

BY-LAW NO. 44-2012

**OF THE CORPORATION OF
THE TOWNSHIP OF MELANCTHON**

WHEREAS By-law No. 12-79 as amended is the main governing Zoning By-law of the Corporation;

AND WHEREAS the Council of the Corporation of the Township of Melancthon has determined that By-law No. 12-79 should be amended to include provisions concerning on-farm business uses;

AND WHEREAS authority is granted under Section 34 of the Planning Act, to enact such amendments;

NOW THEREFORE be it enacted as a By-law of the Corporation of the Township of Melancthon the following:

1. Section 4, General Agricultural (A1) Zone, of By-law 12-79, as amended, is hereby further amended by adding the following after item h) in subsection 4.2.

“i) an on-farm business use, subject to the provisions of subsection 4.6.”

2. Section 4, General Agricultural (A1) Zone, of By-law 12-79, as amended, is hereby further amended by adding the following subsection after subsection 4.5 and renumbering subsection 4.6 as 4.7.

“4.6 ON-FARM BUSINESS USES PROVISIONS”

The following provisions shall apply with regard to an on-farm business use as permitted in the General Agricultural (A1) zone under the provisions of section 4.2.

- a) In this section, the words “secondary uses to agriculture” mean uses accessory to agriculture that support, promote, or sustain agricultural operations and production.
- b) The following uses may be permitted as on-farm business uses that are secondary uses to agriculture.
 - i. Dry manufacturing, trades and repair services other than an automobile repair shop or public garage
 - ii. Welding and machine shops.
 - iii. Wood working shops
 - iv. Band saw mills with covered storage of saw logs
 - v. Greenhouses and market gardens
 - vi. Garden centres
 - vii. Tree nurseries

- viii. Compatible commercial or retail uses including but not limited to storage and refrigeration of regional agricultural products, and production, sales and marketing of value added agricultural products derived from regional sources
 - ix. Supplemental sources of on-farm income that support and sustain on-farm agricultural operations and production
 - x. Support services that facilitate the production, marketing and distribution of agricultural products
 - xi. On-farm and off-farm sales and marketing of predominantly regional agricultural products and experiences
 - xii. Locally made arts and crafts
 - xiii. Ancillary retail sales and service activities
- c) Ancillary retail commercial sales and service activities, including accessory retail sale of products produced by the on-farm business use, shall be limited to a maximum of 10 percent of the gross floor area of the building.
 - d) Any permitted use shall require a Change of Use Certificate from the Township.
 - e) Only one permitted use is allowed on any qualifying lot.
 - f) The lot shall be eligible for the Farm Property Class tax rate and must be used for a farming business that has a current and valid Farm Business Registration number.
 - g) The minimum lot area shall be 20.23 hectares.
 - h) The minimum lot frontage shall be 150 metres.
 - i) The use and all associated facilities including parking areas shall not exceed a maximum area of 0.4 hectares.
 - j) The use shall be located in a separate building or buildings that are not associated with any other use on the lot.
 - k) All buildings and structures shall be set back a minimum of 22.8 metres from any lot line, 121.9 metres from the closest lot line of a vacant lot having a maximum size of 4.1 hectares, and 121.9 metres from a dwelling on a separate lot.
 - l) The minimum separation distance between on-farm business uses shall be 500 metres.
 - m) The maximum combined total floor area of all buildings shall be 418.06 square metres.
 - n) All buildings shall have a peaked roof and the maximum building height shall be 9.2 metres measured vertically from the abutting finished ground level to the peak of the roof.

- o) All business operations, storage and loading spaces shall be located within fully enclosed buildings.
- p) There shall be a landscaped buffer strip provided between the use and the nearest open public road. The landscaped buffer strip shall consist of either a minimum 2 metre wide continuous strip of land containing or planted with at least one row of coniferous trees having a minimum height of 2 metres and spaced at a maximum of 3 metre centres or containing a continuous 2 metre high tight board fence. Where necessary, driveways and walkways may cross this landscaped buffer strip. Where existing vegetation provides the equivalent of this buffer, no further planting or fencing is required.
- q) The use shall comply with the applicable noise emission standards of the Ministry of the Environment and, where necessary, acoustic fencing, berms or other mitigation measures shall be provided to ensure that off-site sound levels generated by the use meet those standards.
- r) The use shall be operated by the owner of the lot and a maximum of four employees.
- s) The use shall be not be offensive, obnoxious or dangerous to the neighbours or the area by reason of: the emission of light, heat, fumes, noise, vibration, gas, dust, smoke, fire, odour, air or water borne waste or pollution; interference with radio or television; or the significant increase in vehicle traffic due to frequency of deliveries by commercial carriers or patron parking.
- t) There shall be no advertising other than a non-illuminating sign having a maximum size of 1 square metre.
- u) Any permitted on-farm business use shall operate only during any part of the following time periods: between 7:00 a.m. and 7:00 p.m. on Mondays to Fridays and between 8:00 a.m. and 5:00 p.m. on Saturdays.”

3. This by-law shall take effect and shall come into force pursuant to the provisions of and regulations made under the Planning Act.

READ A FIRST AND SECOND TIME THIS 6th DAY OF December, 2012.

Bill Hill
MAYOR

Jennifer Tolner
CLERK

READ A THIRD TIME AND FINALLY PASSED THIS 10th DAY OF January, 2013

Bill Hill
MAYOR

Jennifer Tolner
CLERK