Staff Report
Planning and Development Services

Report To: Committee of the Whole
Meeting Date: July 3, 2019
Report Number: PDS.19.63
Subject: Planning Recommendation Report – Spy Cider House Temporary Use Zoning By-law (808108 24th Sideroad)
Prepared by: Denise Whaley, MSc, MCIP, RPP, Planner II

A. Recommendations

THAT Council receive Staff Report PDS.19.63 “Planning Recommendation Report – Spy Cider House Temporary Use Zoning By-law (808108 24th Sideroad)”; and

THAT Council enact a temporary Zoning By-law Amendment to permit the use of a trailer for an office and two shipping containers for storage, for a period of three years.

B. Overview

This report provides a summary of the public meeting and recommendation on a proposal to allow the Spy Cider House and Distillery to use a vintage trailer as an office space, as well as two shipping containers as storage, on the property known as 808108 24th Sideroad, south of Clarksburg.

C. Background

Spy Cider House and Distillery is a new on-farm business, which will produce hard cider and other alcohol from on-site fruit and other Grey County fruit. Earlier this year, Spy Cider House staff spoke with Planning and Development Services staff about some additional space that they required for office and storage. Although the building is newly constructed, it was found that while the building size and layout operates adequately for production, onsite tasting and retail area, the administrative space was lacking. The temporary use of the proposed structures would allow the business time to become operational, without having to add any new permanent space onto the main building at this time.

Spy Cider House and Distillery staff have applied for a temporary zoning by-law amendment to request permission to have the office trailer and storage structures for a period of three years. A previous staff report PDS.19.60 Information Report for Temporary Use Zoning Amendment (Spy Cider House) outlined the proposal and provided a detailed Planning Analysis, as background for the Public Meeting held on June 10, 2019. That report is found as Attachment 1 to this report.
Summary of the Public Meeting
At the Public Meeting, no member of the public spoke and there were no written comments received from the public.

Agency comments were received from the Historic Saugeen Metis which had no objections or concerns. Grey County Planning Department comments had no concerns with this application, since the use was to support an agricultural business.

No comments were received from Grey Sauble Conservation Authority, however Planning Staff note that the majority of the property is outside the regulated area, and the proposed structures are within the existing building cluster, an already disturbed area. No other site alteration is proposed.

D. Analysis

The Public Meeting Information Report (Attachment 1) outlined the Planning Act, Provincial Policy Statement, and Official Plan policies that apply to this application. The summary of that report was that Staff did not identify any particular concerns at that time. The proposed temporary uses of trailer and storage units would meet the criteria of temporary nature. No issues with traffic or parking are anticipated with these structures, as it should not increase the number of people on the property. The temporary zoning by-law amendment is supported by the Town’s Official Plan Policies.

A draft Zoning By-law amendment is attached to this report (Attachment 2). The new Comprehensive Zoning By-law 2018-65 contains a section specifically to deal with temporary zoning amendments. The proposed zoning change would add the suffix code “t2” to the property’s zone category, with the timeline for expiring of the t2 permission. The main category of Special Agriculture, with an area of Hazard, would not change.

Conclusions
Planning Staff are satisfied that this proposal for temporary use is consistent with the Planning Act, the Provincial Policy Statement and conforms with the County and Town’s Official Plans. Staff have no further concerns with this application and are able to recommend approval of this temporary zoning by-law amendment as drafted in attachment #2.

E. The Blue Mountains Strategic Plan

Goal #1: Create Opportunities for Sustainability
Objective #1 Retain Existing Business
Objective #3 Promote a Diversified Economy
Objective #4 Support Value-Added Agriculture and Culinary Tourism
F. Environmental Impacts

None.

G. Financial Impact

None.

H. In consultation with

Tim Murawsky, Chief Building Official.

I. Public Engagement

The topic of this Staff Report was the subject of a Public Meeting on June 10, 2019. Everyone who provided comments at the Public Meeting or asked to receive notice on this matter, was provided notice of this Staff Report.

J. Attached

1. Staff Report PDS.19.60 Information Report
2. Draft Zoning By-law Amendment

Respectfully submitted,

_______________________________
Denise Whaley
Denise Whaley, MSc, MCIP, RPP
Planner II

_______________________________
Nathan Westendorp
Nathan Westendorp, RPP, MCIP
Director of Planning and Development Services

For more information, please contact:
Denise Whaley, Planner II
planning@thebluemountains.ca
519-599-3131 extension 262
A. Recommendations

THAT Council receive Staff Report PDS.19.60, entitled “Information Report for Temporary Use Zoning Amendment (Spy Cider House), for information only.

B. Overview

This report provides an overview of the application and a preliminary review of the applicable planning policies regarding a Temporary Use Zoning By-law Amendment, requesting permission for a trailer for an office use and two storage containers on the property. Following the public meeting, staff will review all comments received and any additional issues or concerns that are raised. This review will be included in a final recommendation report which will be brought to a future Committee of the Whole meeting for Council decision.

C. Executive Summary

Application File #: P2747

Application Received: May 21, 2019  Application Deemed Complete: May 21, 2019

Official Plan Designation: Special Agriculture and Hazard

Zoning Bylaw 2018-65: Special Agriculture and Hazard

Location: 808108 24th Sideroad (Clarksburg)

Water and Sewer Servicing: Private water and septic system

As part of their business operations, the applicant has proposed the use of a vintage trailer during three seasons, for the purpose of an office space. The trailer would not be hooked up to well and septic system and the washroom would not be used. It is our understanding the intent
would be to allow the trailer to be also taken off site for events elsewhere, as needed. The additional storage is in the form of shipping containers.

D. Background

Location
The location of the Spy Cider House and Distillery is south of Clarksburg at 808108 24th Sideroad. It is an area of active farming, including several orchards (See Figure 2).

Figure 1: Location Map

Figure 2: Aerial Photo
**Current Proposal**

Spy Cider House and Distillery is a new on-farm business, which will produce hard cider and other alcohol from on-site fruit and other Grey County fruit. The original proposal was supported by Town Official Plan policies and zoning provisions and therefore no previous Planning Act approvals were required.

In 2018, the operators of the business requested Council support for their provincial licenses to produce and sell alcohol products. The request was endorsed by Council at that time. It is our understanding that the business is nearly ready for public launch, as soon as they have works completed through their building permits and full provincial licensing.

In spring 2019, Spy Cider House staff spoke with Planning and Development Services staff about some additional space that they required for office and storage. Although the building is newly constructed, it was found that while the building size and layout operates adequately for production, onsite tasting and retail area, the administrative space was lacking. The temporary use of the proposed structures would allow the business time to become operational, without having to add any new permanent space onto the main building at this time.

The application for a temporary use seeks permission for the three structures shown in the Site Plan Figure 3. The “vintage” trailer (similar to an Airstream) would be located near the public area or patio between the main building and the parking area. The shipping containers would be on the east side, outside of the main public area.

**Figure 3: Site Plan**
Planning Policy Review
Staff completed a preliminary document review of the relevant policies that apply to this Proposal. A detailed set of policies that apply is attached to this report as Attachment #2.

Planning Act
The Ontario Planning Act provides municipal Council with the authority to pass temporary use by-laws, under Section 39 of the Act. Temporary use by-laws are for a period of three years, with the ability to seek permission for an extension of time of an additional three years.

The Planning Act requires that in making planning decisions Council must have regard for matters of Provincial Interest, as outlined by Section 2 of the Act and the Provincial Policy Statement. Council must also have regard for the policies of the Official Plan which apply to the lands.

Based on a preliminary review, there does not appear to be concerns with respect to the provisions of the Planning Act.

Provincial Policy Statement (PPS 2014)
The Provincial Policy Statement (PPS) provides more detailed policy direction on matters of provincial interests related to land use planning and development. Within the framework of the PPS, the subject lands are located within a Prime Agricultural Area, on Specialty Crop lands, with a small area of natural hazards. The area of natural hazard is well away from the on-farm business uses.

The PPS supports the viability of agriculture by permitting agriculture-related uses and on-farm diversified uses on Prime Agricultural Lands. The PPS also directs local policies to provide for opportunities for compatible economic activities in Prime Agricultural Areas. Since the use of cidery and on-farm business is supported by the PPS, the temporary structures does not appear to create any identified issues related to the PPS.

County of Grey Official Plan
The property is designated Special Agriculture and Hazard. No development is proposed within the Hazard area.

Provisions support wineries/cideries on farms, and allow for Temporary Use By-laws of up to three years subject to certain criteria. These criteria include the limited investment into the temporary use (so that it may be reasonably removed at a later time, without significant financial hardship), and compatibility with the intent and purpose of the Official Plan. The policies considerations are similar to the Town’s Official Plan.

County staff noted in the comments to the Town that the proposal should have regard for the criteria found within the Plan, otherwise there were no specific concerns noted through the County comments.

Town of The Blue Mountains Official Plan
The property is designated Special Agriculture and Hazard within the Town’s Official Plan, as shown in Figure 4. As noted previously, no development is proposed within the Hazard area.
The Special Agriculture designation supports the use of Farm Winery or Cidery as an on-farm diversified use, where there is a minimum of 2 hectares planted in orchard trees. Retail sales and tasting room are permitted up to 100 square metres in size. The cidery is consistent with these policies.

**Figure 4: Official Plan Map**

Policies also allow for temporary uses through a by-law of up to three years, with ability to extend an additional three years. Criteria for consideration include temporary nature of the uses or structures, limited investment in order to establish the temporary use and any potential financial hardship of removing the temporary use upon termination of the by-law, compatibility and character, parking, traffic, among other considerations.

The proposed temporary uses of trailer and storage units would meet the criteria of temporary nature. No issues with traffic or parking is anticipated with these structures, as it should not increase the number of people on the property.

**Zoning By-law**

The lands are zoned Special Agriculture and Hazard in the Town of The Blue Mountains Zoning By-law 2018-65. A specific zoning map was not included as it is very similar to the Official Plan map.
Shipping Containers are only permitted in certain situations, such as those uses where outdoor storage is permitted. Trailers are not generally permitted as part of a commercial use, unless in a campground.

The Special Agriculture Zone permits a variety of on-farm diversified uses, such as farm winery/cidery, produce outlet, agri-tourism and so on. Only the produce outlet use provides for outdoor storage, and therefore shipping containers or container storage structures are not currently permitted.

The application for a temporary use allows the Town to allow the shipping containers and trailer for a limited period of time, after which the by-law would expire and the uses would be required to be removed. The applicant can apply for an extension one time, of up to three years. The by-law would add an exception to the property dealing with the structures. A draft of this by-law will be included in a follow up staff report.

Council should note that Site Plan Control can be triggered also, if required, which can deal with specific details such as placement of the structures, buffering, removal and so on.

Planning Services Comments
Subject to further comments and review, Planning Services have not yet identified any substantial matters of concern with the proposal. There is adequate room for parking and some significant landscape cover on the lands already. However, should any site plan issues be raised as part of the public process, a site plan application can ensure that impacts, such as timely removal of the structures or visual impacts are adequately addressed.

E. Analysis

The intent of this report is to provide an overview of the proposal and to provide a preliminary review of the applicable planning policy only to highlight matters that may require resolution. Following the public meeting, staff will review all comments received and any additional matters that are raised. This review will be included in a final recommendation report which will be brought to a future Committee of the Whole meeting for Council decision.

F. The Blue Mountains Strategic Plan

Goal #1: Create Opportunities for Sustainability
Objective #3 Promote a Diversified Economy
Objective #4 Support Value-Added Agriculture and Culinary Tourism
Objective #5 Improved Visibility and Local Identity

G. Environmental Impacts

None at this time.
H. Financial Impact

None at this time.

I. In consultation with

Tim Murawsky, CBO; Tim Hendry, Communications and Economic Development Coordinator; Nathan Westendorp, Director of Planning and Development Services.

J. Public Engagement

As noted in this report, the topic of this Staff Report is the subject of a Public Meeting June 10, 2019, the day of the presentation of this report. Those who provided comments at the Public Meeting including anyone who has asked to receive notice regarding this matter, will be provided notice of the follow up Staff Report.

K. Attached

1. Public Notice
2. Detailed Planning Policy Review

Respectfully submitted,

Denise Whaley
MSc MCIP RPP

Nathan Westendorp
RPP, MCIP
Director of Planning and Development Services

For more information, please contact:
planning@thebluemountains.ca
519-599-3131 extension 262
Notice of Public Meeting

Application for a Temporary Use Zoning Amendment

Property Location: 808108 24th Sideroad (Clarksburg)

Public Meeting: June 10, 2019 at 5:00 PM
Town Hall, Council Chambers
32 Mill Street, Thornbury, ON

What is being proposed?

The farm cidery business known as “Spy Cider House and Distillery” has proposed the temporary use of a trailer for an office and two storage containers on the subject lands. The Town received an application for temporary use zoning for these structures. The trailer (Airstream type) would be used for a three-season office, with the ability to be moved off-site for other purposes. The storage containers are for dry and cold storage for the cidery use. An excerpt from a site plan is on the back of this notice.

A temporary use zoning amendment would permit the use of these structures for a period of three years, with the ability to apply for an extension.

The legal description of the property is Part of Lot 23 and Part of Lot 24, Concession 10 (formerly the Township of Collingwood) Town of The Blue Mountains.

What happens at a Public Meeting?

The public meeting is your chance to hear more about the proposal and make your views about it known. You may also speak at the meeting or submit written comments. Information from the public will help Council in their decision-making process, so make sure to have your say!

Any person or agency may attend the Public Meeting and/or make verbal or written comments either in support or in opposition to the proposed amendment.

Where do I find more information?

Visit us in Planning Services, Town Hall during regular office hours Monday to Friday 8:30 a.m. to 4:30 p.m. or contact the planner for this file.

Where do I submit my comments?

Your written comments may be sent to the Town Clerk, Corrina Giles:

By Mail or in Person:
32 Mill St. Box 310,
Thornbury ON, N0H 2P0
Fax: (519) 599-7723
Email: townclerk@thebluemountains.ca

Written comments are requested by Friday, June 7, 2019 so that they may be read at the public meeting for the benefit of everyone in attendance.

When will a decision be made?

A decision on this proposal has NOT been made at this point and will NOT be made at the Public Meeting.

After reviewing the application and any comments received, Town staff will bring a recommendation on this project to a future council meeting.

Want to be notified of a decision?

You must make a request in writing if you wish to receive a notice of any decision of Council on this proposal.

Your rights to appeal a decision:

If a person or public body does not make oral submissions at a public meeting or make written submissions to Town of The Blue Mountains before the by-law is passed, the person or public body is not entitled to appeal the decision of Council to the Local Planning Appeal Tribunal.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to Town of The Blue Mountains before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Questions? Want more information? Ask the Planner!
Denise Whaley, MSc MCIP RPP
Phone: (519) 599-3131 ext 262 or Toll Free (888) 258-6867 Email: planning@thebluemountains.ca
A Note about information you may submit to the Town:

Under the authority of the Municipal Act, 2001 and in accordance with Ontario's Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), all information provided for, or at a Public Meeting, Public Consultation, or other Public Process are considered part of the public record, including resident deputations. This information may be posted on the Town’s website, and/or made available to the public upon request.

This document can be made available in other accessible formats as soon as practicable upon request.
Detailed Planning Policies Section

This attachment provides the most relevant sections of the Planning Act, Provincial Policy, the Official Plans and any other policies and legislation that were considered by staff in review of this proposal. As this proposal is not to create any new land uses and does not create a new lot, rather for a lot boundary adjustment, limited sections of the documents apply.

Relevant Sections of the Planning Act, R.S.O. 1990, c. P.13
Staff reviewed all the sections under Section 2 - Matters of Provincial interest as well as Section 51 (24). The below quoted sections were determined to be most relevant and staff provided comments on how these sections were considered.

Planning Act

Provincial interest

2 The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

(a) the protection of ecological systems, including natural areas, features and functions;

Staff Comment: The Subject Lands do not contain natural heritage features, but are adjacent to features. However, none of these features will be affected by the proposal.

(b) the protection of the agricultural resources of the Province;

Staff Comment: The proposal supports an agricultural business

(k) the adequate provision of employment opportunities;

Staff Comment: The proposal supports the business operation.

(o) the protection of public health and safety;

Staff Comment: Staff have no concerns of public health and safety. The propose use would not increase traffic to the site and will be well within the appropriate setback from the road.

Public works and by-laws to conform with plan

24 (1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith. R.S.O. 1990, c. P.13, s. 24 (1); 1999, c. 12, Sched. M, s. 24.
**Staff Comment:** The proposal was reviewed for general conformity with the relevant Official Plans. Staff are satisfied that the proposal is supported by Town and County Official Plan Policies.

**Part V - Land Use Controls and Related Administration - Zoning by-laws**

34 (1) Zoning by-laws may be passed by the councils of local municipalities:

Restricting use of land
1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.

Restricting erecting, locating or using of buildings
2. For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.

**Staff Comment:** Zoning By-laws are used by Councils to restrict the uses and buildings on lands. However they may be amended by applying for a Zoning By-law Amendment (Subsection 10 of Section 34).

**Temporary use provisions**

39 (1) The council of a local municipality may, in a by-law passed under section 34, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law. R.S.O. 1990, c. P.13, s. 39 (1).

Area and time in effect

(2) A by-law authorizing a temporary use under subsection (1) shall define the area to which it applies and specify the period of time for which the authorization shall be in effect, which shall not exceed three years from the day of the passing of the by-law. 2002, c. 17, Sched. B, s. 11 (2).

**Staff Comment:** The draft by-law will contain the matters noted above, identifying the property, location of structures and period of time to be permitted. Staff are satisfied that the proposal conforms with the requirements of the Planning Act.
Provincial Policy Statement 2014 (PPS 2014)  
Section 4.1 of the PPS states that the policies apply to all decisions made by an approval authority on a planning matter and Section 4.2 confirms that a decision of the council of a municipality shall be consistent with the Provincial Policy Statement. The following excerpts from the PPS were considered relevant to this application and formed part of the staff planning review.

1.0 Building Strong Healthy Communities

Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

Accordingly:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.4 Rural Areas in Municipalities

Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. Ontario’s rural areas have diverse population levels, natural resources, geographies and physical characteristics, and economies. Across rural Ontario, local circumstances vary by region. For example, northern Ontario’s natural environment and vast geography offer different opportunities than the predominately agricultural areas of southern regions of the Province.

1.1.4.1 Healthy, integrated and viable rural areas should be supported by:

- building upon rural character, and leveraging rural amenities and assets;
- promoting regeneration, including the redevelopment of brownfield sites;
- accommodating an appropriate range and mix of housing in rural settlement areas;
- encouraging the conservation and redevelopment of existing rural housing stock on rural lands;
- using rural infrastructure and public service facilities efficiently;
- promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
- providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
h) conserving biodiversity and considering the ecological benefits provided by nature; and
i) providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3.

Staff Comment: The purpose of the proposal is to further support the on-farm business and agricultural uses.

1.7 Long-Term Economic Prosperity
1.7.1 Long-term economic prosperity should be supported by:
   a) promoting opportunities for economic development and community investment-readiness;
   b) providing opportunities for sustainable tourism development;
   c) providing opportunities to support local food, and promoting the sustainability of agri-food and agri-product businesses by protecting agricultural resources, and minimizing land use conflicts;

Staff Comment: As above, the temporary use is a part of the on-farm business.

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.

Staff Comment: The property and area are considered Prime Agricultural Lands, specifically a Specialty Crop area.

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.

Staff Comment: The proposal does not offend the above policy to protect Prime Agricultural Areas and is considered an on-farm diversified use.

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.
**Staff Comment:** The above policy is not offended by the temporary use proposal, which is not anticipated to impact any other agricultural uses in the area.

**Official Plans**

**County of Grey Official Plan Excerpts**

**2.2 Special Agriculture Designation**

**2.2.1 Background**

The Special Agriculture designation applies to those unique areas of the County that lend themselves to the growing of fruits and vegetables. Supporting land uses such as farm produce storage, processing, packaging or sales that must locate close to the farm operation to reduce spoilage and transportation costs are also permitted.

**2.2.2 Uses Permitted Policies**

(1) The Special Agriculture designation on Schedule A shall mean that the predominant use of the lands shall be for agriculture uses and uses connected with the conservation of water, soil, wildlife and other natural resources. The uses permitted include all types of farming, the related buildings and structures, the farm residence, farm related uses such as home/rural occupations, bed and breakfast establishments, residences required for associated farm labour, retail sales of farm produce, market gardening, nurseries, small scale commercial or industrial uses directly supportive and related to the agricultural operation and required in close proximity to the farm operations in the area (such as warehousing, cold storage, packaging or processing plants), forestry and reforestation, sand and/or gravel operations proposed within Aggregate Resource Areas identified on Schedule B, licensed aggregate operations identified as Mineral Resource Extraction on Schedule B, and wayside pits and quarries in accordance with Section 2.7.2 of this Plan.

**Staff Comment:** These policies further support the on-farm diversified use.

(3) A winery shall only be permitted if it is secondary to the principal use(s) of the farm operation and produces value-added agricultural products from the farm operation.

**Staff Comment:** The local policies require the winery/cidery to be limited in size based on the agriculturally planted area. The use is limited to a smaller scale operation without a zoning by-law amendment.

**6.9 Temporary Use By-laws**

By-laws may be passed by a local council, in accordance with the requirements of the Planning Act, to allow the temporary use of land for a purpose that is otherwise prohibited by the Zoning By-law, other than for Garden Suites which may be temporarily rezoned for a period of up to 10 years. Where Garden Suites are permitted, Garden Suites shall generally be located within or in close proximity to the existing cluster of farm or non-farm buildings. A temporary use by-law may not exceed three years, but may be extended for one further three year period.

In adopting a temporary use by-law, council shall have regard to:

- the financial investment required or the establishment of the temporary use;
• compatibility with the surrounding land uses, and approved development;
• the adequacy of services for the intended temporary use;
• access and parking for the intended temporary use;
• an assessment of the impact of the intended temporary use on the social, physical, and economic well-being of the municipality;
• the intent, purpose and direction of this Official Plan.

**Staff Comment:** The types of structures proposed are of a very temporary nature and do not require significant investment to establish or to remove. The structures are expected to be compatible and any specific matters can be dealt with through site plan control, if required.

**Town of The Blue Mountains Official Plan Excerpts**

**B4 RURAL COUNTRYSIDE DESIGNATIONS**

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

**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 100m² 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.

**Staff Comment:** The Spy Cider House meets the requirements in terms of type and size of business as outlined above.

**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.

**B4.3.3 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) an estate or farm winery subject to Sections B4.1.3 and B4.1.4;
- c) *agri-tourism uses* subject to Section B4.1.2 of this Plan; and,

**Staff Comment:** Only the relevant uses were included above. Staff noted that the Spy business and agriculture are permitted in the designation.

**E1.2 TEMPORARY USE BY-LAWS**
The Town may pass temporary use by-laws to apply to private land for uses and circumstances permitted by this Plan, including, but not limited to, for:

- temporary housing;
- temporary tourist uses and facilities;
- *garden suites*; and,
- parking lots for a specific one-time event; and
- Other permitted uses on a temporary basis.

These temporary uses may be authorized for a specific time period up to three years and should be applied where it is considered inappropriate by the Town to permit the proposed use on a permanent or continuing basis and where alternatives such as relocation are not practical. A *garden suite* may be permitted on a property for up to 20 years. A subsequent by-law granting an extension of up to three years may be passed. However, once the by-law has lapsed, the use must cease or otherwise will be viewed as contravening the implementing Zoning By-law.

Prior to the approval of a temporary use Zoning By-law, *Council* shall be satisfied that the following principles and criteria are met:

- a) The proposed use shall be of a temporary nature and shall not entail any major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original use upon the termination of the temporary use;
- b) The proposed use shall be *compatible* with adjacent land uses and the *character* of the surrounding neighbourhood;
- c) The proposed use shall not require the extension or expansion of existing municipal services;
- d) The proposed use shall not create any traffic circulation problems within the area nor shall it adversely affect the volume and/or type of traffic serviced by the area’s roads;
e) Parking facilities required by the proposed use shall be provided entirely on-site; and
f) The owner has entered into an agreement with the Town and/or posted securities, if
   necessary, to ensure that structures associated with a temporary use provision can be
   removed upon
   expiry of the by-law.

Staff Comment: Some of the above matters were addressed previously in this analysis through
the County Official Plan policies. Because of the rural area of the property, matters such as
character and compatibility are not anticipated to be an issue. However, should there be issues
identified, site plan control can be used to address these issues. The temporary structures are
only for additional storage and therefore should not increase the “busyness” of the property,
introduce traffic or parking issues. An agreement can deal with the matter of removal of the
structures.

Town of The Blue Mountains Zoning By-law 2018-65 - Excerpts

PART 3.0 DEFINITIONS:

OUTDOOR STORAGE
Means an area of land used for the outdoor storage of goods and materials in the open air or in
portable objects such as shipping containers in association with the main use of lot and do not
include an outdoor display and sales area.

SHIPPING CONTAINER
Means a freight container that is used for the transportation and storage of goods and
materials that are loaded onto trucks, trains or ships for the purpose of moving of goods and
materials. A shipping container shall also include, but not be limited to the body of a transport
trailer or a straight truck and any prefabricated portable metal storage unit. For the purpose of
this definition, a shipping container does not have wheels or include a motor vehicle or a
transport trailer.

FARM WINERY
Means an agricultural use where fruit is grown and processed into wine, cider or similar uses,
and may include an accessory retail and/or tasting room, of up to 100m2 or 25% of the total
winery floor area.

4.27 PROHIBITED USES
The following uses are not part of any use permitted by this By-law:
  a) The use of any tent, trailer or motor vehicle for human habitation, except where such
tent, trailer or motor vehicle is located in a campground, in a trailer park or in a mobile
home park;
  b) The use of any accessory building or structure for human habitation or for gain or profit,
unless such uses are specifically permitted by this By-law;
  c) The storage or use of shipping containers on a lot unless outdoor storage is specifically
permitted on the lot by this By-law or if the shipping container is permitted on a
temporary basis on a lot in a Residential Zone in accordance with Section 4.30 of this By-law;

d) The use of a truck, bus, coach body or rail car for human habitation or for storage purposes;

**Staff Comment:** As noted above, the proposed use is not currently permitted by the by-law, and therefore this application is required for consideration of the uses.

### 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.

#### 4.24.2 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.

**Staff Comment:** The business would meet the requirements of the new by-law noted above.

### 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**

Farm Winery is permitted in the SA zone.

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

**Staff Comment:** Table 8.2 of the by-law includes the lot standards such as building setbacks. The structures would need to meet the additional requirements of the zoning by-law for setbacks as accessory structures found in Part 4 “General Provisions”.
The Corporation of the Town of The Blue Mountains

By-Law Number 2019 –

Being a By-law to amend Zoning By-law No. 2018-65 which may be cited as "The Blue Mountains Zoning By-law"

Whereas the Council of The Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 2018-65;

And Whereas pursuant to the provisions of Section 39 of the Planning Act, R.S.O. 1990, c. P.13, the By-law may be amended by Council of the Municipality;

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. Schedule “A” Map 2 to Zoning By-law 2018-65, is amended by rezoning a portion of the lands known as Part of Lots 23 and Lot 24, Concession 10, by adding a suffix (t2) to the Special Agriculture (SA) zone, as shown on Schedule “A-1”.

2. Table 11.1 to Zoning By-law 2018-65 is amended by adding the following section:

<table>
<thead>
<tr>
<th>Temporary Use Number</th>
<th>Zone</th>
<th>Temporary Use Provisions</th>
<th>Date Enacted</th>
<th>Date Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>t2</td>
<td>SA-t2</td>
<td>A trailer, may be used as a dry building, for the purposes of office space, and a maximum of two shipping containers may be used as outdoor storage on the lands, for a period not to exceed three (3) years.</td>
<td>July 15, 2019</td>
<td>July 15, 2022</td>
</tr>
</tbody>
</table>

3. That Schedule ‘A-1’ is declared to form part of this By-law.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this 15th day of July, 2019

______________________________
Alar Soever, Mayor

______________________________
Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2019–___ as enacted by the Council of The Corporation of the Town of The Blue Mountains on the 15th day of July, 2019.

Dated at the Town of The Blue Mountains, this _____ day of ______, 2019.

______________________________
Corrina Giles, Clerk
Town of The Blue Mountains
Schedule 'A-1'

By-Law No.__________

Legend

- Subject Lands of this Amendment
- Area to be rezoned from SA to SA-t2

[Map showing the area to be rezoned from SA to SA-t2]