

- iv) The implementing Zoning By-law shall contain specific regulations pertaining to the establishment and operation of home occupations, including the maximum permitted floor area devoted to a home occupation, display of goods and storage, signs, limitations on employees, and the permitted types of home occupation uses.
- v) The retail sales of goods is limited to products which are:
 - a) incidental to the main use, such as sale of selected shampoos by a hair stylist
 - b) made on the property by persons residing there, such as hand-knit sweaters

3.20.2 Home Industries

Home industry means a small-scale industrial establishment that operates entirely within a separate accessory building on the same property as the home of the proprietor. Home industries include uses such as a carpentry shop, furniture repair and refinishing, a metal/welding shop, small engine repair, or similar activity.

The following policies shall apply to home industries:

- i) Home industries shall be established and operated only in those land use designations where they are identified as a permitted use.
- ii) The establishment of small-scale industrial uses in an accessory building on the same lot as the proprietor shall be permitted provided that the use is compatible with surrounding uses.
- iii) Adequate off-street parking shall be provided.

The implementing Zoning By-law shall establish provisions to regulate home industries including, but not limited to, the maximum building floor area, the minimum lot area, display of goods and storage, signs, the maximum number of employees, and the permitted types of home industry uses.

3.21 EXISTING LAND USES

Any land use existing at the date of approval of this Plan that does not conform with the land use designations as shown on Schedule “A” as a general rule, should cease to exist in the long

term. In special instances however, it may be desirable to permit the extension or enlargement of such a non-conforming use in order to avoid unnecessary hardship. It is the intention of this Plan that such extensions and enlargements shall be handled through the use of Section 34(10) or Section 45 of the *Planning Act*.

3.21.1 Non-Conforming Uses - Extension Or Enlargement

For the purposes of this Official Plan, a non-conforming use is a lawful and specific use, building, structure or land existing at the date of the passing of the implementing Zoning By-law which does not fulfil the requirements of the use provisions for the zone in which it is located, but which may continue to be used for such purposes or activities, provided there is no change in that use. In accordance with Section 34 (10) of the *Planning Act*, any application for the extension or enlargement of a “non-conforming use” shall be dealt with in the following manner:

3.21.1.1 Existing Single Detached Dwellings

Existing single detached dwellings which are not located on an improved public road may be enlarged or replaced with a new single detached dwelling provided the enlargement is in accordance with the implementing Zoning By-law.

3.21.1.2 Feasibility of Acquisition

The Municipal Council shall determine the feasibility of acquiring the property concerned at the time of application or, if possible, some future date of holding, selling, leasing or redeveloping the property in accordance with the provisions of the *Planning Act*. At the same time consideration shall be given to the possibility of relocating the use under consideration to a designated and zoned location where it would be able to function and produce under improved conditions in accordance with the policies of this Plan.

3.21.1.3 No Amendment to Official Plan

If, after investigation, municipal acquisition of the property does not appear to be feasible but the special merits of the individual case make it desirable to grant permission for the extension or enlargement of the non-conforming use, Council may consider passing a Zoning By-law Amendment pursuant to Section 34 (10) of the *Planning Act*. Such by-law may then be passed without amending this Plan, provided it complies with the policies of Section 3.19.1 of this Plan.

3.21.1.4 Municipal Council Consideration

The Municipal Council, before passing such a By-law, shall be satisfied that any of the following requirements which are relevant to the specific application for the extension or enlargement of the use are, or will be, fulfilled in order to safeguard the wider interests of the general public:

- i) That the proposed or enlargement of the established use shall not unduly aggravate the situation created by the existence of the use, especially in regard to the policies of the Official Plan and the requirements of the implementing Zoning By-law applying to the area;
- ii) Where an extension or enlargement is proposed in an environmentally sensitive area, the MNR and the Conservation Authority shall be consulted;
- iii) That the proposed extension or enlargement shall be of an appropriate proportion to the size of the use established prior to the passing of the implementing Zoning By-law;
- iv) That an application which would affect the boundary areas of different land use designations on the Land Use Plan will only be processed under this policy, if it can be considered as a “minor adjustment” permitted under the flexibility clause of Section 8.16 of the Official Plan without the need for an amendment. Any major variances will require an amendment to the Official Plan;
- v) That characteristics of the existing use and the proposed extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odours, lighting and traffic-generating capacity. No amendment to the implementing By-law shall be made if one or more of such nuisance factors will be created or increased so as to add essentially to the incompatibility of the use with the surrounding area;
- vi) That the neighbouring uses will be protected, where necessary, by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisances, and where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc. Such provisions and regulations shall be applied to the proposed extension or enlargement and, wherever feasible, be also extended to the established use in order to improve its compatibility with the surrounding area;

- vii) That traffic and parking conditions of the vicinity will not be adversely affected by the application, and traffic hazards will be kept to a minimum by appropriate design of ingress and egress points to and from the site and improvement of sight conditions, especially in proximity to intersections;
- viii) That adequate provision has been, or will be made for the off-street parking and loading facilities; and
- ix) Applicable municipal services such as storm drainage, water supply and roads, etc. are adequate or can be made adequate.

3.21.1.5 Council Decision

Council will not pass a Zoning By-law Amendment pursuant to Section 34(10) of the *Planning Act* before being satisfied as to the policies contained in Section 3.19 hereof.

3.22 COMMITTEE OF ADJUSTMENT

Section 45 of the *Planning Act* concerns applications to the Committee of Adjustment. The Committee may authorize minor variances from the provisions of Implementing Zoning By-laws or such other By-laws, as considered appropriate by Council. The Committee shall only approve a minor variance if in the opinion of the Committee such variance meets the tests of a minor variance, as set out in Section 45 of the *Planning Act*.

3.23 PUBLIC USES

Public parks, public utilities, public road and railway right-of-ways, and other public uses shall be permitted within all land-use designations provided that the use is necessary in the area, and measures are taken to reduce any environmental impact or incompatibility with surrounding uses. No buildings or structures will be allowed in an identified floodplain without the written approval of the appropriate Conservation Authority. Notwithstanding the above permitted uses, buildings accessory to the use shall generally not be permitted within the Environmental Protection designation.

Notwithstanding the above, public uses may be permitted upon lands designated as Agricultural subject to demonstrating the following:

- i) The lands do not comprise a specialty crop area;