

2. Notwithstanding the foregoing, limitations prescribed or practices recommended by Transport Canada with respect to height limitations and appropriate lighting in the vicinity of airfields shall prevail.

### 3.14 HOME BASED BUSINESSES

**Home based businesses** shall be permitted as **accessory** to any **dwelling unit** or **secondary dwelling unit**, not including **garden suites**, in any **Zone** that permits **residential uses** in accordance with the following:

1. Permitted Uses

The scope of permitted **home based businesses** shall be any of those that fall within any of the following categories subject to provisions (2) to (4) of this Section:

- a. Professional and consulting services (examples: architect, financial advisor, accountant, consultant, legal services, physician, telemarketing, surveyor, computer services);
  - b. Instructional services (examples: music lessons, dance, art and academic tutoring);
  - c. Home craft businesses (examples: quilting, pottery, jewellery, visual arts, woodworking, small scale assembly);
  - d. **Day care centre**;
  - e. Distribution sales **offices**, distribution sales, or mail order sales (e.g. cosmetics, clothing or small household supplies);
  - f. **Offices** for contractors and trades (examples: plumbing, heating, electrical, carpentry);
  - g. Repair services, not including small engines (examples: small appliance, computers);
  - h. High technology uses (examples: internet services, **office call centres**, desktop publishing, hardware and software development);
  - i. Personal care services limited to one chair or customer at a time (examples: hairdressing/cutting, massage therapist, aesthetician but excludes the use of a tattoo parlour as a **home based business**). (2018-52)
2. Notwithstanding provision (1) of this Section, instructional services and **day care centres** are not permitted **home based businesses** within **dwelling units** located in **apartment dwellings**, above **commercial uses**, or in **dwellings accessory to commercial**, institutional or **industrial uses**;
  3. An **eating establishment**, **take-out eating establishment**, **medical clinic**, **kennel**, laundry service, any retail or wholesale store or vending outlet, **animal hospital**, multiple chair personal care service, small engine repair, **place of amusement**, **funeral home**, mortuary, small engine repair, automobile repair, **tourist commercial establishment**, workshop, **storage yard**, machine shop, **automobile repair garage**, convalescent home, the storage of automobiles, buses, boats, **recreation vehicles** and other **vehicles**, or any **use** that cannot be categorized under provision (1) of this Section shall not be

permitted as a **home based business**;

4. An **animal day care establishment** shall be permitted as a **home based business**, provided that the number of household pets being kept within such **animal day care establishment** does not exceed three (3) at any one time;
5. Permitted **home based businesses** are subject to the following provisions:
  - a. **Home based businesses** shall not become a nuisance because of noise, odour, dust, fumes, vibration, radiation, glare, traffic or parking;
  - b. **Home based businesses** shall not become a fire or building hazard or health risk;
  - c. **Home based businesses** shall not interfere with radio, television or other telecommunications transmissions;
  - d. The operator(s) of the **home based business** must reside in the **dwelling unit** in which the **home based business** is conducted;
  - e. No more than one (1) **home based business** may be conducted within a **main dwelling unit**, and no more than one (1) **home based business** may be conducted within any other type of **dwelling unit**;
  - f. On-site non-resident **employees** are prohibited in association with any **home based businesses** located within a **secondary dwelling unit** or **dwelling units** located in an **apartment dwelling**, above **commercial uses** or **accessory** to institutional, **commercial** or **industrial uses**. In all other cases, a maximum of two (2) on-site non-resident **employees** are permitted per **main dwelling unit**;
  - g. **Home based businesses** shall not be permitted in **accessory buildings** or **structures**. Where an **attached** garage is converted for use as part of a **home based business**, the garage shall be converted to a habitable portion of the **dwelling** and the required parking for the **dwelling unit** must continue to be legally provided on the **lot**;
  - h. Home Based Business Size
    - i. Where a **home based business** is located in an **attached garage** that has been converted in accordance with provision (4)(f) of this Section, the cumulative size of a **home based businesses** must not exceed a maximum **gross floor area** of 55 m<sup>2</sup> [592.02 ft<sup>2</sup>]; and
    - ii. In all other cases, the cumulative size of a **home based business** must not exceed 25% of the **dwelling unit's gross floor area** or 48 m<sup>2</sup> [516.67 ft<sup>2</sup>], whichever is lesser.
  - i. **Outdoor storage** is prohibited;
  - j. Signage
    - i. There shall be no external display or advertisement other than an unlit or non-illuminated **sign** measuring no more than 0.33 m<sup>2</sup> [3.55 ft<sup>2</sup>], indicating to persons outside that a part of the **dwelling** is being used for a purpose other than residential;

- ii. Such signage may be mounted, affixed, painted or imprinted onto the **building** where the business is being conducted, or **erected** perpendicular to a **street** or road (e.g., free standing sign) up to a maximum **height** of 1.5 m [4.92 ft]. A permitted **sign erected** in a **front** or **exterior side yard** shall be **setback** at least 1.5 m [4.92 ft] from the **front** and **exterior side lot lines** and shall not be located within a **sight triangle**; and
- iii. Any sign **erected** or installed shall also conform to the provisions of any Signs By-law as may from time to time be enacted by the City of Pembroke. In the case of a conflict between the provisions of this By-law and the provisions of any such Signs By-law, the more stringent of the two shall prevail;
- k. Where a **home based business** sells merchandise on the premises, it shall only sell those items that are made on the premises. Notwithstanding the foregoing, telemarketing and mail order sales are permitted provided that any merchandise purchased is delivered or mailed directly to the customer;
- l. No mechanical or electrical equipment shall be used except that which is reasonably consistent with the **use** of a **dwelling unit**;
- m. Where instruction services are carried out as a **home based business**, not more than five (5) pupils shall be accommodated at any given time;
- n. Day Care Centres
  - i. Notwithstanding provision (1) of this Section, **day care centres** shall not be permitted in **secondary dwelling units** or **dwelling units** located in an **apartment dwelling**, above **commercial uses** or **accessory** to institutional, **commercial** or **industrial uses**;
  - ii. Notwithstanding provision (4)(e), only one (1) **day care centre** is permitted in any one **dwelling unit**; and
  - iii. **Day care centres** shall not accommodate more than five (5) children; and
- o. **Home based businesses** shall not receive clients, customers or deliveries between the hours of 9:00 pm (2100 hours) and 7:00 am (0700 hours).

### 3.15 LANDSCAPED OPEN SPACE AND BUFFER STRIPS

- 1. In any **Zone**, any portion of any **front yard** which is not used for any other permitted **use** shall be devoted to **landscaped open space**;
- 2. Any land used for **landscaped open space** shall be included in the calculations of the **lot area**, yard area, and **yard setback** requirements as set forth in this By-law;
- 3. Any land used as a **buffer strip** may form part of any required **landscaped open space** and any required **yard**, and shall be included in the calculations of the **lot area**, yard area and **yard setback** requirements as set forth in this By-law;
- 4. Where **landscaped open space** or a **buffer strip** is required as buffering, such landscaping shall be