

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON
BY-LAW NO. _____
(OFDU DRAFT AMENDMENT – October 18, 2021)

Being a By-law to amend By-law No. 12-79, as amended, the Zoning By-law for the Township of Melancthon to define and regulate home based business.

WHEREAS the Council of the Corporation of the Township of Melancthon is empowered to pass By-laws to regulate the use of land pursuant to Section 34 of the Planning Act, 1990;

AND WHEREAS Council of the Corporation of the Township of Melancthon wishes to update the definitions and regulations governing home based business and has sought public input with respect to the proposed definitions and regulations;

AND WHEREAS the Council of the Corporation of the Township of Melancthon deems it advisable to amend By-Law 12-79, as amended;

NOW THEREFORE the Council of the Corporation of the Township of Melancthon enacts as follows:

1. Zoning By-law 12-79 as amended, is further amended by deleting Section 2.34 and replacing it with the following new sections:

2.34 ***HOME INDUSTRY*** means a small-scale, legal business activity of an industrial nature accessory to a residential use or agricultural use and conducted entirely within an accessory building. Where a home industry is accessory to an agricultural use, the use shall be located within the farm cluster of buildings, which shall include a dwelling. For the purpose of this definition, a home industry shall not include the repairing, storage or recycling of motor vehicles, mobile homes, boats, heavy equipment and recreational vehicles, which includes, but is not limited to campers, motor homes, motor cycles, all terrain vehicles, personal water craft and snowmobiles.

2.34 a) ***HOME OCCUPATION*** means the use of part of a dwelling unit for a legal business activity that produces a product or service in a manner which is clearly accessory to the principal residential use of the dwelling unit.

2. And Furthermore, Section 2 is further amended by adding the following new subsection after Section 2.55:

2.55 a) ***ON-FARM DIVERSIFIED USE*** means a use, occurring entirely and exclusively within a detached building that is secondary and subordinate to the active and principle agricultural use occurring on a property. Such uses shall be integrated within a farm cluster of buildings which must include a dwelling, and may include, but are not limited to, uses that produce value added agricultural products or provide a service that is supportive of regional agri-business. **For the purpose of this definition, an on-farm diversified use shall not include event facilities, the repairing, storage or recycling of motor vehicles, mobile homes, boats, heavy equipment and recreational vehicles, which includes, but is not limited to campers, motor homes, motor cycles, all terrain vehicles, personal water craft and snowmobiles.**

3. And Furthermore, Section 3 is amended by deleting Section 3.13 and replacing it with the following new section:

3.13 **HOME BASED BUSINESS**

- 1) **Home Occupations**

A home occupation is permitted in any dwelling unit and is subject to the following regulations:

- a) No more than one employee, in addition to the residents of the dwelling unit, shall be engaged in the business;
- b) Any dwelling unit containing a home occupation shall be occupied as a full-time residence by the owner/operator of the business which shall be confirmed by the current address on record with the Municipal Property Assessment Corporation;

- c) *The use is entirely restricted to the dwelling unit and shall not be conducted in whole or in part in any accessory building, yard or private garage;*
- d) *No more than one home occupation shall be permitted in any dwelling;*
- e) *The maximum gross floor area dedicated to the home occupation shall be the lesser of 50 square metres or 25% of the gross floor area of the dwelling.*
- f) *There shall be no goods, wares or merchandise offered or displayed for sale on the premises other than those produced on the premises;*
- g) *There shall be no outside storage of materials, goods or vehicles in conjunction with the home occupation use;*
- h) *There shall be no external advertising other than a sign no larger than 1 square metre that may be placed in the front yard or may be affixed to the exterior wall of the dwelling;*
- i) *A home occupation shall not create noise, vibration, fumes, odour, dust, glare or radiation that is detectable outside of the dwelling unit;*
- j) *Neither a home industry nor an on-farm diversified use shall be permitted uses in conjunction a home occupation; and,*
- k) *The following uses shall not be permitted as a home occupation:*
 - i) *Adult entertainment use;*
 - ii) *Dating/escort services;*
 - iii) *Construction/landscaping contractors' yards;*
 - iv) *Tattoo parlours;*
 - v) *Taxi service depot, delivery or dispatch establishments; and*
 - vi) *Any use involving the storage, repair, maintenance and/or towing of motor vehicles or recreational vehicles*

2) Home Industries

One home industry is permitted on a lot in the General Agricultural (A1) or Specialty Agricultural (A2) Zones subject to the following regulations:

- a) *Not more than 2 employees, who are not residents of the lands utilized for the home industry, shall be permitted;*
- b) *Any lot upon which a home industry is located shall be occupied as a residence by the operator of the business which shall be confirmed by the current address on record with the Municipal Property Assessment Corporation;*
- c) *The building or structure housing the home industry shall be dedicated solely to the home industry and 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.*
- d) *The minimum lot area shall be 2.0 hectares;*
- e) *The maximum gross floor area of any building or structure housing a home industry shall not exceed:*
 - i) *92.9 square metres for lots having a lot area between 2 ha and 10 ha;*
 - ii) *185.8 square metres for lots greater than 10 ha in lot area.*
- f) *The driveway accessing the home industry shall be shared with the driveway that is utilized for the principal use on the lot;*
- g) *The sale of goods shall be limited to those products that are manufactured, processed, fabricated, or produced on the premises;*
- h) *All business operations, storage and loading spaces shall be located within the building or structure housing the home industry;*
- i) *A maximum of two licensed motor vehicles utilized in conjunction with the home industry shall be permitted;*
- ~~j) *Any permitted home industry 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;*~~
- k) *There shall be no external advertising other than a sign no larger than 1 square metre that may be placed in the front yard or may be affixed to the exterior wall of the dwelling; and,*
- l) *Neither a home occupation nor an on-farm diversified use shall be permitted uses in conjunction a home industry.*

3) On-Farm Diversified Uses

- a) *The following uses may be permitted in the General Agricultural (A1) Zone as an On-Farm Diversified Use as a secondary use to an agricultural operation:*
- i) *Dry manufacturing, welding and machine shops and wood working shops; 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) *Agricultural support and contracting 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; and,*
 - xiii) *Ancillary retail sales of on-farm produce and value-added products and service activities.*
- b) *On-farm diversified uses shall be subject to the following regulations:*
- i) *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. **This regulation shall not preclude the establishment of a road side, seasonal farm-produce stand between June and October provided the produce stand is not comprised on any permanent building or structure with a floor area greater than 10 square metres and provided off-street parking can be accommodated.***
 - ii) *Any permitted use shall require a Change of Use Certificate from the Township.*
 - iii) *Only one permitted use is allowed on any qualifying lot.*
 - iv) *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.*
 - v) *The minimum lot area shall be 20.23 hectares **with at least 70% of the land area in an active state of agricultural use.***
 - vi) *The minimum lot frontage shall be 150 metres.*
 - vii) *The use and all associated facilities including parking areas shall not exceed a maximum area of 0.4 hectares.*
 - viii) *The use shall be located in a separate building or buildings that are not associated with any other use on the lot.*
 - ix) *All buildings and structures shall be set back a minimum of 22.8 25 metres from any lot line, **no further than 25 metres from other farm buildings and 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.***
 - x) *The minimum separation distance between on-farm **diversified business uses** shall be 500 metres.*
 - xi) *The maximum combined total **ground** floor area of all buildings shall be 418.06 square metres. **An upper mezzanine shall also be permitted for storage purposes and shall have a maximum floor area of 150 square metres. An office and/or bathroom facility shall also be permitted and shall not exceed 50 square metres in total floor area. Where an on-farm diversified***

use includes a bathroom the building shall be connected to a Class 4 sewage disposal system.

- xii) *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 and shall be located behind the rear wall of the dwelling.*
- xiii) *All business operations, storage and loading spaces shall be located within fully enclosed buildings.*
- xiv) *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.*
- xv) *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.*
- xvi) *The use shall be operated by the owner of the lot and a maximum of four employees.*
- xvii) *The use shall 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.*
- xviii) *There shall be no advertising other than a non-illuminating sign having a maximum size of 1 square metre.*
- xix) ~~*Any permitted on-farm business 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.*~~
- xx) *Neither a home occupation nor a home industry shall be permitted uses in conjunction an on-farm diversified use.*

4. And furthermore, Section 4.6 of Zoning By-law 12-79, as amended, is hereby deleted and Section 4.7 is renumbered to 4.6.

5. In all other respects, the provisions of By-law 12-79, as amended shall apply.

This By-law shall come into effect upon the date of passage hereof, subject to the provisions of Section 34 (30) and (31) of the Planning Act (Ontario).

READ A FIRST AND SECOND TIME on the xxth day of June 2017.

READ A THIRD TIME and finally passed this xxth day of June 2017.

Mayor

Clerk

Note: Draft ZBA was discussed by Committee of the Whole on October 21, 2021 and Committee provided the following comments:

- Reduce minimum distance between OFDU's on separate parcels of land from 500 m to 200 m;
- Sawmills should not be removed;
- Size of shop could increase/decrease depending on separation distance.