

MUNICIPALITY OF TEMAGAMI	
Report Prepared For:	Suzie Fournier
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Subject:	Official Plan Amendment and Zoning By-law Amendment: Home Occupation and Home Industry
Report Date:	June 25, 2020

A. PROPOSAL/BACKGROUND

The Municipality of Temagami has initiated an Official Plan Amendment and a Zoning By-law Amendment to update its planning documents to include modifications to the policies and regulations regarding home occupations and home industries. The Municipality held an Open House to discuss the proposed Official Plan Amendment and Zoning By-law Amendment on August 6, 2019 at the Community Centre and a Statutory Public Meeting on March 12, 2020.

The purpose of the Statutory Public Meeting was to provide members of the public and agencies with an overview of the amendments and an opportunity to provide comments on the proposed policies and regulations. An information Planning Report dated March 3, 2020 (see Attachment #1) was provided for the Statutory Public Meeting. The information Planning Report provided an overview of the amendments and the applicable land use planning framework, but provided no recommendation.

This Planning Report provides a summary of the comments that have been received, an overview of the recommended proposed revisions to the draft Zoning By-law Amendment, and an outline of the proposed schedule to bring the amendment to Council for a final decision. Currently there are no revisions proposed to the draft Official Plan Amendment. A copy of the proposed Official Plan Amendment and updated revised Zoning By-law Amendment will also be provided to those that provided comments and we will request that any comments be provided by July 10, 2020, so that they can be considered in the final recommendation report.

It is recommended that Council receive this Report as information and Staff will prepare a recommendation report for a subsequent meeting of Council. It is further recommended that any additional comments be provided by July 10, 2020.

B. OVERVIEW OF PUBLIC COMMENTS

Following circulation and notice of the Statutory Public Meeting on March 12, 2020, comments were received from members of the public and agencies, including the Temagami Lakes Association and Temagami First Nation. Following the Statutory Public Meeting, Staff have had follow-up conversations with representatives from the Temagami Lakes Association and Temagami First Nation. It should be noted that some comments were provided after the Statutory Public Meeting.

The below is a summary of the comments that have been provided to date, including prior to, during and following the Statutory Public Meeting.

Members of Council:

- There needs to be a distinction between home industry and home occupation uses on inland properties vs. shoreline/island properties.
- The provision that restricts the number of employees permitted is too restrictive and should be removed.

Public:

- Questions relating to how taxes are calculated for properties that have a home industry or home occupation.
- The size of 140 square metres is too large and exceeds a size that would be secondary to a principal use.

Temagami Lakes Association:

- Include a setback of 15 metres from the shoreline for uses to be permitted (provide clarification on the shoreline activity area).
- The wording of proposed Section 6.22(e) is problematic. The intent is to allow a home industry to be conducted in either or both the dwelling and accessory building. The numerical limits work if the home industry is in either building but do not work if the home industry is in both. As well, the numerical limits appear to provide for a rather dramatic increase in the potential size of home industries in accessory buildings. Currently, the accessory building is limited to 40% of the ground floor area of the dwelling - that 40% might typically be 40 to 80 m². It is proposed to increase the maximum building size to 140 m², which in a waterfront area seems quite large even if required to be set back from shore.
- The proposed Section 6.23(j) seems reasonable. It requires that if an accessory building is used for a home occupation, the lot be at least 1 ha in area. Would not a similar requirement in Section 6.22, if an accessory building is used for a home industry, be appropriate?

Temagami First Nation:

- Consider reducing the size of a home industry in an accessory building.

C. OFFICIAL PLAN AMENDMENT

The current Official Plan includes policies that require a home occupation to be carried out in a residential dwelling; to be incidental to the residential use; and that it shall not change the residential character of the dwelling. The Official Plan Amendment proposed to change this policy to permit home occupations in both a residential dwelling and within an accessory building. Similarly, it is proposed that home industries also be permitted within a residential dwelling or an accessory building. While the Official Plan Amendment would permit a home industry in the

shoreline area, a Zoning By-law Amendment and site plan approval process would be required to evaluate the appropriateness of the Home Industry on each specific lot.

While the specific home occupation and home industry policy details in each of the neighbourhoods have slight differences, the basic principle is the same. A home occupation and home industry is to be incidental to the residential use and shall not change the residential character of the dwelling. These parameters can be controlled by implementing measures to limit the intensity of the use of a home industry and home occupation on a residential property. A copy of the proposed Official Plan Amendment is included as Attachment #2 to this Planning Report.

D. ZONING BY-LAW AMENDMENT

The Municipality's Zoning By-law permits home industries and home occupations, subject to a number of regulations to ensure that they are small in scale; the potential for negative impacts on adjacent residential uses is minimized; and, the general residential character of the neighbourhood is maintained.

The draft Zoning By-law Amendment that was presented to Council at the Statutory Public Meeting proposed the following for home industries:

- An updated definition for a home industry.
- Permit a home industry within a residential dwelling in addition to an accessory building.
- Set a maximum size for a home industry use that is not greater than 40% of the ground floor area of the dwelling.
- If a home industry is located within an accessory building the maximum size is 140 square metres.

The draft Zoning By-law Amendment that was presented to Council at the Statutory Public Meeting proposed the following for home occupations:

- An updated definition for a home occupation.
- Permit a home occupation within a residential dwelling in addition to an accessory building.
- Set a maximum size for a home occupation use in an accessory building of 50 square metres if the lot is greater than 1 hectare in lot area.

E. SUMMARY

Following a review of the comments received on the draft Official Plan Amendment and the draft Zoning By-law Amendment, it is recommended that the draft Zoning By-law Amendment be revised to reflect the comments that were received. The following is a summary of the recommended modifications to the draft Zoning By-law Amendment that are found at Attachment #3 to this Planning Report:

- Include a provision in the Zoning By-law that requires a minimum setback of 15 metres from the shore for buildings that contain a home industry or home occupation.
- Reduce the size of a home industry use that is permitted in an accessory building for shoreline lots.

- Review and determine maximum sizes for home occupations and home industries within dwelling units and accessory buildings that assist to ensure the use is incidental to the principal residential use.
- The reference to the maximum number of employees associated with a home occupation and home industry use have been removed from the Zoning By-law. From a land use planning context, the most appropriate way to limit the scale of operation is through the maximum floor area provisions provided in the Zoning By-law for home occupation and home industry uses.

The revisions to the proposed draft Zoning By-law Amendment are minor and it is Staff's opinion that the proposed changes to the draft Zoning By-law Amendment do not warrant a second Statutory Public Meeting.

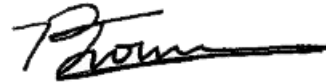
On this basis, it is recommended that Council receive this Report as information and Staff will prepare a recommendation report for a subsequent meeting of Council. It is further recommended that any additional comments be provided by July 10, 2020.

Respectfully Submitted,

MHBC Planning

A handwritten signature in black ink, appearing to read 'J. Robinson', with a long horizontal flourish extending to the right.

Jamie Robinson, BES, MCIP, RPP
Partner

A handwritten signature in black ink, appearing to read 'P. Townes', with a long horizontal flourish extending to the right.

Patrick Townes, BA, BEd
Associate