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TOWN OF ORANGEVILLE

OFFICIAL PLAN AMENDMENT NO. 43

to the

ORANGEVILLE PLANNING AREA

DUPLICATE ORIGINAL

AMENDMENT NO. 43  
TO THE  
OFFICIAL PLAN FOR THE  
TOWN OF ORANGEVILLE

This Amendment No. 43 to the Official Plan for the Town of Orangeville which was adopted by the Council of the Corporation of the Town of Orangeville is hereby approved under Sections 17 and 21 of the Planning Act, 1983.

Date: 1994-10-28



Diana L. Jardine, M.C.I.P.  
Director  
Plans Administration Branch  
Central and Southwest  
Ministry of Municipal Affairs

THE CORPORATION OF THE TOWN OF ORANGEVILLE

By-law No. 49-94

The Council of the Corporation of the Town of Orangeville, in accordance with the provisions of Section 21 of the Planning Act, R.S.O. 1990, Ch. P.13 and amendments thereto, hereby enacts as follows:

1. Amendment No. 43 to the Official Plan for the Town of Orangeville, consisting of the explanatory text is hereby adopted.
2. The Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs for the approval of Amendment No. 43 to the Official Plan for the Town of Orangeville.
3. This by-law shall come into force and take effect on the day of final passing thereof.

ENACTED AND PASSED THIS 12TH DAY OF SEPTEMBER, A.D. 1994

Mary T. Rose  
Head of Council

Ann E. Armstrong  
Clerk

THE OFFICIAL PLAN  
FOR THE  
TOWN OF ORANGEVILLE  
AMENDMENT NO. 43

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The attached map and explanatory text, constituting Amendment Number 43 to the Official Plan for the Town of Orangeville was adopted by the Council of the Corporation of the Town of Orangeville, under the provisions of Section 21 of the Planning Act, R.S.O., 1990, Ch. P13.

on the 12TH day of SEPTEMBER, 1994

*Alex L. Armstrong*  
CLERK

*Mary T. Rose*  
MAYOR

## PART A - THE PREAMBLE

### 1. Purpose of the Amendment

The purpose of the amendment is to amend the policies of the Plan, namely, Sections E1.3 and E1.6, to permit certain home occupations to operate within other types of dwellings rather than just single detached, subject to the provisions of the Zoning By-law.

### 2. Location

This amendment applies to all lands within the Town of Orangeville.

### 3. Basis of the Amendment

The basis of this amendment is a staff review of the existing Town of Orangeville Official Plan policies regarding the development of "home occupations". This review is encompassed in two staff reports dated March 3, 1994 and July 12, 1994. These reports are attached to and form part of the basis of this amendment.

The review focussed on an examination of the nature of various types of home occupations, emerging trends regarding working at home, and an analysis of current and proposed policies in other municipalities.

The research conducted indicated that approximately 5 percent of the 1991 workforce in Orangeville listed their home as their usual place of work. In light of the development of improved information technologies such as personal computers, modems and fax machines as well as the savings in time and energy from working at home, the number of persons conducting a business from their home will likely continue to increase.

A review of the Town's existing Official Plan policies regarding home occupations reveals that home occupations are only permitted in single detached dwellings. The Plan also provides direction to the Town's Zoning By-law with regard to the development and regulation of home occupations.

A review of the nature and effect of home occupations indicates that the level of compatibility between the home occupation and the surrounding residential neighbourhood depends largely on the intensity of the use and the type of dwelling which houses the home occupation. In light of this, certain types of home occupations are appropriate for some types of dwelling units but not for others. For example, the teaching of music lessons may be appropriate for a detached dwelling but not appropriate for an apartment due to the noise generated. However, office uses which do not generate a high level of client traffic such as an architect or management consultant may be appropriate in any type of dwelling unit.

Having regard for this consideration, it is possible to permit home occupations in all types of dwelling units subject to the provisions of the Zoning By-law. The Zoning By-law can specify what types of home occupations can operate in certain types of dwellings.

Based on the above analysis and the results of a public meeting held on August 29, 1994, Council has deemed it appropriate to adopt Official Plan Amendment No. 43 which will have the effect of permitting home occupations to operate in all types of residential dwelling units subject to the provisions of the Zoning By-law.

PART B - THE AMENDMENT

The Official Plan for the Town of Orangeville is amended as follows:

1. That Section E1.3 of the Official Plan be amended to delete the the phrase "single detached residences" in the first sentence of the fifth paragraph.
2. That Section E1.6 of the Official Plan be amended by deleting the first sentence which reads "Home occupations may be permitted in single detached residences." This sentence would be replaced with the following sentence:

"Home occupations may be permitted in all types of residential dwelling units subject to the provisions of the Zoning By-law."

MARCH 3, 1994 AND JULY 12, 1994

PLANNING REPORTS

*(part of the basis of Official Plan Amendment No. 43)*



Schedule "A" to  
July 12, 1994 Report

THE CORPORATION OF THE TOWN OF ORANGEVILLE

INTERDEPARTMENTAL REPORT

TO: P. Moyle  
C.A.O.

March 3, 1994

FROM: P. Lee  
Planner

SUBJECT: Policies and regulations regarding "home occupations".  
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PURPOSE

The following report examines the Town of Orangeville's existing policies and regulations regarding the ability to conduct a business within a residential dwelling. The continued growth in the number of persons operating a "home occupation" has lead to an examination of the appropriateness of the policies contained in the Town's Official Plan and the regulations in place in Zoning By-law 22-90.

The following report provides a review of the nature of home occupations and emerging trends, a comparison of the legislation in place in Orangeville and other municipalities and recommendations regarding potential changes to the current policies and regulations to meet changing demands.

BACKGROUND

Nature of Home Occupations

Home occupations can generally be defined as the operation of any business or occupation for profit or gain, conducted within a private dwelling. Within this broad definition are a variety of disciplines including:

- business and professional offices;
- physicians;
- hairdressers and personal services technicians;
- artisans;
- tutors; and,
- garment workers.

In addition to this group which would operate a business from their home, are persons who hold a job elsewhere but occasionally work from their home. These persons are generally not included as those conducting a home occupation since the production of goods, gathering of people or other more intense activities which could be a nuisance would generally be conducted at the normal place of business rather than the home.

### Trends in Home Occupations

The development of improved information technologies such as the personal computer, modems and fax machines have made it much easier to conduct a business from a residential dwelling. In addition, the savings in time and resources involved in travelling to and from a place of employment are substantial.

The 1991 Census indicates that in Orangeville a total of 435 persons or 4.9 percent of the workforce listed their home as their usual place of work. In the City of Toronto in 1991, approximately 4.3 percent of workforce worked from their home. Although few statistics are available, the growth in the incidence of home occupations is likely to continue.

The Town's Planning Department has continued to experience a substantial number of enquiries regarding the establishment of home occupations.

### Legislation of Home Occupations

#### General

Similar to the policies and regulations which govern other types of land uses, one of the prime goals is to give individuals the ability to use their property in a manner they desire, yet preserve the rights of neighbours to the quiet enjoyment of their property in the fashion the neighbourhood was planned for.

The legislation surrounding home occupations has generally focussed on the control of those factors which may cause nuisance to surrounding properties. Town staff have consulted several other municipalities as well as a resource handbook titled "The Zoning Provisions Encyclopedia" to determine the extent of the regulations used to control home occupations. The various regulations and a brief description of their intent are outlined below:

- Restriction of the types of uses permitted;
  - The intent is to restrict the uses to those which will have no negative effect on the surrounding neighbourhood.
  
- Restriction of the use to the interior of the dwelling;
  - The purpose of restricting the use to the interior of the dwelling is to reduce the chance of negative effects on the surrounding lands.
  
- Restriction of outside storage;
  - Same as above.
  
- Only permitting employees who reside in the dwelling;
  - The purpose of restricting outside employees is to reduce parking requirements, traffic and noise as well as maintain the spirit and intent of a true home occupation.
  
- Restricting mechanical equipment;
  - The intent is reduce the possibility of nuisance through noise, vibration or interference with television or radio reception.
  
- Parking requirements;
  - The provision of adequate parking is important in maintaining the residential character of the neighbourhood.
  
- Limiting the types of residential dwellings in which a home occupation could occur;
  - Certain types of dwelling units such as single detached dwellings have a greater ability to accommodate uses than others.

- Limiting the amount of floor area in the dwelling which can be used for a home occupation;
  - The intent is to maintain the residential use as the primary function of the dwelling.
  
- Restrictions on signs;
  - The presence of signs greatly changes the visual character of the neighbourhood. The intent is to ensure the retention of the residential character.
  
- Not permitting the sale or rental of goods on the premises;
  - The sale or rental of goods is often inappropriate as it can increase the number of visitors to the site and also requires an area for storage or display of goods which may not be appropriate in all cases.
  
- Retention of the residential appearance and nature of the property:
  - Residents of most neighbourhoods have come to expect a certain form and function to the neighbourhood. Retention of the existing nature of the neighbourhood is of great importance.

Town of Orangeville policies and regulations

Official Plan:

Within the policies relating to residential land use, the Town's Official Plan contains a subsection pertaining to the development of "home occupations". Section E1.6 of the Plan (attached as Appendix "A" to this report) permits the establishment of home occupations only within single detached dwellings. The Plan defines home occupations to include "such uses as "personal services and professional offices".

The Plan provides direction to the Town's Zoning By-law with regard to the development of regulations regarding home occupations. The Plan indicates that the Zoning By-law shall:

- indicate a list of permitted uses and which residential zones shall permit home occupations;
- provide a restriction on the number of people who may be employed in the home occupation;
- list a maximum percentage of the dwelling which can be used for the home occupation;
- require the continued residential appearance of the dwelling; and,
- provide parking standards.

Zoning By-law 22-90:

Section 2.52 of the By-law provides a definition of "Home Occupation" which includes a set of regulations regarding their use. The definition limits uses to personal services and professional offices. No definition exists for "Personal Services"; however, staff have generally interpreted these to be such uses as hairdressers, beauticians, tailors and other such uses.

"Business or Professional Office" is defined in the By-law as follows:

"BUSINESS OR PROFESSIONAL OFFICE" means a building in which a business is conducted or a profession is practised and includes a medical clinic."

Within the the above-noted definitions, a considerable variety of uses could be considered as home occupations.

With regard to regulations to control these uses, Section 2.52 of the By-law provides the following:

- that there be no advertising except a sign erected in accordance with applicable by-laws;
- that the home occupation be secondary to the main residential use and not create a nuisance;
- not occupy more than 25 percent of the dwelling and that no accessory building be used;
- that not less than 3 parking spaces be provided; and,
- that there be no sale or rent of goods or merchandise.

### Other Municipalities

The following provides a brief description of the nature of the policies and regulations in force in select municipalities. Excerpts of the municipal planning documents are contained in Appendix "B".

#### Town of Aurora:

The Town's Official Plan permits home occupations within the "Urban Residential" designation, provided they are "accessory and subsidiary to the residential use and are compatible with the amenity of the residential environment".

The Town's Zoning By-law permits home occupations only within zones which permit single detached, semi-detached and townhouse dwellings. Permitted uses are generally limited to professional offices, artist's studios, and teaching and musical instruction provided there is no more than a single pupil at a time. Regulations include:

- restriction to one employee not resident in the dwelling;
- no outside storage;
- no mechanical equipment except where ordinarily used for domestic purposes; and,
- no goods to be offered for sale on the premises

#### Town of Georgina:

The Official Plan indicates that home occupations may be permitted within the "Low Density Residential" designation provided that adequate measures are taken to ensure that the residential character of the area is not adversely affected by obtrusive lighting, signs, parking, traffic, outside storage or other evidence of incompatible commercial activity.

The Town's Zoning By-law permits business or professional offices, a domestic or household art, a medical or drugless practitioner, but not a clinic, animal hospital or nursery. The By-law permits home occupations only within the zones which permit single detached, semi-detached and duplex dwellings. Regulations include:

- the home occupation must be operated by a person residing in the dwelling;
- no more than 2 persons not residing in the dwelling may be employed;
- no sale of goods from the premises; and,
- one additional off-street parking space is provided for each 24 sq. metres of floor area devoted to the home occupation.

**City of Toronto:**

The City's Official Plan permits home occupations within all residential areas. The zoning by-laws for the most part do not permit home occupations with following exceptions:

- a dentist's or physician's office in the basement or first floor of a detached house used by a physician or dentist as his private residence, within an "R1" or "R1S" district;
- a dentist's or physician's office in the basement or first floor of a house-form building or apartment building used by the physician or dentist as his private residence within an "R2", "R3", "R4" or "R4A" district;
- a chiropractor's or osteopath's office in the basement or first floor of an apartment building used by the chiropractor or osteopath as his private residence within an "R3", "R4" or "R4A" district;
- a private home day care centre (not more than five children); and,
- a bed and breakfast establishment.

Concerns related to amending the legislation

In light of the many changes in society and technology there are several arguments for extending the ability to conduct home occupations. However, with regard to the desire for the quiet enjoyment of residential neighbourhoods, there are also arguments for limiting the development of home occupations. The following provides arguments for each case.

#### *Extending Home Occupations:*

- *there are likely many unknown home occupations which currently operate and have no noticeable disturbing effect;*
- *for those who cannot afford child care, working from the home is one of their limited economic possibilities;*
- *working from the home can increase the number of services available to the neighbourhood;*
- *home occupations can provide an "economic incubator" to allow new businesses lower start-up costs; and,*
- *home occupations eliminate commuting thereby preserving resources and reducing traffic and pollution.*

#### *Restricting Home Occupations:*

- *incompatible home occupations can create problems associated with parking traffic, noise, outside storage and odour which can have a destabilizing effect on the residential character of the neighbourhood.*
- *home occupations could be considered to have an unfair advantage over other businesses operated in commercial zones which pay business taxes; and,*
- *a potential loss in tax revenue to the municipality.*

#### *Attempts to Broaden the legislation*

*The City of Toronto has proposed one of the more comprehensive updates of the legislation regarding home occupations. The draft zoning by-law amendment proposed by staff (which has yet to be approved by Council) would classify various types of home occupations according to the intensity of their nature and permit certain classes of home occupations in certain types of dwellings. Specific performance regulations would apply to the various classes of home occupations.*

*An example of their proposal is provided below:*

<u>Type of Use</u>	<u>Type of building</u>	<u>Requirements</u>
office other than a physician dentist or drugless practitioner	any type of dwelling	only residents of the dwelling to be involved  maximum 30% of the floor area of the dwelling  is integral to the dwelling unit  no signage  no direct sale or rental of goods
a barber, hair-dresser, or beautician	detached dwelling	only residents of the dwelling to be involved  maximum 30% of the floor area of the dwelling  is integral to the dwelling unit  no signage  no direct sale or rental of goods  not more than one salon chair is provided and not more than one person is served at one time

The complete proposal is provided in Appendix "B" of this report. This approach would appear to offer the ability to provide for wide range of uses subject to the appropriate dwelling type and performance criteria.

### Potential Changes to Orangeville's Planning Documents

The following provides a list of potential areas of change to Orangeville's planning documents based on the experiences of staff. Prior to the recommendation of any specific changes it may be appropriate to hold a public meeting to gain input from residents and those who currently operate home occupations.

Existing policies and regulations restrict home occupations to single detached dwellings in Orangeville. One of the most common complaints experienced by Town planning staff is that home occupations should be permitted in other types of dwellings such as semi-detached and townhouses.

Another complaint is directed towards the lack of a more clear and specific list of uses that are considered home occupations.

Presently, there are no restrictions regarding the number of beauty salon chairs or the number of people that can be taught by a tutor or the number of patients a doctor can see at one time. Consideration could be given to further regulation in this area.

In comparing the regulations that are currently in place in Orangeville with the list of common regulations governing home occupations outlined on pages 3 and 4 of this report there would also appear to be some room to provide for further regulation to ensure neighbourhood compatibility.

CONCLUSIONS/RECOMMENDATIONS

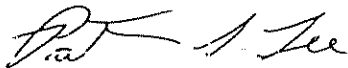
Due to economic circumstances and changing technologies, the incidence of home occupations may continue to grow. The preceding report has identified the various circumstances under which home occupations can occur and the means which can be used to regulate them. Further input from the public and home occupation operators is important to gaining further insight.

In light of the above, it is recommended that:

THE REPORT OF THE PLANNER ON HOME OCCUPATIONS DATED MARCH 3, 1994,

BE RECEIVED;

AND THAT COUNCIL AUTHORIZE STAFF TO SCHEDULE A PUBLIC MEETING TO GAIN FURTHER INPUT ON HOME OCCUPATIONS PRIOR TO THE RECOMMENDATIONS OF ANY CHANGES TO THE OFFICIAL PLAN OR ZONING BY-LAW



Patrick Lee B.E.S.  
Planner

*APPENDIX "A*  
*EXCERPTS OF TOWN OF ORANGEVILLE*  
*OFFICIAL PLAN AND ZONING BY-LAW*

# ZONING BY-LAW 22-90

2.49

"GROUP HOME" means a single housekeeping unit in a residential dwelling in which a range of three to ten residents (excluding staff or the receiving family) live under supervision and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being. The home is licensed or approved for funding under an Act of the Parliament of Canada or the Province of Ontario.

2.50

"GUEST ROOM" means a room or suite of rooms used or maintained for the accommodation of the public and which contain no facilities for cooking.

2.51

"HEIGHT" means when used with reference to a building, the vertical distance between the average elevation of the finished surface of the ground at the front of the building and in the case of

- a) a flat roof - the highest point of the roof surface or the parapet, whichever is the greater.
- b) a mansard roof - the deck roof line, and
- c) a gable, hip or gambrel roof - the mean height between the eaves and ridge.

2.52

"HOME OCCUPATION" means an occupation conducted entirely within a single detached dwelling by the resident. Permitted uses are limited to personal services and professional offices provided that;

- a) there shall be no external display or advertising other than a sign erected in accordance with all applicable laws;
- b) there shall be no external storage of goods, materials or equipment,
- c) it shall be secondary to the main residential use and shall not change the residential character of the dwelling or create or become a nuisance,
- d) not more than 25 per cent of the floor area of the dwelling shall be used for such use and no accessory building or other structure shall be used for such use,
- e) not less than 3 parking spaces shall be provided and maintained for such use, and
- f) there shall be no goods, wares or merchandise offered or exposed for rent or sale or sold in the dwelling or the lot upon which the dwelling is located

2.53

"HOSPITAL, PRIVATE" means a hospital as defined in The Private Hospitals Act (R.S.O. 1980), Chapter 361, as amended from time to time, or a sanatorium as defined in The Private Sanatorium Act (R.S.O. 1980), Chapter 307, as amended from time to time

2.54

"HOSPITAL, PUBLIC" means a hospital as defined in The Public Hospitals Act (R.S.O. 1980), Chapter 378, as amended from time to time.

2.55

"HOTEL OR MOTEL" means a building, a part of a building or a group of buildings used for the purpose of providing accommodation, with or without food or other refreshments, to the travelling public, including, but not so as to limit the generality of the foregoing, a motor court, auto court, motor hotel, tourist home and any hotel as defined in The Hotel Registration of Guests Act (R.S.O. 1980), Chapter 212, as amended from time to time, or any successors thereto

2.56

"INDOOR PARTICIPANT RECREATION FACILITY" means an indoor business establishment which provides physical activities such as health spa, racquetball, bowling, billiards, and any other similar sporting activity but shall not include dance halls, bingo halls, pinball arcades, and adult entertainment parlours

2.57

"INDUSTRIAL MALL" means a building or group of buildings held in single ownership or by participants in a condominium corporation or cooperative and divided into units for separate occupancy by different industrial uses for which common loading and parking facilities and other common services may be but are not necessarily provided

2.58

"KENNEL" means an establishment where dogs or cats are housed, groomed, bred, boarded, trained or sold and which is licensed by the Corporation under The Municipal Act

2.59

"LANE" means a public thoroughfare which provides a secondary means of access to abutting lots but does not include a street.

2.60

"LIBRARY, PUBLIC" means a library, branch library or distributing station under The Public Libraries Act (R.S.O. 1980), Chapter 414, as amended from time to time, or any successor thereto

2.61

"LOT" means a parcel or tract of land

- a) which is a lot shown on a Registered Plan of Subdivision provided that a Registered Plan of Subdivision for the purposes of this subsection does not include a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a by-law passed pursuant to The Planning Act, or
- b) which fronts on a public highway, is a separate parcel of land and no abutting land is owned by the same owner or owners on the date of the passing of this By-law, or
- c) the description of which is the same as in a conveyance for which consent has been granted pursuant to The Planning Act, or
- d) which is the remnant parcel remaining to an owner or owners after a conveyance has been made for which consent has been given pursuant to The Planning Act

2.62

"LOT AREA" means the horizontal area within the lot lines of a lot and for the purpose of calculating the lot area of a corner lot having a sight triangle or having street lines rounding at the corner with a radius of 20 feet or less, the lot area shall be calculated as if the lot lines were produced to their point of intersection.

2.63

"LOT, CORNER" means a lot situated at the intersection of and abutting upon two or more streets provided that the angle of intersection of such streets is not more than 135 degrees

2.64

"LOT, COVERAGE" means that part of the lot covered by a building or other structure including an accessory building or structure

2.65

"LOT, DEPTH" means the horizontal distance between the front and rear lot lines and where such lot lines are not parallel lot depth shall be determined by measuring the length of a line joining the mid-points of the front and rear lot lines

2.66

"LOT FRONTAGE" means the horizontal distance between the side lot lines measured along the front lot line but where the front lot line is not a straight line or where the side lot lines are not parallel, the lot frontage shall be determined by measuring a line equal to the minimum front yard measurement at a point to the rear of and parallel to the chord of the lot frontage. For the purpose of this section

- a) the chord of the lot frontage shall be a straight line joining

# ORANGEVILLE OFFICIAL<sup>-18-</sup> PLAN

The location of housing types and residential densities is further defined by Schedule "B" - Residential Density Plan. Other policies in this Section define each designated density by permitted dwelling type as well as the number of units permitted per net residential hectare.

Complimentary uses permitted in the residential designation are those considered to be compatible with the residential use. Such uses may include both public and private uses such as schools, cemeteries, religious institutions, meeting halls, hospitals, convalescent homes, boarding houses, nursing homes, elderly person homes, and nursery schools. These uses will be permitted within residential areas provided that an amendment to the Zoning By-law has been passed by Council.

Parks and other public uses shall also be permitted in the Residential designation without an Amendment to the Zoning By-law.

Home occupations may be permitted in single detached residences as a complimentary use in the residential designation. Home occupations include such uses as personal services and professional offices. Home occupations shall be subject to the provisions of the Zoning By-law as well as more detailed policies contained in this Section of the Official Plan.

Group homes shall be permitted in all Residential designations subject to the more detailed policies of this Section. Halfway homes (which accommodate a more transient population) and crisis care facilities (designed for emergency situations characterized by short term residents) shall be directed to locations in the downtown area.

## E1.4 RESIDENTIAL DENSITIES

The location of housing types and densities shall be guided by Schedule "B" - Residential Density Plan, in conjunction with the definition of Residential Density categories as follows:

E1.4.1 Estate Residential - This category permits single detached dwellings on private services with a minimum lot area of 3,000 square metres (32,293 square feet) for development on private water and sewage systems, and 2,200 square metres (23,680 square feet) for development with Municipal water.

E1.4.2 Low Density Residential - This designation permits single detached and 2 unit dwellings to a maximum density of 25 units per net residential hectare (10 units per net residential acre).

E1.4.3 Low Density Multiple - This designation permits single detached, 2 to 4 unit dwellings and townhomes, at a maximum density of 49 units

E1.5 CONVERTED DWELLINGS

E1.5.1 Residential conversions shall be considered within older residential areas in proximity to the Downtown subject to:

- a.) The provisions of the Zoning By-law relative to the control of minimum floor area requirements, number of converted dwelling units permitted, parking requirements and other provisions.
- b.) The consideration of surrounding areas to ensure they are not detrimentally affected.

E1.6 HOME OCCUPATIONS

E1.6.1 Home occupations may be permitted in single detached residences. Home occupations include such uses as personal services and professional offices. Home occupations shall be subject to the provisions of the Zoning By-law which may provide:

- a.) A detailed list of permitted home occupation uses. The Zoning By-law shall indicate which residential zones shall permit home occupations.
- b.) Restriction of the number of people who may be employed in the home occupation.
- c.) A maximum percentage of the floor area of the residence which may be used for the home occupation.
- ~~d.) Maintenance of the external appearance of the residence and the control of exterior signs.~~
- e.) Appropriate parking standards.

E1.7 GROUP HOMES

E1.7.1 A group home is defined as a single housekeeping unit in a residential dwelling in which ~~3 to 6~~ residents (excluding staff or the receiving family) live as a family under responsible supervision consistent with the particular needs of its residents. The home is licenced or approved under Provincial Statutes and in compliance with Municipal By-laws. A foster home is not a group home.

E1.7.2 Group homes shall be permitted in all residential

MOS  
 3  
 4  
 3

APPENDIX "B"

EXCERPTS OF PLANNING DOCUMENTS

TOWN OF AURORA  
TOWN OF GEORGINA  
CITY OF TORONTO

# TOWN OF AURORA OFFICIAL PLAN

## PART THREE - PLANNING COMPONENTS

### 3.1 Residential, Housing: Urban, Suburban, Estate Residential, Supply

- Section 3.7 Community Identity,
- Section 3.8 Heritage,
- Section 3.9 Urban Design,
- Section 3.10 Transportation,
- Section 3.11 Environment,
- Section 3.12 Utilities, and
- all Sections of Part IV, Implementation

L Achieve the preceding residential objectives through policies in the following sections of this Plan:

- i Urban Residential: low, medium, high and mixed densities;
- ii Suburban and Estate Residential;
- iii Housing Supply.

M Ensure effective and efficient processing of development applications which meet the housing goals and objectives of this Plan.

N Monitor and review residential development to ensure housing needs are met.

#### 3.1.1 URBAN RESIDENTIAL POLICIES

a Urban Residential shall include a full range of housing forms and densities including single detached, duplex, triplex, fourplex, apartment, row housing, maisonette, linked, cluster and other multiple housing units, as recognized through the Planning Act and related Housing Policy Statement. All forms of supportive housing including nursing homes, senior citizens homes, housing for persons with special needs, group homes, crisis type facilities, rooming, boarding and lodging houses shall be permitted. Urban Residential shall also include accessory uses, and home occupations which are accessory and subsidiary to the residential use and compatible with the amenity of the residential environment. Neighbourhood oriented support services including schools, play grounds, child care facilities, shall also be permitted.

Where a home occupation is permitted in this By-law a person occupying a dwelling and intending to carry on a home occupation shall comply with the following regulations:

- 6.21.1 There shall be no exterior evidence of the occupation being conducted therein.
- 6.21.2 There shall be no outside storage of materials, commodities or finished products.
- 6.21.3 There shall be no mechanical equipment used except where ordinarily used for domestic purposes.
- 6.21.4 No person, other than an occupant of the premises or one (1) outside employee, shall be engaged in canvassing, delivering or acting as a go-between in distributing merchandise to customers.
- 6.21.5 Not more than one person not resident in the dwelling shall be employed in the home occupation.
- 6.21.6 There shall be no display, other than legal sign, to indicate to persons outside that any part of the dwelling house, unit or lot is being used for a purpose other than a dwelling.
- 6.21.7 Such a home occupation shall be clearly secondary to the main residential use of a building and shall not change the residential character of a dwelling house or unit nor create or become a public nuisance, particularly in regard to noise, noxious odours, emission of smoke, traffic, or parking.
- 6.21.8 Such home occupation shall not interfere with any television or radio reception.
- 6.21.9 No goods, wares or merchandise, shall be publicly offered or exposed for sale on the premises.
- 6.21.10 Not more than twenty-five (25) percent of the floor area of the dwelling shall be used for the purpose of home occupation uses.
- 6.21.11 For every twenty-five (25) square metres of floor space occupied for home occupational purposes one parking space, in addition to the residential requirement, shall be provided.
- 6.21.12  
(2972-88) Such home occupation uses may include but are not limited to an artist's studio, dressmaking, lawyer, engineer, architect, accountant, real estate or insurance agent, and teaching and musical instruction studio when limited to a single pupil at a time.

TOWN OF GEORGINA OFFICIAL PLAN

SECTION 5 - GENERAL LAND USE POLICIES

The predominant land uses in the areas so designated shall be low density residential uses. In addition, churches, other local institutional uses, local parks, local commercial and other uses which are complementary to or serve the basic residential uses may also be permitted. In areas fronting on main streets adjacent to the Central Business Districts, a limited number of offices may be located. The policies for the development and zoning of the Urban Residential areas are as follows:

5.2.1.1 General

The general location of the low and medium density residential areas shall be controlled by the areas designated in Schedule 'A' and the following text:

- i) Adequate off-street parking and adequate driveways will be provided for all uses permitted. The location of the driveways will be such as to cause the least conflict with road traffic and neighbouring uses.
- ii) All new residential uses will be adequately separated and screened from any adjacent conflicting uses. In particular, special measures, such as increased yard parking areas and landscaped buffer strips, may be required to protect the amenities of the surrounding area.

5.2.1.2 Low Density Residential

- (a) Low density residential uses include one and two family dwellings and may be permitted in all areas designated Urban Residential.

{ Certain compatible home occupation uses may be permitted within residences provided adequate measures are taken to ensure that the residential character of the area is not adversely affected by obtrusive lighting,

SECTION 5 - GENERAL LAND USE POLICIES (cont.)

signs, parking, traffic, outside storage, or other evidence of an incompatible commercial activity and to ensure that such home occupation uses remain a minor adjunct to the principal residential use.

- (b) The majority of the uses will be single family dwellings and the density of all low density uses shall not exceed 50 persons per hectare of gross area\* of Urban Residential land.

Amendment #14

- (c) In the Community of Keswick, as shown on Map 2 of Schedule 'A', a 15 m landscaped buffer between the west side of Woodbine Avenue and low density residential development will be required. The purpose of this buffer will be to screen the residential land use from those persons travelling along Woodbine Avenue, to give the appearance of a rural wooded area, and thus, maintain a visible edge to the urban area.

Amendment #10

- (d) MAPLE LEAF ESTATES -  
PARTS OF LOTS 23, 24, 25, 26 AND 27,  
CONCESSION 3 (NG)

The subject area is intended to be a self-contained recreational residential retirement community, servicing the special community needs of specific population groups in the area and providing an alternate form of year-round community living in Georgina. Such a development shall exhibit a high standard of construction and services, and without limiting the generality of the foregoing, the development shall provide on-site recreational facilities such as a golf course, parks, walkways, open space areas and recreational complexes containing facilities such as shuffleboard, meeting rooms and games rooms for the use of the residents on the site. But, the development will not have

\* GROSS AREA means an area which includes all neighbourhood uses such as road allowances, neighbourhood parks and playgrounds, schools, churches and local commercial uses. In a low density neighbourhood, the actual sites for residential lots are usually about 65% of the gross area of the neighbourhood.

# TOWN OF GEORGINA ZONING BY-LAW

## SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

- (a) not more than three persons, other than the owner or his family, shall be employed in such home industry,
- (b) there shall be no external display or advertising, other than a legal sign, to indicate to persons outside, that any part of the lot is being used for home industry purposes,
- (c) the home industry shall be secondary to the main rural use of the lot, and
- (d) the home industry shall not create or become a public nuisance in regard to noise, traffic or parking,  

(911-86-358)  
(911-87-422)
- (e) notwithstanding the above and Section 2.41, the retail sale of any goods, products or materials shall not be permitted as a primary Home Industry use.

5.17

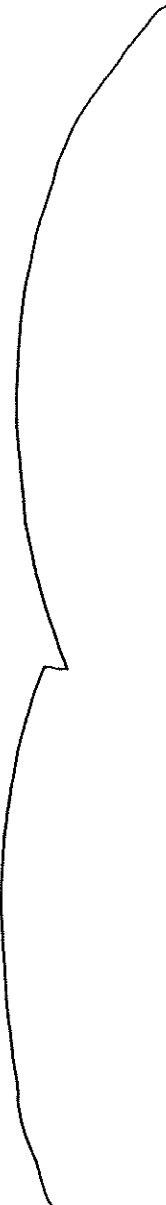
### HOME OCCUPATION

No home occupation shall be permitted in any zone unless home occupation is a permitted use and conforms to the following provisions:

- (a) members of the family residing in the dwelling unit operate the home occupation;
- (b) no person, other than a member of the family, is engaged in canvassing, delivering or as a go-between in distributing merchandise to customers,  

(911-87-422)
- (c) no more than two persons not resident in the dwelling shall be employed,
- (d) there is no display visible from outside the premises, other than a legal sign, to indicate that any part of the dwelling house, unit or lot is being used for a purpose other than residential.

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

- 
- (e) such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling house or unit nor create or become a public nuisance, particularly in regard to traffic, parking, noise, noxious odours or emission of smoke.
  - (f) such home occupation does not interfere with television or radio reception.
  - (g) not more than 25% of the gross floor area of the dwelling house or unit is used for the purpose of home occupation uses,
  - (h) one additional off-street parking space is provided for every 24 square metres of floor space occupied for business or professional purposes and all parking spaces are suitably screened from adjacent properties by means of a hedge or fence,  
(911-78-27)
  - (i) such home occupation uses may include a business or professional office, a domestic or household art, a medical or drugless practitioner, but a clinic, day nursery, nursing home, tea room and an animal hospital shall be deemed not to be home occupations,
  - (j) the operation of a barber or beauty parlour shall be limited to one operator at any one time,  
(911-86-358)  
(911-87-422)
  - (k) notwithstanding the above and Section 2.42, the retail sale of any goods, products or materials shall not be permitted as a primary home occupation use.

5.18

LAND SUITABILITY FOR USE

Notwithstanding any other provisions of this by-law, no habitable building or structure shall be erected, altered or used on land which, by reason of its rocky, low lying, marshy or unstable character, is unsuitable for the provision of satisfactory foundation support.

Excerpt of City of Toronto report on Home Occupations

CITY OF TORONTO  
PLANNING AND DEVELOPMENT DEPARTMENT

56-1

420/092068  
Zoning & Legislation  
February 9, 1993  
392-7187

To: Land Use Committee

Subject: Proposed Zoning By-law amendment with respect to "home occupations"

Origin: Land Use Committee meeting of March 26, 1992, upon receipt of a communication (February 10, 1992) from Beverley Ann Devlin, Central Toronto Branch, Ontario Registered Music Teachers' Association, 1137 Avenue Road, Toronto, Ont. M5N 2E7. (c71luc930044:129)

Recommendations:

1. That the Land Use Committee approve in principle, for the purposes of public consultation, the proposal to amend the City's Zoning By-law to allow:
  - (i) "drugless practitioners", as defined by the "Drugless Practitioner's Act", to practise from their place of residence, as presently permitted for physicians and dentists; and
  - (ii) the following "home occupations" as accessory uses to a dwelling unit, provided they comply with the applicable qualifications:

Type of Use	Type of Building	Qualifications
an office (other than a physician's, dentist's or drugless practitioner's office, or any other office classified in this section)	any type of building containing <u>dwelling units</u>	<ol style="list-style-type: none"><li>i) only the resident or residents of such <u>dwelling unit</u> work in the <u>dwelling unit</u>;</li><li>ii) it is integral to the <u>dwelling unit</u>;</li><li>iii) it does not occupy more than 30% of the floor area of the <u>dwelling unit</u>, measured to the exterior walls of such <u>dwelling unit</u>, or 30 sq. m, whichever is less;</li></ol>

Land Use Committee

(c711uc930044:129)  
February 9, 1993

Type of Use	Type of Building	Qualifications
a consulting office (other than a physician's, dentist's or drugless practitioner's office, or any other office classified in this section) frequented by clients	<u>detached house</u>	<ul style="list-style-type: none"><li>iv) there is no outdoor storage or display of goods;</li><li>v) no sign or other advertising device visible from the outside of the dwelling unit or building is erected or displayed; and</li><li>vi) there is no direct sale of goods from the premises.</li></ul> <p style="text-align: center;">-</p> <ul style="list-style-type: none"><li>i) only the resident or residents of such <u>dwelling unit</u> work in the <u>dwelling unit</u>;</li><li>ii) it is integral to the <u>dwelling unit</u>;</li><li>iii) it does not occupy more than 30% of the floor area of the <u>dwelling unit</u>, measured to the exterior walls of such <u>dwelling unit</u>, or 30 sq. m, whichever is less;</li><li>iv) there is no outdoor storage or display of goods;</li><li>v) no sign or other advertising device visible from the outside of the house is erected or displayed;</li><li>vi) not more than two persons are served at any one time; and</li><li>vii) there is no direct sale of goods from the premises.</li></ul>

Land Use Committee

(c711uc930044:129)  
February 9, 1993

Type of Use	Type of Building	Qualifications
an artist's studio for the production of sculpture, fine arts, graphic arts, film arts, or any similar works	any type of building containing <u>dwelling units</u>	<ul style="list-style-type: none"><li>i) only the resident or residents of such <u>dwelling unit</u> work in the <u>dwelling unit</u>;</li><li>ii) it is integral to the <u>dwelling unit</u>;</li><li>iii) it does not occupy more than 30% of the floor area of the <u>dwelling unit</u>, measured to the exterior walls of such <u>dwelling unit</u>, or 30 sq. m, whichever is less;</li><li>iv) there is no outdoor storage or display of goods;</li><li>v) no sign or other advertising device visible from the outside of the dwelling unit or building is erected or displayed;</li><li>vi) there is no direct sale of goods from the premises, other than goods produced on the premises;</li><li>vii) the exhibition of goods to the public is limited to not more than 2 persons at any one time; and</li><li>viii) the teaching of art is limited to not more than 2 students at any one time</li></ul>
the premises of a music teacher or dance instructor	<u>detached house</u>	<ul style="list-style-type: none"><li>i) only the resident or residents of such <u>dwelling unit</u> work in the <u>dwelling unit</u>;</li><li>ii) it is integral to the <u>dwelling unit</u>;</li></ul>

Land Use Committee

(c711uc930044:129)

February 9, 1993

Type of Use	Type of Building	Qualifications
the premises of a barber, hairdresser, or beautician	<u>detached house</u>	<ul style="list-style-type: none"><li>iii) it does not occupy more than 30% of the floor area of the <u>dwelling unit</u>, measured to exterior walls of such <u>dwelling unit</u>, or 30 sq. m, whichever is less;</li><li>iv) no sign or other advertising device visible from the outside of the house is erected or displayed; and</li><li>v) not more than two students are taught at any one time;</li><li>i) only the resident or residents of such <u>dwelling unit</u> work in the <u>dwelling unit</u>;</li><li>ii) it is integral to the <u>dwelling unit</u>;</li><li>iii) it does not occupy more than 30% of the floor area of the <u>dwelling unit</u>, measured to the exterior walls of such <u>dwelling unit</u>, or 30 sq. m, whichever is less;</li><li>iv) no sign or other advertising device visible from the outside of the house is erected or displayed;</li><li>v) there is no direct sale of goods from the premises; and</li><li>vi) not more than one salon chair is provided and not more than one person is served at any one time.</li></ul>

Land Use Committee

(c711uc930044:129)  
February 9, 1993

Type of Use	Type of Building	Qualifications
the workshop for the production of home crafts such as model making, flower arranging, ceramics, jewellery making, weaving, and knitting	any type of building containing <u>dwelling units</u>	<ul style="list-style-type: none"><li>i) only the resident or residents of such <u>dwelling unit</u> work in the <u>dwelling unit</u>;</li><li>ii) it is integral to the <u>dwelling unit</u>;</li><li>iii) it does not occupy more than 30% of the floor area of the <u>dwelling unit</u>, measured to exterior walls of such <u>dwelling unit</u>, or 30 sq. m, whichever is less;</li><li>iv) there is no outdoor storage or display of goods;</li><li>v) no sign or other advertising device visible from the outside of the dwelling unit is erected or displayed;</li><li>vi) there is no direct sale of goods from the premises, other than goods produced on the premises;</li><li>vii) the exhibition of goods to the public is limited to not more than 2 persons at any one time; and</li><li>viii) the teaching of such home crafts is limited to not more than 2 students at any one time.</li></ul>
the workshop of a dressmaker, seamstress, or tailor	any type of building containing <u>dwelling units</u>	<ul style="list-style-type: none"><li>i) only the resident or residents of such <u>dwelling unit</u> work in the <u>dwelling unit</u>;</li><li>ii) it is integral to the <u>dwelling unit</u>;</li></ul>

Land Use Committee

(c711uc930044:179)  
February 9, 1993

Type of Use	Type of Building	Qualifications
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- iii) it does not occupy more than 30% of the floor area of the dwelling unit, measured to the exterior walls of such dwelling unit, or 30 sq. m, whichever is less;
- iv) there is no outdoor storage or display of goods;
- v) no sign or other advertising device visible from the outside of the dwelling unit or building is erected or displayed; and
- vi) there is no sale of goods from the premises, other than goods produced on the premises.

2. That the Commissioner of Planning and Development consult with persons and organizations having an interest in the matter of home occupations and report back to the Land Use Committee with recommendations for appropriate by-laws.

Executive Summary:

The City's general zoning by-laws, with very few exceptions, do not permit businesses to be operated from the home. Despite this prohibition, many of Torontonians currently work from their homes in the City's residence areas. Working in the home is a growing trend facilitated by technology and often mandated by an individual's economic or family situation. Most persons working from the home are self-employed entrepreneurs. However, corporations are increasingly having employees work from their homes linked by electronic communications systems to the corporate office.

Prosecution of a "home occupation" is pursued by the City only when a complaint is lodged by a neighbour. It has been our experience that very few complaints are received by the City despite the proliferation of "home occupations" in Toronto's residential neighbourhoods.



THE CORPORATION OF THE TOWN OF ORANGEVILLE

INTERDEPARTMENTAL REPORT

TO: P. Moyle, C.A.O.

July 12, 1994

FROM: P. Lee, Planner

SUBJECT: Proposed policy and regulation changes regarding home occupations.

\*\*\*\*\*

PURPOSE

The following report presents the basis for a draft Official Plan Amendment and Zoning By-law Amendment regarding changes to the Town's policies and regulations for home occupations.

This report outlines the proposed changes and is intended to solicit comments from Council prior to the development of the amendments and the scheduling of a public meeting under the requirements of the Planning Act R.S.O. 1990, ch. P. 13.

BACKGROUND

The proposed changes prescribed in this report are based on the direction outlined in the report of the Planner dated March 3, 1994 (see Schedule "A").

The March 3, 1994 report outlined the nature of home occupations, the social and economic forces leading to greater incidence of home occupations and a review of the current means of legislation in Orangeville and other municipalities.

The March report provided a list of potential areas of change to the existing policies and regulations. These included:

- Permitting certain types of home occupations in dwellings other than just single detached dwellings and the provision of a more clear and specific list of uses which are considered "home occupations";
- Provision of restrictions on the number of clients served at one time by a home occupation and enhanced regulations to ensure neighbourhood compatibility.

At the March 7, 1994 meeting of Council, staff were requested to investigate the following issues:

- The development of Bed and Breakfast uses;
- House party sales (i.e. Tupper Ware parties etc.); and,
- A comparison of the regulations approved for the proposed Montgomery Village development.

The following provides a review of all of the above issues. Included with the review of each issue is a recommendation regarding a change to the policy or regulation.

### ISSUES AND CONCERNS

#### 1) Types of dwellings where home occupations are permitted.

##### Concerns

Currently, the Town's Official Plan and Zoning By-law only permit home occupations within single detached dwellings. Depending on the type and nature of the home occupation, they may function perfectly well in other types of dwelling units such as townhouses, semi-detached, duplexes and apartments without interfering with the quiet enjoyment of the residential neighbourhood.

Certain types of uses may be appropriate for some types of dwellings but not for others. For example, music lessons may be appropriate for a detached dwelling but would not be appropriate for an apartment unit due to the noise generated. Office uses which do not generate a high level of client traffic such as an architect or management consultant may be appropriate in any type of dwelling unit.

Following from the direction proposed in the March 3, 1994 report, staff recommend grouping home occupations into different classes according to the intensity of their nature. Those which may have a higher intensity (and thus potential for neighbourhood disruption) would be permitted in the least sensitive dwelling units (i.e. single detached) and those with the least intensity would be permitted in all types of dwelling units.

Staff are proposing three classes of home occupations. "Class A" Home Occupations" would be uses with the least intensity and would be permitted in all types of dwelling units. "Class

"B" Home Occupations" would be those with a slightly greater intensity and would be permitted in semi-detached and single detached dwellings. Class "C" Home Occupations would be those of the greatest intensity or potential for nuisance and would only be permitted in single detached dwellings.

### Recommendations

In order to more accurately define the types of uses which are considered as home occupations and also to broaden the types of dwelling units in which home occupations are permitted, Staff recommend the following:

1. That the following definitions be included in Section 2 of Zoning By-law 22-90 as follows:

2.52 "HOME OCCUPATION - CLASS "A" means an occupation conducted for profit or gain entirely within a dwelling unit and includes:

- business and professional offices (other than that of a physician);
- an artist's studio for the production of arts, crafts, film arts or other similar works (but not including a photo studio or audio recording studio);
- a teacher or tutor other than a music teacher; and,
- a dressmaker, tailor or seamstress.

2.53 "HOME OCCUPATION - CLASS "B"" means an occupation conducted for profit or gain entirely within a dwelling unit and includes:

- office of a physician or veterinarian;
- hairdresser, beautician or personal services technician;
- photo studio; and,
- repair of small appliances and mechanical equipment.

2.54 "HOME OCCUPATION - CLASS "C"" means an occupation conducted for profit or gain entirely within a dwelling unit and includes:

- a music teacher;
- home daycare (less than 6 children).

The rationale for the grouping of certain uses in particular classes is outlined below.

Physician's offices have been excluded from Class "A" because they tend to generate a considerable number of visitors and often require several parking spaces. A high level of visitors infringe upon the quiet enjoyment of the property in an apartment or other multiple-unit building. A music teacher has been excluded from this category due to the potential for noise to infringe upon others in a multiple-unit dwelling.

The uses in Class "B" generally create a higher degree of traffic than those uses listed in Class "A". Whereas they would generally not be appropriate in multiple residential dwellings, these uses should operate without problems in semi-detached and detached dwellings.

The uses in Class "C" are those which are deemed to produce yet a higher potential for nuisance, yet still be appropriate in a detached dwelling.

2. That the definition of business and professional office in Zoning By-law 22-90 be amended to:

- (a) Provide a list of uses that are considered as business or professional offices to help clarify the intent; and,
- (b) To eliminate a medical clinic as a home occupation. A medical clinic would have two or more practicing physicians as opposed to a doctor who operates a home occupation. Such a use attracts far too many visitors and thus would not be compatible with a residential neighbourhood.

The new definition could be as follows:

2.15 "BUSINESS OR PROFESSIONAL OFFICE" means a place in which a business is conducted or a profession is carried out. Without limiting the generality of the foregoing, business or professional office shall include a lawyer, accountant, veterinarian, a physician or dentist, (but not including a medical or veterinarian clinic), architect, engineer and a sales agent.

3. That the definition of a "Medical Clinic" in Zoning By-law 22-90 be amended to indicate that such is a premises which has (2) two or more practicing health professionals.

The new definition could be as follows:

2.74 "MEDICAL CLINIC" means a place in which (2) two or more health professionals practice medical, surgical, dental, chiropractic or other human health treatment, but does not include a hospital.

4. That the definition of "Veterinarian Clinic" in Zoning By-law 22-90 be amended to indicate that such is a premises which has (2) two or more practicing veterinarians.

The new definition could be as follows:

2.109 "VETERINARIAN CLINIC" means a place in which (2) two or more animal health professionals practice health treatment of domestic animals and birds, but does not include a kennel.

5. That the General Provisions section of Zoning By-law 22-90 be amended to include a subsection regarding home occupations. This section would permit the various classes of home occupations in the following dwelling types:

Home Occupations - Class "A"

Home Occupations - Class "A" as defined in Section 2.52 of this By-law shall be permitted in all dwelling types.

Home Occupations - Class "B"

Home occupations as defined in Section 2.53 of this By-law shall be permitted only in semi-detached and single detached dwellings.

Home Occupations - Class "C"

Home Occupations as defined in Section 2.54 of this By-law shall only be permitted in single-detached dwellings.

6. In the various zone categories of Zoning By-law 22-90, the section on permitted uses permits "a home occupation" or "a home occupation in a single detached dwelling". The references should be changed to "a home occupation in accordance with the provisions of Section 5.11" (this will be the Section in the General Provisions which sets out which types of home occupations are permitted in various dwellings).

It is recommended that the By-law be amended as follows:

- (a) "The phrase "a home occupation" be deleted from the second line in Section 6.1. and replaced with the phrase "a home occupation in accordance with the provisions of Section 5.11."
- (b) The phrase "a home occupation" be deleted from the second line of Section 7.1 and replaced with the phrase "a home occupation in accordance with the provisions of Section 5.11".
- (c) The phrase "a home occupation" be deleted from the third line of Section 8.1 and replaced with the phrase "a home occupation in accordance with the provisions of Section 5.11".
- (d) The phrase "a home occupation in a single detached dwelling" be deleted from the fourth line of Section 9.1 and replaced with the phrase "a home occupation in accordance with the provisions of Section 5.11".
- (e) The phrase "home occupation" be deleted from the fourth line in Section 10.1. and replaced with the phrase "a home occupation in accordance with the provisions of Section 5.11." Also, the phrase "a home occupation in a single detached dwelling" be deleted from the sixth line in Section 10.1

Note: Probably through a typographical error, this section permitted both "a home occupation" and "a home occupation in a single detached dwelling".

- (f) The phrase "a home occupation in a single detached dwelling" be deleted from the tenth line of Section 11.1 and replaced with the phrase "a home occupation in accordance with the provisions of Section 5.11".
  - (g) The phrase "a home occupation in a single detached dwelling" be deleted from the fourth line of Section 11B.1 and replaced with the phrase "a home occupation in accordance with the provisions of Section 5.11".
7. In order to permit home occupations in dwellings other than single detached dwellings in the Official Plan, staff recommend the following changes to the Official Plan:
- (a) That Section E1.3 of the Official Plan be amended to delete the the phrase "single detached residences" in the first sentence of the fifth paragraph.
  - (b) That Section E1.6 of the Official Plan be amended by deleting the first sentence which reads "Home occupations may be permitted in single detached residences." This sentence would be replaced with the following sentence:  
  
"Home occupations may be permitted in all types of residential dwelling units subject to the provisions of the Zoning By-law."

## 2) Enhanced Regulations to Ensure Neighbourhood Compatibility

### Concerns

In an attempt to ensure neighbourhood compatibility of home occupations, a considerable list of regulations is required. Currently, Orangeville's Zoning By-law 22-90 provides the following restrictions:

- the home occupation must be restricted to the interior of the dwelling unit;
- no outside storage of goods or materials;
- the home occupation is secondary to the main permitted use and shall not occupy more than 25 percent of the dwelling;
- a minimum of three parking spaces are required;
- no sale of goods or rental of goods from the premises;
- no signage other than in accordance with all applicable legislation; and,
- the home occupation must be operated by a resident of the dwelling.

Staff have considered the issue and reviewed the restrictions in place in other municipalities and recommend the addition of the following further regulations:

*Restrictions on mechanical equipment:*

It is recommended that the Zoning By-law prohibit any mechanical equipment which would cause a nuisance through noise, vibration or interference with television or radio reception.

*Floor Area restrictions:*

The current provisions of By-law 22-90 restrict the area devoted to a home occupation to 25 percent of the dwelling. It is recommended that in addition to the percentage of the dwelling that an absolute maximum of 30 sq. m (323 sq. ft.) be added.

*Number of clients served:*

In order to reduce the impact of the home occupation on the neighbourhood, staff recommend that the number of clients served at any one time be limited to (2) two.

*Outside employees:*

Presently, Zoning By-law 22-90 permits only employees who are resident in the premises. In the case of a doctor or dentist, a specialized assistant is often required who would not be a resident (i.e. a nurse or dental assistant). Therefore, staff recommend permitting one employee not resident in the dwelling to work in a home occupation.

Recommendation

That the current list of regulations which is found in Section 2.52 "Definitions" of Zoning By-law 22-90 be revised in accordance with the above recommendations and that the Section be moved to Section 5 "General Provisions".

The new regulations would be as follows:

"5.11

*Home Occupations*

Permitted Uses

Home Occupations - Class "A"

Home Occupations - Class "A" as defined in Section 2.52 of this By-law shall be permitted in all dwelling types.

Home Occupations - Class "B"

Home Occupations - Class "B" as defined in Section 2.53 of this By-law shall be permitted only in semi-detached and single detached dwellings.

Home Occupations - Class "C"

Home Occupations - Class "B" as defined in Section 2.54 of this By-law shall only be permitted in single-detached dwellings.

General Provisions

The following provisions apply to all home occupations:

- (a) The home occupation shall be secondary to the main residential use and shall not change the residential character of the dwelling.

- (b) The home occupation shall be conducted entirely within the dwelling unit and no accessory buildings are to be used.
- (c) There shall be no external storage of goods or materials.
- (d) Not more than 25 percent of the floor area of the dwelling or a maximum of 30 sq. metres may be used for the home occupation.
- (e) There shall be no goods, wares or merchandise offered or exposed for rent or sale in the dwelling or on the lot on which the dwelling is located.
- (f) No mechanical equipment which would cause a nuisance through noise, vibration or interference with television or radio reception may be used.
- (g) The number of clients served at any one time shall be limited to (2) two.
- (h) A maximum of one employee who is not a resident of the dwelling may be permitted.
- (i) A minimum of three parking spaces shall be provided and maintained on the site.
- (j) There shall be no external display or advertising except in accordance with all applicable laws.

Note: The current draft of the Town's new sign By-law would permit a wall sign only on a residence which has a maximum area of 0.2 sq. metres (2 sq. feet).

### 3 Bed and Breakfast Uses

Concern:

The question was raised as to whether Bed and Breakfast operations should be considered as home occupations.

Bed and Breakfast establishments provide overnight accommodation and light meals for the travelling public in private homes. The intensity of such uses is generally low, however, there is still a need for parking and it is important that the residents of the house conduct the operation.

Currently, the Town's Official Plan and Zoning By-law make no reference to Bed and Breakfast establishments.

The policies of the "Residential" designation of the Official Plan permit home occupations, therefore, if a Bed and Breakfast were considered a home occupation, they could locate in residential areas and conform to the Official Plan.

Staff have had the opportunity to consult the zoning by-laws of only a couple of other municipalities. It appears that Bed and Breakfast establishments are often permitted as a separate use rather than as a home occupation. Other By-laws do not appear to offer any operating regulations. In this regard staff feel it is appropriate to do further research on this matter.

#### Recommendation

That staff do further research on this matter and bring forth a separate report to Council on this topic.

#### 4 House party sales

##### Concern:

An often raised question relates to whether "house party sales" (i.e. Tupper Ware parties, Weekender Wear parties etc.) constitute a home occupation.

Staff are of the opinion that such activities which only occur on an infrequent basis such as a garage sale should not be considered as a home occupation. Therefore, these activities can occur within any type of dwelling. If it were found that certain dwellings were to hold such events on a very frequent basis, they could be considered a retail store and thus would likely be contravening the Zoning By-law with regard to permitted uses.

##### Recommendation:

That no changes be made to planning documents with regard to "house party sales".

#### 5 Regulations in effect in Montgomery Village

With regard to home occupations, the major difference between Montgomery Village and the rest of the Town is that all types of home occupations are permitted in all types of dwellings in Montgomery Village.

Whereas this may not be appropriate in all areas, this is one of the major themes upon which Montgomery Village is predicated. The design of the subdivision, the homes and more importantly the marketing of the whole development is oriented toward living and working at home. This will allow for mixed use development (a fact that all persons can be made aware of prior to the first occupants of the subdivision). With the rest of the Town, the zoning restrictions which have been in place for many years (and resident's expectations) have been oriented to primarily residential uses.

The proposed amendments regarding home occupations will take a step towards broadening the legislation throughout Town (specifically to permit home occupations in a wider variety of unit types). However, further changes throughout the Town are not advisable at least until there has been an opportunity to evaluate the experience in Montgomery Village.

#### CONCLUSIONS/SUMMARY

The recommendations contained in this report form the basis for a proposed Official Plan amendment and Zoning By-law Amendment which would permit home occupations to locate in other dwelling unit types than just single detached, as is now the case. In addition, the proposed definitions of home occupations have been expanded to help clarify what uses can be permitted.

This report is intended to generate input from Council on this matter prior to the drafting of an Official Plan amendment and Zoning By-law amendment and the scheduling of a public meeting.

#### RECOMMENDATION

THAT the report of the Planner dated July 12, 1994 regarding proposed changes to the policies and regulations concerning home occupations,

BE RECEIVED;

AND THAT staff be authorized to prepare an Official Plan amendment and Zoning By-law amendment and schedule a public meeting regarding the proposed amendments.



Patrick Lee B.E.S.  
Planner