

BY-LAW NUMBER 2009-0??

OF

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

BEING A BY-LAW PASSED PURSUANT TO THE PROVISIONS OF SECTIONS 34 AND 36 OF THE PLANNING ACT, R.S.O. 1990, AS AMENDED, TO AMEND ZONING BY-LAW NO. 81-19, AS AMENDED, OF THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE, WITH RESPECT TO ALL LANDS IN THE TOWNSHIP OF UXBRIDGE

WHEREAS the Planning and Development Committee of the Council of the Corporation of the Township of Uxbridge a conducted statutory public meeting, pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, as amended, on the ___ day of ___, 2009 with respect modifications to the regulations for home occupations (home businesses) and the addition of regulations related to home industries;

AND WHEREAS the By-law hereinafter set out conforms with the general intent and purpose of the Official Plans for the Regional Municipality of Durham and the Township of Uxbridge as well as the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan;

AND WHEREAS the Council of the Corporation of the Township of Uxbridge has, pursuant to Section 34 (17) of the Planning Act, R.S.O. 1990, as amended, considered whether further notice is to be given with respect to the By-law prior to the passing thereof and has determined that the By-law hereinafter set out substantially implements the proposal presented at the public meetings with respect to the subject lands held on the ___ day of ___, 2009, and that no further public meeting is necessary.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE HEREBY ENACTS A BY-LAW AS FOLLOWS:

1. THAT the following new definition of "HOME INDUSTRY" be added as Section 1.68 and the current section 1.68 and subsequent sections be renumbered accordingly:

"HOME INDUSTRY

Shall mean a business that is carried on, in accordance with the provisions of this By-law relative thereto, as a small-scale accessory use to a single detached dwelling or agricultural operation and provides a service such as carpentry, meat preparation, plumbing, metalworking, welding, electrical work, blacksmithing, property management, fencing or landscaping primarily to the farming community. However, a home business does not include such uses as an auto repair or paint shop or furniture stripping, commercial storage of vehicles such as boats, school buses, recreation vehicles and snowmobiles, uses which generate hazardous wastes or involve the use of contaminants listed in Schedule 3 (Severely Toxic Contaminants) to

Regulation 347 of the Revised Regulations of Ontario, 1990, a retail store, warehousing, wholesaling, a veterinary clinic, a kennel, or animal boarding.”

2. THAT the definition of HOME OCCUPATION in Section 1.70 be deleted and replaced with the following:

“HOME OCCUPATION

Shall mean an occupation that is carried on, in accordance with the provisions of this By-law relative thereto, as a small-scale accessory use within a dwelling unit that involves personal or professional services or producing custom or artisanal products, such as any office use, craft related use, services such as dressmaking, pet grooming, and hairdressing, and instruction of not more than 6 pupils at any one lesson. However, a home occupation does not include such uses as an auto repair or paint shop or furniture stripping or uses which generate hazardous wastes or involve the use of contaminants listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.”

3. THAT Section 4.1 be amended to add the following new section:

“HOME OCCUPATION AND HOME INDUSTRY USES

Where a single detached dwelling, accessory buildings associated with a single detached dwelling, or buildings and structures associated with farming activities are permitted in the EP Zone, a home occupation or home industry may be permitted in such buildings subject to the regulations of this By-law related to home occupation uses in Section 5.10 and home industry uses in Section 5.28.”

4. THAT Section 4.3.1 b) be amended by adding the following at the end of subsection v.:

“and a home industry use in accordance with the provisions of Section 5.28 hereof”

5. THAT Section 4.4.1 b) be amended by adding the following at the end of subsection iv.:

“and a home industry use in accordance with the provisions of Section 5.28 hereof”

6. THAT Section 4.20.1 c. be modified by the addition of the following at the end of the section:

“including a home occupation on a farm in accordance with the provisions of Section 5.10 hereof, and a home industry on a farm in accordance with Section 5.28 hereof”

7. THAT the last sentence of Section 4.22 be modified by the addition of the following at the end of the sentence:

“including a home occupation on a farm in accordance with the provisions of Section 5.10 hereof, and a home industry on a farm in accordance with Section 5.28 hereof”.

8. THAT Section 5.1 a. be modified by adding in the first sentence, after the phrase “accessory use,” and before the phrase “but shall not” the following phrase:

“including the storage of personal vehicles such as snowmobiles, antique cars, and recreational vehicles,

9. THAT Section 5.10 entitled “HOME OCCUPATION” of Zoning By-law No. 81-19, as amended, is hereby amended as follows:

i) by deleting subsection a. and replacing it with the following:
“No more than one person, other than the operator of the business who shall be an occupant of the dwelling unit and other occupants of the dwelling unit, shall be engaged in the home occupation.”

ii) by adding at the end of subsection c. the following:
“or create noise, vibration, fumes, odour, dust, glare or radiation which is evident outside the dwelling unit”

iii) by deleting subsection e. and replacing it with the following:
“There shall be no goods, wares or merchandise offered for sale on the premises, other than those produced on the premises, with the exception that the telephone, internet or mail order of sale of goods, wares and merchandise shall be permitted, provided that the customers do not enter the premises to inspect, purchase or take possession of goods.”

iv) by adding at the end of subsection f. the following:
, including any outside processing or outdoor display of materials or finished products

v) by adding the following new subsection i.:
“Commercial motor vehicles shall only be permitted to be parked on the lot in accordance with the provisions of Section 5.15 g. of this By-law, and, in addition, one parking space shall be provided for any employee who does not reside in the dwelling unit.”

10. THAT Section 5, GENERAL ZONE PROVISIONS, of Zoning By-law No. 81-19, as amended, is amended by adding the following new subsection, 5.28 entitled “HOME INDUSTRY” as follows:

“5.28 HOME INDUSTRY

The following regulations shall apply to a home industry use:

- a. Home industry uses may be carried out in a legally existing single detached dwelling; a legally existing single detached dwelling and an accessory building or buildings; or solely in an accessory building or buildings to a legally existing single detached dwelling or farm.
- b. No more than three people, other than the operator of the business who shall be an occupant of the single detached dwelling or operator of the farm, and other occupants of the single detached dwelling, shall be engaged in the home business.
- c. There shall be no display, other than a sign erected in conformity with the By-laws of the Township, to indicate that any part of the single detached dwelling or farm is being used for a purpose other than a single detached dwelling or farm.
- d. The home industry shall be clearly secondary to the main permitted residential and/or farm uses and shall not change the character of the single detached dwelling or farm buildings, nor create or become a public nuisance or create noise, vibration, fumes, odour, dust, glare or radiation which is evident outside the single detached dwelling or accessory building or buildings.
- e. There shall be no goods, wares or merchandise offered for sale on the premises, other than those produced on the premises, with the exception that the telephone, internet or mail order of sale of goods, wares and merchandise shall be permitted, provided that the customers does not enter the premises to inspect, purchase or take possession of goods.
- f. There shall be no outside animal enclosures or external storage of goods or materials associated with the home industry use.
- g. An underground or above-ground storage tank may be permitted provided it is equipped with an approved secondary containment device.
- h. Not more than 25 percent of the gross floor area of the single detached dwelling shall be used for the purposes of the home industry. Where an accessory building or buildings is being used, either solely for the home industry or in addition to the space in the single detached dwelling, the maximum gross floor area of an accessory building or buildings being used for the home industry shall be 93 sq. metres.
- i. There shall be no more than four commercial motor vehicles or pieces of equipment parked on the lot. The commercial motor vehicles shall not exceed a one ton capacity. In addition, one parking space shall be provided for each employee who does not reside in the dwelling unit.

- j. Any accessory building or buildings being used for the home industry use shall be located a minimum of 6 metres from any property line.”
11. THAT Zoning By-law No. 81-19, as amended, is hereby amended to give effect to the foregoing, but Zoning By-law No. 81-19, as amended, shall in other respects remain in full force and effect save as may be otherwise amended or hereinafter dealt with.
12. THAT this By-law shall come into force on the date it is passed by the Council of the Corporation of the Township of Uxbridge subject to the applicable provisions of the Planning Act, R.S.O. 1990, as amended.

READ A FIRST, SECOND and THIRD time and finally passed on the – day of ____, 2009.

BOB SHEPHERD
MAYOR

DEBORAH LEROUX