

Official Plan Amendment No. 4

Municipality of Temagami

DRAFT

**Amendment Number 4 to the
Official Plan of the
Municipality of Temagami**

The attached explanatory text and constituting Amendment Number 4 to the Official Plan for the Municipality of Temagami, was prepared and adopted by the Council of the Corporation of the Municipality of Temagami, by By-law Number 2020-_____ in accordance with the provisions of Sections 17 and 22 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

Mayor

Municipal Clerk

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

BY-LAW NO. 20-XXXX

Being a By-law to adopt Amendment No. 4 to the Official Plan for the Municipality of Temagami.

WHEREAS The Corporation of the Municipality of Temagami is empowered to amend its Official Plan as required;

AND WHEREAS Sections 17 and 22 of the Planning Act, R.S.O. 1990, Chapter P. 13, as amended, provide Council such authority to amend its Official Plan;

AND WHEREAS the policies of the Official Plan of the Municipality of Temagami are approved and in force and effect at this time;

AND WHEREAS the Council of the Corporation of the Municipality of Temagami deems it necessary and desirable to adopt an amendment to the Official Plan of the Temagami;

NOW THEREFORE the Council of the Corporation of the Municipality of Temagami enacts as follows:

1. Amendment No.4 to the Official Plan for the Municipality of Temagami, consisting of the explanatory text is hereby adopted.
2. That the Clerk of the Municipality of Temagami is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

This By-law will take effect on the date of its passage, subject to the provisions of Section 34(30) and (31) of the Planning Act, R.S.O. 1990, c.P.13.

READ A FIRST TIME THIS _____ day of _____, 2020

READ A SECOND, THIRD TIME, and finally passed this _____ day of _____, 2020

Mayor

Clerk

Certification

Certified that the above is a true copy of By-law No. 2020-____ as enacted and passed by Council of the Municipality of Temagami on the ____ day of _____, 2020.

Municipal Clerk

THE CONSTITUTIONAL STATEMENT

The following Amendment to the Official Plan for the Municipality of Temagami consists of three parts:

Part A – THE PREAMBLE does not constitute part of this Amendment.

Part B – THE AMENDMENT, consisting of the text of Amendment No. __ to the Official Plan to the Municipality of Temagami. There is no map or schedule associated with the Amendment.

Part C – THE APPENDICES do not constitute part of this Amendment. The appendices contain the background material, planning considerations and public involvement associated with this Amendment.

Part A – Preamble

Purpose

The purpose of this amendment is to revise policies in the Municipality of Temagami Official Plan to provide clarification for the development permissions related to Home Occupations and Home Industries, following direction from Council.

Location

Amendment No. ____ is a textual amendment and generally applies to all lands within the Municipality, therefore there is no schedule provided with the Amendment.

Basis

The Provincial Policy Statement (2014), the Strong Communities through Affordable Housing Act (2011), and the Promoting Affordable Housing Act (2016) provide direction to Municipalities to ensure that their planning documents (Official Plans and Zoning By-laws) provide for opportunities for the development of affordable housing in the form of second units.

In adopting this Official Plan Amendment, Council relies on the following basis:

- The Provincial Policy Statement (2014) speaks to permissions for home occupations and home industries on rural lands, and encourages development within settlement areas.
- The Municipality of Temagami's Official Plan includes a definition for a home occupation and a home industry, and also policies for the various Neighbourhoods that state how these uses may be carried out.
- A desire by the Municipality to provide for clearer regulations for home occupations and home industries resulted in a proposed amendment to the implementing Zoning By-law. Based on the amendment proposed to the implementing Zoning By-law, amendments to the Official Plan are required to also clarify where home occupations and home industries shall be permitted.
- The need to amend the Official Plan arose following direction to amend the Zoning By-law to provide some clarification as to the interpretation of the examples of uses which have been referenced in the Zoning By-law.

Part B – The Amendment

1.0 Introductory Statement

Part B – The Amendment, consisting of the following text constitutes Amendment No. 3 to the Official Plan for the Municipality of Temagami.

2.0 Details of the Amendment

The Official Plan of the Municipality of Temagami is amended in accordance with the following:

(red text represents additions or deletions)

Urban Neighbourhood

4.36 Home Occupations

Home occupations shall only be carried out in a residential dwelling or an enclosed accessory structure, and shall be incidental to the residential use. The home occupation shall not change the residential character of the dwelling.

One employee who does not reside on the property may be employed in the home occupation except on a remote residential or rural residential lot where a maximum of two non-residents of the property may be employed. The sale of goods or the provision of a service shall only be permitted if adequate parking is provided as set out in the Zoning Bylaw or in the case of a water access lot, adequate docking facilities. Sale of goods or the provision of a service shall not result in an unacceptable level of increased vehicular or boat traffic nor may it become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interfere with the enjoyment of the residential amenities of the Neighbourhood.

The specific home occupations permitted within the Urban Neighbourhood shall be set out in the Zoning By-law and may differ between remote residential and rural residential lots and other types of lots. However, as a guide, occupations such as small engine repair and minor boat repairs are not considered to be home occupations. Home occupations such as oil or watercolour painting, making crafts and writing, professional offices, the business office of tradespeople and couriers, as set out in the Zoning By-law, are permitted.

4.3.7 Home Industry

Home industries such as electrical, carpentry and plumbing shops may be permitted in an accessory building to a single detached dwelling unit, part of an accessory building and/or part of a residential dwelling. In addition, a contractor's

yard is permitted as a home industry on a Rural Residential or Remote Residential lot in the Urban Neighbourhood. Home industries shall proceed by way of a rezoning. As part of the rezoning process, Council shall consider the adequacy of the accessory building for the use proposed, the potential impact of the home industry on adjacent residential areas, the potential for the home industry to become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood, the adequacy of on-site parking and other matters as may be set out in the Zoning By-law. However, home industries shall not be carried out in a wet or dry boathouse and there shall be no outside storage associated with the home industry, except for a contractor's yard, as set out in the Zoning By-law. Up to two persons, plus the owner may be employed in a home industry.

A Home Industry, including a contractor's yard, shall at all times be clearly incidental to the primary residential use of the property and shall be subject to Site Plan Control.

Lake Temagami Neighborhood

5.3.8 Home Occupations

Home occupations shall only be carried out in a residential dwelling or an enclosed accessory structure, and shall be incidental to the residential use. The home occupation shall not change the residential character of the dwelling or the character of the dwelling.

Two employees who do not reside in the dwelling may be employed in the home occupation. The sale of goods or the provision of a service shall only be permitted if adequate docking facilities can be provided and an unacceptable level of increased boat traffic does not result nor does it become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood.

The specific home occupations permitted within the Lake Temagami Neighbourhood shall be set out in the Zoning By-law. However, as a guide, occupations such as small engine repair and minor boat repairs are not considered to be home occupations. Home occupations such as oil or watercolour painting, making crafts and writing, professional offices, the business office of tradespeople, as set out in the Zoning By-law, are permitted.

5.3.9 Home Industry

Home industries such as electrical, carpentry, plumbing and contractors, except a contractor's yard (Section 5.3.18), as set out in the Zoning By-law may be permitted in an accessory building to a single detached dwelling unit, part of an accessory building and/or part of a residential dwelling on a Remote Residential

lot in the Lake Temagami Neighbourhood. Home industries shall proceed by way of a rezoning. As part of the rezoning process, Council shall consider the adequacy of the accessory building for the use proposed, the potential impact of the home industry on adjacent residential areas, the potential for the home industry to become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood the environment and other matters as may be set out in the Zoning By-law. However, home industries shall not be carried out in a wet or dry boathouse and there shall be no outside storage associated with the home industry. Up to two persons, plus the owner may be employed in a home industry.

A Home Industry shall at all times be clearly incidental to the primary residential use of the property and shall be subject to Site Plan Control.

Marten River Neighbourhood

6.3.8 Home Occupations

Home occupations shall only be carried out in a residential dwelling or an enclosed accessory structure, and shall be incidental to the residential use. The home occupation shall not change the residential character of the dwelling.

Two employees who do not reside in the dwelling may be employed in the home occupation. The sale of goods or the provision of a service shall only be permitted if adequate parking is provided as set out in the Zoning By-law. Sale of goods or the provision of a service shall not result in an unacceptable level of increased vehicular or boat traffic nor shall it become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interfere with the enjoyment of the residential amenities of the Neighbourhood.

The specific home occupations permitted within the Marten River Neighbourhood shall be set out in the Zoning By-law. However, as a guide, occupations such as small engine repair and minor boat repairs are not considered to be home occupations. Home occupations such as oil or watercolour painting, making crafts and writing, professional offices, the business office of tradespeople and couriers, as set out in the Zoning By-law, are permitted.

6.3.9 Home Industry

Home industries such as electrical, carpentry, plumbing, including a contractor's yard and machine shops may be permitted in an accessory building to a single detached dwelling unit on a Rural Residential or Remote Residential lot in the Marten River Neighbourhood. Other home industries may be permitted in an accessory building to a single detached dwelling unit, part of an accessory building and/or part of a residential dwelling. Home industries shall proceed by

way of a rezoning. As part of the rezoning process, Council shall consider the adequacy of the accessory building for the use proposed, the potential impact of the home industry on adjacent residential areas, the potential for the home industry to become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood, the environment and other matters as may be set out in the Zoning By-law. However, home industries shall not be carried out in a wet or dry boathouse and there shall be no outside storage associated with the home industry, except for a contractor's yard, as set out in the Zoning By-law. Up to two persons, plus the owner may be employed in a home industry.

A Home Industry, including a contractor's yard, shall at all times be clearly incidental to the primary residential use of the property and shall be subject to Site Plan Control.

Matabitchuan Neighbourhood

7.3.8 Home Occupations

Home occupations shall only be carried out in a residential dwelling or an enclosed accessory structure, and shall be incidental to the residential use. The home occupation shall not change the residential character of the dwelling.

Two employees who do not reside in the dwelling may be employed in the home occupation. The sale of goods or the provision of a service shall only be permitted if adequate parking is provided as set out in the Zoning By-law. Sale of goods or the provision of a service shall not result in an unacceptable level of increased vehicular or boat traffic nor does it become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood.

The specific home occupations permitted in the Matabitchuan Neighbourhood shall be set out in the Zoning By-law. However, as a guide, occupations such as small engine repair and minor boat repairs are not considered to be home occupations. ~~Home occupations such as oil or watercolour painting, making crafts and writing, professional offices, the business office of trades people and couriers, as set out in the Zoning By-law, are permitted.~~

7.3.9 Home Industry

Home industries ~~such as electrical, carpentry, plumbing, including~~ a contractor's yard and machine shops may be permitted in an accessory building to a single detached dwelling unit on a Rural Residential or Remote Residential lot in the Matabitchuan Neighbourhood. ~~Other home industries may be permitted in an accessory building to a single detached dwelling unit, part of an accessory building and/or part of a residential dwelling.~~ Home industries shall proceed by

way of a rezoning. As part of the rezoning process, Council shall consider the adequacy of the accessory building for the use proposed, the potential impact of the home industry on adjacent residential areas, the potential for the home industry to become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interferes with the enjoyment of the residential amenities of the Neighbourhood, the environment and other matters as may be set out in the Zoning By-law. However, home industries shall not be carried out in a wet or dry boathouse and there shall be no outside storage associated with the home industry, except for a contractor's yard, as set out in the Zoning By-law. Up to two persons, plus the owner may be employed in a home industry.

A Home Industry, including a contractor's yard, shall at all times be clearly incidental to the primary residential use of the property and shall be subject to Site Plan Control.

Backcountry Neighbourhood

8.3.8 Home Occupations

Home occupations shall only be carried out in a residential dwelling or an enclosed accessory structure, and shall be incidental to the residential use. The home occupation shall not change the residential character of the dwelling.

Two employees who do not reside in the dwelling may be employed in the home occupation. Sale of goods or the provision of a service shall not result in an unacceptable level of increased boat traffic nor will it become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interfere with the enjoyment of the residential amenities of the Neighbourhood.

The specific home occupations permitted in the Backcountry Neighbourhood shall be set out in the Zoning By-law. However, as a guide, occupations such as small engine repair and minor boat repairs are not considered to be home occupations. ~~Home occupations such as oil or watercolour painting, making crafts and writing, professional offices, the business office of tradespeople and couriers, as set out in the Zoning By-law, are permitted.~~

8.3.9 Home Industry

Home industries ~~such as electrical, carpentry, plumbing, including~~ a contractor's yard and machine shops may be permitted in an accessory building to a single detached dwelling unit on a Rural Residential or Remote Residential lot in the Backcountry Neighbourhood. ~~Other home industries may be permitted in an accessory building to a single detached dwelling unit, part of an accessory building and/or part of a residential dwelling.~~ Home industries shall proceed by way of a rezoning. As part of the rezoning process, Council shall consider the adequacy of the accessory building for the use proposed, the potential impact of

the home industry on adjacent residential areas, the potential for the home industry to become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interfere with the enjoyment of the residential amenities of the Neighbourhood, the environment and other matters as may be set out in the Zoning By-law. However, home industries shall not be carried out in a wet or dry boathouse and there shall be no outside storage associated with the home industry, except for a contractor's yard, as set out in the Zoning By-law. Up to two persons, plus the owner may be employed in a home industry.

A Home Industry, including a contractor's yard, shall at all times be clearly incidental to the primary residential use of the property and shall be subject to Site Plan Control.

Definitions

Home Occupation – Any gainful occupation which is conducted within the dwelling unit or an enclosed accessory structure, by the resident(s) of the dwelling, and such home occupation is clearly secondary to the main residential use, does not change the residential character of the dwelling and as further defined in the Zoning By-law.

Home Industry – An occupation conducted in whole or in part in a building accessory to a single detached dwelling, part of an accessory building and/or part of a residential dwelling on a Rural Residential or Remote Residential lot; and such home industry is clearly secondary to the main residential use of the property, does not change the residential character of the neighbourhood, and as further defined in the Zoning Bylaw.

All other policies of the Official Plan of the Municipality of Temagami shall apply.

3.0 Implementation and Interpretation

The provisions of the Official Plan regarding the implementation of that Plan shall also apply to this Amendment. In all other respects the provisions of the Municipality of Temagami Official Plan shall apply.

Upon approval of this Amendment, Council shall consider an implementing Zoning By-law.

The provisions of the Official Plan, as amended from time to time, shall apply in regard to the Amendment.

Part C – The Appendices

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

BY-LAW NO. 20-XXXX

Being a By-law to amend the Municipality of Temagami By-law No. 06-650 as amended to change the definitions and provisions for Home Occupation/Home Industry

WHEREAS the Council of the Corporation of the Municipality of Temagami is empowered to pass By-laws to regulate the use of land pursuant to Section 34 of the Planning Act, R.S.O. 1990, c.P.13;

NOW THEREFORE the Corporation of the Municipality of Temagami enacts the following as follows:

1. That Section 5 - Definitions of By-law 06-650, as amended, include the following changes for the definition of Home Occupation:

HOME OCCUPATION shall mean any gainful occupation which is conducted within the dwelling unit **or an enclosed accessory structure**, by the resident(s) of the dwelling, and such home occupation is clearly secondary to the main residential use, does not change the residential character of the dwelling and as further defined in this Zoning By-law.

2. That Section 5 - Definitions of By-law 06-650, as amended, include the following changes for the definition of Home Industry:

HOME INDUSTRY shall mean a gainful occupation, **secondary to a Residential Use, which includes fabrication, light manufacturing, processing, assembly or repair of goods that is including an electrical, woodworking, carpentry, window frame, welding, plumbing, machine or small engine repair shop, or a live bait supplier. A Home industry is** conducted entirely in an accessory building, or part of an accessory building **and/or part of a residential dwelling** on a Rural Residential or Remote Residential lot. **by the residents**. A home industry may include, but not be limited to, such uses as electrical, woodworking, carpentry, window frame, welding, plumbing, machine or small engine repair shop, or a live bait supplier. **A home industry does not include a contractor's yard.**

3. That Section 6.22(d) - Home Industry of By-law 06-650, as amended, is hereby amended to read:

(d) such home industry is clearly secondary to the main residential use, **and** does not change the residential character of the dwelling **and lot**;

4. That Section 6.22 - Home Industry of By-law 06-650, as amended, is hereby amended by adding the following as subsection (e), and renumbering the subsequent subsections:

(e) in no case shall the accessory building, **or part thereof, and/or portion of the residential dwelling** used for the home industry have a **combined** gross floor area greater than forty percent (40%) of the ground floor area of the dwelling, **if located in a dwelling, or 140 square metres if located in an accessory building.**

5. That Section 6.23(g) - Home Occupation of By-law 06-650, as amended, is hereby amended to read:

(g) such home occupation uses may include, **but not be limited to, such uses as** a service or repair shop, a personal service shop, tradesperson, the office of a doctor, dentist, lawyer, or a real estate agent, insurance agent, planner, architect, or engineer, professional offices, **indoor teaching/tutoring/instruction** but a clinic, a hospital, a nursing home, a tea room and an animal hospital shall not be deemed to be home occupations;

6. That Section 6.23 - Home Occupation of By-law 06-650, as amended, is hereby amended by adding the following:

(j) An accessory building or structure may only be used for the purpose of a home occupation if the lot is a minimum of 1 hectare in size and the home business does not occupy more than 50 square metres of the accessory building or structure;

7. That Section 6.23 - Home Occupation of By-law 06-650, as amended, is hereby amended by adding the following:

(k) A maximum of 5 parking spaces shall be permitted.

This By-law will take effect on the date of its passage, subject to the provisions of Section 34(30) and (31) of the Planning Act, R.S.O. 1990, c.P.13.

READ A FIRST TIME THIS _____ day of _____, 2020

READ A SECOND, THIRD TIME, and finally passed this _____ day of _____, 2020

Mayor

Clerk