

THE CORPORATION OF THE  
MUNICIPALITY OF TEMAGAMI  
P.O. BOX 220  
TEMAGAMI, ONTARIO P0H 2H0  
(705) 569-3421  
FAX: (705) 569-2834  
E-MAIL: visit@temagami.ca  
WEBSITE: www.temagami.ca



October 12, 2017

Mr. Stephen Simpson  
c/o Roxanne St. Germain  
7416 Hwy 11 North  
P.O. Box 333  
Temagami, ON P0H 2H0

**HAND DELIVERED**

Dear Mr. Simpson,

This letter is a follow up to our discussions held on August 11, 2017, and September 18, 2017 with Roxanne St. Germain, concerning a complaint received regarding the use of your property located at 7416 Hwy 11 North ("subject property"), which is not permitted by the zoning by-law.

We generally try to resolve such issues through discussion before sending a formal notice. We discussed this matter with Ms. St. Germain, since our records for the subject property show Ms. St. Germain as the person to whom mail is to be sent 'care of'. Further to these discussions, the Municipality has not heard from you regarding your intention to meet compliance with the Municipality's Zoning By-law regarding the property. Ms. St. Germain confirmed that she had discussed this matter with you.

This property is currently being used as a Technical Diving School. This is in violation of the Municipality of Temagami Zoning By-law 06-650. It is my duty, having been apprised of this, and having had no response from you following our discussions with Ms. St. Germain, to contact you directly with a formal, written notice concerning the policies in place and your options to remedy the situation and to make you aware that there are penalties that may be levied if you continue with the non-conforming use.

#### Applicable Policies

The subject property is zoned Remote Residential (2) in the Municipality of Temagami's Comprehensive Zoning By-law 06-650. In this zone the permitted uses are as follows:

#### SECTION 7.5 - REMOTE RESIDENTIAL (R2) ZONE

##### 7.5.1 PERMITTED USES

*No person shall within any Remote Residential (R2) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:*

- *permanent dwelling unit or a seasonal dwelling unit*
- *a modular home*

- *sleep cabins, subject to the provisions of Section 6.41*
- *a water based boathouse, in accordance with Section 6.06 or*
- *a land based boathouse, in accordance with Section 6.06 and 6.40*
- *a detached garage in accordance with Section 7.5.2*
- *other accessory buildings, in accordance with section 6.04 (By-law 07-745)*
- *a home occupation use, in accordance with Section 6.23*

As defined in the Municipality of Temagami's Zoning By-law a Home Occupation means:

*Any gainful occupation which is conducted within the dwelling unit 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 (s. 6.23).*

### Section 6.23 HOME OCCUPATION

*A Home Occupation may be carried out in certain zones, where permitted, subject to the following:*

- a) no person, other than a resident of the dwelling unit and one non-resident employee may be employed in the home occupation, except in the R1, R2 and R3 Zones where two non-resident employees may be employed in the home occupation;*
- b) there is no display, other than an un-illuminated sign not greater than one (1.0) square metre in size, to indicate to persons outside that any part of the dwelling unit or lot is being used for a purpose other than a dwelling unit, except in the, R1 and R2 Zones where no such sign is permitted;*
- c) such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling unit nor creates or becomes a public nuisance, particularity in regard to noise, noxious odours or emission of smoke, traffic or parking; (underlining added)*
- d) such home occupation does not interfere with television or radio reception;*
- e) there is no outside storage of goods or materials and there is no use of any part of an accessory building;*
- f) not more than twenty five per cent (25%) of the gross floor area of the dwelling unit or forty six (46.0) square metres, whichever is the lesser, is used for the purposes of a home occupation;*
- g) such home occupation uses may include 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, but a clinic, a hospital, a nursing home, a tea room and an animal hospital shall not be deemed to be home occupations; (underlining added)*
- h) when retail sales are carried out as part of a home occupation located on a lot accessible by a municipally maintained road, one on-site parking space shall be provided in addition to any required for the dwelling unit and employees;*
- i) (By-law 13-1121) except in the R1 and R2 Zones, one parking space shall be provided for each employee not residing in the residence.*

A Technical Diving School is not one of the permitted uses in the Remote Residential zone, nor is it consistent with the definition of a Home Occupation and therefore would not be permitted. Furthermore, the complaint that was received was with respect to the violation of the zoning by-law and that the School has created a public nuisance, particularly in regards to noise and traffic.

#### Options

1. In order to legally continue the School at this location, it would require a change in the Zoning of the property. In order to apply to change the zoning, you would need to submit an application for a Site Specific Zoning By-law amendment. Council would then need to follow the public process required by the Planning Act before making a decision. The decision of Council, whether to approve or deny the application is also appealable to the Ontario Municipal Board. The fee for Zoning By-law Amendment Application is \$1,200 and must accompany the application.

If you choose this option and submit this application on or before October 27, 2017, the Municipality will not take further action on zoning violation until a decision is finalized on the application use. Should you be unsuccessful in securing this amendment, you will be required to cease and desist from operating the Technical Diving School immediately.

2. If you wish to maintain the current designation and zoning of the property, you are not permitted to operate a Technical Diving School from this property and must relocate or discontinue operations.

In order to avoid further action by the Municipality on this matter, which may include penalties as outlined below, you must advise us in writing on or before October 27, 2017, which option you have chosen.

If you have any questions please feel free to contact me by phone at 705-569-3421 ext. 208, or by email at [clerk@temagami.ca](mailto:clerk@temagami.ca)

Yours truly,

Elaine Gunnell  
Municipal Clerk

EG/tl

#### Penalties

The Municipality may apply penalties for contravention of the Zoning By-law as outlined below as authorized by our municipal by-laws and the Planning Act.

Section 4.07 of the Municipality of Temagami Zoning By-law provides for the following:

##### ***Section 4.07 – Violation and Penalty***

*Any person who uses any land or erects or uses any building or structure in a manner contrary to any requirement of this By-law, or who causes or permits such use or erection, or who violates any provision of this By-Law or causes or*

*permits a violation, is guilty of an offence and upon conviction therefore, shall be liable to a fine not exceeding two thousand (2,000) dollars per day, exclusive of costs, which shall be recoverable under the Provincial Offences Act R.S.O., 1990 as amended.*

*The Ontario Planning Act, R.S.O. 1990, c. P.13, as amended, provides for penalties as follows:*

***Penalty***

**67.** *(1) Every person who contravenes section 41, section 46, subsection 49(4) or section 52 or who contravenes a by-law passed under section 34 or 38 or an order made under section 47 and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable,*

*(a) on a first conviction to a fine of not more than \$25,000; and*

*(b) on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted. 1994, c. 2, s. 48.*

***Order of Prohibition***

**(3)** *Where a conviction is entered under subsection (1), in addition to any other remedy or any penalty by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.*

**From:** [Kim Corbett](#)  
**To:** [Tammy Lepage](#)  
**Subject:** Zoning by law  
**Date:** February 12, 2018 3:44:24 PM

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Good Morning Tammy:

It has come our attention that our new neighbors -Steven Simpson and Roxanne St. Germain are planning on obtaining an amendment by-law to re-zone their property as commercial. We own the property at 7400 Hwy 11 (old Guppyville).

We are not in favor of a Diving Technical School being opened in this area. We purchased this property for "Privacy" and this is creating considerable traffic and inviting strangers onto our private property. The access that Mr. Simpson is currently using to get to his property is crossing directly through everybody's property.

This is not a public access road. The township of Temagami has made it clear that they don't maintain it whatsoever and the cost and upkeep of this road is our responsibility. It is my understanding that Mr. Simpson/ Roxanne St. Germain have property allotted to them so that they can build their own road by which to gain access to the property they purchased. There is another road currently that is not running through our properties that Mr. Simpson could use to get to his place.

I am requesting that we (Kim and Rick Corbett) be notified before any decision is made in this matter.

Please send confirmation that you have received this letter.

Regards

Kim Corbett

**From:** [iguppy@cogeco.ca](mailto:iguppy@cogeco.ca)  
**To:** [Davey guppy](#); [Tammy Lepage](#)  
**Subject:** Application for Diving Academy at Net Lake by Steve Simpson  
**Date:** March 19, 2018 11:26:22 AM

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ATTENTION: Tammy Lepage

Tammy, we have a concern that there will be an application for the development of a Diving Academy which will have a negative impact on our (Irene Guppy's) property as well as our neighbours. Below I have made a list of our concerns. Our property is located at 7408 highway 11 North, Temagami Ontario.

1. INCREASED TRAFFIC ACROSS OUR PROPERTY BY STRANGERS ... ACCESS TO THE SIMPSON PROPERTY AND DIVING ACADEMY CAN ONLY BE MADE BY CROSSING OUR PROPERTY UNTIL NEW ACCESS ROAD HAS BEEN ESTABLISHED BY SIMPSON.
2. INCREASED TRAFFIC BY DELIVERY VEHICLES AND DIVING ACADEMY STUDENTS WILL POSE A SAFETY HAZARD.
3. POTENTIAL FOR THEFT THAT COMES WITH INCREASED TRAFFIC.
4. POSSIBLE DEVALUATION OF PROPERTY WHICH COMES WITH INCREASED TRAFFIC AND BUSINESS ACTIVITY.
5. SAFETY ISSUES WITH DIVING ACTIVITIES. DIVERS/DIVING PLATFORM WILL REQUIRE 100 METERS OF WATER CRAFT CLEARANCE WHICH THE DIVING LOCATION IN THE NARROWS DOES NOT PROVIDE WHICH OPENS BOATERS UP TO POSSIBLE CHARGES/FINES.

Thanks

Dave Guppy  
1-519-396-4969  
Kincardine Ontario

Irene Guppy  
1-705-475-0850  
North Bay Ontario



**Corporation of the Municipality of Temagami**

**Memorandum to Council**

**Memo No.**  
2018-M-015

☐

**Staff**

☒

**Committee**

<b>Subject:</b>	PAC recommendation regarding Mr. Simpson correspondence date March 5, 2018
<b>Agenda Date:</b>	March 22, 2018
<b>Attachments:</b>	

**RECOMMENDATION**



To recommend that:

WHEREAS at the Planning Advisory Committee meeting held on March 13, 2018 the Committee reviewed the correspondence from Mr. Simpson;

NOW THEREFORE BE IT RESOLVED THAT that Council receive Memo-2018-M-015 regarding the recommendation from PAC to amend the zoning by-law to include a broader definition of home occupation/home industry;

AND FURTHER THAT Council if they deem it desirable adopt the recommendation from PAC;

AND FURTHER THAT Council direct staff to proceed with a municipal initiated zoning by-law amendment.

**INFORMATION**

At the March 13, 2018 PAC meeting the Committee revised the agenda to include correspondence from Mr. Simpson regarding his diving business. The committee discussed the importance of bringing in new business and promoting economic prosperity and passed the following motion:

18-22

MOVED BY: J. Kenrick

SECONDED BY: B. Leudke

BE IT RESOLVED THAT *the Committee recommends to Council to proceed with a Zoning By-law Amendment in response to the correspondence from Mr. Simpson's inquiry dated march 5, 2018 and encourages a broader range of the definition in the zoning by-law of home occupation/home industry;*

AND FURTHER THAT *the definition of home occupation/home industry include home teaching and small learning facility in section 6.23 (g).*

**CARRIED**

Council should keep in mind that s.6.23 (g) "Home Occupation" states:

*"Such a home occupation may include 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 but a clinic, a hospital, a nursing home, a tea room and an animal hospital shall not be deemed to be home occupations."*

The definition of a home occupation in the zoning by-law is as follows:

*"Home occupation shall mean any gainful occupation which is conducted within the dwelling unti 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."*

If Council if deems it desirable to proceed with a municipally initiated zoning by-law amendment it will still require the following legislative process:

1. Preparation of a draft bylaw wording.

2. Notice of public meeting 20 days prior to Public Meeting;
3. Circulate to properties within a 120m (394 Feet) 20 days prior to Public Meeting;
4. Public meeting held to receive comments; and
5. Notice of decision within 15 days to all interested parties.

**\*\* Note: after Council makes a decision on the by-law amendment it is subject to a 20 day appeal period.**

*These recommendations have not been reviewed by staff. When reviewing a request and preparing a recommendation for Council consideration, staff would typically consider the following factors:*

- Operating and capital budget,
- Staff resources,
- Material costs,
- Government grants,
- Municipal policies,
- Legislation and
- Risk assessment

Prepared by:

Reviewed by & Approved for Council consideration

**Tammy Lepage,  
Planning Assistant**

**Elaine Gunnell,  
Municipal Clerk**

Name & Position

Name & Position

**Planning Advisory Committee**



## Tammy Lepage

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**From:** Tammy Lepage  
**Sent:** June 14, 2018 9:13 AM  
**To:** 'Patrick Townes'  
**Subject:** RE: PAC Recommendation - Home Occupation and Home Industry  
**Attachments:** 06.01 - Council's decision Resolution 18-103 Regarding Mr. Simpson's Property R1 and R2 Zoning List Interpretation.pdf

Hi Patrick this was the decision of Council regarding that memo.

*Sincerely,*

*Tammy Lepage, Planning Clerk*

7 Lakeshore Dr

P.O. Box 220

Temagami, ON

P0H 2H0

P: 705-569-3421 ext. 210

E: [planning@temagami.ca](mailto:planning@temagami.ca)

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**From:** Patrick Townes [mailto:ptownes@mhbcplan.com]  
**Sent:** June 12, 2018 9:36 AM  
**To:** Tammy Lepage <[planning@temagami.ca](mailto:planning@temagami.ca)>  
**Cc:** Jamie Robinson <[jrobinson@mhbcplan.com](mailto:jrobinson@mhbcplan.com)>  
**Subject:** PAC Recommendation - Home Occupation and Home Industry

Good morning Tammy,

I have attached the recommendation from PAC regarding the municipal initiated Zoning By-law Amendment pertaining to home occupation and home industry permissions.

Has this been passed by Council?

Thank you,

**PATRICK TOWNES**, BA, BEd | Planner

**MHBC** Planning, Urban Design & Landscape Architecture

113 Collier Street | Barrie | ON | L4M 1H2 | T 705 728 0045 x 231 | F 705 728 2010

| [ptownes@mhbcplan.com](mailto:ptownes@mhbcplan.com)

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**THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI**  
**Regular Council Meeting**

**Legislative Number:** 18-103

**Title:** Steve Simpson UDT Diving regarding R1 R2 Zoning List Interpretation

**Date:** 03/22/2018

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**MOVED BY:** D. Burrows

**SECONDED BY:** J. Harding

BE IT RESOLVED THAT Council receive correspondence from Stephen Simpson UDT Diving regarding R1 R2 Zoning List Interpretation; AND FURTHER THAT Council direct staff to send the relevant documentation to our planner for a planning report.

Declaration of Conflict of Interest:

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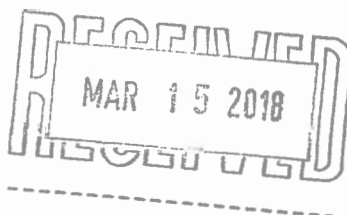
A true copy of the resolution by the Council of the Municipality of Temagami

**From:** Elaine Gunnell  
**Sent:** Thursday, March 15, 2018 10:55 PM  
**To:** Roxanne St. Germain  
**Subject:** FW: Letter to Mayor and Council from Steve Simpson UDT Diving Inc.  
**Attachments:** Letter from Steve Simpson UDT Diving Inc.pdf; Northland Paradise Letter of Support UDT Diving Inc.jpg; Wilson Lake Cottages Business Support Letter for UDT Diving Inc.pdf

For incoming

*Elaine Gunnell, Dipl.M.A., AOMC*

Municipal Clerk  
 The Corporation of the Municipality of Temagami  
 7 Lakeshore Drive, P.O. Box 220  
 Temagami, ON P0H 2H0  
 Phone: 705-569-3421 ext 208  
 Email: [clerk@temagami.ca](mailto:clerk@temagami.ca)



File ☒ Incoming ☐ Other  
 Mayor ☐  
 Council ☒ ☐  
 CAO ☐  
 Building ☐  
 Finance ☐ S ☐ C  
 Ec Dev ☐ S ☐ C  
 Parks & Rec ☐ S ☐ C  
 Planning ☐ S ☐ C  
 Public Wks ☐ S ☐ C  
 PPP ☐  
 Social Services ☐  
☐ \_\_\_\_\_  
☐ \_\_\_\_\_

**From:** Steve Simpson [mailto:udt@udtdiving.com]  
**Sent:** Sunday, March 11, 2018 6:18 PM  
**To:** Lorie Hunter <mayor@temagami.ca>; debbyburrowsinfo@yahoo.ca; harding.john210@gmail.com; carol.lowery234@gmail.com; danomar@ontera.net; bhkoski62@gmail.com; ron.yourvoicematters@gmail.com  
**Cc:** Elaine Gunnell <clerk@temagami.ca>; Monty Cummings <building@temagami.ca>; Tammy Lepage <planning@temagami.ca>  
**Subject:** Letter to Mayor and Council from Steve Simpson UDT Diving Inc.

Dear Mayor and Council,  
 Please see attached Letter from myself to the Mayor and Council and Correspondence in Support of UDT Diving from Wilson Lake Cottages and Northland Paradise. I would appreciate these letters to be added to the next meeting agenda. Thank you for your time and consideration.  
 Sincerely,  
 Steve Simpson  
 UDT Diving Inc.

March 5<sup>th</sup>, 2018

The Municipality of Temagami

By email:

Mayor and Council

cc. Chair and Committee of Adjustment

cc. Chair and Planning Advisory Committee

cc. Chair and Economic Development Advisory Committee

cc. Clerk, Bylaw Enforcement, Planning

Dear Mayor, Council, Chair's and Committee Members, Clerk, By-Law Enforcement, and Planning

Without prejudice and with no disrespect intended, the Municipality of Temagami's definitions of what businesses are acceptable in their zoning bylaws are far too restrictive to fit and no longer relative to the times we live in. I would suggest that Council examine ways in which it can develop and grow business opportunities by broadening the scope of home occupation and home industry currently being used. The present "such as" listing of business acceptable in our Community is interpretive, exclusionary, biased, and detrimental to the town's growth and very survival. Our town professes to be working to attract and develop new sources of tax base and employment opportunities while fostering bylaws and policies that are working to do exactly the opposite. Our economic development history shows a record of disallowing and discouraging more businesses than it welcomes. Many of the disallowed opportunities were visionary and ahead of their time and now the same ideas are thriving businesses all over Ontario. It is time to make some serious changes. We need to be market friendly and market ready if we are to be ready for economic development opportunities. The very length of time it took to sell an industrial lot to a business bringing industry and employment to the town shows we are far from ready.

Employment trends are indicating that home occupations are increasing significantly, and that home entrepreneurial activity is emerging as a key sector in today's work environment. The growth of home occupations is likely responsive to many factors including the downsizing of larger businesses, decreasing overhead costs to remain viable, the growth of multiple income families, the desire of a better work-life balance. As such, other Municipalities are recognizing that home occupations are a valid way of combining home and work lives, while encouraging the economic stability of local economies. In the situation of my business, more importantly, I have brought in customers who have spent money at every retail business in the Town of Temagami, they have stayed at 3 lodge operations and returned for family vacations, they have attended several events and festivals. I have supplied letters from 2 of the lodges, the 3<sup>rd</sup> has changed ownership. If bringing money into the local economy is not an important factor in the official plan for this Municipality I would suggest it well should be. Every business that fails or is walked away from removes a tax base that is seriously needed to financially contribute to providing the infrastructure required to those who live here and brings money into the town economy. This Community will either evolve or it will continue on its decline, we need to work together to stop the later from happening.

If this Community is to evolve we need a common and common sense vision for the next twenty years that will guide how our community grows and develops. Our future vision should aim to create a vibrant living environment within the Town by taking into consideration all aspects of planning for Temagami's Future - social, economic, physical, cultural, esthetic, and environmental factors. Presently there is nothing in the Official Plan addressing economic development and this is a serious issue that needs to be address in the revisions presently being done. The community's vision should be central to the development of the new Official Plan. The plan needs to remove barriers to economic development, survival depends on it.

There is deep diving available for specific training in this area. I am well connected in the diving world and had begun to reach out to Diving Instructors and facilities across North America and they are extremely interested in coming here. This could be a great opportunity for local businesses in our community as one facility alone certifies 250 technical divers a year and that is just the tip of the iceberg. All of these divers will require accommodation, meals, will spend money at retail establishments, will attend local events and many will return to the area again, maybe even move here. This level of diving requires a diving facility to be close by. Unfortunately for the community, I have put the development of this important economic opportunity on hold until the issues I am facing with my diving business have been decided.

I am requesting that Council, the Planning Advisory Committee, and the Committee of Adjustment immediately make the necessary changes to allow businesses that are not on the "such as" list be allowed to be factored in to operate if they are located in an R1 or R2 zoning or any other appropriate zoned area for business. The SCUBA Diving Industry is not a common business and as such has not been included on the "such as" list of example businesses allowed in R1 R2 zoning. The very wording itself "such as" denotes a listing of some examples not a definitive list yet it is interpreted as exclusionary. It should not be necessary to fill out an application, pay a fee, go through hearings, and create an unnecessary administrative burden to an already overburdened staff in order to be added to a list so you can contribute to a community and try to make a living. I am asking for Council and/or the Committees to use their ability to remedy this situation and have SCUBA Diving Operations added to the acceptable businesses of R1 R2 and other applicable zoning so this businesses can operate and the community can continue to benefit financially from the students and their families being brought to the area.

Thank you for your assistance in this matter.

Sincerely,

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

Steve Simpson  
UDT Diving Inc.

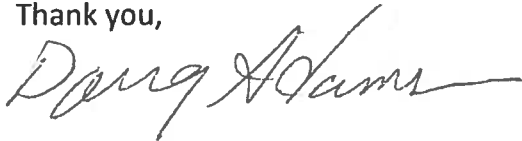
March 8<sup>th</sup>, 2018

UDT Diving Inc.  
Temagami, Ontario

To Whom it may concern,

Northland Paradise has financially benefited from the students of UDT Diving staying at our lodge and we are looking forward to future bookings. The town needs as much of an economic base as possible and we should be encouraging every business we can to choose our community to be in.

Thank you,

A handwritten signature in black ink, appearing to read "Doug Adams", with a long horizontal flourish extending to the right.

Doug Adams  
Northland Paradise

**From:** Wilson Lake Cottages [mailto:mjkmacleod@ontera.net]  
**Sent:** Saturday, February 17, 2018 6:20 PM  
**To:** UDT@udtdiving.ca; udt@udtdiving.com  
**Subject:** Letter of Support

To whom it may concern:

This is a letter of support confirming that Wilson Lake Cottages has had customers from UDT Diving and they did repeat coming back to Wilson Lake Cottages.

Thank-you for sending business our way.

Marilyn MacLeod

Wilson Lake Cottages

705-569-3710

**From:** [Tammy Lepage](#)  
**To:** ["steve"](#)  
**Subject:** RE: Concerns  
**Date:** March 19, 2018 11:29:00 AM

---

Hi Steve,

Once again this is only a recommendation from PAC and it's up to Council to make the final decision.

Sincerely,  
Tammy Lepage, Planning Assistant  
7 Lakeshore Dr  
P.O. Box 220  
Temagami, ON  
P0H 2H0  
P: 705-569-3421 ext. 210  
E: [planning@temagami.ca](mailto:planning@temagami.ca)

-----Original Message-----

From: steve [<mailto:steveaprescott@hotmail.com>]  
Sent: Monday, March 19, 2018 11:03 AM  
To: Tammy Lepage <[planning@temagami.ca](mailto:planning@temagami.ca)>  
Subject: Re: Concerns

Oops. I forgot to mention, we understand that the advisory committee is suggesting that the council amend the by-law on Home Industry to allow the scuba School/training facility to be added to the Home Industry section. We don't believe that a training facility/SCHOOL should be classified the same way as a hairdressing studio or embroidery shop.

Thanks again :)  
Steve

PRESCOTT CONSTRUCTION  
Box# 287  
Temagami, Ont.  
P0h2h0  
705-569-3525

Sent from my iPhone

> On Mar 19, 2018, at 10:43 AM, Tammy Lepage <[planning@temagami.ca](mailto:planning@temagami.ca)> wrote:

>

> Hi Steve,

>

> No planning application has been received, there is a piece of correspondence from Steve that is going to Council on the 22nd of March at their regular Council meeting.

>

> The Planning Advisory Committee is an advisory Committee of Council and is unable to make decisions regarding any correspondence, only recommendations to Council regarding Zoning By-Law Amendment & Official Plan Amendments.

>

> I will keep your comment submission below. Once again there is no application at this time.

>

> Sincerely,



> Tammy Lepage, Planning Assistant

> 7 Lakeshore Dr

> P.O. Box 220

> Temagami, ON

> P0H 2H0

> P: 705-569-3421 ext. 210

> E: [planning@temagami.ca](mailto:planning@temagami.ca)

>

> -----Original Message-----

> From: steve [<mailto:steveaprescott@hotmail.com>]

> Sent: Sunday, March 18, 2018 12:09 PM

> To: Tammy Lepage <[planning@temagami.ca](mailto:planning@temagami.ca)>

> Subject: Concerns

>

> Hi Tammy!

> We have just heard about the upcoming meeting about our neighbours business on R2 land.

> I was hoping this was done and over with. But I understand now that he maybe able to operate and school/training facility next door to us.

> I have concerns over the safety of the family, due to increased traffic. The decreased property value of our home/property etc etc.

> Any info would be GREATLY appreciated.

> We are getting together with the Corbett family (and via conference call the Guppy family) to figure out what we can do, before it's too late.

> Sorry to trouble u. We are stressed. Lol Steve

>

> PRESCOTT CONSTRUCTION

> Box# 287

> Temagami, Ont.

> P0h2h0

> 705-569-3525

>

> Sent from my iPhone

>

April 6, 2018

Tammy Lepage

Planning Assistant

**Re: PAC question in regards to my conversation with Mr. Simpson**

The Planning assistant and I, after a discussion with the planning consultant, had established that Section 6.23 of the Zoning Bylaw does not allow an owner or occupant to provide diving courses in the Remote Residential R2 Zone. The property in question 7416 Highway 11 North is zoned R2. Mr. Simpson owns the property and there is no Crown land between his property and the lake.

The question: Did I tell Mr. Simpson that he could not walk his students to the lake from his property?

The answer: Yes. I did tell Mr. Simpson that his students could not use his property to access the lake, as that would be part of the instruction process.

In the conversation I had with Mr. Simpson, he asked if he taught the classroom portion, off site, could he bring the students back to the property to access the lake, this in my opinion is using the property for instructing part of the course. The actual diving instruction will take place in the lake, but the staging area and the donning and doffing of the SCUBA equipment will not. This is all part of the instruction and learning process.

In the same conversation Mr. Simpson asked about his compressor. I told him, he could use it for personal use.

Monty Cummings, CBCO

CBO Temagami

MUNICIPALITY OF TEMAGAMI	
<b>Report Prepared For:</b>	Tammy Lepage
<b>Report Prepared By:</b>	Jamie Robinson, MCIP, RPP
<b>Subject:</b>	Information Report Regarding Review of R1 & R2 Zone Provisions and Home Occupation
<b>Report Date:</b>	April 11, 2018

## **A. BACKGROUND**

At the Regular Council Meeting held on March 22, 2018, Council passed the following resolution regarding "Steve Simpson UDT Diving regarding R1 R2 Zoning List Interpretation":

*BE IT RESOLVED THAT Council receive correspondence from Stephen Simpson UDT Diving regarding R1 R2 Zoning List Interpretation, AND FURTHER THAT Council direct staff to send the relevant documentation to our planner for a planning report.*

In accordance with the direction of Council, this Report has been prepared to provide an overview of the Remote Residential (R1) Zone (Lake Temagami) and Remote Residential (R2) Zone provisions as they pertain to home occupations.

We have had an opportunity to review the letter that was submitted to Mr. Simpson from the Municipality, dated October 12, 2017; and the letter that was submitted to the Mayor and Council from Mr. Simpson, dated March 5, 2018.

Other documents that were reviewed included letters in support and opposed to the use of a Technical Diving School at the subject property, located at 7416 Highway 11 North.

Following a review of the relevant documentation, it is understood that Mr. Simpson currently operates a Technical Diving School on the subject property, and the Municipality previously provided Mr. Simpson with a letter that stated this was not a permitted use within the R2 Zone in the Zoning By-law.

The subject property is located within the Matabitchuan Neighbourhood and is designated as Integrated Management Area in the Official Plan; and is located within the R2 Zone in the Zoning By-law. The subject property has lot frontage on Net Lake and is accessed by a private road, Guppy Road. The subject property and adjacent properties are shoreline residential lots.

## **B. ZONING BY-LAW REVIEW**

The permitted uses for the R2 Zone are included in Section 7.5.1 of the Zoning By-law. An excerpt of Section 7.5.1 of the Zoning By-law follows:

### **SECTION 7.5 - REMOTE RESIDENTIAL (R2) ZONE**

#### **7.5.1 PERMITTED USES**

No person shall within any Remote Residential (R2) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- permanent dwelling unit or a seasonal dwelling unit
- a modular home
- sleep cabins, subject to the provisions of Section 6.41
- a water based boathouse, in accordance with Section 6.06 or
- a land based boathouse, in accordance with Section 6.06 and 6.40
- a detached garage in accordance with Section 7.5.2
- other accessory buildings, in accordance with section 6.04 (By-law 07-745)
- a home occupation use, in accordance with Section 6.23

The permitted uses for the R1 Zone are included in Section 7.4.1 of the Zoning By-law, and the permitted uses are the same as for the R2 Zone, with the exception that a bed and breakfast establishment is an additional permitted use within the R1 Zone.

A home occupation is permitted within the R1 Zone and the R2 Zone, in accordance with Section 6.23 of the Zoning By-law. The definition of a home occupation further identifies that the use must be secondary to the main residential use and cannot change the residential character of the dwelling. The definition of a home occupation and an excerpt of Section 6.23 of the Zoning By-law is included below:

**HOME OCCUPATION** shall mean any gainful occupation which is conducted within the dwelling unit 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.

#### **6.23 HOME OCCUPATION**

A Home Occupation may be carried out in certain zones, where permitted, subject to the following:

- (a) no person, other than a resident of the dwelling unit and one non-resident employee may be employed in the home occupation, except in the R1, R2 and R3 Zones where two non-resident employees may be employed in the home occupation;
- (b) there is no display, other than an un-illuminated sign not greater than one (1.0) square metre in size, to indicate to persons outside that any part of the dwelling unit or lot is

being used for a purpose other than a dwelling unit, except in the, R1 and R2 Zones where no such sign is permitted;

- (c) such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling unit nor creates or becomes a public nuisance, particularly in regard to noise, noxious odours or emission of smoke, traffic or parking;
- (d) such home occupation does not interfere with television or radio reception;
- (e) there is no outside storage of goods or materials and there is no use of any part of an accessory building;
- (f) not more than twenty five per cent (25%) of the gross floor area of the dwelling unit or forty six (46.0) square metres, whichever is the lesser, is used for the purposes of a home occupation;
- (g) such home occupation uses may include 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 but a clinic, a hospital, a nursing home, a tea room and an animal hospital shall not be deemed to be home occupations;
- (h) when retail sales are carried out as part of a home occupation located on a lot accessible by a municipally maintained road, one on-site parking space shall be provided in addition to any required for the dwelling unit and employees;
- (i) (By-law 13-1121) except in the R1 and R2 Zones, one parking space shall be provided for each employee not residing in the residence.

The definition and provisions included in the Zoning By-law regarding home occupations establish that a home occupation shall be contained within a dwelling and clearly be secondary to the residential use. Section 6.23 c) of the Zoning By-law states that a home occupation shall not change the residential character of the dwelling and not create a public nuisance, in particular to traffic and parking for example.

Following review of the Zoning By-law, it is clear that the Technical Diving School on the property cannot be considered as a home occupation. The use is not entirely located within the dwelling, and depending on the number of people engaged in diving lessons, there is the potential to increase traffic and parking on the subject property.

The Planning Documents support commercial uses and economic development within Temagami; however, it is not economic development at all costs. Commercial uses must be appropriately located where they are compatible with surrounding land uses and either located in a Commercial Zone or, as a home occupation as use, be compatible and at a scale that is appropriate.

There are other opportunities for the proposed use to locate in the Municipality; in one of the existing commercially zoned properties as either the principal use, or as an accessory use to a use such as a lodge.

**C. SUMMARY**

We have had an opportunity to review the relevant documentation related to the existing use on the subject property, and agree with the content of the letter that was submitted to Mr. Simpson on October 12, 2017, from the Municipality. The Technical Diving School is not a permitted use within the R2 Zone.

Further, it is unlikely that a Zoning By-law Amendment to support the Technical Diving School on the subject property could be supported. The nature and scale of the use do not appear to be compatible with shoreline recreational residential properties.

Staff would be encouraged to work with the proponent to identify potential opportunities within the Municipality where the proposed use would be suitable.

Respectfully Submitted,

**MHBC Planning**

A handwritten signature in black ink, appearing to read 'J. Robinson', with a stylized flourish at the end.

Jamie Robinson, BES, MCIP, RPP  
Partner

April 16<sup>th</sup>, 2018 – via email

Dear Mayor and Council, and Members of PAC,

I have reviewed the report concerning the By-Law issue regarding my property prepared by Jamie Robinson being submitted to Council in the April 17<sup>th</sup> Committee of the Whole meeting. I am very concerned that the planning staff continue to refer to my SCUBA Diving Facility as a Technical Diving School. In my delegation to Council I was very clear that the SCUBA Diving Industry does not use the term school. In fact we are not allowed to use the term school because we are not schools and you will not find the word school used by any of the Industry Certifying Agencies or by my business. This information does not appear to have been corrected by the staff or the person retained to review this matter as it continues to be referred to as a Technical Diving School. The industry standard is Diving Facility or Diving Centre. The instruction and certification of SCUBA divers is a part of overall Dive Facility or Dive Centre operations.

The retained Planner, Jamie Robinson's, review of this issue seems to refer only to the business use of the property as a Home Occupation. The Diving Facility clearly falls into the Home Industry category and not the Home Occupation that was used in his review. The staff of the Municipality have previously stated to me that the rest of the Diving Facility operations are fitting with the definition of Home Industry on the property, the only issue is the teaching of people on the property. In a Planning Advisory Committee meeting it was discussed that several businesses are actually instructing and the interpretation/content of this zoning and "such as list" will also impact them. Will an accepted ruling be applied to all business operations in the Municipality regarding instruction?

Mr. Robinson repeatedly refers to the scale of the operation and the increased traffic and parking impact in his report and recommendations. From his response "The Planning Documents support commercial uses and economic development within Temagami; however, it is not economic development at all costs. Commercial uses must be appropriately located where they are compatible with surrounding land uses and either located in a Commercial Zone or, as a home occupation as use, be compatible and at a scale that is appropriate". He also states "Further, it is unlikely that a Zoning By-law Amendment to support the Technical Diving School on the subject property could be supported. The nature and scale of the use do not appear to be compatible with shoreline recreational residential properties".

First, this brings up the issue of what information was sent to Mr. Robinson and was he supplied with all of the relevant information to make a decision that seems to be based on scale and impact? Were the number of students or courses per year provided? The number of cars entering the property for diving instruction provided? The number of parking spaces available on my property and that the majority of them are not visible from other residents property provided? The economic benefit to the other businesses in town provided? The fact that a new private road is being built provided so the impact on traffic on other resident's property has been removed? Is he aware that at the time of the complaint there had been only a few people in a couple courses and eight vehicles attending my business in eight months of operation? Was he informed that the Municipality has already authorized all other aspects of the diving operation, including entering the water with students, as long as it is not from my owned shoreline? Was he informed that the Planning Advisory Committee intends to recommend to change the wording in the Official Plan Review to include "instruction" and that it is clear they, and Council, including the Mayor who spoke in favour of the use at the last Council meeting are in alignment on this issue? The "spirit" has been met, and the change is housekeeping. If this information was not provided and these issues and impacts and the scale of the operations are being used to base the review on then it is not an accurate review. IF relevant information was not provided, how was the decision made to withhold information and why would all possibly needed information not be provided? The majority of members of PAC, the Mayor, and several Councilors agree this is an interpretation issue of our current zoning By-laws particularly the interpretation of the "such as list" as being a definitive list of the business allowed under the zoning instead of examples. In addition, how is swimming below the surface of water, not compatible with "shoreline recreational" use? I am officially requesting copies of all of the information sent to Mr. Robinson to review in making his decision regarding this matter.

Second, it is my understanding when the complaint was made it was based on the word "nuisance" directed to business causing increased traffic and noise. What is a nuisance? It was explained to me "a nuisance is whatever a person finds to

be a nuisance to them (the person making the complaint) and a nuisance to them may not be a nuisance to someone else". The "nuisance" complaint concerning my business is the creation of noise and traffic. I was informed staff do not have to investigate the noise and traffic component of the complaint just the operating a business complaint and the reasons are not their concern only the fact of being in compliance with the By-law is of importance. If the staff do not have to investigate or validate the very items that are the supposed issue that triggered the By-law complaint and these very same unsubstantiated issues are being used by Mr. Robinson to validate his interpretation then how can he make an informed decision? IF this is what was done for the review then there is something seriously wrong with our process. At a minimum, the process needs to be reviewed concerning the word nuisance be clarified or replaced in our By-laws in general as it is ambiguous and open to "personal" interpretation. I tried to confirm some of the discussions from the PAC meetings by reviewing the recording of the March 13, 2018 PAC meeting but I could not locate it.

It was demonstrated in the presentation to Council that there has been a minimal traffic impact on the road with only a couple courses that have been taught, and a few students, again minimal impact. There is room for many vehicles on my property so there is NO impact to the surrounding properties with parking. The few cars we may have on site are not in view of the other properties site lines, again NO impact. There is virtually NO additional noise made by the instructional portion of the business. Instruction is indoors and the outdoor portion is underwater. I have video of the noise levels when friends were up diving which would be equivalent of students and the talking of the people cannot be heard even halfway across my property so is certainly NOT impacting the three other residents or impacting enjoyment of their property. In the previous letter provided to Council and PAC I provided accurate numbers of courses, students and vehicle impact that can be attributed to my business in response to the complaint. In light of the minimal impact I have demonstrated the complaint made regarding the noise and traffic levels (minimal traffic and NO noise) is clearly not about those issues, but more likely connected to the road dispute happening at that time that has since been resolved. A new private road is being built that will allow any person visiting my property to NO longer use the portion of road crossing their property that was in dispute. I would like to take this opportunity to clarify an item from the delegation to Council that was brought up that may be information being reviewed. The item brought up by the other delegate was concerning their comment of "250 people coming down the road and crossing their lawn.....and a drop in the bucket". When asked about that number I did not remember at the time that the number 250 was referring to the part of my letter discussing one dive facility in Florida's number of Technical Diver's they certify per year. This was highlighting just a portion of the people who are willing to travel here and bring business to the town when the North Pit is able to be used for diving. This was not how many people I would be instructing on my property, nor would they be attending my business. This business will only be coming to THIS town if there is the support of a dive facility close to the North Pit at the closed Sherman Mine site approximately 8 kilometers from my property.

I understand the Official Plan is in the process of being updated and recommendations will be made by PAC to include instructing or instruction to be permitted in the Municipality. I understand this will also benefit many other businesses who are teaching as part of their business and who are also not in compliance with the present interpretation of the "list". I am concerned what has now transpired does not seem to be what was discussed and intended by the Planning Advisory Committee as explained to me and is intended to be resolved in the Official Plan Review in order to encourage businesses to locate to Temagami, especially businesses who have demonstrated the benefit to other businesses in the area and with the potential to increase that benefit when I resume campaigning for the North Pit to be used for Diving.

I am very concerned at the cost, both in time and money, to the tax payer in the resolution of this issue. The Planner's review reads that staff MAY not have provided the Planner with complete or correct information to review this issue and it is clear the Planner himself did not apply the correct category of Home Industry to the zoning review and as a result a second review will have to be done. I am not feeling confident in the abilities of the Planner we are engaging for reviews after this serious mistake, perhaps it is time for the Municipality to find a new Planner for these opinions.

Thank you for your time and attention to this matter.

Sincerely,

Steve Simpson  
UDT Diving Inc.





**THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI**  
**Regular Council Meeting**

**Resolution Number:** 18-175

**Title:** MHBC Planning Report - R1 R2 Planning Analysis related to Home Occupations - Simpson Property

**Date:** 05/24/2018

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**MOVED BY:** B. Koski

**SECONDED BY:** J. Harding

BE IT RESOLVED THAT Council receive MHBC Planning Report - R1 R2 Planning Analysis related to Home Occupations - Simpson Property; AND FURTHER THAT Council direct that the Planner be provided with Mr. Simpson's contact information and that he be directed to contact Mr. Simpson to discuss the matter.

**ABSTAIN: 0**

**CARRIED**

Declaration of Conflict of Interest:

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A true copy of the resolution by the Council of the Municipality of Temagami



**THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI**  
**Regular Council Meeting**

**Resolution Number:** 18-175

**Title:** MHBC Planning Report - R1 R2 Planning Analysis related to Home Occupations - Simpson Property

**Date:** 05/24/2018

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**MOVED BY:** B. Koski

**SECONDED BY:** J. Harding

BE IT RESOLVED THAT Council direct the Planner to look at home occupation and home industry definitions from other municipalities to compare with Temagami's definitions and provide an updated report for the next council meeting.

**ABSTAIN: 0**

**CARRIED**

Declaration of Conflict of Interest:

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A true copy of the resolution by the Council of the Municipality of Temagami

## Tammy Lepage

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**From:** Tammy Lepage  
**Sent:** May 25, 2018 2:46 PM  
**To:** 'Jamie Robinson'  
**Cc:** 'Patrick Townes'  
**Subject:** RE: Simpson Update as per May 25th Council Meeting.  
**Attachments:** Letter to S. Simpson rev.doc; Resolution 18-103 Regarding Mr. Simpson's Property R1 and R2 Zoning List....pdf; Letter from Steve Simpson UDT Diving Inc including supporting letters.pdf; Northland Paradise Letter of Support UDT Diving Inc.jpg; Wilson Lake Cottages Business Support Letter for UDT Diving Inc.pdf; RE: Concerns ; Application for Diving Academy at Net Lake by Steve Simpson; Zoning by law; Planning Report - R1 R2 Planning Analysis related to Home Occupations - ....pdf; Letter to Council in Response to the Robinson Planning Review; Memo 2018-M-015 - PAC recommendation regarding correspondence from Mr. S....pdf; 11493 - UDT Diving Letter regarding R1 R2 Zoning List Interpretation Iss....pdf; IMG\_2555.jpg; Update Simpson issue.

Hi Jamie,

At last night's Council Meeting, the below motion was passed, as part of the consent agenda.

Moved by: B. Koski

Seconded by: J. Harding

BE IT RESOLVED THAT *Council adopt the consent agenda motions as presented on the agenda.*

BE IT RESOLVED THAT *Council receive MHBC Planning Report - R1 R2 Planning Analysis related to Home Occupations - Simpson Property;*

AND FURTHER THAT *Council direct that the Planner be provided with Mr. Simpson's contact information and that he be directed to contact Mr. Simpson to discuss the matter.*

BE IT RESOLVED THAT *Council direct the Planner to look at home occupation and home industry definitions from other municipalities to compare with Temagami's definitions and provide an updated report for the next council meeting.*

The next Committee of the Whole meeting is June 19<sup>th</sup>, please have the report to me by the 12<sup>th</sup> of June.

As per my email of April 16<sup>th</sup>, please ensure to correct the name of the business "UDI Technical Diving" is changed to "UDT Diving Inc". (Attached business sign).

Also within the report please remove the word "School". Also, could you include an analysis for section 6.22 Home Industry?

Thanks Jamie, I've attached the email sent May 03, 2018 with all of Mr. Simpson's contact information.

*Sincerely,*

*Tammy Lepage, Planning Assistant*

*7 Lakeshore Dr*

*P.O. Box 220*

*Temagami, ON*

MUNICIPALITY OF TEMAGAMI	
<b>Report Prepared For:</b>	Tammy Lepage
<b>Report Prepared By:</b>	Jamie Robinson, MCIP, RPP and Patrick Townes, BA, BEd
<b>Subject:</b>	Subsequent Information Report Regarding Review of R1 & R2 Zone Provisions and Home Occupation/Home Industry
<b>Report Date:</b>	June 12, 2018

## **A. BACKGROUND**

This Report has been prepared following a detailed review of the Municipality's Zoning By-law related to home occupations and home industries. Mr. Stephen Simpson owns the subject property located at 7416 highway 11 North and operates a diving business on his property – for the purposes of this Report, the business is referred to as a Diving Facility.

At the Regular Council Meeting held on March 22, 2018 Council passed the following resolution regarding "Steve Simpson UDT Diving regarding R1 R2 Zoning List Interpretation":

*BE IT RESOLVED THAT Council receive correspondence from Stephen Simpson UDT Diving regarding R1 R2 Zoning List Interpretation, AND FURTHER THAT Council direct staff to send the relevant documentation to our planner for a planning report.*

In accordance with the direction of Council, a Report was prepared by MHBC dated April 11, 2018 to provide an overview of the Remote Residential (R1) Zone (Lake Temagami) and Remote Residential (R2) Zone provisions as they pertain to home occupations, as directed by Staff.

In preparing the Report dated April 11, 2018 a number of documents were reviewed, including the letter that was submitted to Mr. Simpson from the Municipality, dated October 12, 2017; and the letter that was submitted to the Mayor and Council from Mr. Simpson, dated March 5, 2018. Other documents that were reviewed included letters in support and opposed to the use of a Diving Facility at the subject property, located at 7416 Highway 11 North.

At the regular Council Meeting held on May 24, 2018 Council passed the following resolution:

*BE IT RESOLVED THAT Council receive MHBC Planning Report - R1 R2 Planning Analysis related to Home Occupations - Simpson Property;*

*AND FURTHER THAT Council direct that the Planner be provided with Mr. Simpson's contact information and that he be directed to contact Mr. Simpson to discuss the matter.*

*BE IT RESOLVED THAT Council direct the Planner to look at home occupation and home industry definitions from other municipalities to compare with Temagami's definitions and provide an updated report for the next council meeting.*

Following the Regular Council Meeting held on May 24, 2018 additional correspondence has been received from Mr. Simpson in the form of a letter submitted via email on April 16, 2018.

Following direction from Council, MHBC Staff contacted Mr. Simpson via telephone to discuss the details of the Diving Facility use on the subject property.

## **B. SUMMARY OF DISCUSSION**

The following is a summary of the discussion with Mr. Simpson regarding the Diving Facility use on the subject property:

- The subject property is developed with a principal dwelling, a second dwelling (cottage), an accessory building and a shoreline structure.
- The Diving Facility is primarily operated during the summer months.
- Mr. Simpson is currently constructing a new road that would provide access to the subject property.
- Previously, access to the subject property was through a shared road with adjacent properties.
- Generally, clients schedule appointments months in advance with Mr. Simpson.
- There is no retail business on the subject property.
- The majority of training sessions are one-on-one.
- There is a possibility that in-water training could accommodate up to four people at one time.
- The last time the subject property was used related to the Diving Facility was in March of 2018.
- Generally, there would not be more than four vehicles parked on the subject property associated with the Diving Facility.
- There is sufficient parking spaces available on the subject property for clients, and the parking area is relatively screened from adjacent properties.
- A compressor is used within the accessory building on the subject property to fill a large tank, which is then used to fill individual diving tanks. The compressor is only operated every 3-4 months for a period of 1-2 hours. The compressor is described as having less noise impact than a lawn mower and is operated with the doors closed within the accessory building.

Further to the above information, it is our understanding that the Diving Facility is used in the following manner:

- 1) There is in-water training, which takes place in the lake;
- 2) There is one-on-one instruction with clients primarily within the principal dwelling or cottage who book appointments online through the business' website; and,
- 3) There is video training provided via the internet (Skype for example) which primarily occurs within the principal dwelling or the cottage.

In terms of the intensity of use, Mr. Simpson confirmed that over the past two years since the business has been in operation on the subject property, he has issued approximately 12 diving certifications (inclusive of in-water training, one-on-one sessions, video training) and there has been approximately 10 in-water training sessions over that same period of time.

Mr. Simpson also confirmed that members of his family and friends commonly visit the subject property and dive recreational using their own equipment.

### **C. HOME OCCUPATION AND HOME INDUSTRY REVIEW**

The permitted uses of the Remote Residential (R1) Zone (Lake Temagami) are included under Section 7.4.1 of the Zoning By-law; and the permitted uses of the Remote Residential (R2) Zone are included under Section 7.5.1 of the Zoning By-law. The subject property is located within the R2 Zone.

A home occupation is a permitted use within the R1 and R2 Zone, however a home industry is not a permitted use within the R1 and R2 Zone. A Zoning By-law Amendment would be required to permit a home industry within the R1 or R2 Zone.

In the Municipality's Zoning By-law, a home occupation and a home industry are defined as follows:

*HOME OCCUPATION shall mean any gainful occupation which is conducted within the dwelling unit 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.*

*HOME INDUSTRY shall mean a gainful occupation 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 on a Rural Residential or Remote Residential lot by the residents. A home industry does not include a contractor's yard.*

The primary difference between a home occupation and a home industry is that a home occupation is conducted within a dwelling by the resident of the dwelling, and a home industry is conducted within an accessory building or part of an accessory building. A home occupation is also a more benign use such as a professional office use whereas a home industry is often industrial in nature.

The definitions of the Zoning By-law are the sole consideration in determine whether a proposed use is a home occupation or a home industry. On the basis of a review of these definitions, components of the proposed use, meet the definition of a home occupation. These components include all aspects of the business detailed by Mr. Simpson, with the exception of the outdoor, in-water training.

There are no components of the proposed use that would meet the definition of a home industry.

In accordance with the direction of Council, the provisions of the Zoning By-law related to home occupations and home industries have also been considered. If a proposed use meets the definition of a home occupation or home industry, then the provisions are used to establish criteria upon which a home occupation or home industry is required to operate.

The provisions for home occupations are included in Section 6.23 of the Zoning By-law. Table 1 provides a summary of the provisions and a review of the activities on the subject property in regards to Section 6.23 of the Zoning By-law.

Table 1: Home Occupation Provisions

<b>By-law Section</b>	<b>Provision</b>	<b>Review of Diving Facility Use</b>	<b>Comment on Compliance</b>
6.23	A Home Occupation may be carried out in certain zones, where permitted, subject to the following:		
(a)	no person, other than a resident of the dwelling unit and one non-resident employee may be employed in the home occupation, except in the R1, R2 and R3 Zones where two non-resident employees may be employed in the home occupation;	The business is operated by the owner Mr. Simpson.	Yes
(b)	there is no display, other than an un-illuminated sign not greater than one (1.0) square metre in size, to indicate to persons outside that any part of the dwelling unit or lot is being used for a purpose other than a dwelling unit, except in the, R1 and R2 Zones where no such sign is permitted;	In order to comply to this provision, no sign is permitted within the R1 and R2 Zone.	To be confirmed
(c)	such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling unit nor creates or becomes a public nuisance, particularity in regard to noise, noxious odours or emission of smoke, traffic or parking;	<p>The one-on-one instruction and video training aspect of the business are primarily conducted within the dwelling or the cottage. This use would be considered secondary to the main residential use.</p> <p>The use of the subject property for in-water diving purposes does not alter or change the residential character of the dwelling.</p>	Yes
(d)	such home occupation does not interfere with television or radio reception;	There is no known effects with television or radio reception as a result of the use on the subject	Yes

		property.	
(e)	there is no outside storage of goods or materials and there is no use of any part of an accessory building;	There is no outside storage of goods or material on the subject property.  The accessory building on the subject property is used, only when filling up tanks for diving purposes.	Yes  No
(f)	not more than twenty five per cent (25%) of the gross floor area of the dwelling unit or forty six (46.0) square metres, whichever is the lesser, is used for the purposes of a home occupation;	In order for the one-on-one instruction and video training the portion of the building to be used as a home occupation must meet the criteria of (f).	To be confirmed
(g)	such home occupation uses may include 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 but a clinic, a hospital, a nursing home, a tea room and an animal hospital shall not be deemed to be home occupations;	The list provides general uses that could be conducted within a residential dwelling. The one-on-one instruction and video training components of the business are comparable to the uses listed, and could be considered a home occupation use.  The in-water training component of the business when operated from the subject property would not appear to similar to the uses listed in (g).	Yes  No
(h)	when retail sales are carried out as part of a home occupation located on a lot accessible by a municipally maintained road, one on-site parking space shall be provided in addition to any required for the dwelling unit and employees;	There use on the subject property does not contain any retail sales.	Yes
(i)	except in the R1 and R2 Zones, one parking space shall be provided for each employee not residing in the residence.	Adequate parking spaces are available for the business use on the subject property.	Yes

The responses provided in Table 1 relate to our interpretation of the Diving Facility use on the subject property following a discussion with Mr. Simpson. As provided, there are components of the business use that would fit the provisions for a home occupation to occur on the subject



property. It is noted that the owner may have the flexibility to revise operations on the subject property in order to comply with these provisions listed in Table 1. Further to the provisions listed in Table 1, the Diving Facility use must only occur within the dwelling and the cottage on the subject property, and any business related activities that occur from the shoreline of the subject property or within an accessory building, would not be permitted as a home occupation. Again, a home occupation is a permitted use within the R1 and the R2 Zones, subject to the provisions of Section 6.23 of the Zoning By-law.

As previously outlined, the proposed use does not meet the definition of a home industry. However, at the direction of Council, the provisions for home industries have been reviewed and are included in Section 6.22 of the Zoning By-law. Table 2 provides a summary of the provisions and a review of the use on the subject property in regards to Section 6.22 of the Zoning By-law.

Table 2: Home Industry Provisions

<b>By-law Section</b>	<b>Provision</b>	<b>Review of Diving Facility Use</b>	<b>Comment on Compliance</b>
6.22	A home industry may be carried out in the R1, R2 and R3 Zones in accordance with the following and in accordance with the provisions of Section 7.4.3, Section 7.5.3 and Section 7.6.3.	Section 7.4.3 refers to restrictions for the R1 Zone, and Section 7.5.3 refers to restrictions for the R2 Zone. These sections state that a site specific rezoning is required in order to permit a home industry within these zones, and an approved site plan.	
(a)	there is no external advertising other than a sign erected in accordance with any bylaws of the Municipality regulating signs;	If there is a sign on the subject property, it must be erected in accordance with any applicable By-laws.	To be confirmed
(b)	the external storage of goods, materials or equipment is not permitted;	There is no outside storage of goods, materials or equipment on the subject property.	Yes
(c)	such home industry is not an obnoxious use, trade, business or manufacture;	The use is considered no to be an obnoxious use, trade, business or manufacture.	Yes
(d)	such home industry is clearly secondary to the main residential use, does not change the residential character of the dwelling and in no case shall the accessory building used for the home industry have a gross floor area greater than forty percent	A home industry use is only permitted within an accessory building. The only component of the business that operates within an accessory building is the air compressor and the filling of diving tanks. As noted by the owner, this occurs intermittently	No

	(40%) of the ground floor area of the dwelling;	on the subject property.  The majority of the business is conducted within the dwelling and the cottage on the subject property, with some in-water diving taking place off the shoreline (not within an accessory building).	
(e)	not more than two (2) persons, other than the owner of the dwelling shall be employed in a home industry on a full-time basis;	The business is operated by the owner Mr. Simpson.	
(f)	except in the case of island lots, for every person, other than the owner of the dwelling employed therein on a full-time basis, one parking space shall be provided but shall not be located in the front yard or flanking yard;	Adequate parking spaces are available for the business use on the subject property.  Location of parking to be confirmed.	Yes  To be confirmed
(g)	except in the case of island lots, one on-site parking space shall be provided for patrons of the home industry and such parking space shall not be provided in the front yard;		
(h)	except in the case of island lots, an accessory building used for a home industry shall not be located in the front yard or flankage yard of the residential lot; and	Location of parking to be confirmed.	To be confirmed
(i)	notwithstanding any of the provisions of this By-law, an accessory building used for a home industry shall have a minimum setback from the property line of five (5.0) metres.	The filling of diving tanks takes place within the accessory building on an intermittent basis. It is unknown whether the accessory building is located within 5.0 metres of a property line.	To be confirmed

While there are components of the business that would meet some of the home industry criteria, the proposed use, by definition is not a home industry and as a result, the home industry provisions of the Zoning By-law should not be considered in this instance.

#### **D. REVIEW OF HOME OCCUPATION AND HOME INDUSTRY DEFINITIONS/PROVISIONS**

In accordance with Council's resolution, a review of other Municipal planning documents was conducted regarding definitions and provisions for home occupations and home industries. Table 3 provides a summary of definitions found in other Zoning By-laws:

Table 3: Home Occupation and Home Industry Definitions

<b>Municipality</b>	<b>Definition of Home Occupation in the Zoning By-law</b>	<b>Definition of Home Industry in the Zoning By-law</b>
Township of Nipissing	means a gainful occupation conducted entirely within a dwelling unit.	means a gainful occupation conducted primarily within a building or part of a building accessory to a single unit detached dwelling
Township of Machar	An occupation carried on by the occupant of a dwelling on his premises as a secondary use in connection with which there is no display, no stock in trade nor commodity sold upon the premises and may include a day nursery or a bed and breakfast establishment.	Any occupation of an industrial nature conducted entirely within a building or part of a building accessory to a single-detached dwelling house.
Township of Georgian Bay	means an occupation carried on by the occupant of a dwelling on his premises as an accessory use in connection with which there is no display, no stock in trade nor commodity sold upon the premises and which is clearly subordinate or incidental to the principal use of the dwelling for residential purposes	Means any occupation conducted entirely within a building or part of a building accessory to a single detached dwelling or agricultural operation. A home industry does not include a motor vehicle repair shop.
Town of Gravenhurst	Shall mean a gainful occupation conducted in a dwelling which is secondary to the use of the dwelling as a private residence and the nature and scope of which is compatible with the residential character of the dwelling.	Shall mean a small scale light industrial use, such as a carpentry shop, metal working shop, a welding shop, an electrical shop, small engine repair or similar use, that provides services or wares to the community and which is an accessory use to a single detached dwelling. For the purposes of this By-law, the repairing of motor vehicles, mobile homes and trailers is not a home industry.

Following review of the above definitions for a home occupation and a home industry, the definitions of each are similar to those in the Municipality's Zoning By-law in that a home

occupation is permitted within a dwelling, and a home industry is permitted within an accessory building.

The Township of Nipissing permits home occupations on shoreline residential properties; the Township of Georgian Bay permits home occupations on some shoreline residential properties; and the Township of Machar and Town of Gravenhurst do not permit home occupations on shoreline residential properties. Home industries are not permitted on shoreline residential properties for all the Municipalities listed in Table 3.

Further review was conducted for the provisions related to home occupations and home industries for the same Municipalities listed in Table 3. These provisions are listed in Table 4.

Table 4: Home Occupation and Home Industry Provisions

Municipality	Home Occupation Provisions	Home Industry Provisions
Township of Nipissing	<p>Section 3.20</p> <p>Where a home occupation is permitted in any zone, the said use shall be maintained in accordance with the following provisions:</p> <ul style="list-style-type: none"> <li>a) The occupation shall be carried on by a person or persons resident in the dwelling unit.</li> <li>b) Not more than one assistant who is not a resident in said dwelling may operate in or from said dwelling.</li> <li>c) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation.</li> <li>d) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one</li> </ul>	<p>Section 3.19</p> <p>Where a home industry is permitted in any zone, the said use shall be maintained in accordance with the following provisions:</p> <ul style="list-style-type: none"> <li>a) Such home industry is clearly secondary to the main residential use and does not change the main residential character of the property.</li> <li>b) There is no external advertising other than a sign erected in accordance with any by-laws of the corporation regulating signs.</li> <li>c) There is no external storage of goods, materials or equipment.</li> <li>d) Such home industry is not an obnoxious trade, business or manufacture or which is a traffic generator that would impact negatively on a provincial highway.</li> <li>e) Not more than two persons not resident in the dwelling are employed therein on a full-time basis.</li> <li>f) The lot on which the use is proposed shall have at least 45 metres of frontage and an area of not less than 0.4 hectares.</li> </ul>

	<p>sign, not exceeding 0.2 square metres in area, non-illuminated, and mounted flat against the wall of the principal building.</p> <p>e) No home occupation shall be conducted in any accessory building.</p> <p>f) There shall be no goods, wares, or merchandise publicly offered or exposed for sale on the premises. Such home industry is not an obnoxious trade, business or manufacture or which is a traffic generator that would impact negatively on a provincial highway.</p> <p>g) One off-street parking space shall be provided for each twenty-eight (28) square metres of floor area or portion thereof devoted to said use in addition to that required for the dwelling.</p>	
Township of Machar	<p>Section 3.10</p> <p>Where a Home Occupation is a permitted use the following regulations shall apply:</p> <p>a) a maximum of three (3) people may be engaged in the home occupation, one of which must be a resident of the dwelling;</p> <p>b) there shall be no display, other than a sign having a maximum area of 0.5 square metres, to indicate to persons outside that any part of the dwelling is being used for a purpose other than residential. In any residential zone, no display or sign to indicate</p>	<p>Section 3.11</p> <p>Where a Home Industry is a permitted use the following provisions shall apply:</p> <p>a) a maximum of four (4) persons may be engaged in the home industry;</p> <p>b) such home industry may be located in part of a dwelling, or in any accessory building located on a lot on which a dwelling is in existence, provided the total gross floor area utilized by the home industry does not exceed a maximum of 150 square metres (1615 sq. ft.)</p> <p>c) there shall be no outside storage of goods, materials or articles;</p> <p>d) only currently licensed motor vehicles, associated with the</p>

	<p>that the dwelling is being used for a purpose other than residential shall be permitted;</p> <p>c) there shall be no goods, wares, or merchandise offered for sale or rent from the dwelling which are not manufactured or processed on the premises. The resale of products not manufactured or processed on the property is prohibited;</p> <p>d) not more than 30 per cent of the gross floor area of the dwelling shall be used for the purposes of home occupation, and such home occupation shall be conducted entirely within the dwelling house or dwelling unit;</p> <p>e) there shall be no outside animal enclosures or external storage of goods or materials in conjunction with the home occupation use; and</p> <p>f) a home occupation shall not include a boarding or lodging house, an eating establishment, or a group home, but may include a bed and breakfast establishment.</p>	<p>home industry may be parked or stored on the lot but only within an interior side or rear yard;</p> <p>e) there shall be no emission of noise, odour or dust which is not normally attributed to the use of the land for other uses permitted in the zone;</p> <p>f) a home industry shall be clearly secondary to the main residential use and shall not change the residential character of the dwelling on the lot; and,</p> <p>g) the home industry shall comply with the following minimum lot area, yard and setback provisions:</p> <ol style="list-style-type: none"> <li>minimum lot area 0.8 hectares (2.0 acres)</li> <li>minimum setback from all 30.0 metres (100 feet) lot lines</li> <li>minimum separation from 100.0 metres (328 feet) dwelling in existence on another lot</li> </ol> <p>h) maximum sign size 1.0 sq m (10.7 sq. ft.)</p> <p>Existing buildings which do not meet the setback requirements of subsection ii) may be used for home industries provided that all of the other provisions in this section are met</p>
Township of Georgian Bay	<p>Section 4.10</p> <p>Where a Home Occupation is a permitted use, the following provisions shall apply:</p> <ol style="list-style-type: none"> <li>No person, other than a person living on the premises, shall be engaged in the occupation of providing merchandise</li> </ol>	<p>Section 4.9</p> <p>Where a Home Industry is a permitted use in the Rural (RU) Zone, the following provisions shall apply:</p> <ol style="list-style-type: none"> <li>A maximum of four (4) persons may be engaged in the home industry on the lot where the home industry is located;</li> <li>A home industry may be located</li> </ol>

	<p>and/or services to customers with the exception of one assistant who is not a resident in the dwelling;</p> <p>b) There shall be no display, other than a sign having a maximum surface area of 0.2 square metres, to indicate to persons outside that any part of the dwelling or dwelling unit is being used for a home occupation;</p> <p>c) There shall be no goods, wares, or merchandise offered for sale or rent from the dwelling which are not manufactured or processed on the premises. The resale of products not manufactured or processed on the property is prohibited;</p> <p>d) Not more than 25 percent of the gross floor area of the dwelling shall be used for the purposes of a home occupation, and such home occupation shall be conducted entirely within the dwelling or dwelling unit;</p> <p>e) There shall be no outdoor storage of goods or materials in conjunction with the home occupation use;</p> <p>f) A home occupation shall not include a bed and breakfast establishment, boarding or lodging house, a restaurant, a kennel, a motor vehicle or marine related use or a group home; and,</p> <p>g) The home occupation shall</p>	<p>in part of a dwelling, or in any accessory building located on a lot on which a dwelling is in existence, provided the total gross floor area utilized by the home industry does not exceed a maximum of 100 square metres;</p> <p>c) There shall be no outdoor storage of goods, materials or articles;</p> <p>d) Notwithstanding Section 4.9 c) a maximum of three currently licensed motor vehicles associated with the home industry may be parked or stored on the lot but only within an interior side or rear yard;</p> <p>e) There shall be no emission of noise, odour or dust, which is not normally attributed to the use of the land for residential uses;</p> <p>f) There shall be no display, other than a sign having a maximum surface area of 0.3 metres to indicate to persons outside that this property is being used for a home industry;</p> <p>g) A home industry shall be accessory to and smaller in size than the main residential dwelling and shall not change the residential character of the dwelling or lot; and,</p> <p>h) The home industry shall comply with the following minimum lot area, yard and setback provisions:</p> <ol style="list-style-type: none"> <li>i. Minimum lot area 0.8 hectares</li> <li>ii. Minimum yard setback for an 20.0 metres accessory building used for a home industry (all yards)</li> <li>iii. Minimum separation from a 30.0 metres Shoreline Residential (SR), Shoreline Residential Island (SRI), Residential (R, BR &amp; RMH) Or Multiple Residential</li> </ol>
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	be secondary to the principal residential use of the property and shall not change the character of the lot.	(RM) Zone iv. Minimum separation from a 60.0 metres dwelling in existence on another lot
Town of Gravenhurst	<p>Section 5.13</p> <p>A home occupation as defined in this By-law shall be a permitted use in any Residential Zone or Rural (RU) Zone, provided that such use is maintained in accordance with the following provisions:</p> <ul style="list-style-type: none"> <li>i. such use is conducted by a person or persons residing in such dwelling unit, and not more than one person not residing in the dwelling shall be employed;</li> <li>ii. there is no visible display from outside of the premises, other than a fascia sign not larger than 0.2 square metres;</li> <li>iii. there is no external storage of goods or materials associated with the home occupation use;</li> <li>iv. such home occupation is clearly secondary to the principal residential use and does not change the residential character of the dwelling or dwelling unit nor create or become a public nuisance, in particular, in regard to traffic, parking, noise, noxious odours, or emission of smoke;</li> <li>v. such home occupation does not interfere with the television or radio reception of other persons in adjacent buildings; and</li> </ul>	<p>Section 5.14</p> <p>A home industry as defined in this By-law shall be a permitted use in the Residential Community (RC-4) Zone, Residential Rural (RR-5) Zone and Rural (RU) Zone, provided that such use is maintained in accordance with the following provisions:</p> <ul style="list-style-type: none"> <li>i. The lot on which the home industry is located shall have a minimum lot area of 1.0 hectares;</li> <li>ii. The home industry shall clearly be secondary to the main residential use of the property and shall not change the residential character of the dwelling;</li> <li>iii. There shall be no emission of noise, vibration, odour or dust that is not normally attributable to the use of the land for other uses permitted in the Zone;</li> <li>iv. Such home industry shall not be a nuisance to, nor interfere with, television or radio reception of others in neighbouring buildings or structures;</li> <li>v. There shall be no display to indicate that any part of the property is being used for other than residential or rural uses except for an unlit sign of not more than 0.8 metres square;</li> <li>vi. The home industry shall meet the same yard provisions as required for the principal residential use for the Zone in which it is located, with the exception of the interior side yard, which shall be a minimum of 10.0 metres;</li> <li>vii. The use shall not occupy more than 50% of the gross floor area of a dwelling, or where located in an</li> </ul>



	vi. not more than 25 % of the building floor area of the dwelling or dwelling unit is used for the purpose of home occupation uses and such uses shall be conducted entirely within the dwelling or dwelling unit.	accessory building, shall not occupy more than 100.0 square metres of gross floor area; viii. A maximum of two (2) employees who do not reside in the dwelling, may be employed on site in the home industry and additional employees may be employed off-site; ix. Any permitted open storage shall be screened from view; x. A landscaped buffer shall be provided on the lot in accordance with the provisions of this By-law; xi. There shall be no goods, wares or merchandise offered for sale or rent from the property which are not manufactured or processed on the lot; and, xii. The home industry shall be subject to site plan control to regulate storage and accessory buildings.
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Following a review of the above provisions for a home occupation and a home industry, the provisions for each are similar to those in the Municipality of Temagami Zoning By-law. Home occupations are restricted in regards to the number of employees that are permitted associated with a business; there are restrictions on the use of signs; and, general size restrictions exist to limit the amount of area that can be utilized within a dwelling. Similarly, home industries are restricted in size, and are required to be within an accessory building.

## **E. SUMMARY**

Following a discussion with Mr. Simpson, and a review of the Zoning By-law definitions, components of the Diving Facility business would qualify as a home occupation. Based on the definition and provisions for a home occupation, the in-water diving component of the business would not qualify as a home occupation.

Following a detailed review, it is recognized that the Diving Facility use is unique, and that Mr. Simpson's business is focused to a specific client. Without the in-water diving component of the business, and subject to compliance to the provisions of the Zoning By-law, the use could be considered a home occupation and permitted as-of-right within the R2 Zone.

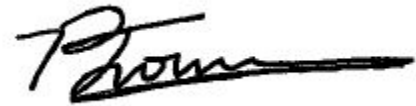
It is understood that PAC has also passed a resolution to complete a municipal initiated Zoning by-law Amendment to broaden the definitions for home occupations and home industries. Until such time this is passed by Council, or a review is initiated, the current Zoning By-law would be in force and effect.

The information contained within this Report is based on our conversation with Mr. Simpson regarding the subject property. We appreciated the opportunity to speak with Mr. Simpson to discuss the components of his business and hope to further work with him to ensure compliance to the Zoning By-law.

Respectfully Submitted,  
**MHBC Planning**

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

Patrick Townes, BA, BEd  
Planner

Dear Committee of the  
Whole,

It is our understanding that  
at the meeting this coming  
Tuesday a report from the  
planner will be presented on  
the business front for  
Mr. Stephen Simpson's UDT  
Scuba Diving School.

We are not certain what  
recommendations the  
committee will make to  
council for their November  
22 meeting, but we would  
like to take this opportunity  
to express our concerns on  
the matter.

Let it be known that we have  
lived in this small four home  
residential community  
located on Guppy rd. for 17  
yrs. We, like our other  
neighbours, moved here not

only because of the beautiful lake view, but because it is the perfect quiet, safe neighbourhood to raise our children.

None of us invested our hard earned money to purchase lakefront property on a four home private road to have a commercial business set up beside us.

As mentioned we live on a privately maintained road, and as such, we cover all maintenance costs from snowplowing to road grading. If such a business were to be allowed, not only would the increased traffic raise our maintenance costs but also the safety factor for our children, grandchildren and pets. While the Simpson residence is in the progress

of building a new access road through Title Insurance where the road was originally planned to be, it runs across the ends of everyone's lots here and ties into our existing road less than half way to the highway. This still being the only legal access to all properties on Guppy rd, we still have an insurance liability issue, a safety factor and maintenance issue. Under the home industry by-law 7.3.9 in R2 residential areas, business is allowed "in" and only inside a home. This proposed business will operate both inside schooling and outside training. Rezoning of the property is needed to allow such school/training

facilities to exist.

It is also a narrow water channel in front of the Simpson property, that once in water training occurs and a diver down marker is put out, under the Canada Safe Boating Coarse regulations, all boat traffic must remain 328 feet away in all directions. But the channel is only 200 feet across at best, essentially blocking off half of the lake to boat traffic and putting the students as well as boat owners in a situation of not only safety but legal worries as well.

All of the home owners here have a major concern of devaluation of our properties. Everyone invests into their home expecting

their value to increase over time. What will happen to the value of our lakefront properties if there is a school/trading facility beside it?? Will the township be willing to compensate for any loss in value?

That being said, I believe this scuba school/training facility could be an asset to this small town, if it were to be located in a more appropriate location.

We are all for developing new business in this town, but in the proper way and in the proper place. There is plenty of commercial property for sale in this municipality to set up a commercial business other than in a small residential area.

The other two properties on Guppy rd have also expressed written concern to the municipality about a commercial school operating in such a small R2 residential area, and we hope their written submissions are presented here as well.

Thank you all for you time and we pray that you will take all of us into consideration.

Steve and Nancy Prescott





**Corporation of the Municipality of Temagami**

**Report No.  
2018-027**

**Memorandum to Council**

☒ **Staff**  
☐ **Committee**

**Subject:** Home Occupation Matters  
**Agenda Date:** **November 13, 2018**  
**Attachments:** Report from MHBCS Planning

**RECOMMENDATION**

BE IT RESOLVED THAT Council receive Report 2018-027;  
AND FURTHER THAT Council choose Option 2 and direct Staff to act accordingly;  
AND FURTHER THAT Council direct Staff to defer starting the process to change wording in the Comprehensive Zoning By-Law until the earlier of either the Official Plan update has been completed and approved or an Ad-Hoc Committee is formed to work with our Planning Consultant to review the Comprehensive Zoning By-Law in its entirety.

**INFORMATION**

Council directed further conversation occur with MHBC Planners related to the ongoing Home Occupation issue. Attached is a report received from MHBC Planners.

On pages 9 and 10 there are recommendations.

MHBC recommends that if Council was to undertake a change in wording of the Comprehensive Zoning By-Law that results in Home Occupations and Home Industries being more permissive that Council should also consider a more comprehensive review of the By-Law.

The next detailed review will follow the Official Plan update. That being said, given that approval of the Official Plan updates are not always timely, Council may wish to undergo this review with the understanding that a further review will occur when the Official Plan update has been completed.

In any event, the public notice provisions in the Planning Act would apply which, translated, means that this process could take up to a year. Since this change would not be for a specific property, notice would need to be provided to each property owner 30 days prior to the statutory public meeting being held and 15 days after the decision being made. While we are looking at options to mailing notices, at present, if notices were to be mailed as is the standard practice, the cost of postage would be significant. Aside from the postage cost would be the Planning Consultant cost and Staff cost.

In addition, MHBC has provided two options for the business in question. In discussion with Mr. Robinson of MHBC, the option of allowing the operation to continue as is while the wording of the By-Law is being considered is not an option. Rather either the business needs to modify its operations to comply with the By-Law as presently written or the owner can make application for a zoning by-law amendment which would be considered in the normal fashion.

**Prepared by:**

**Reviewed by:**

**Craig Davidson, Treasurer/Administrator**  
Name, Position

Name, Position

MUNICIPALITY OF TEMAGAMI	
<b>Report Prepared For:</b>	Craig Davidson
<b>Report Prepared By:</b>	Jamie Robinson, MCIP, RPP and Carolyn Kellington, MCIP, RPP
<b>Subject:</b>	Subsequent Information Report Regarding Zoning By-law Provisions for Home Occupation/Home Industry
<b>Report Date:</b>	November 8, 2018

## **A. BACKGROUND**

Home Occupations and Home Industries have been a topic of discussion within Temagami over the past several months. This was raised as a specific issue when dealing with the matter of the Simpson Diving Facility and discussions have broadened to consider a municipally initiated Zoning By-law Amendment to modify the home industry and home occupation provisions.

At its meeting of March 13, 2018, the Municipality's Planning Advisory Committee passed the following motion:

*BE IT RESOLVED THAT the Committee recommend to Council to proceed with a Zoning By-law Amendment in response to the correspondence from Mr. Simson's inquiry dated March 5, 2018 and encourages a broader range of the definition in the zoning by-law of home occupation/home industry;*

*AND FURTHER THAT the definition of home occupation/home industry include home teaching and small learning facility in section 6.23(g).*

Two previous reports (April 11, 2018 and June 12, 2018) were prepared and received by Council which pertained to home industry and home occupation uses within the specific context of the Simpson Diving Facility.

At the Council meeting of September 27<sup>th</sup>, 2018, there was further discussion regarding home based businesses and direction was given to have MHBC provide a letter/report addressing the matter of home based occupations and potential amendments to the Municipality's Zoning By-law; with a view to possibly make the home industry and home occupation provisions more permissive. As part of the September discussions, concern was expressed that the examples contained in the Zoning By-law have the potential of being interpreted as a complete list rather than examples.

Additional research has been undertaken to inform possible modifications to the current Zoning By-law provisions which the Municipality may wish to consider. This report has been prepared to provide some general information regarding home occupations and home industries and to make recommendations as to the Municipality of Temagami's current regulations.

## **B. GENERAL INFORMATION**

Advances in technology, societal and economic changes, in addition to flexible work schedules, have enabled people to work from their homes and have encouraged the establishment and growth of home-based businesses. Home-based businesses constitute a growing trend. They can enhance the local employment mix, contribute to generating local jobs and possibly act as an incubator for small businesses.

There are positive aspects to providing for and potentially encouraging home-based businesses. Local municipalities must, however, consider how to balance the promotion of an economic activity while regulating such uses to ensure that matters such as environmental affects and impacts on surrounding residential properties are appropriately avoided, managed and/or mitigated.

In the Municipality of Temagami, home-based businesses would generally fall into the category of a Home Occupation or the category of a Home Industry.

Traditionally, home industries/home occupations are to be essentially undetectable to the surrounding neighbourhood and passersby. They are clearly secondary to the main residential use and should not result in negative impacts to the surrounding area. In considering expanding the scope of home industries and home occupations, these use must continue to be compatible with surrounding residential areas.

## **C. OFFICIAL PLAN**

The Official Plan for the Municipality of Temagami includes several provisions relating to home industries and home occupations, defined as follows:

*Home Industry – An occupation conducted in whole or in part in a building accessory to a single detached dwelling, 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.*

*Home Occupation – Any gainful occupation which is conducted within the dwelling unit 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.*

With regard to general economic development policies, Section 2.3 of the Official Plan speaks to commercial uses to occur in the Urban Neighbourhood as well as referencing that home occupations, home industries and tourism services may be established in the Rural Neighbourhoods; the Village of Temagami and Temagami North being the Urban Neighbourhood with the Rural Neighbourhoods being comprised of Lake Temagami, Matabitchuan, Marten River, and Backcountry.

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 is to be carried out in a residential dwelling, be incidental to the residential use and shall not change the residential character of the dwelling.

A Home Industry may be permitted but would be subject to a zoning by-law amendment and site plan approval process. Again, a Home Industry is to be clearly incidental to the primary residential use of the property.

#### **D. ZONING BY-LAW**

The Municipality's Zoning By-law permits home industries and home occupations subject to a number of regulations to ensure that these 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.

##### HOME INDUSTRY USES

##### 1. Existing Provisions

The Municipality's Zoning By-law defines Home Industry as follows:

*HOME INDUSTRY shall mean a gainful occupation 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 on a Rural Residential or Remote Residential lot by the residents. A home industry does not include a contractor's yard. (By-law 13-1121)*

As set out in Section 6.22 of the Zoning By-law, the following general provisions would apply to home industries:

*A home industry may be carried out in the R1, R2 and R3 Zones in accordance with the following and in accordance with the provisions of Section 7.4.3, Section 7.5.3 and Section 7.6.3.*

- (a) there is no external advertising other than a sign erected in accordance with any bylaws of the Municipality regulating signs;*
- (b) the external storage of goods, materials or equipment is not permitted;*
- (c) such home industry is not an obnoxious use, trade, business or manufacture;*
- (d) such home industry is clearly secondary to the main residential use, does not change the residential character of the dwelling and in no case shall the accessory building used for the home industry have a gross floor area greater than forty percent (40%) of the ground floor area of the dwelling;*
- (e) not more than two (2) persons, other than the owner of the dwelling shall be employed in a home industry on a full-time basis;*

- (f) *except in the case of island lots, for every person, other than the owner of the dwelling employed therein on a full-time basis, one parking space shall be provided but shall not be located in the front yard or flanking yard;*
- (g) *except in the case of island lots, one on-site parking space shall be provided for patrons of the home industry and such parking space shall not be provided in the front yard;*
- (h) *except in the case of island lots, an accessory building used for a home industry shall not be located in the front yard or flankage yard of the residential lot; and*
- (i) *notwithstanding any of the provisions of this By-law, an accessory building used for a home industry shall have a minimum setback from the property line of five (5.0) metres.*

For home industry uses, Section 6.33 of the Zoning By-law requires the provision of 1 parking space per employee plus 1 parking space for patrons. This would be in addition to the minimum parking that must be provided for the residential unit.

## 2. Discussion of Potential Amendments to Zoning By-law Provisions

The definition of Home Industry itself includes a list of specific uses. As noted previously, concern has been expressed that the list provided in the Home Industry Zoning By-law definition may be interpreted as a complete list and that there may be additional uses, similar to those listed, which may fall within the category of a home industry use.

The definition of Home Industry does not provide an exhaustive list as the term “such as” is used. Similar uses to these may be permitted.

A more appropriate approach that listing specific uses in the definition may be to include categories of uses or types of use that would be permitted as a home occupation. For example, small scale manufacturing; assembly; processing or repair. This language would provide more flexibility.

The Municipality’s current standards limits a home industry use to an accessory building. Based on our research, some Municipalities have provided for some flexibility as to the use being within an accessory building or a portion of the residential dwelling.

Temagami may also wish to consider adding provisions to reflect that a home industry may also be accommodated in a portion of a residential dwelling. As an example, a welding business may be located within an accessory building, however, a portion of the residential dwelling may be used as the office associated with that business. There should continue to be limitations as to the gross floor area being used for the home industry to ensure that it remains limited in scale and secondary to the residential use.

To provide clarification and flexibility, the definition of Home Industry could be modified to read, as follows:

*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.

Permitting a home industry, or a part thereof, to be located within a portion of the residential dwelling would also necessitate a revision to Section 6.22 of the Zoning By-law.

We would suggest a rewording of subsection (d), and the addition of the following as subsection (e), and the renumbering of the subsequent subsections.

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

We note that the Municipality's Zoning By-law does not permit a home industry as of right. While the term "Home Industry" is defined within the Zoning By-law and general provisions are outlined in Section 6.22, the specific regulations within the three zones that are referenced (R1, R2 and R3) state that a home industry is only permitted subject to a site specific rezoning. This is reasonable approach, as a rezoning allows for consideration of each home industry proposal on a site specific basis; within the context of the proposal itself and the area in which it is to be located. A rezoning is also subject to a formal public consultation process which provides opportunities for the area residents to review and provide comments on that specific proposal.

## HOME OCCUPATION USES

### 1. Existing Provisions

The Municipality's Zoning By-law defines a Home Occupation as follows:

*HOME OCCUPATION shall mean any gainful occupation which is conducted within the dwelling unit 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.*

As set out in Section 6.23 of the Zoning By-law, the following general provisions would apply to home occupations:

*A Home Occupation may be carried out in certain zones, where permitted, subject to the following:*

- (a) no person, other than a resident of the dwelling unit and one non-resident employee may be employed in the home occupation, except in the R1, R2 and R3 Zones where two non-resident employees may be employed in the home occupation;*
- (b) there is no display, other than an un-illuminated sign not greater than one (1.0) square metre in size, to indicate to persons outside that any part of the dwelling unit or lot is being used for a purpose other than a dwelling unit, except in the, R1 and R2 Zones where no such sign is permitted;*
- (c) such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling unit nor creates or becomes a public nuisance, particularity in regard to noise, noxious odours or emission of smoke, traffic or parking;*
- (d) such home occupation does not interfere with television or radio reception;*
- (e) there is no outside storage of goods or materials and there is no use of any part of an accessory building;*
- (f) not more than twenty five per cent (25%) of the gross floor area of the dwelling unit or forty six (46.0) square metres, whichever is the lesser, is used for the purposes of a home occupation;*
- (g) such home occupation uses may include 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 but a clinic, a hospital, a nursing home, a tea room and an animal hospital shall not be deemed to be home occupations;*
- (h) when retail sales are carried out as part of a home occupation located on a lot accessible by a municipally maintained road, one on-site parking space shall be provided in addition to any required for the dwelling unit and employees;*
- (i) (By-law 13-1121) except in the R1 and R2 Zones, one parking space shall be provided for each employee not residing in the residence.*

For an office, including a home occupation, Section 6.33 of the Zoning By-law requires the provision of 1 parking space per 30 square metres of gross floor area. This would be in addition to the minimum parking that must be provided for the residential unit.

Home Occupation uses are listed as permitted uses within the Remote Residential (R1) Zone (Section 7.4.1), the Remote Residential (R2) Zone (Section 7.5.1), the Rural Residential (R3) Zone (Section 7.6.1), and the Low Density Residential (RL) Zone (Section 7.7.1.1). Within each of these zones the home occupation must be in accordance with the provisions of Section 6.23.

## 2. Discussion of Potential Amendments to Zoning By-law Provisions

In this case, the wording of the definition of a home occupation is broader, however, Section 6.23(g) sets out a list of example home occupation uses. As noted previously, concern has been expressed that this list may be interpreted as a complete list rather than simply examples. To add clarification as to the interpretation of this section, we would suggest that Section 6.23(g) be modified to read as follows:

*(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 but a clinic, a hospital, a nursing home, a tea room and an animal hospital shall not be deemed to be home occupations;***

The most recent matter which has prompted the Municipality's discussions regarding home occupations and home industries, the Simpson Diving Facility, included the notion of "teaching" or "instruction" as a home occupation use.

The idea of including home teaching and a small learning facility as part of the current list in section 6.23(g) was raised in response to review and consideration of the Simpson Diving Facility proposal. Based on a review of the Municipality's current home occupation provisions, indoor teaching such as one-on-one/small scale tutoring, video training, etc. would be permitted, subject to compliance with all of provisions of Section 6.23. Verbiage could be added to this section to formally address private teaching or instruction. Such as,

*(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;*

We would suggest, however, that the Municipality consider also adding provisions to limit the scale of this type of use beyond the maximum square footage which is currently in place. Such provisions could be based on limiting the quantify of student taught at any given time, limiting the quantity of students over a 24 hour period. The intention would be to limit any issues which could arise with respect to on-street parking, traffic and/or noise at any given time. An additional provision could be included, such as:

*The total cumulative number of on-site clients or attendees of lessons, classes, instruction, treatment or service provided by a home occupation located in a principal dwelling unit or structures accessory thereto shall be limited to a maximum of 5 at any one time, and no more than a total of 20 over a consecutive 24 hour period*

The question raised for the divining facility proposal related more to that component of the instruction which was being conducted outdoors. Based on our research, outdoor instruction, particularly referring to outdoor swimming lessons, has been the topic of



discussion and review by other municipalities as well. There are varying opinions as to whether these should be considered appropriate home occupation uses, specifically given potential noise impacts to surrounding properties.

We would caution against encouraging home occupation, or home industry, uses outdoors as this may result in negative impacts on the surrounding properties, i.e. noise. It is recognized that small scale private outdoor instruction may not create any more noise than the outdoor private recreational use of a property by a property owner and their family/friends, however, this private recreational use tends to be somewhat more limited in scale and consistency.

Applications for these types of uses could be considered via amendment, and would be based on their site specific merits.

Based on our research, some municipalities have permitted home occupation uses to be located in an accessory structure.. The examples within the Municipality's current home occupation provisions refer to a tradesperson, which is defined as a "carpenter, plumber, electrician, welder, general contractor or a person engaged in a similar occupation, providing a service to the general public". It may be that the use of an accessory structure for related equipment or materials could be an integral part of the home business. The Municipality may wish to consider permitting the use of an accessory building for a home occupation use. If so, we would suggest that specific provisions be included to limit the overall gross square footage being used for the home occupation. This would assist in ensuring that the home occupation is limited in scale. We would also suggest that the Municipality may want to consider limiting the home occupation use of an accessory building to properties with a specific lot area minimum. This provision would then relate to a rural lot versus a more urban residential lot. To provide for the use of an accessory structure, the definition of Home Occupation would have to be modified, for example

*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.*

This would then necessitate an amendment to Section 6.23 to ensure that the use is still limited in scale and potentially to limit this provision to lots with more of a rural character. For example,

*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;*

The minimum 1 hectare would limit the use of an accessory building to rural and remote residential lots. The maximum gross floor area provisions of Section 6.23(f) would continue to apply; being not more than twenty five percent (25%) of the gross floor area of the dwelling unit or forty six (46.0) square metres, whichever is the lesser.

#### **D. ADDITIONAL CONSIDERATIONS - SHORELINE AREAS**

There is a considerable amount of waterfront/shoreline areas within the Municipality. As evidenced in the policies of the Municipality's Official Plan, Shoreline Areas are to be protected. Specific Official Plan policies speak to this matter. In Section 2.17 of the Municipality's Official Plan, it states:

*It is a goal of the Municipality to maintain shorelines and the area between the shoreline and any buildings in their natural state and as a vegetative buffer, to protect the visual and environmental integrity of the lakes. The principle of development in the vegetative buffer shall be minimal disturbance on the ground, shrub and canopy layers.*

Such policies go on to speak of a Shoreline Activity Area and includes the following:

*Such Shoreline Activity Area is a portion or cumulative portions of a shoreline frontage of a lot where accessory shoreline structures such as boathouses, docks, pumphouses, gazebos and decks are permitted, as well as access to the water for activities such as swimming or boat launching. To maintain an appropriate balance between a natural shoreline and built form, the Shoreline Activity Area should be focused within a defined area and be limited in extent. The extent of the Shoreline Activity Area shall be a function of the shoreline frontage and the primary use of the lot and shall be set out in the Zoning By-law.*

Section 6.40 of the Municipality's Zoning By-law sets out specific provisions relating to the extent and use of a Shoreline Activity Area. Some of these provisions relate to remote or rural residential lots on which home occupation and home industry uses would be permitted and/or considered. In keeping with the policies of the Official Plan, we would recommend that the Municipality consider including a provision in Sections 6.22 and 6.23 that any structure (accessory or main residential building) to be used for a home occupation or home industry cannot be located within a Shoreline Activity Area.

#### **E. SUMMARY AND RECOMMENDATIONS**

The existing Zoning By-law provisions could be reworded to provide some clarification as to the interpretation of the examples of uses which have been referenced. Such amendments would not necessarily address the broader question of being "more permissive rather than restrictive". Other amendments could be considered by the Municipality, as discussed previously in this report.

The premise of encouraging local economic activity through home industry and/or home occupation uses is valuable but complicated. Any modifications to the current Zoning By-law provisions, including those discussed in this report, should be thoroughly vetted to ensure that they meet the needs of the proponents while protecting the interests of the surrounding property owners. We note that any amendments to the Zoning By-law would of course be subject to the full public consultation process and that it may be more fruitful for this to be part of a broader more comprehensive review of the Zoning By-law.

As it specifically relates to the Diving Facility matter, we put forward the following two options for Council's consideration:

**OPTION 1** – Advise the Diving Facility operator to amend its current operations.

As detailed in the June 2018 report, there are two components of the Diving Facility operation which would not comply with the current Zoning By-law provisions relating to Home Occupations; the use of the accessory building to house the compressor used to fill the tanks and the in-water training/diving component of the business. Home Occupations are to be conducted within a dwelling unit.

The one-on-one instruction, video training, etc. which is located within the dwelling would be permitted by the Municipality's current Zoning By-law. We would suggest that the owner investigate alternative arrangements for the filling of the tanks and the in-water training component. For example, the in-water training/diving component may be able to be accommodated from another appropriate location rather than to and from the shoreline or dock of the residential property.

With appropriate alternative arrangements in place and subject to compliance with all other provisions of the Zoning By-law, the Diving Facility could continue as a Home Occupation use. The Municipality could still proceed with potential amendments to the Zoning By-law to consider broadening the Home Occupation provisions, however, the property owner would be able to carry on with a modified Diving Facility operation until such time as the Zoning By-law amendments have been appropriately vetted and dealt with through the required Planning Act process.

**OPTION 2** – Require the Diving Facility operator to submit a Zoning By-law Amendment Application.

To permit the continued use of the property for the Diving Facility, as it currently operates, would necessitate the submission of a Zoning By-law Amendment application to modify the Home Occupation provisions on a site specific basis. The property owner would be required to submit the necessary application and the application would be subject to the Planning Act process, including the provision of notice and the holding of a statutory public meeting. This process would allow for due consideration of the specific proposal while providing for comments from the public and any agencies having jurisdiction. This would require the submission of application fees, in keeping with the Municipality's Fee By-law, whereby the proponent would be bearing the associated costs for application review and processing.

We are not suggesting that the submission of a Zoning By-law Amendment application would guarantee an approval. The processing of a site specific Zoning By-law Amendment Application would, however, be less complicated and not as lengthy as the processing of amendments to the Zoning By-law on a municipal-wide basis.

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 'C. Kellington', with a long horizontal flourish extending to the right.

Carolyn Kellington, MCIP, RPP  
Associate



**THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI**  
**Regular Council Meeting**

**Resolution Number:** 18-431  
**Title:** Report 2018-027 - Home Occupation Matters  
**Date:** 11/22/2018  
**Time:** 7:45 PM

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**MOVED BY:** Lorie Hunter  
**SECONDED BY:** Carol Lowery

BE IT RESOLVED THAT Council receive Report 2018-027; AND FURTHER THAT Council choose Option 2 and direct Staff to act accordingly; AND FURTHER THAT Council direct Staff to defer starting the process to change wording in the Comprehensive Zoning By-Law until the earlier of either the Official Plan update has been completed and approved or an Ad-Hoc Committee is formed to work with our Planning Consultant to review the Comprehensive Zoning By-Law in its entirety.

**YES: 3**

**NO: 3**

**ABSTAIN: 0**

**ABSENT: 0**

**DEFEATED**

**YES: 3**

L. Hunter

C. Lowery

D. O'Mara

**NO: 3**

J. Harding

R. Prefasi

D. Burrows

**ABSTAIN: 0**

**ABSENT: 0**

Declaration of Conflict of Interest:

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A true copy of the resolution by the Council of the Municipality of Temagami



Corporation of the Municipality of Temagami

Report No.  
2018-027

Memorandum to Council

☒ Staff  
☐ Committee

**Subject:** Home Occupation Matters  
**Agenda Date:** November 13, 2018  
**Attachments:** Report from MHBCS Planning

**RECOMMENDATION**

BE IT RESOLVED THAT Council receive Report 2018-027;  
AND FURTHER THAT Council choose Option 2 and direct Staff to act accordingly;  
AND FURTHER THAT Council direct Staff to defer starting the process to change wording in the Comprehensive Zoning By-Law until the earlier of either the Official Plan update has been completed and approved or an Ad-Hoc Committee is formed to work with our Planning Consultant to review the Comprehensive Zoning By-Law in its entirety.

**INFORMATION**

Council directed further conversation occur with MHBC Planners related to the ongoing Home Occupation issue. Attached is a report received from MHBC Planners.

On pages 9 and 10 there are recommendations.

MHBC recommends that if Council was to undertake a change in wording of the Comprehensive Zoning By-Law that results in Home Occupations and Home Industries being more permissive that Council should also consider a more comprehensive review of the By-Law.

The next detailed review will follow the Official Plan update. That being said, given that approval of the Official Plan updates are not always timely, Council may wish to undergo this review with the understanding that a further review will occur when the Official Plan update has been completed.

In any event, the public notice provisions in the Planning Act would apply which, translated, means that this process could take up to a year. Since this change would not be for a specific property, notice would need to be provided to each property owner 30 days prior to the statutory public meeting being held and 15 days after the decision being made. While we are looking at options to mailing notices, at present, if notices were to be mailed as is the standard practice, the cost of postage would be significant. Aside from the postage cost would be the Planning Consultant cost and Staff cost.

In addition, MHBC has provided two options for the business in question. In discussion with Mr. Robinson of MHBC, the option of allowing the operation to continue as is while the wording of the By-Law is being considered is not an option. Rather either the business needs to modify its operations to comply with the By-Law as presently written or the owner can make application for a zoning by-law amendment which would be considered in the normal fashion.

**Prepared by:**

**Reviewed by:**

**Craig Davidson, Treasurer/Administrator**  
Name, Position

Name, Position

## Tammy Lepage

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**From:** Tammy Lepage  
**Sent:** November 29, 2018 11:03 AM  
**To:** 'jrobinson@mhbcplan.com'  
**Cc:** 'Patrick Townes'  
**Subject:** Resolution from Council regarding Home Occupation Matters  
**Attachments:** Resolution 18-431-Home Occupation Matters.pdf; Report 2018-027 - Home occupation matters.pdf

Hi Jamie and Patrick,

Please find attached Council's decision regarding the memo you provided regarding Simpson property. Craig did a covering report to your memo, please find attached.

Also, my title has changed to Planning Clerk/Deputy Clerk and Craig's title is Treasurer/Administrator.

Have a good one.

***Happy Holidays, Joyeux Noël!***

***Sincerely,***

***Tammy Lepage, Planning Clerk/ Deputy Clerk***

**7 Lakeshore Dr**

**P.O. Box 220**

**Temagami, ON**

**P0H 2H0**

**P: 705-569-3421 ext. 210**

**E: [planning@temagami.ca](mailto:planning@temagami.ca)**

