

MEMORANDUM

May 5, 2009

Mr. Richard Vandezande
Manager of Development Services
Township of Uxbridge
51 Toronto Street South
P.O. Box 190
Uxbridge, Ontario
L9P 1T1

Dear Mr. Vandezande:

Re: Home Occupation and Home Industry Uses

The Township Official Plan and Zoning By-law currently permit home occupations, subject to conditions.^a Home industries are permitted, subject to conditions, only in the rural areas for which the Regional Official Plan provides the primary policy framework. The Township Official Plan does not permit such uses in other areas, and there are no regulations in the Zoning By-law with respect to home industries.

The Township has received a number of applications and inquiries for home industry uses, primarily in the Oak Ridges Moraine. In addition, both the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan (ORMCP) have introduced additional conditions with respect to home business uses which are not reflected in the Township's Zoning By-law. To ensure a consistent policy and regulatory approach to the review of applications for such uses, an evaluation of the relevant policy framework, and the approach used by other municipalities has been undertaken. Based on this review, Official Plan policies and Zoning By-law regulations are proposed for consideration by the Township. In addition, the potential for the use of licensing approach is reviewed.

1. Provincial Policy Framework

The entire Township is located within the Provincial Greenbelt; however, the southern portion of the Township is subject to the provisions of the ORMCP, while the northern portion is subject to the provisions of the Greenbelt Plan. The policies relevant to home occupation and home industry uses are as follows

^a Note: Home occupations are termed "home businesses" in the Oak Ridges Moraine Conservation Plan and the Region of Durham Official Plan. To limit the potential for confusion they will be referenced as "home occupations" in this report.

1.1 ORMCP

The ORMCP permits home occupations and home industries in all designations outside Settlement Areas where the uses permitted in the applicable official plan are permitted. However, the permission for home occupation and home industry uses is within the context that the uses are accessory uses. As a result, such a use is only permitted in association with, in the case of a home occupation a single dwelling, and, for a home industry, a single dwelling or agricultural operation, where such uses, buildings and structures are permitted. The definitions for home occupations and home industries in the ORMCP, as set out in Appendix A to this report, establish the only specific policy guidance in the ORMCP related to these uses. In addition, such uses would be subject to the general policies of the ORMCP, in particular, where the use is an existing, non-conforming use, Part I, General, Section 6; and, for new uses, Part III, Protecting Ecological and Hydrological Integrity (e.g. minimum vegetation protection zones, wellhead protection areas). The general policies are of particular concern with respect to home industry uses which could involve the construction of a new accessory building.

1.2 Greenbelt Plan

The Greenbelt Plan permits “secondary uses” in all designations. Secondary uses are defined in the Plan as:

“Means uses secondary to the principal use of the property, including but not limited to, home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property”.

As a result, similar to the ORMCP, secondary uses would only be permitted in association with a permitted principal use. Outside of settlement areas, such uses are primarily limited to agriculture and agriculture-related uses.

There is no additional policy direction specific to secondary uses, with the exception that:

- in the policies for the Natural Heritage System, Section 3.2.2.2 direct that new buildings or structures for secondary uses are subject to the policies on key natural heritage features and key hydrologic features in section 3.2.4; and,
- Section 4.5, Existing Uses provides direction with respect to accessory structures and uses.

2. Region of Durham Official Plan

The Region of Durham Official Plan has been brought into conformity with both the ORMCP and the Greenbelt Plan. However, it should be noted that Section 15.10 states that:

“For specific applicability to any respective Provincial Policy or Plan regard should be given to that document.”

The policies of the Plan define home occupation and home industry exactly as the terms are defined in the ORMCP (See Appendix A). The definition of “secondary uses” is the same as found in the Greenbelt Plan, with the exception that the term in the definition section is “Secondary (Agricultural) uses”, with the intent appearing to be that the term is only used in reference to agricultural uses.

The Plan permits secondary uses in Prime Agricultural Areas (See Section 9A.2.2), but Section 9A.2.6 clearly differentiates between different categories of such uses as follows:

“Uses accessory to the principal agricultural use of the property are permitted, including small-scale home occupations/businesses and home industries, and kennels, provided such uses do not alter the principal use of the property for agriculture. In addition, small-scale uses secondary to the agriculture use, that produce value-added agricultural products, such as cottage wineries, and agri-tourism uses, such as bed and breakfast establishments, farm vacation homes, and farm tours are permitted as secondary agricultural uses, provided such uses are directly related to, or exclusively devoted to the existing farm operation.”

The relevant Plan policies for other land use designations with respect to home occupations and home industries are as follows:

- Section 9A Prime Agricultural Areas – permits secondary uses, and specifically states in Section 9A.2.6 that uses accessory to the principal agricultural use of the property are permitted, including small-scale home occupations/businesses and home industries...provided that such uses do not alter the principal use of the property for agriculture.”
- Section 9B Rural Settlements – provides no specific direction;
- Section 10, Greenlands System – Section 10.2.3 states that the Greenlands System which includes, Major Open Space Areas, “also contains agricultural and agricultural-related and secondary uses which shall be protected as integral components of the System”;
- Section 10A.2.1, Major Open Space Areas permits secondary uses. In addition, the policies state in Section 10A.2.2 that secondary uses are exempt from a range of requirements (e.g. demonstrating no negative effects on key natural heritage or hydrologic features); and,
- Section 10B.2.1, Oak Ridges Moraine Area, specifically permits in Natural Core, Natural Linkage and Countryside Areas, uses accessory to existing residential uses, including home occupations and home industries, as well as uses accessory to agricultural uses. However, such uses must meet tests for maintenance, restoration or enhancement of ecological and hydrological integrity and specific policies contained in the ORMCP.

3. Township Official Plan and Zoning By-law

The Township Official Plan provides very limited policies which are applicable to the Township as a whole; rather it relies on the policies of the Regional Official Plan. It does include Secondary Plans for the Uxbridge Urban Area and a portion of the Hamlet of Coppins Corners. Both these

secondary plans also provide policies for the surrounding rural lands, and the Urban Area Secondary Plan also includes policies for the Hamlet of Sandy Hook.

While the Plan does not provide significant direction with respect to home occupations and home industries, Section 1.2.2, Strategic Directions, Goals and Objectives includes the following which are relevant:

2. Goal

“To ensure the health of the Township’s local economy by supporting its business and tourism sectors.”

2.1 “To support the agricultural and aggregate industries and the expansion of farm-related businesses in the Township”

2.2 “To encourage self-reliance, entrepreneurship and growth in the small business sector.”

In addition, the policies for the Uxbridge Urban Area Secondary Plan permit home occupations in all land use designations, in accordance with the regulations of the zoning by-law, provided the use is:

- clearly secondary to the residential use of the property;
- the property is the principal residence of the person operating the use;
- adequate parking can be provided; and,
- the use is subject to site plan control.

The policies for the Coppins Corners Secondary Plan permits home occupations (referred to as home businesses) in all land use designations, in accordance with the regulations of the zoning by-law, provided the use is:

- a small-scale accessory use within a single dwelling carried on by one or more of its residents;
- provides personal or professional services or produces custom or artisanal products and does not include uses such as auto repair or paint shop or furniture stripping;
- adequate parking can be provided;
- the use is subject to site plan control; and,
- the use is subject to the provision of required private sewage disposal and water service.

The Township Zoning By-law identifies only “home occupations”. It provides no definition or regulations for home industries. It defines “home occupation” as:

“Shall mean any occupation which is carried on, in accordance with the provisions of this By-law relative thereto, as an accessory use and only by members of the one family residing upon the premises, except as specifically otherwise permitted by this By-law.”

The regulations for home occupations are found in Section 5.10 of the By-law, they:

- only permit members of the family living on the premises to be involved in the use, with the exception of a dentist, drugless practitioner or physician who may have one employee;
- do not permit display other than a permitted sign;
- only permit uses which is secondary to the main residential use;
- only permit uses which do not interfere with television or radio reception of others;
- do not permit goods, wares or merchandise, other than arts and crafts, to be offered for sale on the premises;
- do not permit animal enclosures or external storage of goods or materials;
- ~~only permit a maximum of 25% of the gross floor area of the dwelling unit to be used for the use;~~
- require the use to be conducted entirely within the dwelling unit;
- do not permit any mechanical or other equipment except that customarily used in a dwelling unit or for use by a professional person.

4. Other Municipal Policy and Regulatory Approaches

A review was undertaken of the policy and regulatory approaches to home occupation and home industry uses used by other rural municipalities in the Regions of Peel, York and Durham, which have significant areas partially or fully located in the Greenbelt Plan, including areas in the ORMCP. The approaches are summarized in Appendix B to this report.

The review indicates that such uses are usually defined as set out in the ORMCP, but in addition, frequently additional specific uses are identified as being permitted or prohibited.

The policies and regulations for these uses:

- identify them as accessory or secondary uses;
- permit them as of right, although in some cases only in a specific number of zones or areas, in particular home industries are generally limited to rural areas;
- permit them subject to specific regulations which in most cases include:
 - a limit on the amount of floor area occupied by the use usually 25% of the GFA of a dwelling unit for a home occupation or home industry, but the size of the area of an accessory building used for a home industry varies;
 - requirement that they be operated by those living on the property, with maximum number of additional employees;
 - prohibition of open storage; and,
 - limit on signage or other advertising.

Some municipalities also restrict the following for home industries:

- number of commercial motor vehicles permitted to be parked on the lot; and,
- minimum lot area and/or minimum set back from a lot line.

The Town of Georgina is the only municipality which requires, through a policy in their Official Plan, a permit to operate a home occupation. The Town's Official Plan also states that a home industry is to be "operated in compliance with any zoning and/or licensing provisions."

5. Analysis

5.1 General

The ORMCP, Greenbelt Plan and Region of Durham Official Plan all permit home occupations and home industries subject to certain conditions. The current policy and regulatory regime for the Township permits home occupations. The current Township policy regime for the rural areas, which is set out in the Regional Official Plan, permits home industries, but the Zoning By-law does not contain any related regulations.

A review of the policy and regulatory regimes for other similar municipalities indicates that in most cases home occupations are permitted as of right in legally permitted dwelling unit, while home industries are usually only permitted "as of right" in rural areas where there is a legally permitted dwelling unit and/or agricultural use. In each case, the use is permitted subject to conditions. Only the Town of Georgina requires a permit for a home business or home industry use.

Where the policies and regulations have been brought into conformity with the ORMCP and Greenbelt Plan, they do not directly address issues such as the restrictions on the expansion of existing uses, buildings and structures, and on locating new uses in significant natural heritage and hydrological features as they pertain to home businesses and home occupations. Rather, these issues are addressed in general terms as they pertain to all uses, buildings and structures, and indirectly for home businesses and home industries through the condition that such uses are only permitted as accessory uses to legally existing uses. For instance, the policies of the Whitchurch-Stouffville Official Plan with respect to the Oak Ridges Moraine limit the expansion of existing uses, building and structures or the establishment of new accessory uses, buildings and structures to areas which does not intrude into any area identified as Areas of Natural or Scientific Interest, Kettle Lakes, Wetlands, Woodlands, Streams or Minimum Vegetation Protection Zones.

5.2 Home Occupations

It is recommended that, in conformity with the Regional Plan, the definition and regulations for home occupation in the Zoning By-law be modified to reflect the definition in the ORMCP. It is also proposed to update the regulations (e.g. adding references to the internet). Proposed

amendments to Zoning By-law to implement these directions are found in Appendix C. They include the following proposed modifications to the current regulations:

- permits one employee, other than a family member for all uses, not just for dentists, drugless practitioners and doctors;
- shall not involve the sale of a commodity, except that telephone, internet, or mail order or other similar approach to the sale of goods is permitted provided that customers do not enter the property to inspect, purchase or take possession of goods; and,
- there shall be not more than one commercial motor vehicle parked on the lot, and one parking space shall be provided for any employee who does not reside in the dwelling unit.

5.3 Home Industries

As noted, currently the Regional Plan, and thus the Township Plan, permit home industries in the rural areas. However, zoning regulations need to be established to implement this policy direction. The proposed zoning regulations required for such uses (See Appendix C) shall:

- clearly be a secondary use of the lot;
- be conducted entirely within an existing permitted detached accessory building and/or the existing permitted main building on the lot,;
- be conducted by at least one of the residents of a dwelling unit located on the same lot or the operator of the farm;
- not occupy more than 25 percent of the gross floor area of the dwelling unit and an area within a detached accessory building or buildings which does not exceed 93 square metres;
- not create noise, vibration, fumes, odour, dust, glare or radiation which is evident outside the dwelling unit or detached accessory building(s);
- not employ more than three employees, in addition to members of the household;
- not involve the outside storage, outside processing or outdoor display of materials or finished products;
- may include a parking area for a maximum of four vehicles or other equipment related to the business; and,
- not involve the sale of a commodity, except that telephone, internet, or mail order or other similar approach to the sale of goods is permitted, provided that customers do not enter the property to inspect, purchase or take possession of goods.

The regulations will establish certain specific uses which are permitted or prohibited, in addition to those identified in the ORMCP. Uses that would be prohibited would include uses prohibited by the ORMCP such as auto repair, paint shop and furniture stripping. It is also recommended that a number of other uses be prohibited such as the commercial storage of vehicles. Related to the prohibition of commercial storage, it is suggested that the by-law be clarified to permit the personal storage of vehicles in accessory buildings.

5.4 Licensing

Based on past experience, and the fact that such uses are confined to the dwelling unit, it would appear that licensing would be unnecessary for home occupations. However, home industries may be located in accessory buildings, and may include a broader range of uses because of the more permissive regulations. As such, the Township may wish to consider the use of licensing for such uses to ensure that requirements set out in the ORMCP, Greenbelt Plan, Regional Official Plan and Zoning By-law are met prior to the establishment of these uses. Consideration would be given to matters such as a location which does not impact on natural features, no outside storage, the provision of appropriate parking and conformity with the Fire and Buildings Codes.

6. Recommendation

It is recommended:

- i) THAT Council direct Township staff to schedule a public meeting for the proposed Zoning By-law amendments regarding home occupation and home industry uses; and,
- ii) THAT Council direct Township staff to review the need for establishing a licensing by-law for home industries.

Appendix A
ORMCP Definitions

ORMCP Definitions

“home business” means an occupation that,

- (a) involves providing personal or professional services or producing custom or artisanal products;
- (b) is carried on as a small-scale accessory use within a single dwelling by one or more of its residents, and
- (c) does not include uses such as an auto repair or paint shop or furniture stripping.”

“home industry” means a business that,

- (a) is carried on as a small-scale use that is accessory to a single dwelling or agricultural operation,
- (b) provides a service such as carpentry, metalworking, welding, electrical work or blacksmithing, primarily to the farming community,
- (c) may be carried on in whole or in part in an accessory building, and
- (d) does not include uses such as an auto repair or paint shop or furniture stripping.”

Appendix B

**Policy and Regulatory Approach
Used by Other Similar Municipalities**

Appendix B Policy and Regulatory Approach: Similar Municipalities

Municipality	Official Plan	Zoning By-law
Town of Caledon	<p>Consolidation 2004</p> <p><u>Home Occupation</u> uses are permitted as accessory uses in conjunction with permanent residential development provided that:</p> <ul style="list-style-type: none"> • The principal use of the dwelling is as a residence • Shall not upset the character of the of the area by way of noise, odor storage, traffic or parking problems • Stringent restrictions on signage • Restrictions on engaging outside help • Scale of operation must remain small and subordinate to residential uses and if operations expand the operation transferred to a more appropriate use area. 	<p>ZBL 2006-50 adopted by Council Dec 2008</p> <p><u>Home Occupation</u> means a business which is conducted entirely within a dwelling unit and which is clearly subordinate or incidental to the principal use of the dwelling for residential</p> <p>Permitted in Estate Residential, Rural Residential, R1, R2, Mixed Density Residential Zones (detached or semi-detached only), all Agricultural Zones, all Environmental Policy Area zones (in detached or semi-detached dwellings only) provided:</p> <ul style="list-style-type: none"> • Max 25% of the dwelling unit shall be used for purposes of home occupation • Shall be occupied as a residence by the operator • Not more than 1 person, other than the occupant of the dwelling unit shall be engaged in the home occupation • No external display or advertising other than a lawful sign to indicate that any part of the dwelling or lot is being used for a purpose other than residential • No goods, wares or merchandise, other than those produced on the premises, offered for sale or rent on such premises • No accessory open storage area
		<p><u>Home Industry</u> means a use located on and subordinate to a permitted farm which may include a carpentry shop, craft shop, meat working shop, repair shop, plumbing shop, electrical shop, welding shop, storage building for school buses, boats or snowmobiles or a similar use.</p> <p>Permitted in all Agricultural zones provided that:</p> <ul style="list-style-type: none"> • Not more than 3 persons, other than an occupant of the premises shall be employed

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Municipality	Official Plan	Zoning By-law
		<ul style="list-style-type: none"> No external display or advertising other than a lawful sign
Township of King	<p>OPA 580 Council adopted Oct 2003, not Ministry approved</p> <p><u>Home Business</u> means an occupation providing personal or professional services or producing custom or artisanal products, small scale and accessory to a single dwelling by one or more of its residents, and does not include uses such as auto repair, paint shop or furniture stripping.</p> <p>Permitted in all ORM designations</p> <p><u>Home Industry</u> means a business that is small scale and accessory to a single dwelling or agricultural operation, provides a service such as carpentry, metal working, welding, electrical work, or blacksmithing primarily to the farming community, carried out in whole or part in an accessory building, and does not include uses such as auto repair, paint shop or furniture stripping.</p> <p>Permitted in all ORM designation with the exception of ORM Rural Settlement Areas</p>	<p>Draft ZBL June 6, 2006</p> <p><u>Home Occupation</u> means the accessory use of a portion of a dwelling unit resulting in a product or service which is clearly subordinate to the principal dwelling use and includes dressmaking, hairdressing, instruction in arts, crafts, dancing or music to not more than 6 pupils at any one lesson, the offices of a professional including an accountant, insurance agent, engineer, town planner, dentist, drugless practitioner, optometrist, lawyer or medical practitioner but does not include a clinic, hospital, nursing home, tea room, or animal hospital.</p> <p>Permitted in all residential and rural zones provided:</p> <ul style="list-style-type: none"> No person other than a member of the family is engaged in canvassing, delivering or as a go-between in distributing merchandise to customers No display other than a sign not to exceed 0.15m² to indicate that part of the dwelling or lot is being used for a purpose other than residential Clearly secondary to the main residential use and does not change the residential character nor become a public nuisance – noise, noxious odors or emissions of smoke, traffic or parking Totally within the residence No more than 1 person not resident to be employed Does not interfere with television or radio reception No goods, wares or merchandise publicly offered or exposed for sale Max 25% of the GFA of the dwelling The following not permitted: repair or

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Municipality	Official Plan	Zoning By-law
		<p>service of motor vehicles or engines, any use that creates a nuisance, a clinic, hospital, nursing home, tea room, animal hospital, massage or body rub parlour</p> <p><u>Home Industry</u> means a business carried on as small scale, accessory to a single dwelling or agricultural operation, provides services such as carpentry, metal working, welding, electrical work or blacksmithing primarily to the farming community, carried on in whole or in part in an accessory building, and does not include uses such as auto repair, paint shop or furniture stripping.</p>
		<p>Permitted in all Rural Zones provided:</p> <ul style="list-style-type: none"> • Clearly secondary and accessory to principal use • Max GFA of 93m² • Minimum lot area of 4ha • Accessory building or activity area located a minimum of 30m from any lot line • No outdoor storage • Only sale of goods primarily manufactured, processed, fabricated or produced on the premises is permitted • Not more than 1 employee in addition to residents of the dwelling • Only a lawful sign • No more than 2 commercial motor vehicles are permitted to be parked on the lot
Town of Whitchurch- Stouffville	<p>OPA 112 -</p> <p><u>Home Occupations</u> permitted in all ORM designations in any legally established residential unit;</p> <p><u>Home Industries</u> permitted in all ORM</p>	<p>Current By-law not in conformity with ORM Plan.</p> <p>Draft ZBL –</p> <p><u>Home Industry</u> defined as a small scale use accessory to a single-dwelling or agricultural operation, within or partly within an accessory building, does not include auto repair, paint shop or furniture stripping.</p> <p>Permitted within all Rural and Residential zones, complies with the relevant zone</p>

Appendix B Policy and Regulatory Approach: Similar Municipalities		
Municipality	Official Plan	Zoning By-law
	designations in association with any legally established use.	<p>provisions and the following:</p> <ul style="list-style-type: none"> • In addition to those living in dwelling unit, a maximum of 2 people not resident may be engaged in the use; • Max 25% of the GFA of the dwelling unit to a maximum of 140m² for a lot of 1ha or greater and 93m² for less than 1ha • No outside storage or display • Maximum of one home industry use • On lots less than 1ha, restricted to personal services or professional offices • On lots 1ha or more may include personal services or professional offices, production of custom or artisanal products and services such as carpentry, metal working, welding, electrical work or blacksmithing primarily for the farming community. <p><u>Home Occupations</u> defined as related to the provision of personal or professional services or the production of custom or artisanal products, by an occupant of their dwelling. Permitted in all Rural and Residential zones, complies with the relevant one provisions and the following:</p> <ul style="list-style-type: none"> • In addition to those living in the dwelling unit, a maximum of one person who is not resident may be engaged in the use. • Max 25% of the dwelling unit GFA to a maximum of 93m² • No outside storage or display • Maximum of one home occupation use is permitted
Town of East Gwillimbury	<p>Draft OP, Feb 2009</p> <p><u>Home Industry</u> – a small scale industrial use, such as carpentry shop, metalworking shop, welding shop, or an electrical shop that provides services or wares</p>	<p>Zoning By-law 97-50, May 1997.</p> <p><u>Home Occupation</u> means an occupation carried out as accessory use in a dwelling unit.</p> <p>Permitted in all residential zones, and the Rural Zone subject to:</p> <ul style="list-style-type: none"> • Not more than one person not resident in the dwelling shall be employed

Appendix B Policy and Regulatory Approach: Similar Municipalities

Municipality	Official Plan	Zoning By-law
	<p>to the rural farming community and is accessory to an agricultural use or a single detached dwelling. Repairing motor vehicles, paint shop, mobile homes, and /or trailers is not home industry.</p> <p>Permitted throughout the Rural Planning Area</p>	<ul style="list-style-type: none"> • No person other than a resident or an employee as specified above shall be engaged in canvassing, delivering or as a go-between in distributing goods, wares, merchandise to customers • No display other than a legal sign • Clearly secondary to the main residential use and does not change the residential character nor create a public nuisance • Shall not interfere with television or radio reception • No wholesale or retail sale of goods, wares on the premises
	<p><u>Home Occupation</u> – provides a service as an accessory use within a dwelling unit performed by one or more of its residents. May include accountant, architect, auditor, dentist, medical practitioner, engineer, insurance agent, land surveyor, lawyer, realtor, planner, hairdresser, or a provider of home daycare, but not an adult entertainment use.</p> <p>Permitted in all designations subject to the following:</p> <ul style="list-style-type: none"> • Clearly secondary to a residential use of the property and is compatible with adjacent uses • Is the principal residence of the person carry on the home occupation • Adequate water and sewage available • Direct access to a 	<ul style="list-style-type: none"> • Max 25% GFA • Parking provided in accordance with the other provisions of the By-law and shall be screened from adjacent properties • No accessory buildings to be constructed or used • No discharge or emission of odors, noxious or toxic matter or vapours, heat , glare, noise, radiation, or ground vibrations • Not consist of clinic, private hospital, nursing home, barber shop, beauty salon, tea room, vet clinic, salvage, repair maintenance or sales of motor vehicles or engines/parts • No sale of commodities not produced on the premises, except that telephone or mail order sales of goods may be permitted provided that customers do not enter the premises • Accessory building may be used if the property is a minimum of 2.5ha and does not occupy more than 50m² of the accessory building.

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Municipality	Official Plan	Zoning By-law
	<p>public road</p> <ul style="list-style-type: none"> • Adequate parking can be provided 	
Town of Georgina	<p>Approved by Region of York Oct 17, 2002</p> <p><u>Home Industry</u> is permitted in Agricultural Protection Area, Rural Area,</p> <p>Home industry in a Rural Area designation may only be permitted in a building separate from the dwelling, be limited in size and compatible with adjacent uses and operated in compliance with any zoning and/or licensing provisions.</p> <p><u>Home Occupations</u> are permitted in Environmental Protection Areas, Agricultural Protection Area, Rural Area, Estate Residential Area, Hamlet Area, Lakeshore Residential Area.</p> <p>Home Occupations may be permitted in residences according to the following:</p> <ul style="list-style-type: none"> • Carried out entirely within the dwelling unit • Clearly secondary to the primary use as a residence in terms of floor space utilization • The property is the 	<p>ZBL No. 500 adopted 1994, OMB approved 1995, revised 2007</p> <p><u>Home Industry</u> means small scale industrial use in a non-residential building, operated as a secondary use to a single family dwelling on the same lot. May include a carpentry shop, metal working shop, plumbing shop, electrical shop, small engine repair shop, welding shop, storage building for school buses, boats, snowmobiles or a similar industrial use. The retail sale of any goods or wares shall not be permitted as a primary home industry use.</p> <p>Permitted in Rural zone providing compliance with the following provisions:</p> <ul style="list-style-type: none"> • Not more than 3 persons, other than the resident occupant or family shall be employed, • No external display or advertising other than a legal sign • Parking is provided in accordance with Section 5.28 • Max floor area of 190m² • Clearly secondary to the main use of the property and does not create or become public nuisance – traffic, parking, noxious odors or emissions of smoke <p><u>Home Occupation</u> means an occupation conducted for gain or profit as an accessory use within a dwelling as permitted herein. A clinic, day nursery, nursing home, tea room and an animal hospital are deemed not to be home occupation uses. The retail sale of any goods or wares shall not be permitted as a primary home occupation use.</p> <p>Permitted in R, R1, R2 (within a single), Estate Residential, Transitional, Rural</p>

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	<p>principal residence of the person carrying on the home occupation</p> <ul style="list-style-type: none"> • No outside storage • Activities associated with the home occupation, including traffic and hours of operation do not adversely affect the surrounding area • Adequate water and sewage are available 	<p>providing the use complies with the following provisions:</p> <ul style="list-style-type: none"> • Operated by members of the family residing in the dwelling • No person other than a member of the family is engaged in canvassing, delivering or as a go-between in distributing merchandise to customers • No more than 2 persons not resident shall be employed • There is no display visible from outside the premises other than a legal sign • Clearly secondary to the main residential use and does not change the character of the dwelling nor create a public nuisance – traffic, parking, noise, noxious odors or emissions of smoke • Does not interfere with television or radio reception • Not more than 25% of the residential floor area of the dwelling is used • Operation of a personal service shop is limited to one operator at a time • The owner has been issued a certificate of occupancy by the Town
	<ul style="list-style-type: none"> • Solid waste beyond amount normally generated by a household defined by provincial and regional data is not permitted • Parking compliance with the ZBL • Permit obtained from Town to operate a home occupation 	
Township of Scugog	<p>Draft OP, February 2009 (version2)</p> <p>Home-based businesses are permitted in all designations where a dwelling is a principal permitted use, subject to the following:</p> <ul style="list-style-type: none"> • Within Port Perry Urban Area and the Hamlets and Shoreline Areas it is wholly located within a dwelling unit • It is clearly secondary to the primary use of the property as a 	<p>Current Zoning By-law not in conformity with ORMCP</p> <p><u>Home Occupation</u> means any occupation carried on as an accessory use and with retail sales permitted not to exceed 25% of the GFA of the dwelling unit.</p> <p>Following apply to a permanent dwelling unit where a home occupation is permitted:</p> <ul style="list-style-type: none"> • Only a member of the family residing in the premises shall engage in the canvassing, delivering or as a go-between in the distribution of merchandise to customers • No display other than a sign in accordance with the Bylaws to indicate the business

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Municipality	Official Plan	Zoning By-law
	<p>residence to the person conducting the business, in terms of floor space utilization, and is compatible with surrounding residential uses</p> <ul style="list-style-type: none"> • Shall not have a negative impact on the enjoyment and privacy of neighbouring properties • Character of the dwelling as a private residence is preserved • No outside storage • Adequate on-site parking for the business in addition to parking required for the residential use and the parking is compatible with surrounding uses • Sign is in accordance with the Sign by-law • Existing sewage system is acceptable to handle the proposed business • Traffic generated will not impact negatively • Home based businesses located on provincial highways require approval of MTO for permits etc 	<ul style="list-style-type: none"> • Clearly be secondary to the main residential use and shall not change the residential character of the dwelling nor become a public nuisance • Shall not interfere with television or radio reception of others in adjacent building/structures • Maximum 25% of the GFA of the residence to be used for the business and shall be conducted within the principal residence • Shall not include medical clinic, private hospital, nursing home, eating establishment, or vet clinic, but shall include a business or professional office • No mechanical or other equipment used except that which is customarily employed in a dwelling house for domestic or household purposes or for use by a professional person • No outside storage of goods or materials • No goods, wares or merchandise offered for sale or rent other than what is produced on the premises • Not more than 40% of the front yard to be used for parking area • Retail sales are permitted to a maximum of 25% GFA of the dwelling unit <p><u>Home Industry</u> means an activity carried on within a building or part of a building accessory to a single-detached dwelling with retail sales permitted not to exceed 25% of the GFA, and shall not include the following uses: vet clinic, heavy machinery repair, sales, service, kennel/animal boarding, place of amusement/entertainment, restaurant, retail store, warehousing, wholesaling,</p> <p>Where permitted as an accessory use to a single detached dwelling, the following provisions apply:</p> <ul style="list-style-type: none"> • Max 1 person other than the occupant of

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Municipality	Official Plan	Zoning By-law
		<p>the dwelling may be engaged in the home industry at any time</p> <ul style="list-style-type: none"> • May be located in part of the dwelling or in any accessory building located on a lot which a dwelling is in existence to a maximum of 70m² • No display other than a non-illuminated sign with a max surface area of 1m² • No outside storage • Only licensed vehicles associated with the home industry may be parked or stored within a interior or rear yard • Clearly accessory to the main residential use and shall not change the residential character of the dwelling
		<ul style="list-style-type: none"> • Retail sales are permitted to a maximum of 25% of the GFA of the dwelling • Home industry accessory to an agricultural operation may be located in part of a dwelling or in any accessory building to a maximum of 186m²
Township of Brock	<p>OP adopted June 2006, approved by Durham May 9, 2007</p> <p>Secondary uses that are secondary to the principle use of the property, include home occupations, home industries. Permitted in the Rural System and Prime Agricultural Areas subject to:</p> <ul style="list-style-type: none"> • Compatible with and does not hinder surrounding agricultural operations • Complies with MDS formulae • Does not adversely 	<p>As amended Dec 14, 2007</p> <p>Home occupation means any occupation carried out as an accessory use by the members of one family residing upon the premises</p> <p>Permitted in all zones subject to:</p> <ul style="list-style-type: none"> • no person other than a member of the family residing in the premises shall engage in canvassing, delivering or as a go-between in distributing merchandise • there shall be no display other than a sign to indicate that any part of the dwelling unit is being used for a purpose other than residential and shall not include a showroom for the display of goods or wares produced on the premises • clearly secondary to the main residential use and shall not change the residential

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	<p>affect the cultural and rural character of the area</p> <p>Home Occupations are:</p> <ul style="list-style-type: none"> permitted in all residential areas except multi-residential (R3 zone) shall be secondary to the primary residential use and shall meet the requirements established in the ZBL a limited number of employees, primarily from the home, shall be employed shall include businesses such as bed and breakfast, but shall not include medical offices. Medical facilities and group homes 	<p>character of the swelling or create or become a public nuisance in particular regarding noised, traffic or parking</p> <ul style="list-style-type: none"> home occupations shall not interfere with television or radio reception of others in adjacent buildings or structures maximum 25% of the GFA shall be used shall not include a medical clinic, a business or professional office used by the medical profession for the treatment of patients, a private hospital nursing home, eating establishment but shall include a business or professional office except for the members of the medical profession
Municipality of Clarington	<p>OP consolidation Jan 2007</p> <p>Home –Based Occupation permitted in Residential Neighbourhoods and Agricultural Area as accessory to a residential dwelling unit subject to:</p> <ul style="list-style-type: none"> Will not change the residential character of the structure and is completely contained within the swelling unit excluding garage space Maximum 30% of the habitable area 	<p>Zoning By-law 2005-109 for lands within the Oak Ridges Moraine</p> <p><u>Home Occupation</u> means an occupation or business primarily within a dwelling as accessory to a permitted residential use, and includes Adult Home Care, Children’s Home Care and the use of an outdoor swimming pool for instructional services. A home occupation may be conducted in association with any permitted dwelling provided that it is clearly secondary to the residential use of the dwelling and does not change its residential character.</p> <p>The following are permitted to be conducted as a home occupation: personal service, professional service, business or administrative office, instructional service for a max of three students at one time, home</p>

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Municipality	Official Plan	Zoning By-law
	<ul style="list-style-type: none"> No outside display or storage of goods The use in not a public nuisance due to noise , glare, dust odors, vibration, hours of operation, interruption of communication signals, traffic generation Employees limited to those residing plus one additional person 	<p>craft business, caterer, children’s home care, adult home care, home appliance service.</p> <p>The following are not permitted to be conducted as home occupation: retail sales with the exception of home craft products, light equipment service, motor vehicle repair body shop, any use that could create a public nuisance.</p> <p>Apartment dwellings or a townhouse dwelling will be restricted to a business or administrative office not requiring the delivery or pick up of goods, does not have clients coming to the dwelling and does not have employees that reside on a different lot.</p>
	<ul style="list-style-type: none"> Adequate off-street parking <p>Home Based Occupations are permitted in any rural settlement area in accordance with the above provisions except that they may be conducted in whole or part in an accessory building which cannot exceed 50% of the habitable floor area. Where municipal water and sewer services are not available only dry-use home-based occupations are permitted.</p> <p>Home-based Occupations in Agricultural Area and Limited home industry uses are permitted provided that:</p> <ul style="list-style-type: none"> Compatible with the surrounding existing or designated land uses, and do not 	<p>An adult home care may accommodate a maximum of 5 adults that do not reside in the dwelling at one time. The rear yard may be used as accessory to the adult home care establishment. A children’s home care may accommodate a maximum of 5 children, not including the owner’s children. The rear yard may be used as accessory.</p> <ul style="list-style-type: none"> Max floor area: 30% of the swelling to a maximum of 100m2 Max number of employees: 3 people which may include 1 person who does not reside in the dwelling Parking : 1 space for an employee that resides on a different lot plus the number of spaces required by section 6 Location on lot: not permitted in accessory building or attached garage No exterior display or storage of goods <p>Home Occupation (except catering) is permitted in the Rural Settlement Zone; Environmental Protection and Natural Core Zone (only in dwellings existing as of Nov 15, 2001) Natural Linkage Zone, and Agricultural Zone.</p> <p><u>Home Industry</u> means a small scale industrial operation, accessory to a permitted single detached dwelling. Examples of permitted uses are: custom furniture making or</p>

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	<p>generate excessive amounts of odor, traffic and other nuisances</p> <ul style="list-style-type: none"> • Not located on Class 1 or 2 soils • Conform to MDS formulae • Do not abut any designated rural settlement areas <p>Home-based Occupations and Home Industries are permitted in the Natural Linkage Area (Open Space System)</p>	<p>restoration, small engine repair, welding, woodworking and crafts, and the production of value – added agricultural products such as cider, honey or wine. Examples of uses not permitted: automotive repair, painting and body shop, uses that create a public nuisance due to noise, dust etc, and use requiring the receipt or delivery of merchandise, goods, or equipment by motor vehicles exceeding 4 tonnes.</p> <ul style="list-style-type: none"> • Lot area .8ha • Location: single detached dwelling, attached garage, or accessory building – max 50% of the dwelling may be used to a maximum of 200m² whichever is less • Employees: maximum 4 people which may include 2 persons that do not reside in the dwelling • Yard setback – accessory buildings to be located in the rear yard • Parking – 1 space for each employee that resides on a different lot plus the number required in Section 6 – parking spaces are not required if the use does not require delivery or pick-up of goods, does not have clients coming to the dwelling, and does not have employees that reside on a different lot. <p>The By-law does not appear to contain any zones which permit Home Industry.</p>

Appendix C

**Draft Zoning By-law Amendment
Home Occupations and Home Industries**

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

