

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 6<sup>th</sup> DAY OF December, 2012.

Bill Hill  
MAYOR

James B. Folmer  
CLERK

READ A THIRD TIME AND FINALLY PASSED THIS 10<sup>th</sup> DAY OF January, 2012.3

Bill Hill  
MAYOR

James B. Folmer  
CLERK



**CORPORATION OF THE TOWNSHIP OF MELANCTHON  
CHANGE OF USE CERTIFICATE APPLICATION**

Township of Melancthon  
157101 Highway 10  
Melancthon, Ontario  
L9V 2E6  
Attention: CAO/Clerk

The undersigned hereby applies to the Township of Melancthon for a Change of Use Certificate for lands shown in Schedule A attached hereto.

Enclosed herewith is a cheque payable to the Township of Melancthon in the amount of \$1,500.00 (\$500.00 fee + \$1,000.00 deposit) for the Township's fee towards the cost of processing this application.

The following is to be completed by the applicant. Please use a separate sheet of paper if there is insufficient room to answer any questions. The plan or plans identified at item 14 of this application must also be provided. Failure to complete the application in its entirety will delay the processing of the application as the CAO/Clerk shall deem the application complete before the application is processed.

**1. Ownership Information**

Owner Name \_\_\_\_\_

Owner Address \_\_\_\_\_

Owner Phone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

Email Address \_\_\_\_\_

**2. Information regarding the Subject Lands**

Lot \_\_\_\_\_ Concession \_\_\_\_\_

Registered Plan No. \_\_\_\_\_ Emergency No. \_\_\_\_\_

Total Lot Area (Metric Units) \_\_\_\_\_

Frontage (Metric Units) \_\_\_\_\_

Depth (Metric Units) \_\_\_\_\_

Farm Business Registration No. \_\_\_\_\_

**3. Proposed On Farm Business Use (please refer to permitted uses under By-law No. 44-2012 attached to this application form)**

\_\_\_\_\_

\_\_\_\_\_



4. Are ancillary retail commercial sales and services proposed? If yes, provide the gross floor area used for such ancillary purposes.

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5. Is there an existing On Farm Business Use on the property? \_\_\_\_\_

6. What is the area of associated facilities including parking areas? \_\_\_\_\_

7. Are there any On Farm Business Uses within 500 metres of the proposed use? \_\_\_\_\_

8. What is the maximum combined total floor area for all buildings to be used for the proposed On Farm Business Use?

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9. What is the maximum building height of the building to be used for the proposed On Farm Business Use?

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10. Does the use comply with all applicable noise and other emission standards of the Ministry of Environment?

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11. Is the proposed use to be operated by the owner? \_\_\_\_\_

12. How many employees? \_\_\_\_\_

13. What is the size of the proposed non-illuminated sign? \_\_\_\_\_

14. **Plan(s) of Property and Proposed Development**

A plan or plans, to be marked as Schedule A, or shown on the attached Schedule A must be provided showing the following in metric units:

- the boundaries and dimensions of the subject lands
- the location, size and type of all existing and proposed buildings and structures on the subject land, indicating their distance from the lot line, rear lot line and side lot lines
- the distance from the proposed On Farm Business Use to the closest lot line of a vacant lot having a maximum size of 4.1 hectares
- the distance from the proposed On Farm Business Use to the nearest dwelling on a separate lot
- the location of all natural and artificial features (i.e. - buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded area, wells and septic tanks, that
  - are located on the subject land and on land that is adjacent to it and
  - in the applicant's opinion, may affect the application
  - the current use of the subject property
- the current uses of land that is adjacent to the subject land
- the location, width and name of any roads within or abutting the subject land indicating whether it is an unopened road allowance, a public travelled road, or private road or right of way
- building elevations of proposed building for the proposed use
- show location and size of all storage and loading areas
- show any required buffers strips, indicating details of plantings
- all drawings must be done to scale and the scale to be shown on the drawings
- applicant must clearly identify all of the existing or proposed buildings that are to be used exclusively for the On Farm Business Use, possibly by using a different colour or shading or by listing them in the legend

15. Statutory Declaration

I/We \_\_\_\_\_

of the Town/Township/City/Municipality of \_\_\_\_\_

in the County/Region of \_\_\_\_\_

solemnly declare that the proposed use will 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. The proposed On Farm Business Use will operate only during any part of the following time period: 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.

All of the above statements and the information contained in this application including Schedule "A" transmitted herewith are true and I make this solemn declaration conscientiously believing it to be true and knowing that it has the same force and effect as if made under oath by virtue of The Canada Evidence Act.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Signature of Owner

Declared before me at the \_\_\_\_\_

in the \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_, 201 .

\_\_\_\_\_  
A Commissioner, etc.

**Please note:** The issuance of a Change of Use Certificate should not be considered as final development approval. The requirements of all other agencies must be met including obtaining any required building permits or permits from the relevant Conservation Authority.

SCHEDULE A