

**Municipality of Temagami**  
**Official Plan Amendment and Zoning By-law Amendment**  
**Home Occupations and Home Industries**

The following draft amendments are being circulated for additional comments, in advance of the Statutory Public Meeting and in advance of Council making a final decision on the amendments, related to Home Occupations and Home Industries. Both an Official Plan Amendment and a Zoning By-law Amendment are being considered, to implement policies and regulations into the planning documents regarding Home Occupations and Home Industries. You are being provided a copy of these amendments because you have provided comments and questions on these applications in the past. If you have additional comments on the draft amendments, it is recommended that comments be provided by **Friday, October 16, 2020** in order to be reviewed and analysed in advance of the October 29, 2020 Council meeting.

A summary of the updated Official Plan Amendment and the Zoning By-law Amendment is included below:

- 1) Provided updated policies and regulations in the planning documents to reflect changes in the dynamics of home occupations and home industries in the Municipality.

Official Plan

- 2) Home occupations and home industries to be permitted in a dwelling and in an enclosed accessory building.
- 3) Removed requirement for an Official Plan Amendment in order to establish a home industry in a boathouse.

Zoning By-law

- 4) Updated the list of uses included in the definition of a home industry.
- 5) Included regulations to limit the size of home industries.
- 6) Added the requirement for accessory building to be setback from the shoreline when used for a home occupation or home industry.
- 7) Included a minimum lot size requirement in order to be eligible for a home occupation or home industry in an accessory building.

**Official Plan Amendment No. \_\_\_\_**

**Municipality of Temagami**

**DRAFT**

**Amendment Number \_\_\_\_ to the  
Official Plan of the  
Municipality of Temagami**

The attached explanatory text and constituting Amendment Number \_\_\_\_ 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 2019-\_\_\_\_ in accordance with the provisions of Sections 17 and 22 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

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Mayor

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Municipal Clerk

**THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI**

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

**A By-law to adopt Amendment No. \_\_\_\_ 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. \_\_\_\_ 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 AND SECOND TIME on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal 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.

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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. 2020 - \_\_\_\_\_

### **DRAFT**

#### **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. If located in a dwelling, the home industry shall occupy a maximum area of forty percent (40%) of the ground floor area of the dwelling.
- ii. If located in 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 84 square metres for a property abutting a waterbody.
- 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 0.4 ~~0.5~~ hectares in size.

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;

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 ~~0.5~~ 0.4 hectares in size and the home ~~business~~ occupation does not occupy more than 50 square metres of the accessory building or structure;

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 occupation 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