting and replacing Section 4.16.3, which shall read as follows:

“4.16.3 Size

The maximum floor area of a home industry shall be 100 square metres (1,076.43 square feet).”

- (c) Section 4.23 of By-law 2010-65 as amended, entitled “Minimum Distance Separation Requirements” is hereby amended by the addition of a new subsection numbered 4.23.1, which shall read as follows:

“4.23.1 On-Farm Diversified Uses

Notwithstanding any of the provisions of Section 4.23 to the contrary, MDS I or II setbacks do not apply to On-farm Diversified Uses, unless determined as appropriate under the policies of the Township of Otonabee-Monaghan Official Plan.”

- (d) Section 4.25 of By-law 2010-65 as amended, entitled “Parking Area Regulations”, is hereby amended by the addition of a new subsection numbered 4.25.8, which shall read as follows:

“4.25.8 Agricultural, Agriculture-related and On-Farm Diversified Uses

Adequate off-street parking shall be provided. Number of parking spaces shall be determined based on the use. The general parking provisions in Section 4.25.1 of this By-law can be used as a general guideline. Township staff will assist in determining the number of required spaces.”

- (e) Section 4.26 of By-law 2010-65 as amended, entitled “Prohibited Habitation” is hereby amended by the addition of a new subsection numbered 4.26.1, which shall read as follows:

“4.26.1 On-Farm Diversified Use

Notwithstanding the Provisions of Section 4.26 to the contrary, in the case of agri-tourism and recreation uses associated with an On-farm Diversified Use, limited accommodation may be provided in alternative structures on the farm parcel. These may include, but are not limited to yurts, chuckwagons, or similar small accessory buildings, provided that any applicable OBC requirements are met.”

- (f) Section 4 of By-law 2010-65 as amended, entitled “General Provisions” is hereby amended by the addition of a new section numbered 4.40, which shall read as follows:

“4.40 ON-FARM DIVERSIFIED USES

On-farm Diversified Uses may be located on a farm parcel that is zoned Agricultural (A) or Rural (RU) and is used for agricultural production.

4.40.1 Relationship to Principal Use

The On-farm Diversified Use shall be secondary to the principal agricultural use of the property. The use shall be limited spatially and temporally and shall not interfere with surrounding agricultural operations.

4.40.2 Calculating Acceptable Area Limits

- i. Lot coverage ratio shall be based on the total area occupied by the On-farm Diversified Use relative to the individual farm parcel on which the use is located.
- ii. Up to 2% of the farm parcel on which the use is proposed to be located, to a maximum of 1 hectare may be permitted to be utilized for an On-farm Diversified Use.
- iii. The area of existing, repurposed agricultural buildings will be calculated at 50%, when determining overall area of the proposed On-farm Diversified Use.
- iv. The area of new buildings to be constructed, outdoor storage, septic systems, landscaped areas, berms, laneways and parking will be calculated at 100%
- v. The use of existing laneways and parking areas shared with agricultural uses are not included in area calculations.
- vi. The gross floor area of buildings used for the On-farm Diversified Use shall not exceed 30% of the total area set aside for the On-farm Diversified Use.
- vii. If more than one On-farm Diversified Use is located on a farm parcel, the combined area of all On-farm Diversified Uses should be 2% of the farm parcel up to 1 hectare.

4.40.3 Temporal Limits

The frequency and timing of events or activities associated with the On-farm Diversified Use shall not interfere with cropping cycles, or other agricultural uses on the farm or in the surrounding area.

4.40.4 Emergency Access

Emergency Access shall be provided by means of a driveway at least 6.0 metres (19.69 ft.) in width contained on the farm parcel on which the On-farm Diversified Use is located and leading to an improved public street as defined herein.

4.40.5 Servicing

The farm operator shall demonstrate to the satisfaction of the Township CBO and/or Peterborough Public Health that the On-Farm Diversified Use that there is an adequate supply of potable water available on site, and all relevant sewage disposal requirements under the Ontario Building Code can be complied with, or satisfactory alternate arrangements can be made.

4.40.6 Illumination

Lighting fixtures designed for exterior illumination shall be installed with the light directed downward and deflected away from adjacent lots.

4.40.7 Noise Mitigation and Buffering

The farm operator shall provide the Township with a Noise Mitigation Plan, including but not limited to:

- i. hours of operation,
- ii. location, size and direction of any amplification equipment;
- iii. buffering or sound mitigation measures.

4.40.8 Traffic Impact Considerations

Where a proposed on-farm diversified use is anticipated to generate additional traffic beyond that which is normally associated with a principal agricultural use of a property, the roads authority having jurisdiction may require the farm operator to demonstrate that the entrance is suitable for the proposed use and may require a traffic impact assessment or similar report to be submitted.

4.40.9 Expansion to an On-Farm Diversified Use

On lands zoned Agricultural (A), before a Building Permit can be issued for the expansion to an On-farm Diversified Use, the Township must be satisfied that the criteria established herein for such use or any applicable PPS criteria can be met. In the event that such criteria cannot be met for the use, the building permit(s) may be withheld. The Township will encourage the farm operator to relocate the use to a suitable location outside a prime agricultural area.

On lands zoned Rural (RU) the Township may consider an application for an amendment to the Comprehensive Zoning By-law to recognise the expansion of the On-Farm Diversified Use to a larger-scale business.”

- (g) Section 5.1 of By-law 2010-65 as amended, entitled “Permitted Uses” is hereby amended by deleting subsections 5.1.5-5.1.22, and replacing it with the following:

- 5.1.5** On-farm Diversified Use
- 5.1.6** agriculture-related Use
- 5.1.7** a bed and breakfast establishment
- 5.1.8** a commercial kennel
- 5.1.9** a commercial greenhouse
- 5.1.10** a conservation area including recreation activities, nature study and wildlife areas, or other similar use as provides for the preservation of the natural environment
- 5.1.11** a day nursery
- 5.1.12** a farm produce outlet
- 5.1.13** a feed mill
- 5.1.14** forestry
- 5.1.15** a garden nursery sales and supply establishment
- 5.1.16** a grain cleaning plant
- 5.1.17** a grain drying and storage facility
- 5.1.18** a group home
- 5.1.19** a home industry
- 5.1.20** a home occupation
- 5.1.21** a livestock sales barn
- 5.1.22** a riding or boarding stable
- 5.1.23** a veterinary clinic
- 5.1.24** a wayside pit or quarry”

- (h) Section 5.2 of By-law 2010-65 as amended, entitled “Regulations for Uses Permitted in Section 5.1” is hereby amended by the addition of a new subsection numbered 5.2.13 which shall read as follows:

“5.2.13 Regulations for On-Farm Diversified Uses

- | | | |
|----|---|---------------------------------------|
| a) | Maximum area of all buildings, structures, parking areas outdoor storage, septic systems, landscaped areas, laneways and berms etc. | 2% of farm parcel up to 1 hectare |
| b) | Maximum gross floor area of buildings used for the On-farm Diversified Use | 30% of total area set aside for OFDU” |

- (i) Section 6.1 of By-law 2010-65 as amended, entitled “Permitted Uses”, is hereby amended by deleting subsections 6.1.5-6.1.19, and replacing it with the following:

- “6.1.5** on-farm diversified use
- 6.1.6** agriculture-related Use
- 6.1.7** a bed and breakfast establishment
- 6.1.8** a commercial kennel
- 6.1.9** a conservation area including recreation activities, nature study and wildlife areas, or other similar use as provides for the preservation of the natural environment
- 6.1.10** a farm produce outlet
- 6.1.11** a feed mill
- 6.1.12** forestry
- 6.1.13** a grain cleaning plant
- 6.1.14** a grain drying and storage facility
- 6.1.15** a group home
- 6.1.16** a home industry
- 6.1.17** a home occupation
- 6.1.18** a livestock sales barn

6.1.19 a riding or boarding stable

6.1.20 a veterinary clinic

6.1.21 a wayside pit or quarry”

- (j) Section 6.2 of By-law 2010-65 as amended, entitled “Regulations for Uses Permitted in Section 6.1” is hereby amended by the addition of a new subsection numbered 6.2.13 which shall read as follows:

“6.2.13 Regulations for On-Farm Diversified Uses

- | | | |
|----|---|---------------------------------------|
| a) | Maximum area of all buildings, structures, parking areas outdoor storage, septic systems, landscaped areas, laneways and berms etc. | 2% of farm parcel up to 1 hectare |
| b) | Maximum gross floor area of buildings used for the On-farm Diversified Use | 30% of total area set aside for OFDU” |

2. All other provisions of By-law No. 2010-65, as amended, shall apply.
3. This By-law shall become effective on the date that it is passed by the Council of the Township of Otonabee-South Monaghan, subject to the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, as amended.
4. The Clerk is hereby authorized and directed to proceed with the giving of notice under Section 34(18) of the *Planning Act*, R.S.O. 1990, as amended.

READ a first and second time this 22nd day of March, 2021.

READ a third time and finally passed this 22nd day of March, 2021.

MAYOR JOE TAYLOR

CLERK HEATHER SCOTT