

## **Draft of Proposed BWG Home Occupation By-law with Explanation**

Dear BWG Residents,

The below pages share a revised by-law that considers all public comments received to date, Staff research, survey of area municipalities, and a common sense analysis to generate a made-in-BWG solution. Below each PROPOSED provision is an explanation of how each recommendation was formulated.

For context and contrast this should be read in parallel to the in-effect Zoning By-law extract and proposed draft by-law (which shows how this by-law would look without explanation). Additional background can be found in the timeline on the website.

Staff welcomes any comments residents have on the proposed by-law changes. All comments will be considered in the eventual by-law and recommendation report for Council consideration.

Thank you for your participation in advance,

BWG Office of Community Planning

## **Draft of Proposed BWG Home Occupation By-law with Explanation**

### **Revised Definition**

**Home Occupation** means the *use* of part of a *dwelling unit or associated accessory building* for the conduct of a profession, trade or occupation that results in a product or service and which is clearly *accessory* to the principal residential *use* of the *dwelling unit*.

*Explanatory Note: Addition of associated accessory building as location to conduct home occupation.*

*The bolded change will allow residents to conduct permitted home occupations in accessory buildings on the property. This includes storing goods and work vehicles associated with the home occupation. This would provide affordable space for small businesses (start up or otherwise) and provide for some existing non-legally established home occupations to be legalized with less burden.*

*Review of the Town Economic Development Department's record of existing homebased businesses shows that approximately 46% of those fall into the category of contractors. Given this information, Staff believe many residents would immediately benefit from this change, as they would now legally be permitted to store work equipment and materials in enclosed accessory structures while off site or between jobs.*

*Staff note, a home occupation should not create nuisance (noise, odour etc.) and should generally be undetectable to outside residents in order to preserve residential character. The risk of this permission is that it may encourage the construction of accessory buildings exclusively for the purpose of home occupations.*

*This permission will be balanced by having existing and new provisions including those relating to (1) nuisance, (2) maximum gross floor area limits to protect neighbourhood character, (3) ensuring the owner applies for health and safety requirements and permits as it relates to the home occupation, and (4) lastly, a home occupation would not be allowed to negatively impact the availability of required on-site minimum parking stalls.*

### **Municipal Comparison**

*16 comparable municipalities were surveyed.*

- Five (5) municipalities permitted home occupation and associated storage within an Accessory Building ~ New Tecumseth, Markham, St. Catherines, Aurora, and Oro-Medonte.*
- Three (3) municipalities permitted only storage within the accessory building ~ Whitby, Brockville; and Burlington.*
- Eight (8) municipalities did not permit a home occupation and/or storage within the accessory building.*

### **Existing Parking Requirement**

1 space, but only if the use occupies a gross floor area of 25.0 sq.m or greater in addition to the required parking for the dwelling unit.

*Explanatory Note: Parking requirements will remain the same.*

*The existing parking requirement will remain as is. At time being no parking changes are recommended, and no comment has been received on the topic. While it is possible that some existing home occupations have existed without a required parking spaces the Town has only received 1 home occupation related parking complaint since 2017. This shows that parking has not been an issue to date and that stricter parking requirements would only serve to discourage home occupation creation altogether.*

*Staff would recommend the current provision remain as is. Staff believe, most home occupations will see visitors during the day, and this is typically when on-street parking is vacant, as such home occupations make for more efficient use of existing Town infrastructure (i.e., on-street parking).*

*The reality is, the broadening of the home occupation could result in an increase the potential for home occupations. The direct result of this would be an increase in on-street parking. The level of impact would be correlated to the uptake in home occupations (i.e., success in broadening provisions, change in behaviour, increase in working from home). Should home occupations ever receive routine parking complaints the existing parking requirement remain intact as an enforcement precaution.*

#### Municipal Comparison

*16 comparable municipalities were surveyed.*

- *Two (2) municipalities require one (1) parking space for an employee ~ Whitby and Markham*
- *Norfolk County requires one (1) parking space for customers and one (1) for each employee.*
- *Three (3) municipalities require one (1) additional parking space. ~ Mississauga, Owen Sound and Oro Medonte*
- *Aurora requires one (1) parking space per 25 square metres.*
- *Georgina requires 3.5 parking spaces per 35 square metres.*
- *Newmarket requires one (1) parking space per nine (9) square metres above 24 square metres.*
- *Innisfil requires one (1) parking space per 37 square metres.*
- *Five (5) municipalities had no parking provisions related to home occupations. ~ New Tecumseth, Brockville, London, St. Catharines and Burlington.*

### **Revised Accessory Dwelling Section Requirement**

#### **4.1 ACCESSORY BUILDINGS, STRUCTURES AND USES**

d) No accessory building or structure shall be used for human habitation or an occupation for gain or profit, except if specifically permitted by this By-law.

**i) Notwithstanding 4.1(d); home occupations may use an accessory building for gain or profit.**

*Explanatory Note: Allow Accessory Buildings to be Used for Profit or Gain when conducting Home Occupation.*

*This administrative revision is required to allow for home occupations to charge fees for to clients if they choose to conduct any portion of their business from an Accessory Buildings.*

## **Revised Residential Zoning Requirement**

### **PART 6 – SPECIAL PROVISIONS FOR TABLE 6.1 – SPECIAL PROVISION 1**

Permitted ~~only within a detached dwelling, linked dwelling, and semi-detached dwelling~~ **within all dwellings**. Subject to Section 4.12 of this By-law.

*Explanatory Note: Revision to Table 6.1 Provision to permit Home Occupation within all Dwellings.*

*Staff received requests to expand the residential dwellings in which a home occupation can be a use. Presently home occupations are limited to detached dwellings, linked dwellings, and semidetached dwellings. Home occupations were not allowed in townhouses, apartments, duplexes, and multiple unit dwellings. Given the intent of this review is to broaden opportunity for home occupations, Staff believe home occupation permissions should be expanded to all dwelling types.*

*Existing nuisance, parking, and gross floor area provisions are scalable and size limiting and will serves as balances to keep a respectful co-existence amongst home occupations owners and residential neighbours. Based on existing size restrictions, the expectation is that a home occupation would be no more than a small home office or small storage area in the case of small townhouse or apartment due to inherent physical limitations and parking needs.*

#### **Municipal Comparison**

*16 comparable municipalities were surveyed.*

- *14 Municipalities allow home occupations in any dwelling type*
- *Burlington (1) allows home occupations in any dwelling type, with the exception the following uses are only permitted in detached dwellings: Music, Dance, or Singing activities, Physical Fitness activities, Medical or Health Care Office, Aesthician, Hairstylist, Complementary Health Care, Pet Grooming (inside only), Pet Training (inside only).*
- *Mississauga (1) requires all home occupations be located in a detached dwelling.*

## **Revised Commercial Zoning Requirement**

### **PART 7 – SPECIAL PROVISIONS FOR TABLE 7.1 – SPECIAL PROVISION 3**

Permitted only within a ~~detached dwelling, linked dwelling, and semi-detached dwelling~~ **within all dwelling types**. Subject to Section 4.12 of this By-law.

*Explanatory Note: Revision to Table 7.1 Provision to permit Home Occupation within all Dwellings.*

*Same reasoning as PART 6 – TABLE 6.1: PERMITTED USE SPECIAL PROVISION 1.*

## **Revised Home Occupations Requirements**

### **4.12 HOME OCCUPATIONS AND CUSTOM WORKSHOPS**

Where a home occupation or custom workshop is a permitted use, it shall be permitted subject to the following provisions:

- a) A home occupation shall be conducted as an indoor accessory use within a permitted dwelling unit **or enclosed accessory building** without changing the primary residential character **of the property thereof;**

Explanatory Note: Amends Home Occupation Location Provision to include Accessory Building

Administrative change to allow home occupation to be conducted in enclosed accessory building in addition to dwelling. Follows same logic as definition explanation. Home occupations still not permitted outside the two identified structure types, except for outdoor swimming lessons discussed below.

- b) Enclosed accessory buildings may be used for storage. Should garage be used for storage the required parking for the dwelling unit must be maintained.**

Explanatory Note: New Provision to Enable Storage of Equipment, Goods, Materials and Commercial Vehicles and Trailers in Accessory Buildings

On-site storage is required for many home occupations to remain efficient in day-to-day operations and economically viable (i.e., reduce off-site storage and parking costs). This provision could serve to reduce barrier to entry for potential home occupations. Staff view indoor storage as a suitable low impact alternative. Indoor storage is out of sight and out of mind.

A safeguard provision is in place to ensure residential required parking needs are met ahead of the home occupation needs, and that residential parking does not permanently spill on to the street which is required for both residential visitors and home occupation visitors.

Municipal Comparison

16 comparable municipalities were surveyed.

- Eight (8) municipalities permitted storage within the accessory building ~ Whitby, Brockville; and Burlington, New Tecumseth, Markham, St. Catherines, Aurora, and Oro-Medonte.
- Eight (8) municipalities did not permit a home occupation and/or storage within the accessory building.

- c) Not more than one non-resident employee, in addition to the residents of the dwelling unit, is permitted to be engaged in the home occupation and custom workshop business and working in the dwelling unit **and associated accessory building;**

Explanatory Note: Change to allow a single outside employee to also work in the Accessory Building

Administrative change to allow employee to conduct home occupation in associated accessory building.

The remainder is a carryover of the existing provision. No requests have been made to reduce or increase the number the number of employees.

1 non-resident employee is considered appropriate quantity. Should an increased number of outside employees be required it could have a negative impact by way of increased on-street parking demand, traffic, and potentially change the nature of the dwelling to something more similar to a commercial office or industrial operation.

Research shows most municipalities permitted a single non-resident employee.

Municipal Comparison

16 comparable municipalities were surveyed.

- Ten (10) municipalities permit a maximum of one (1) non-resident employee; some with conditions related to part-time status (London), based on availability of off-street parking (Markham), must be located in detached dwelling (Barrie). ~ Whitby, Owen Sound, New Tecumseth, London, Markham, St. Catharines, Oro-Medonte, Barrie, Innisfil and Burlington.
- Three (3) municipalities permit a maximum of two (2) non-resident employees; one municipality reduced the permitted employees to one (1) if the profession was medical practitioner or hairdresser (Newmarket). ~ Norfolk County, Georgina and Newmarket.
- Three (3) municipalities prohibit non-resident employees altogether. ~ Brockville, Mississauga, and Aurora,

**d) The dwelling or accessory building in which the home occupation or custom workshop is located shall be the principal private residence of a person or persons conducting the home occupation and they must not be an occasional or casual resident thereof; ~~e) Any dwelling unit containing a home occupation or custom workshop shall be occupied as a residence by the operator of the business;~~**

Explanatory Note: Rewording Operator Provision to Specify that person conducting the home occupation must be Permanent Resident and includes Accessory Building as Permitted Location

The existing provision is revised to include (1) the accessory building permission administrative change and (2) primarily ensure that at least a single permanent resident is working in the home occupation.

This precaution protects home supply by discouraging people from buying homes to be used exclusively as offices in residential neighbourhoods.

**e) The home occupation use is not permitted outside the dwelling unit and enclosed accessory building and is not conducted in whole or in part in any accessory building, yard or private garage;**

Explanatory Note: Home Occupations Not Permitted Outside a Dwelling Unit or Accessory Building

Provides administrative change clarifying that home occupations can now be conducted in accessory buildings in addition to dwellings, but will continue to not permitted to be outdoors.

Outdoor home occupations will continue to not be permitted with the below EXCEPTION being to allow for outdoor swimming lessons. Following the previous Council Meeting (May 16, 2017) it was determined that outdoor swimming schools would be a permitted use in response to public input. Outdoor Swimming Lessons would be required to meet the criteria identified below use specific provisions.

Any future outdoor based home occupations would be subject to either a minor variance or Zoning By-law Amendment as determined by the Office of Community Planning.

Municipal Comparison

16 comparable municipalities were surveyed.

- 15 did not permit conducting outdoor home occupations.
- St. Catharines permitted outdoor activities associated with a home occupation.

f) No more than one home occupation or custom workshop shall be permitted in any dwelling **and associated accessory building**, and in no case shall there be both a custom workshop and a home occupation in the same dwelling **and associated accessory building**;

Explanatory Note: Rewording to include associated accessory building in existing provision to limit one primary business per property.

*Necessary administrative change to existing provision if permitting use of enclosed accessory buildings. This effectively limits each dwelling to a single home occupation business per property (home occupation or custom workshop). This existing safe guard ensures residences are not taken advantage of, and used as a business park housing multiple home occupations and workshops which could bring nuisances which are out of character with a residential area (i.e., noise, parking, etc.).*

g) The maximum gross floor area dedicated to the **cumulative** home occupation and **associated accessory building** or a custom workshop shall be in accordance with ~~the maximum gross floor~~ areas identified in Table 4.3, below:

All Residential Zones – **Total permitted maximum area is equivalent to 25% of the dwelling’s gross floor area** or 50.0 sq.m, whichever is the lesser.

All other Zones, where permitted - **Total permitted maximum area is equivalent to 25% of the dwelling’s gross floor area** up to a maximum of 100.0 sq.m.

Explanatory Note: Reworded existing Gross Floor Area Limitation to improve clarity administrative change to include Accessory Building Usage.

*Reworded existing provision to improve clarity and adds accessory building space used to conduct home occupation into gross floor area accounting. No requests to increase ratios received. Staff believe that existing ratios remain an appropriate standard to ensure the use and character of the area remains residential in nature.*

Municipal Comparison

*16 comparable municipalities were surveyed.*

- Three (3) municipalities permit a home occupation to occupy the lesser of 25% or 50.0 square metres of the dwelling ~ Whitby, New Tecumseth, Mississauga.*
- Two (2) municipalities permit a home occupation to occupy the lesser of 25% or 100.0 square metres of the dwelling ~ Burlington and Innisfil.*
- Two (2) municipalities permit a home occupation to occupy the greater of 25% or 40.0 square metres of the dwelling ~ Owen Sound and St. Catherines.*
- In Owen Sound (1) a home occupation shall not occupy exclusively more than 25.0 square metres of the gross floor area of the dwelling unit or, 25% of the gross floor area of the dwelling unit to a maximum of 40.0 square metres, whichever is the greater.*
- Aurora (1) permits a home occupation to occupy the greater of 25% or 45.0 square metres of the dwelling.*
- Norfolk County (1) permits a home occupation to occupy the greater of 25% or 60.0 square metres of the dwelling.*
- London (1) permits a home occupation to occupy the greater of 25% or 28.0 square metres of the dwelling.*

- Brockville (1) permits a home occupation to occupy the lesser of 25% or 28.0 square metres of the dwelling.
- Oro Medonte (1) permits a home occupation to occupy 35% of the dwelling.
- Newmarket (1) permits a home occupation to occupy the greater of 35% or 42.0 square metres of the dwelling.
- Barrie (1) permits a home occupation to occupy 30% of the dwelling.
- Markham (1) permits a home occupation to occupy 25% of the total dwelling and accessory building.

**h) Only goods and merchandise produced on the premises, or goods and merchandise associated with a permitted service conducted on the premises shall be offered ~~or exposed~~ for sale; ~~There are no goods, wares or merchandise offered or exposed for sale, or sold or kept for sale on the premises other than those produced on the premises;~~**

Explanatory Note: Broadened Provisions relating to Selling of Goods.

*The purpose of this revision is to provide more flexibility as it relates to sales of goods. Staff are aware that presently a number of homes occupations sell goods out of their homes. To date, this has not generated enforcement complaints, but remain in a grey area. The existing provision allows produced goods to be sold, and the proposed revision NOW allows goods associated with a provided home occupation service to be sold (i.e., a dentist can sell an electric toothbrush or toothpaste; a chiropractor can sell orthotics and pillows; a fitness instructor can sell a supplement or protein shake, etc.).*

*As a precaution retail sales are strictly prohibited and nuisance and parking related provisions would still exist should a property not respect neighbours and cause issue.*

Municipal Comparison

16 surveyed municipalities:

- Three (3) municipalities permit the sale of goods incidental to the home based business. ~ St. Catharines, Newmarket, and Burlington.
- Two (2) municipalities had no provisions restricting the sale of goods. ~ Aurora and Innisfil.
- One (1) municipality (Whitby) permits retail as long as customers do not enter the property.
- Five (5) municipalities permit the selling of goods produced on the premises. ~ New Tecumseth, Norfolk County, Brockville, Markham, Oro Medonte.
- Five (5) municipalities prohibit the selling of goods. ~ Owen Sound, London, Mississauga, Barrie, Georgina.

**i) There is no outside storage of materials or goods ~~or vehicles~~ in conjunction with the home occupation use;**

Explanatory Note: Minor Revision to Separate Outdoor Storage and Outdoor Vehicle Storage

*Removed vehicles from existing provision because section 5.17 allows a single commercial vehicle or trailer outside. Staff note, above changes allow additional commercial vehicles can NOW be stored in enclosed accessory building.*

j) There is no external advertising other than a sign erected in accordance with the Town Sign By-law;

Explanatory Note: Inclusion of Sign By-law for Ease of Reference

No changes to existing provision. The Town's Sign By-law (2011-136) addresses all signage requests and allows a small sign for home occupations.

**k) Visitation of non-permanent residents for the purpose of attending a home occupation, not limited to appointments, lessons, classes, instruction, is only permitted to take place between the hours of 7:00 a.m. until 9:00 p.m.**

Explanatory Note: Hours of Operations

The primary purpose of this provision is to be mindful and respectful of neighbouring residential property owners by reducing the possibility of nuisance and opportunities for incompatibility conflicts to occur from home occupations operating deep into the evenings when residents 'traditionally' return home. Secondly, the purpose is to maintain community safety during the dark night time hours by reducing the frequency of non-residents visits into a residential neighbourhood.

A number of comments were received, requesting that the original hours of operation "9AM – 7PM" be expanded. Following careful review and consideration, Staff believe the Town would be best served to expand the hours to be consistent with the Town's Noise By-law typical hours. This would allow home occupations to occur from "7AM – 9PM." This provides two additional morning hours and two additional evening hours.

Staff note, that no other reviewed municipalities had a standard for limiting hours of operation, but believe it is important to be proactive, since Staff anticipate the broadening of the home occupation by-law permissions in combination with the societal shift to working from home (only accelerated by the COVID-19 pandemic) will result in an increase the quantity of home occupations in future years.

Staff note for comparison traditional brick and mortar stores have hours of operations. As such, it is appropriate for home occupation to have hours of operation too. Further, home occupations should not have a wider hours of operation, given they are located in residential neighbourhoods which are more sensitive receptors to nuisance. Staff have surveyed a variety of Holland Street businesses and note hours of operation tend to range from opening typically 6AM to 10AM and closing typically no later than 5AM to 9PM (unless it is a restaurant). As such, the proposed hours of operations match favourably.

Staff believe this provision will not hinder the vast majority of home occupations, since they will conduct their business in a respectful manner that does not draw attention of their neighbours regardless of their hours of operations. This provision is needed to serve as a balance for the exceptional situation in which a home occupation is being conducted a disrespectful manner that is routinely generating Enforcement complaints and causing residential neighbours grief.

NOTE: This provision will not impact home occupation/property owners and their single permitted outside employees from conducting the home occupations inside the dwelling or accessory building past 9PM, provided it can be conducted without non-resident/home occupation visitor attendance inside (i.e., doctor appointments, classes, etc.) or creating nuisance during those night time hours.

**1) No more than five (5) Home Occupation Visitors shall be permitted from attending at a single time.**

**Home Occupation Visitors are customers, clients, students, patients or the like, that benefit in receiving the goods or services (i.e., appointment, teaching, treatment, instruction, etc.) from the home occupation employee. People accompanying and not receiving goods or services are not counted as visitors.**

**~~The total cumulative number of on-site students or attendees of instruction by a home occupation shall be limited to a maximum of 5 at any one time, and no more than a total of 20 over a consecutive 24 hour period.~~**

*Explanatory Note: Number of Visitors at a Time and Removal 24 Hour Period Restriction.*

*As mentioned above Staff anticipate the broadening of the home occupation by-law permissions in combination with the societal shift to working from home (only accelerated by the COVID-19 pandemic) will result in an increase the quantity of home occupations in future years. Presently, the Town does not have any home occupation visitor provisions, but given the above statement believe it is important to be proactive.*

*In the 1<sup>st</sup> draft of the by-law review Staff received concerns from residents that on-site visitor limitations would prevent parents from supervising their children and reduce the number students at a time if having to account for parents (e.g., hindering business). Staff have revised the provision to be understood that the parent(s) and/or family member(s) for example shuttling a child to a home occupation doctor appointment and then observing or standing by in a waiting area or sidelines (i.e., not receiving benefit or service) would not count toward the visitor total.*

*Another concern brought forward by residents was the limitation of 20 attendees per 24-hour period. Staff have reconsidered completely removed this provision.*

*It is important to remember that the primary use of the neighbourhood is residential use. As such the residential character must be respected and withheld. The primary concern is the cumulative effect and thereby nuisance of numerous family/carloads as it relates to noise, on-street traffic coming and going, and the quantity of on-street parking varying from neighbourhood to neighbourhood that must be shared by all users.*

*Limiting the number to five (5) helps control on-street parking especially if there are numerous home occupations on a street sharing on street parking and this provides fairness and balance to residential visitors and users. Lastly this provides a safeguard should a home occupation get out of hand and generate routine complaints.*

*Municipal Comparison*

*16 comparable municipalities were surveyed.*

- Six (6) municipalities have no visitor limits ~ New Tecumseth, Norfolk County, Oro Medonte, Georgina, Newmarket, Innifil.*
- St. Catharines (1) permits 5 at any one time, and no more than a total of 20 over a consecutive 24-hour period.*
- Markham (1) permits 4 students.*
- Whitby (1) permits 1 to 3 visitors dependant on home occupation use and dwelling type.*
- Three (3) municipalities permit 3 students. Owen Sound, Aurora, Burlington.*
- Two (2) municipalities permit 2 students ~ Brockville, Mississauga.*
- Barrie (1) permits 1 visitor.*

- *London (1) does not permit visitation.*

**m) There shall be no commodities sold or services rendered that require receipt or delivery of merchandise, goods, or equipment by other than a passenger motor vehicle or by parcel or letter carrier mail service using vehicles typically employed in residential deliveries;**

*Explanatory Note: Pick up and Delivery Permission and Safeguards to restrict vehicles to those familiar in a residential neighbourhood.*

*Staff realize that we live in an increasingly digital world (accelerated due to COVID 19) in which residents can conduct a home occupation and telework without ever leaving their own home. The permitted transportation of goods is required for teleworkers and home occupations to prosper.*

*Staff has no concern with pick up and delivery as long as limitations and criteria are followed to ensure that pickup and delivery is not disruptive or at an intensity or frequency out of keeping with a residential neighbourhood (i.e., drawing neighbour complaints).*

*The following provisions ensure that all deliveries are limited to passenger vehicles and smaller parcel or mail service vehicles (i.e., UPS Truck, Canada Post, etc.) opposed to larger delivery trucks that would be disruptive in a residential setting (i.e., frequent and long visits by moving trucks).*

*Staff removed provision that delivery vehicle must not have a weight exceeding 5,000 kilograms (i.e. furniture moving truck). As below traffic provisions related to neighbourhood character and nuisance prevention will serve the same precaution.*

*Municipal Comparison*

*16 comparable municipalities were surveyed:*

- *11 of which did not restrict delivery services associated with a Home Occupation ~ Whitby, New Tecumseth, Norfolk County, St. Catharines, Newmarket, Innisfil, Mississauga, Aurora, Barrie, Georgina, Newmarket.*
- *3 of which with criteria permitted delivery services associated with a Home Occupation ~ Brockville, London, Markham*
- *2 of which prohibited delivery services associated with a Home Occupation ~ Owen Sound, Burlington*

**n) The home occupation and associated accessory building or custom workshop shall not become offensive or obnoxious or create a public nuisance by reason of hours of operation or emission of odour, dust, smoke, noise, gas, glare, fumes, light, vibration, radiation, debris, heat, humidity, refuse or television, radio, or internet interference which is apparent from outside the dwelling unit and associated accessory building or custom workshop and/or which exceed limits established by Town by-laws and Provincial legislation.**

*Explanatory Note: Modernized Standard Nuisance Clause*

*The purpose of this modernized clause is to provide a safeguard to prohibit disruptive uses and provide a provision the Enforcement Division can utilize should a home occupation be found to cause nuisance.*

**o) The home occupation does not generate motor vehicle traffic or parking demand in excess of that normally experienced in a residential neighbourhood;**

*Explanatory Note: Safeguard to Prohibit Uses That Generate Additional Traffic and Parking Demand*

*This purpose of this provision is to provide a protective safeguard to balance new permissions. This provision restricts Home Occupations that would create traffic and parking needs and provides Enforcement Division with by-law that can be enforced should a Home Occupation ever generate routine traffic or parking concerns.*

**p) The home occupation shall not change the character of the dwelling unit from that of a private residence. The operation of the Home Occupation shall not have a negative impact on the residential character of the neighbourhood as a consequence of such impacts including, but not limited to parking, noise and the frequency of external contact.**

*Explanatory Note: Safeguard to Ensure Residential Character Not Negatively Impacted and Remove Elements That May Limit Growth*

*The Town is not pursuing licencing of home occupations at this time. In light of this the intent of the provision is to provide Enforcement Division with provisions to deem a home occupation inappropriate for a residential neighbourhood should a home occupation routinely receive various resident complaints.*

**q) All home occupation uses shall not create or become a fire, health or building hazard. The Owner is responsible to meet all applicable local and provincial regulations, legislation and policies applicable to the proposed home occupation and to apply for any permits needed as a result of any physical changes to the building(s) triggered by the home occupation. This would include but not be limited to obtaining all applicable building permits and satisfying all applicable fire codes if construction/renovations are undertaken to accommodate the chosen home occupation. It would also include obtaining any necessary approvals from applicable local, Provincial and/or Federal agencies such as the health department.**

*Explanatory Note: The Owner is responsible to research and ensure safety requirements and receive all required permits*

*The Zoning By-law would continue to regulate home occupations and ensure compliance with all applicable land use provisions, but the Town review process is not intended to be used as a clearing house for obtaining the other abovementioned approvals as the onus will be on property owners to ensure compliance with all applicable requirements outside the jurisdiction of the Town. Ultimately, the purpose of the general provision mentioned above is to ensure the safety of residents and clients as many uses have not traditionally been permitted within a residential dwelling. Staff wants to enable residents to pursue a greater variety of home occupations, but residents must take responsibility and complete their own due diligence to ensure they are taking necessary precautions when applicable.*

**r) The following shall not be permitted as a home occupation or custom workshop:**

**i) Adult entertainment use;**

- ii) ~~Catering business~~;
  - iii) Dating/escort services;
  - iv) Paint shop;
  - v) Tattoo parlour;
  - vi) Taxi service depot/dispatch establishments;
  - vii) Animal clinic – Large Animal and Animal clinic – small animal;
  - ix) Any use involving the storage, repair, maintenance and/or towing of mobile homes, motor vehicles or recreational vehicles;
  - x) Pet salon;
  - xi) Fitness centre.
- #) Restaurant, Patio Restaurant, and Take-Out Restaurant and;**
- #) Retail Store,**

Explanatory Note: Revised Prohibited Uses

Majority of original prohibited uses remain as is.

Catering Business is now permitted following number of requests. Criteria discussed below. Definitions adjusted.

The uses of Restaurant, Patio Restaurant, Take-Out Restaurant and Retail Store are added as prohibited uses to safeguard from discrepancy with new permitted uses and provisions.

**s) The following shall be permitted as a home occupation subject to below criteria:**

- i) *Home-based Teaching* is a permitted provided compliance with use definition and all provisions of 4.12.**

***Home-based Teaching means a home occupation use that provides the service of indoor teaching, including but not limited to academics, instruments, singing, or art to a single student or small group of students.***

Explanatory Note: Inclusion of Indoor Teaching as Permitted Use with Criteria

Indoor teaching including music and choir lessons have always been a permitted use so long as the above provisions were respected and Town Noise By-law was conformed to. Formally included to remove confusion. This use was further identified by Council on May 16, 2017.

A number safeguards are identified above. They limit visitor numbers, hours of operation, traffic, nuisance, safety responsibilities for visitors and building, and character of the neighborhood.

Municipal Comparison

16 comparable municipalities were surveyed:

- Permitted in all municipalities except London.

**ii) Home-based Fitness Instruction is a permitted provided compliance with use definition and all provisions of 4.12.**

*Home-based Fitness Instruction means the provision of training to individuals or small groups of students in recreational or athletic activities, including but not limited to personal training, dancing, gymnastics, martial arts and exercise and fitness classes.*

Explanatory Note: To Permit Previously Prohibited Fitness Centre

Staff recognizes current desire for healthy living, and realizes many personal trainers work from their homes and or visit client homes to give personal training or direct classes.

A number safeguards are identified above. They will limit visitor numbers, hours of operation, traffic, nuisance, safety responsibilities for visitors and building, and character of the neighborhood.

Lastly, a new definition is required as the traditional Fitness Centre definition is not appropriate for a neighbourhood, since it includes associated facilities such as sauna, swimming pool, solarium, cafeteria and retail store. These are not appropriate for a residential area and result in a larger scale change of use than imagined appropriate for a residential area. The new added definition keep it clear and separate.

Municipal Comparison

16 comparable municipalities were surveyed:

- 13 allow Fitness Centres as a Home Occupation ~ Whitby, New Tecumseth, Norfolk County, Brockville, Markham, St. Catharines, Aurora, Oro Medonte, Barrie, Georgina, Newmarket, Innisfil, Burlington.
- 3 of which prohibited Fitness Centres as a Home Occupation ~ Owen Sound, London, Mississauga

**iii) Outdoor Swimming Lessons is a permitted provided compliance with all provisions of 4.12, notwithstanding 4.12(a) and (e).**

Explanatory Note: To Permit Previously Restricted Outdoor Swimming Lessons

Following Council requests and public input it became apparent that there is an appetite to permit outdoor swimming lessons. At the May 16, 2017 Council Meeting it was requested that Staff broaden the Home Occupation By-law to include Outdoor Swimming Lessons and explore other changes.

Allowing this would put BWG in the minority of municipalities that allows outdoor swimming lessons (1/16). This permission could potentially result in undesirable impacts however Staff are confident that the "nuisance" provisions of the Zoning by-law and the Noise By-law would be applied to ensure impacts are minimized if issues occur. Noise from a swimming lesson is likely comparable to children out playing in pool (i.e., playing, splashing and yelling). Given that there is an instructor and organization it might have less nuisance than tradition pool play.

A number of safeguards are identified above. They will limit visitor numbers, hours of operation, traffic, nuisance, safety responsibilities for visitors and building, and character of the neighborhood. 16 comparable municipalities were surveyed:

Municipal Comparison

16 comparable municipalities were surveyed:

- 15 do not allow Outdoor Swimming Lessons as a Home Occupation.
- 1 allows Outdoor Swimming Lessons as a Home Occupation (i.e., St. Catharines).

**iv) Home-based Catering Business**

- a. Home-based Catering Business is a permitted provided compliance with use definition and all provisions of 4.12.**

***Home-based Catering Business means a premises used for the purpose of preparing and providing food and beverages to be consumed at a different premises.***

Explanatory Note: To Permit Previously Restricted Catering Business

Staff have received a number of formal requests from a resident to open up a small scale catering type businesses.

A number safeguards are identified above. They will limit hours of operation, traffic, nuisance, safety responsibilities for visitors and building, and character of the neighborhood.

Pick up will permitted, but food cannot be consumed at the premises. As safeguards, retail, restaurant and take-out restaurant are prohibited uses to ensure in and out.

Municipal Comparison

16 comparable municipalities were surveyed:

- 13 allow Catering as a Home Occupation ~ Whitby, Owen Sound, New Tecumseth, Norfolk County, Brockville, St. Catharines, Aurora, Oro Medonte, Barrie, Georgina, Newmarket, Innisfil, Burlington.
- 3 do not allow Catering as a Home Occupation ~ London, Mississauga, Markham.

**v) Indirect Sales**

- a. Indirect Sales is a permitted provided compliance with use definition and all provisions of 4.12.**

***Indirect Sales means a use in which the buyer coordinates transactions for goods and services away from the premises through use of technology that may include, but is not limited to telephone, mail or internet.  
~~Purchased goods and services are delivered directly to the buyer.~~***

Explanatory Note: To Permit Coordinate Indirect Sales and Remove Pickup Restriction Consideration

Based on comments and experience Staff understand that a number of resident home occupations sell goods out of their home. In the current by-law only good produced on the property are permitted to be sold (i.e., if you knit a sweater you can sell it).

Given the societal change and dominance of online sales in the present climate. To provide increased flexibility Staff would be supportive of indirect sales of a wide range of goods beyond those produced in the home provided the coordination of the sale takes place through technology in order to limit the visitor/buyers exposure to the

residential neighbourhood. The visitors' exposure would be limited to picking up the discussed good and completing payment if it has not yet occurred.

Staff are supportive of pick up and delivery as there is little difference between a UPS van and a minivan picking up a good. Picking up goods provides convenience and saves owners overhead and purchasers money. Specifically, requiring a professional shipping service (i.e., UPS) adds costs to buyer and sellers and additional steps and time for the seller.

Sharing a personal address is a concern, but this is at the discretion of the home owner.

A number safeguards are identified above. They will limit hours of operation, traffic (including vehicle types), nuisance, safety responsibilities for visitors and building, and character of the neighborhood.

Pick up will be permitted, but there is to be no retail display setup. As a safeguards retail is prohibited. This will ensure pickups and deliveries are brief and should start and end at the front door.

#### Municipal Comparison

16 comparable municipalities were surveyed:

- Six (6) allowed Indirect Sales as a Home Occupation ~ Whitby, Mississauga, Oro-Medonte, Barrie, Innisfil, Burlington.
- Five (5) allowed goods produced on the premises can be sold ~ New Tecumseth, Norfolk County, Brockville, Markham, Aurora,
- Two (2) allowed Incidental goods associated with the home occupation to be sold ~ St. Catharines, Newmarket,
- Three (3) prohibited sales of goods as a home occupation. ~ Georgina, London, Owen Sound.

#### vi) **Home-based Medical Practitioner**

- Home-based Medical Practitioner* is a permitted provided compliance with use definition and all provisions of 4.12.**
- A maximum of 2 examination rooms are permitted.**
- Limited to one (1) primary licenced medical practitioner practicing at a time.**
- The accommodation of patients overnight is prohibited.**

***Home-Based Medical Practitioner* means a home occupation use in which a health professional provides diagnosis and treatment to improve the general wellness and recovery from ailments of patients. This may include, but is not limited to doctors, dentist, psychiatrists, chiropractors, registered massage therapists, holistic health practitioners, counseling, drugless practitioners, naturopaths, and traditional Chinese medicine practices. This does not include a veterinarian.**

*Explanatory Note: Permits Medical Practitioner as a As Of Right Home Occupation Use*

*The ability to have medical professions work out of the home will provide opportunity to increase the quantity of available practitioners in BWG. Ideally, this provides a solid opportunity for practitioners starting up or gearing down as there is trepidation that very busy practice be too much for a residential neighbourhood.*

*A number safeguards are identified above that will limit visitor numbers, hours of operation, traffic, nuisance, safety responsibilities for visitors and building, and character of the neighborhood. Additionally, limiting the occupation to a maximum of 1 practitioner, 2 examination rooms, and no overnight patient accommodation limits magnitude of nuisance.*

*A traditional or commercially located walk-in clinic or dentist office has a large waiting area, reflective parking area and turnover which can be disruptive and inappropriate for residential zone. A medical practitioner must consider their practices needs and magnitude if starting a practice out of their home as not to potentially limit themselves and negatively influence neighbourhood.*

*The 24 hour client limitation has been removed based on resident input, but Staff have changed to limit to 1 medical practitioner total INSTEAD of limiting the practitioner to 1 client at a time. This with the visitor limit reduces the overall quantity and frequency of visitors in and out the property to be more in character with traffic seen in a residential neighbourhood.*

#### Municipal Comparison

*16 comparable municipalities were surveyed:*

- *6 of which permitted medical practitioners without restrictions ~ Owen Sound, New Tecumseth, Aurora, Oro Medonte, Innisfil,*
- *6 of which permitted medical practitioners with criteria:*
- *Norfolk County ~ 1 parking space for every 20 square metres of usable floor area.*
- *Mississauga ~ (1) Must be located in detached dwelling; (2) Must not be located within 800m of existing physician; (3) Requires minimum frontage of 15m; (4) No overnight patients; (5) must be principal residence of practitioner; (6) Maximum gross floor area of 100 square metres.*
- *Markham ~ (1) Must be located on higher capacity road (i.e., highway, arterial, etc.); and (2) must be principal residence of practitioner.*
- *St. Catharines ~ Maximum 5 clients at a time and at most 20 in a 24-hour period.*
- *Barrie ~ (1) A single employee is only permitted in single detached dwellings and semi detached dwellings; (2) a parking space must be provided for the employee; (3) limited to 1 client at a time.*
- *Newmarket ~ Limited to 1 practitioner.*
- *Burlington ~ Only permitted in detached dwellings.*
- *4 prohibited medical practitioners as home occupations ~ Whitby, Brockville, London, Georgina*