

<b>MUNICIPALITY OF TEMAGAMI</b>	
<b>Report Prepared For:</b>	Suzie Fournier, Municipal Clerk
<b>Report Prepared By:</b>	Jamie Robinson, MCIP, RPP and Patrick Townes, BA, BEd MHBC Planning, Planning Consultants
<b>Subject:</b>	Recommendation Report for Home Industries and Home Occupations Official Plan Amendment and Zoning By-law Amendment
<b>Report Date:</b>	April 15, 2021

## **A. PROPOSAL/BACKGROUND**

This Recommendation Report has been prepared to bring the Home Industries and Home Occupations Official Plan Amendment and Zoning By-law Amendment applications to Council for a decision. The purpose of the amendments is to include modifications to the policies and regulations regarding home industries and home occupations the Municipality's planning documents.

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 was held on March 12, 2020.

The proposed amendments that have been prepared for a decision have been drafted following consideration of comments and written submissions provided:

- prior to and at the March 12, 2020 Statutory Public Meeting for the Official Plan Amendment;
- from the Temagami First Nation and Temagami Lakes Association; and,
- at the December 23, 2020 Council meeting.

The following resolutions are recommended:

*THAT Council receive the report prepared by MHBC Planning regarding the Home Industries and Home Occupations Official Plan Amendment and Zoning By-law Amendment, dated April 15, 2021; and,*

*THAT Council adopt Official Plan Amendment No. 4 (By-law No. 21-1558) and pass the Zoning By-law Amendment (By-law No. 21-1559) to implement the policies and regulations regarding Home Industries and Home Occupations into the Municipality's planning documents.*

## **B. OVERVIEW OF COMMENTS**

The following is a summary of the most recent comments received on the proposed amendment. The proposed amendments were posted on the Municipality's website in advance of the Council Meeting, and forwarded to those who made previous comments on the draft amendments.

## **Council Members:**

- Comments provided at the December 23, 2020 Council meeting.
  - If the minimum setback from the shore for a home industry is 15 metres, how are home industries permitted in a boathouse?

The policy in the Official Plan that prohibited home industries in a boathouse has been removed. Therefore, an Official Plan Amendment is not required to permit a home industry in a boathouse. Home industries on shoreline lots require a Zoning By-law Amendment, and therefore if a home industry is proposed in a boathouse, the 15 metre setback requirement in the Zoning By-law would also have to be amended. This allows the opportunity for staff and Council to review home industries on site by site basis and to evaluate land use compatibility amongst surround land uses.
  - Where did the maximum size of 84 square metres come from for a home industry?

The original amendment include a maximum size of 140 square metres for a home industry. Through the review of public comments, a maximum size of 84 square metres was recommended for shoreline lots and a maximum size of 140 square metres was still recommended for non-shoreline lots.
  - A standard two slip boathouse is larger than 84 square metres, does the 84 square metres just apply to the home industry use?

This is correct, the maximum 84 square metres applies to the home industry use. Again, a Zoning By-law Amendment is required for a Home Industry. If a larger size is proposed than 84 square metres, it would be reviewed and evaluated on a site by site basis.
  - Can you have a contractor's yard and a home industry?

Yes, a Zoning By-law Amendment is required but the uses could occur on the same lot.
  - Questions regarding definitions in the Official Plan and Zoning By-law, particularly regarding the definitions of a small engine repair shop and a service and repair shop. It is intended that these are two different uses, a small engine repair shop being a home industry type use and a service and repair shop being a home occupation type use. An example of a repair shop in this context would be a home-based watch repair business.

## **Temagami Lakes Association:**

- Comments provided on October 22, 2020 by Tony Usher on behalf of the Temagami Lakes Association.
  - The storage of materials within an accessory building may be appropriate, but home industries on the shoreline lots within accessory buildings is not appropriate. Home industries on a shoreline lot require a Zoning By-law Amendment to evaluate the appropriateness of the proposed use and to evaluate land use compatibility amongst surrounding uses.
  - Do not want to see the restriction on employees removed from the By-law. The intensity of the use is controlled by the maximum size of the building/area to occupy a home industry or home occupation. Through a site specific amendment

for a home industry, it would be possible to implement a maximum employee limit. This is difficult for the municipality to regulate and enforce.

- A contractor's yard should not be permitted within the R1 Zone.  
A contractor's yard is not permitted within the R1 Zone on Lake Temagami.

### **Temagami First Nation:**

- Discussion occurred with Temagami First Nation on October 15, 2020.
  - Home industries that are to be located within a dwelling should require a site specific Zoning By-law Amendment.  
A Zoning By-law Amendment is required.
  - Concerns about as-of-right permissions for home industries within dwellings and within the village.  
A Zoning By-law Amendment is required.
  - Parking – one of our concerns for urban areas is not allowing parking of a home industry/occupation to overwhelm a neighbourhood. Parking space must be addressed when people are applying to open a home industry/occupation. This could be covered in a section which addresses keeping all visual aspects of a home industry/occupation in line with the vision of the Official Plan and Zoning By-law. Parking requirements are included in the Zoning By-law.
- Additional comments provided to confirm that amendments are in-keeping with what was previously circulated. The proposed amendment are in-keeping with what was discussed in October of 2020 with Temagami First Nation.

### **C. OVERVIEW OF PROPOSED AMENDMENTS**

A summary of the updated Official Plan Amendment and the Zoning By-law Amendment follow:

- 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.
- 4) Similar to the Zoning By-law Amendment, the reference to the number of employees for a home industry and home occupation was removed.
- 5) The Official Plan permits a home occupation, a home industry and a contractor's yard in all Neighbourhoods. A home industry and a contractor's yard are only permitted through a site specific Zoning By-law Amendment. The Official Plan includes criteria in order to evaluate a home industry and a contractor's yard.

- 6) Provided clarification in the policies that a home industry is a different use than a contractor's yard.

### Zoning By-law

- 7) Updated the list of uses included in the definition of a home industry and a home occupation.
- 8) Included/amended regulations related to a home occupation, home industry and contractor's yards.
- 9) Included permissions for storage of materials within enclosed buildings within 15 metres of the shore.

## **D. ANALYSIS**

### **Provincial Policy Framework**

The Provincial Policy Statement (PPS) directs the majority of growth and development to Settlement Area within municipalities. Home industries and home occupations are permitted within these Settlement Areas. In addition to the permitted uses within Settlement Areas, home occupations and home industries are also permitted on Rural Lands within municipalities. The majority of the Municipality, including shoreline areas, are considered as Rural Lands in the context of the PPS. The policies and regulations for such uses are included in the local planning documents, and provide direction on where they are permitted.

### **Official Plan**

The intent of the proposed amendments is to permit both home industries and home occupations in all neighbourhoods, within a dwelling and/or within an accessory building. The previous document permitted a home industry within an accessory building and a home occupation within a dwelling.

The proposed amendments for each Neighbourhood include home occupations and home industries as permitted uses. Home occupations are permitted within the implementing Zoning By-law, however home industries are not permitted as of right in the Zoning By-law. As a result, a Zoning By-law Amendment is required in order to establish a home industry, and the Official Plan is proposed to include policies that evaluate the use on a site by site basis. The following policy is recommended in the Official Plan in order to evaluate a proposed home industry use:

*Home industries shall proceed by way of a rezoning. As part of the rezoning process, Council shall consider the adequacy of the building for the use proposed, the potential impact of the home industry on adjacent residential areas, the size of the operation, the visual impact from the shore, and the potential for the home industry to become a nuisance because of noise, fumes, dust, odour, traffic or to otherwise interfere 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. There shall be no outside storage associated with the home industry, unless the storage area is limited in size to support the on-site use, and is completely screened and not visible from off site.*

In addition, the policy that restricts the number of employees and prohibits a home industry within a boathouse have been removed. A Zoning By-law Amendment can evaluate the aspects of a proposed use to ensure that the home industry is compatible with surrounding land uses.

Similar to home industries, the maximum number of employees has been removed in the Official Plan for home occupations. The maximum size of the home occupation and home industry is intended to limit the scale of the operation.

## **Zoning By-law**

Home occupations continue to be permitted in the R1, R2 and R3 Zones, and home industries and contractor's yards continue to require a Zoning By-law Amendment in order to be permitted. The provisions and standards for home occupations and home industries have been revised in the Zoning By-law to:

- Remove the maximum number of employees. The maximum size of the home occupation and home industry is intended to regulate the intensity of the use.
- Include maximum size provisions for home occupations and home industries. Again, a home industry requires a Zoning By-law Amendment. The aspects of a home industry are to be reviewed on a site by site basis in order to consider land use compatibility and impacts to adjacent property owners.
- Require a minimum setback from shore of 15 metres for accessory buildings that contain a home industry or home occupation. If proposed within a boathouse, and amendment to the Zoning By-law is required.

The intent of the Official Plan and Zoning By-law is to permit home occupations within the Municipality subject to the policies and regulations, and to permit home industries through a site specific amendment to the Zoning By-law so that the proposed use can be reviewed and determined that impacts to adjacent properties does not occur, or an incompatible use from a land use planning perspective.

## **E. SUMMARY**

The Municipality has undertaken extensive public consultation through this process, and have resulted in the creation of Temagami focused policies and regulations for home industries and home occupations.

A summary of the proposed amendments is included below:

- To permit home occupations and home industries in all Neighbourhoods in the Official Plan and to establish policies to evaluate Zoning By-law Amendments to permit home industries on the shoreline.

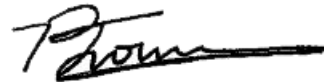
- To permit home industries and home occupations within a dwelling and/or an accessory building, where permitted.
- To require a Zoning By-law Amendment for a home industry or a contractor's yard.
- To remove policies and regulations that restrict the number of employees associated with a home industry or a home occupation.

Respectfully Submitted,

**MHBC Planning**

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Jamie Robinson, BES, MCIP, RPP  
Partner

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

Patrick Townes, BA, BEd  
Associate