

January 12, 2010

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 - Consideration of Public Input

In accordance with Council direction, a public open house attended by approximately 40 people was held on September 17, 2009 to consider proposed changes to the Zoning By-law amendment with respect to home occupation and home industry uses outlined in our report of May 5, 2009. In addition, members of the public were invited to arrange individual meetings on November 9, 2009 to discuss their concerns. Sixteen residents provided input through these individual meetings.

The comments received as a result of the public review process are summarized in Appendix A to this report, together with our response, including a number of proposed changes to the draft zoning by-law. In addition, other modifications are proposed to the draft by-law to clarify its intent. The proposed modifications are shown as tracked changes in the draft zoning by-law in Appendix B to this report. Significant proposed changes include:

- Allowing unrestricted customer pick up in the rural area, and customer pick up in the Urban Area, hamlets, shoreline and estate residential areas during normal business hours (i.e. Monday – Friday 9am-5pm) and 5 or less visits per day;
- Clarification that any federally regulated use is permitted as of right;
- Deletion of the limit on the size of commercial vehicles, other than that already established in the By-law for the R1, R2 and RM Zones; and,
- Clarification of the regulations related to animal enclosures.

It should also be noted that a number of individuals identified concerns with the Township's requirements related to bed and breakfast establishments and accessory uses thereto. Such uses are regulated separately from home occupations and home industries. The Development Services Department is planning to undertake a review of these uses, as well as farm vacation uses, which will consider these concerns.

Based on the input received to date, it is recommended that Council direct that:

- an opportunity be provided to individual residents to meet with the Township's planning staff and consultant to review specific concerns related to the revised by-law and that the meetings be held in locations convenient to the particular residents (e.g. Zephyr, Goodwood); and,
- a formal public meeting under the Planning Act be held to consider the proposed By-law as revised.

Yours truly,

MACAULAY SHIOMI HOWSON LTD.

A handwritten signature in black ink, appearing to read 'Elizabeth Howson', with a stylized flourish at the end.

Per: Elizabeth Howson, B.E.S., MCIP, RPP

Appendix A
Response to Public Input

**Draft Home Industry and Home Occupations By-law Amendment
Response to Public Input**

General Comments

1. Comment:

Customers should be able to pick up mail / internet/telephone orders from the home occupation

Response:

i) Rural Area

The draft By-law is proposed to be revised to permit customer pick up in the rural area, as the increased traffic and parking should not cause conflicts with adjacent neighbours given the size of the majority of the lots.

ii) Uxbridge Urban Area, Estate Residential Areas, Shoreline Areas, Rural Clusters and Hamlets

In Urban Area, estate residential areas, shoreline areas, rural clusters and the hamlets, however, increased traffic and parking has the potential to create conflicts with neighbours and as a result, unrestricted pickup is generally not considered appropriate. If some form of pickup is to be permitted it would have to be limited in a manner which could be regulated. The recommended approach would be by permitting pick up during a specific time period (e.g. normal business hours 9a.m. to 5 p.m., Monday to Friday). Consideration should also be given to in addition to limiting the number of visits (e.g. 5 or less per day).

2. Comment:

Grandfathering of existing Home industries should be permitted.

Response:

Unlike home occupations, home industries are currently not a permitted use “as of right” in the Township’s Zoning By-law. The intent of the proposed zoning by-law amendment is to permit such uses “as of right” subject to specific regulations. However, certain uses will be “grandfathered” as follows:

- Uses existing prior to 1981

Where a use can be demonstrated to have existed prior to the current Zoning By-law which came into force in 1981, then it will be considered a legal non-conforming use. A legal non-conforming use is, as indicated, a “legal” use and the use may continue to operate. However, any changes to the use will be subject to the provisions of Section 5.4, Existing Buildings, Structures and Uses of the Zoning By-law, or may require approval of the Township’s Committee of Adjustment.

- **Specific Uses which are permitted by the By-law**
Where a site has been specifically zoned to permit a home industry use, or if the use has received permission through a decision of the Committee of Adjustment it will be grandfathered.
- **Federally Regulated Uses**
Any home industry which is federally regulated and has received approval from the Federal government to operate is not subject to the Township’s regulations and such uses would continue to be permitted. It is proposed that the By-law be amended to specifically recognize this fact.

3. Comment:

General concerns were submitted relating to the proposed conditions of licensing.

Response:

Home occupations are not intended to be licensed. Whether or not the Township will consider the licensing of home industries is to be considered separately from, and is not related to, the proposed amendments to the Zoning By-law for home industries. No determination has been made with respect to licensing of home industry uses. The consideration of licensing home industries was proposed to ensure conformity with the Oak Ridges Moraine Conservation Plan (ORMCP) and the Greenbelt Plan. Comments received relating to licensing during the public consultation included the following:

- No licensing for home occupations;
- No licensing for home industries;
- Licensing should be required to ensure that the uses address concerns like fire and food preparation safety, provision of insurance and location; and,
- If home industries are to be licensed, the following should be made considered:
 - Licenses should be free; and
 - The license process should be fast-tracked.

4. Comment:

A Home occupation should be allowed in an accessory building.

Response:

Home occupations are intended to be businesses which can be carried out in the home, including an attached garage, ensuring that the nature of the use will have minimal impacts. If a home occupation is proposed for a structure not attached to the principal residence, it should be considered through a variance or zoning by-law amendment process to ensure that the use will not impact on neighbours in the Urban Area.

In the rural area, where there is less potential for concerns with impacts on neighbours, the option of locating in an accessory building is available as home industries are permitted both in the home and accessory buildings.

5. Comment:

The limit on the size of commercial vehicles in the rural area should be increased.

Response:

Currently the Zoning By-law does not place a limit on the size or number of commercial vehicles parked in any area of the Township, other than in certain residential zones (i.e.R1, R2 and RM Zones). This appears to reflect the assumption that commercial vehicles in other zones would not impact on adjacent properties, recognizing that previously the only commercial uses permitted “as of right” were home occupations which would likely be more limited in their use of commercial vehicles than home industries. However, based on the input received it appears that the size limit proposed does not reflect current standards; that it would be difficult to determine an appropriate standard and that there is no perceived concern with the size of such vehicles outside the Urban Area. Therefore, it is proposed to remove the size limit from the by-law for home industry uses. The current standards in Section 5.15 g. of the By-law for the R1, R2 and RM Zones should be reviewed as part of any general update to the Zoning By-law.

6. Comment:

Construction Equipment should be able to be stored outside on rural properties.

Response:

The proposed By-law permits four commercial motor vehicles or pieces of equipment to be parked on a lot used for a home industry use. Equipment would include construction equipment. If additional pieces of construction equipment are proposed to be parked on the property or the business is not considered a home industry, a rezoning or minor variance would be required.

7. Comment:

The draft By-law should be clarified to make it clear that “animal boarding” does not refer to farm animals.

Response:

The proposed By-law is not intended to affect farm animals and should be clarified.

8. Comment:

Prohibiting commercial storage of vehicles such as boats, school buses, recreation vehicles and snowmobiles will not stop these uses. They will continue illegally, it is better to permit them so they can be regulated.

Response:

Through the proposed By-law amendment, the regulations of the By-law have been clarified to identify the storage of personal vehicles such as snowmobiles, antique cars, and recreational vehicles as a permitted accessory use. However, commercial storage facilities should continue to be prohibited as home industrial uses as they are of a different scale/type of use than anticipated for home industrial uses. Further, the preferred location for such uses would be in the industrial parks, hamlets or urban area. Applications outside those areas could be considered through a rezoning.

Specific Review Requests

1. Art Gallery in Part of Lot 23, Concession 4 – former Township of Uxbridge

Background:

Art Gallery is on a property that is serviced by a private right-of-way. The Art Gallery appears to be on a separate property from the operator’s house.

Response:

The Art Gallery cannot be considered a home occupation or a home industry if it is on a separate lot from the operator's house. To continue the operation, the operator would need to go through a process (either a temporary use by-law or rezoning) to address the situation as it currently exists. Matters that would need to be considered when reviewing such a request include:

- specific nature of the business;
- resolution of issues related to access to both properties which is currently over private right-of-way including the potential for changing the right of way to an alternative location, and maintenance and liability associated with the use of any right-of-way; and
- volume of traffic over a private right-of-way.

2. Heritage Artifacts Storage and Restoration Business in Part of Lot 31, Concession 5, former Township of Scott

Background:

The heritage artifacts storage and restoration business is located in the rural area within an accessory building and includes some outside storage.

Response:

The current use does not meet the requirements for a home industry. At a minimum, a rezoning is required to recognize the use. Based on an initial site inspection and a review of the Regional Plan carried out by Township staff, the site appears to be subject to two different land use designations and further review will be required to determine if the use can be permitted through a rezoning, and under what conditions, or whether the use can only be recognized as a temporary use to allow the business to relocate to a more suitable location.

3. Review of Bed and Breakfast Requirements

Background:

There has been a request by a number of individuals to review the Township's requirements associated with bed and breakfast establishments and accessory uses thereto.

Response:

The Development Services Department is planning to undertake a review of the

Township's requirements relating to Bed and Breakfast establishments and accessory uses as well as reviewing requirements for allowing Farm Vacation opportunities in the rural area.

Appendix B
Proposed By-law Revisions

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 ____, 2010 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 ____, 2010, 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 or a kennel.”

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 5.29.”

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 5.29 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 5.29 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 5.29 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 5.29 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 customers do not enter the premises to inspect, purchase or take possession of goods for home occupations in the R1, R2, RM, ER, RC, SR and HR Zones other than between 9 am and 5 pm Monday through Friday, with a limit of a maximum of five visits per day.”

- 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, 5.29 entitled ■HOME INDUSTRY• as follows:

“5.29 HOME INDUSTRY

The following regulations shall apply to a home industry use other than a use which is federally regulated and has received approval from the Federal government to operate:

- 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.
- f. There shall be no outside animal enclosures other than for farm animals, and no 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. 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 ____, 2010.

BOB SHEPHERD
MAYOR

DEBORAH LEROUX
CLERK

