

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

BY-LAW NO. 2020 - \_\_\_\_\_

**DRAFT**

Revisions made for Statutory Public Meeting on March 12, 2020 are in green.

Revisions made following Statutory Public Meeting are in track changes.

**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 Council of the Corporation of the Municipality of Temagami hereby enacts 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 **is** 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) Maximum area of a home industry:

- ~~i. 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~~If located in a dwelling, the home industry shall occupy a maximum area of gross floor area greater than forty percent (40%) of the ground floor area of the dwelling. ~~;~~ ;
- ~~ii. If located in a dwelling, or an accessory building, the home industry shall not occupy an area greater than 140 square metres for a property not on a waterbody or more than 83 square metres for a property abutting a waterbody. -if located in an accessory building.~~
- ~~iii. If the home industry is conducted within both the dwelling and an accessory building, the maximum areas identified in subsections (i) and (ii) shall also apply.~~

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

(j) Where permitted on shoreline properties, any accessory building used for the home industry shall be setback a minimum of 15 metres from the shoreline.

(k) An accessory building or structure may only be used for the purpose of a home industry if the lot is a minimum of 0.5 hectares in size.

~~5-6.~~ 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;

~~6-7.~~ 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 1-0.5 hectare in size and the home business-occupation does not occupy more than 50 square metres of the accessory building or structure;

~~7-8.~~ 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 on mainland properties.

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

(l) Where permitted on shoreline properties, any accessory building used for the home industry shall be setback a minimum of 15 metres from the shoreline.

10. That Section 6.22 (e) - Home Industry and Section 6.23 (a) – Home Occupation of By-law 06-650, as amended, regarding the maximum number of employees is removed, and renumbering the subsequent subsections.

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 AND SECOND TIME on the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

READ A THIRD TIME and finally passed this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

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Dan O'Mara, Mayor

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Suzie Fournier, Municipal Clerk