

The Corporation of the Town of Bradford West Gwillimbury

BY-LAW 2020 – XX

Being a By-law to amend Zoning By-law 2010-050 to amend definitions and zoning standards for Home Occupations.

WHEREAS By-law 2010-050 is the main comprehensive Zoning By-law of the Town of Bradford West Gwillimbury;

AND WHEREAS By-law 2010-050 was approved by the Council of The Corporation of the Town of Bradford West Gwillimbury on June 8, 2010;

AND WHEREAS the Ontario Municipal Board under Case No. PL100684, by Order issued on August 13, 2010, deemed Zoning By-law 2010-050 in force and effect as of June 8, 2010, save and except for site-specific appeals, all of which have been disposed;

AND WHEREAS the Council of The Corporation of the Town of Bradford West Gwillimbury has conducted a consultation process aimed at amending applicable sections of the Zoning by-law to broaden home occupations permissions;

AND WHEREAS the Council of The Corporation of the Town of Bradford West Gwillimbury deems it desirable and expedient that Zoning By-law 2010-050 be amended;

AND WHEREAS authority is granted under Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13;

NOW THEREFORE the Council of The Corporation of the Town of Bradford West Gwillimbury enacts as follows:

1. Part 3 of By-law 2010-050 is amended by adding the following definitions to the current list:

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.

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.

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.

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.

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.

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.

2. That the Definition of Home Occupation in Part 3 of Zoning By-law 2010-050, as amended, is hereby deleted and replaced with the following:

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*.

3. Part 4 – General Provisions is hereby amended by adding a new Subsection 4.1.1(d)(i) as follows:

4.1.1 ACCESSORY BUILDINGS, STRUCTURES AND USES - PERMITTED 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.

4. Part 4 – General Provisions is hereby amended by replacing Section 4.12 with the following:

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;
- 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;
- 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;
- 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) The home occupation use is not permitted outside the dwelling unit and enclosed accessory building;
- 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;
- 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 areas identified in Table 4.3, below:

ZONES	MAXIMUM GROSS FLOOR AREA
<ul style="list-style-type: none"> • 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
<ul style="list-style-type: none"> • 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

- 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;
- i) There is no outside storage of materials or goods in conjunction with the home occupation use;
- j) There is no external advertising other than a sign erected in accordance with

the Town Sign By-law;

- 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;
- l) No more than five (5) Home Occupation Visitors shall be permitted from attending at a single time.
- 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;
- 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.
- o) The home occupation does not generate motor vehicle traffic or parking demand in excess of that normally experienced in a residential neighbourhood;
- 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;
- 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;
- r) The following shall not be permitted as a home occupation or custom workshop:
 - i) Adult entertainment use;

- ii) Dating/escort services;
 - iii) Paint shop;
 - iv) Tattoo parlour;
 - v) Taxi service depot/dispatch establishments;
 - vi) Animal clinic - Large Animal and Animal clinic - small animal;
 - vii) Any use involving the storage, repair, maintenance and/or towing of mobile homes, motor vehicles or recreational vehicles;
 - viii) Pet salon;
 - ix) Fitness centre;
 - x) Restaurant, Patio Restaurant, and Take-Out Restaurant and;
 - xi) Retail Store.
- 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.
 - ii) *Home-based Fitness Instruction* is a permitted provided compliance with *use* definition and all provisions of 4.12.
 - iii) *Outdoor Swimming Lessons* is a permitted provided compliance with all provisions of 4.12, notwithstanding 4.12(a) and (e).
 - iv) *Home-based Catering Business* is a permitted provided compliance with *use* definition and all provisions of 4.12.
 - v) *Indirect Sales* is a permitted provided compliance with *use* definition and all provisions of 4.12.
 - vi) *Home-based Medical Practitioner* is a permitted provided compliance with *use* definition and all provisions of 4.12.
 - i. A maximum of 2 examination rooms are permitted.
 - ii. Limited to one (1) primary licenced medical practitioner practicing at a time.
 - iii. The accommodation of patients overnight is prohibited.
5. Part 6 – Special Provisions for Table 6.1 is hereby amended by replacing number 1 as follows:
- 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.
6. Part 7 – Special Provisions for Table 7.1 is hereby amended by replacing number 3 as follows:

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

7. This By-law shall come into effect and take effect pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

Enacted this ____ day of _____, 2021.

Rebecca Murphy, Clerk

Rob Keffer, Mayor

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