

Hanwell Working Group Meeting

May 22, 2007

Present:

Reade Moore
Chris Robbins
Serge Levesque

Peter Michaud
Brian Connell

Tony Heatherington
Kristal Desjardins

Meeting start at 7:40 pm

Dallas handed out a compilation of examples of home based business provisions from various other planning regulations in North America. No one else from the RPDC was available to come to the meeting to take minutes therefore the notes from the conversations will be brief; however, the items discussed are provided any notes from the discussion relating to the items are found below.

Item #1 from the City of Moncton Zoning Bylaw

"home business" means a secondary use on a lot that contains a single unit dwelling, which use may entail an office in the dwelling and may include the storage of not more than a total of 3 commercially licensed vehicles or pieces of equipment for the purpose of performing work at other locations;

"home occupation" means a secondary use which is clearly incidental and secondary to the residential use of the property conducted in a portion of a dwelling unit;

Where a home occupation is permitted under this By-law, a home occupation includes the following types of uses:

- (a) a business office or home office;
- (b) a home personal service shop;
- (c) a home instructional service, which may include, without limiting the generality of the forgoing, the teaching of music, arts and crafts or dance;
- (d) a home domestic and household art workshop, which may include, without limiting the generality of the forgoing, dressmaking, woodworking, arts and crafts, painting, sculpturing, moulding, or otherwise making or repairing garden or household ornaments, articles of clothing, personal effects or toys, and a caterer's establishment;
- (e) a home trades business which may include, without limiting the generality of the forgoing, plumber, electrician, painter or other similar uses;
- (f) a home repair shop, which may include, without limiting the generality of the forgoing, radio or television service or repair shops, locksmith shops, small appliance service or repair shops, household and carpenter tool service or repair shops but specifically excludes the repair of motor vehicles, construction

equipment, recreation vehicles or motorcycles, metal fabrication shop, auto body shop.

Where permitted under this By-law, a home occupation is subject to the following requirements:

- (a) subject to 9.7.3, not more than 25 percent of the gross floor area of the dwelling unit is devoted to the home occupation;
- (b) no change shall be made to the external appearance of the dwelling that will alter the residential character of the building;
- (c) no goods or services other than those directly pertaining to the home occupation are supplied or sold therein or there from;
- (d) there is not more than one non-illuminated business identification sign advertising the business which shall not exceed 0.45 square metres (4.84 sq ft) in gross surface area;
- (e) there shall be no external or outside storage or display of materials, equipment or containers in connection with a home occupation to indicate that any part of the property is being used for any purpose other than a single dwelling unit;
- (f) the home occupation shall not generate off-site electrical interference, dust, noise or smoke;
- (g) one off-street parking space is provided, in addition to the parking space requirements of the zone; and
- (h) not more than one commercially licensed vehicle in connection with a home occupation is parked on the premises related to the home occupation.

Dallas asked the group if they had any observations about the Moncton example.

WG member: thought it was pretty restrictive.

Dallas said to keep in mind this is for residential areas within a city and it does not have a class system of categorizing types of home based businesses. It contains some good ideas by listing some types that would be prohibited right off the bat to avoid confusion. But it's more restrictive than an approach we stated we wanted to look at that would focus more on impacts than types of uses.

Item #2 from the City of Fredericton

“home occupation” means an accessory use conducted in a portion of a dwelling unit and/or accessory building by members of the family residing therein and no more than one assistant who does not reside on the premises. The accessory use is clearly incidental and secondary to the residential use of the dwelling unit.

Where permitted, home occupations shall only be in single detached dwellings and shall:

1. have a floor area of the dwelling unit which is devoted to the home occupation which does not exceed 30 square metres;
2. have no visible indication from the exterior that a home occupation is being carried out in the dwelling unit and/or accessory building, except for 1 non-illuminated fascia sign which shall not exceed 0.4 square metres in area;
3. not permit the retail sale of goods not produced or manufactured on the premises, medical, health or dental offices, clinics, hospitals, veterinary hospitals, barber shops, beauty parlours, dress shops, automobile repair shops, woodworking shops, welding shops, taxi dispatch and depot, tea rooms, restaurants, tourist home and kennels;
4. not generate off-site electrical interference, dust, noise, smoke or traffic;
5. not permit any external storage of materials or containers to indicate to persons outside that any part of the premises is being used for a home occupation;
6. not permit any outside animal enclosures;
7. be conducted in a portion of the same dwelling unit in which the family resides;
8. not employ or have involved in the Home Occupation any more than one assistant, employee, or associate who is not a member of the family residing on the premises;
9. provide 2 parking spaces, in addition to the normal parking space requirements of the zone;
10. not permit a group home, neighbourhood day-care centre, tourist home, and accessory dwelling unit on the property.

Dallas: noted how the approach listed all the things they would not permit as home based businesses.

Item #3 from the City of Saskatoon

A "home based business" means an accessory use of a dwelling unit for a business which is secondary and incidental to the primary use of the dwelling as a residence, and does not change the residential character of the building or site.

A "home based business - type I" means a home based business owned and operated by a resident or residents of the dwelling unit.

A "home based business - type II" means a home based business owned and operated by a resident or residents of the dwelling unit, but where no more than one non-resident person may be employed on the site.

If your home based business is classified as a Type II and located in a Residential District, you must obtain [Discretionary Use](#) approval by City Council before a Business License can be issued.

Dallas: noted that this approach does have the differing classes approach that we discussed

Home Based Business Development Standards:

The following regulations apply to both type I and type II home based businesses:

There shall be no exterior storage on the site in relation to the home based business, and no exterior alterations shall be permitted that are not consistent with the residential character of the buildings and property;

No noise, vibration, smoke, dust, odours, heat, glare, electrical, television or radio interference detectable beyond the boundaries of the building containing the home based business shall be produced;

No more than one business related vehicle with a gross vehicle weight of no more than 5,000 kg and a total length of no more than 6.0 metres may be stored on or in the vicinity of the site;

No deliveries of merchandise, goods or equipment shall be made to the businesses by a vehicle with a gross vehicle weight of more than 5,000 kg, or by a vehicle with a total length of more than 6.0 metres;

A total of no more than 2.0 cubic metres of storage may be permitted within a dwelling on any one site, and a total of no more than 4.0 cubic metres of storage may be permitted within an attached or detached accessory building in relation to home based businesses. No storage of hazardous, explosive or flammable materials shall be permitted in relation to a home based business;

An approved home based business may serve as the administrative headquarters for up to two associates or partners who may be permitted to work from their own dwelling provided they obtain a separate home based business approval, and that they are present at the administrative headquarters no more than two hours in any one week period.

The following regulations apply specifically to type I home based businesses:

No person other than the resident of the dwelling shall be employed in the home based on the site;

Home based businesses shall be conducted entirely indoors, and no more than 20% of the gross floor area of the dwelling, including the area of the basement and any attached garage, up to a maximum of 30m², may be occupied by home based businesses;

An attached garage or detached accessory building may be occupied by a home based business, provided that the total area devoted to home based businesses

does not exceed 30m² on the site, and that no required parking spaces associated with the principal use are occupied by home based businesses;

Regardless of the number of home based businesses that may be located on any one site, a total of no more than five client or business related visits per day shall be made to home based businesses on any one site.

The following regulations apply specifically to type II home based businesses:

In accordance with the definition of a type II home based business, no more than one non-resident person shall be employed in relation to home based businesses on any one site;

Home based businesses shall be conducted entirely indoors, and no more than 20% of the gross floor area of the dwelling, including the area of the basement and any attached garage, up to a maximum of 40m², may be occupied by home based businesses;

An attached garage or detached accessory building may be occupied by a home based business, provided that the total area devoted to home based businesses does not exceed 40m² on the site, and that no required parking spaces associated with the principal use are occupied by home based businesses;

Regardless of the number of home based businesses that may be located on any one site, a total of no more than ten client or business related visits per day shall be made to home based businesses on any one site;

One paved off-street parking space shall be required for a non-resident employee, and this space may be located in a required front yard. Additional off-street parking spaces may be required, where in the opinion of the Development Officer, due to the nature of the business or the site, the provision of parking is necessary to maintain the residential character of the area. The siting and screening of all required parking spaces shall be undertaken to the satisfaction of the Development Officer:

Type II Home Based Businesses, located in Residential Districts, are only permitted at City Council's discretion. See [Discretionary Use](#)

Dallas: noted that the “discretionary use” would be similar to making it so that some HBB’s had to go before the commission for terms and conditions.

WG member: do we have a way of having a permit process for HBB’s

Dallas – only our building and development permits, we don't have the legislation to require business licenses and it would not be something we can implement on a rural plan basis.

WG member: it would be great if all new HBB's had to come for a permit so they could be screened

Dallas: Agreed, but again, we only do that now if a building or development permit under the *Community Planning Act* has to be issued. In the case where no new buildings or structural alterations are required, a person would not need any permit from the planning commission to start using their home for an HBB.

Permitted Home Based Businesses

Without limiting the authority of the Development Officer to approve other types of home based businesses, the following uses are specifically permitted as home based businesses:

dressmaker, seamstress, or tailor;

office of a professional, or one who offers skilled services to clients and is not engaged in the sale of goods or products to clients on the premises;

music, dancing, or art instruction, limited to no more than three students at a time;

the creation of home crafts for sale off site, such as novelties and souvenirs, corsage and flower arrangements, gift baskets, and other handicrafts including but not limited to ceramics, pottery, leather goods and jewelry;

home based direct sellers who have no personal contact with clients at the home based business address and who maintain no inventory or stock-in-trade for sale on the premises;

- ◆ art restoration;
- ◆ electrology, acupuncture, reflexology and massage therapy;
- ◆ typing, word processing, and computer programming services;
- ◆ administrative office of a contractor;
- ◆ base of operation of a limousine service;
- ◆ hair salons and estheticians.

Prohibited home Based Businesses

Without limiting the authority of the Development Officer to deny applications for other home based businesses which do not meet the requirements of this bylaw, the following uses are prohibited as home based businesses:

- ◆ restaurant, tea rooms or catering;
- ◆ suntan centres, health or fitness clubs, tattoo parlours, photographer's studios, and laundry services;
- ◆ veterinary services, boarding, grooming or care of animals;
- ◆ motion picture or recording studios;
- ◆ printing screen printing, engraving and embroidery services;
- ◆ repair, rental or sharpening services;
- ◆ hotels and hospitals;
- ◆ headquarters, dispatching, or base of operations of a trucking, taxi, delivery, or towing operation;
- ◆ the painting, repairing, refitting, cleaning, refurbishing, or selling of motor vehicles or machinery;
- ◆ upholstery services, sign manufacturing and sign painting;
- ◆ welding, metal works, cabinet making or furniture making;
- ◆ on-site sale of any products, goods or merchandise;
- ◆ businesses utilizing large power tools and machinery, or business involved in the mass production of similar items or products.

Dallas noted the approach taken was to be very specific about the types of uses permitted/prohibited as home based business.

Item #4 From the City of Banff Development Permit Application Guide

Home Occupations include a limited range of businesses that may operate from homes in residential neighbourhoods. Bed and Breakfasts fall under a separate category and have a separate guide and application.

Home Occupations are classified into two types:

Type 1 Home Occupations involve an office in a dwelling or accessory building for a person who occupies the dwelling as a principal residence. Typical uses include self-employed persons providing professional, financial or office services not involving any production, repairs, or the parking of a commercial vehicle on site. Only residents of the home may be employed by the business.

Type 2 Home Occupations involve an occupation, trade, art or craft for gain or support, conducted entirely within the dwelling or related accessory building, by a person who occupies the dwelling as a principal residence. Typical uses include production of crafts and souvenirs, individual instruction to students, mobile repairs and installation and minor household repair services. Only one commercial vehicle may be allowed and one person other than the residents of the home may be employed by the business.

Dallas: noted that it used classes and provided example in the definition

Commercial activity in the Town of Banff, including home occupations, must be consistent with the purposes of the Town as set out in the Community Plan and Land Use Bylaw.

The purposes of the Town are:

- (1) To maintain the Town as part of a World Heritage Site;
- (2) To serve as a centre for accommodation and other goods and services for Banff National Park visitors;
- (3) To serve as a centre for the widest possible range of interpretive and orientation services to Banff National Park visitors;
- (4) To maintain and enhance community character complementary to the surrounding natural environment; and
- (5) To provide a comfortable living community for those persons who need to reside in the Town.

New business proposals in the Town of Banff, including home occupations, must also meet a test of appropriateness that reflects the following principles and the purposes of the Town (above):

- (1) Does the business need to be located in the community?
- (2) Does the business contribute to a vibrant heritage-tourism industry?
- (3) Is the business a required community service?
- (4) Does the business involve a permissible park activity?
- (5) Does the business involve value added production or services to be sold elsewhere (outside the community)?

All home occupations shall comply with the following:

- You cannot make structural changes to your home to accommodate your home occupation;
- Your neighbours' privacy and enjoyment cannot be disturbed, nor can the amenities of the neighbourhood be affected;
- No more than ten percent of the gross floor area of your home may be devoted to the business;
- No more than two clients may visit your home at any one time;
- Your business cannot generate pedestrian or vehicular traffic which is uncharacteristic of your neighbourhood;
- Materials, supplies and equipment from your home occupation cannot be stored outside; Signs advertising your business are not allowed;
- Parking of commercial vehicles on or about the site for a type 1 home occupation is not permitted and is strictly limited for type 2 home occupations,
- No person other than residents of the principal residence shall be employed in a type 1 home occupation and only one other person may be employed in a type 2 home occupation;
- Your home occupation may not be permitted if it would be more appropriately located in a commercial district.

Dallas noted that Banff has a very specific character that it has to be strict to uphold. Some parts seem less restrictive that it actually is. The Banff process involves a process where type one home based business can be decided upon by the Development Officer but there is a committee involving stakeholders of the national park that considers the type two's.

It was noted that some parts would be unreasonable.

Item #5 from the Kern County Planning Department, Bakersfield, CA

A Home Occupation is a small business conducted as a residential accessory use that can be located and conducted so that an average neighbor, under normal circumstances, would not be aware of its existence.

The standards for home occupations are intended to ensure compatibility with other permitted uses and with the residential character of a neighborhood.

A home occupation can be conducted within a residence or an accessory building, providing the area devoted to the proposed business does not exceed 25 percent of the area of the first floor of the residence; however, no outside storage is permitted.

Under the County's Home Occupation Ordinance, employees other than the resident/applicant are not permitted, and no advertising signs are permitted on the property.

The home occupation standards, which must be strictly adhered to, are listed under Section D, on page 2, of the attached application. Regulations concerning home occupations are contained in Chapter 19.94 of the Kern County Zoning Ordinance

In accordance with Chapter 19.94.040 of the Kern County Zoning Ordinance, a Home Occupation shall comply with the following minimum standards:

1. The home occupation shall be conducted solely by the occupants of the residence.
2. Not more than twenty-five percent (25%) of the gross area of one (1) floor of a residence, or equivalent area in an enclosed detached accessory building, shall be used for such purpose.
3. No use shall require external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure or the fire district in which the structure is located.
4. There shall be no outside storage of any kind related to the home occupation.
5. The home occupation shall be conducted by appointment only.
6. The home occupation shall not require the services of commercial carrier freight deliveries at the site in a frequency greater than normally found in a residential area.
7. No home occupation shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.
8. There shall be no sales of products or merchandise other than those produced on the premises and shall be limited to those which are incidental to the permitted home occupation.
9. No sign shall be permitted, other than the clearly posted address of the home.
10. Vehicles required for the operation of a home occupation shall not exceed two (2) tons.

Dallas: noted that much of the wording and intent does not differ too greatly from the other examples and things we talked about in the last few meetings. When

you read them you can see that we are trying different ways to accomplish the same thing. It is important to remember that we may have other issues as we are not serviced, in terms of water usage, and have likely larger lots on average than most of these examples. Also the tools from the Acts and Statutes and the fact that the areas in unincorporated areas also means the same approach may not be enacted in exactly the same way here.

Item #6 HOME OCCUPATION INFORMATION SHEET FOR THE CITY OF SARNIA

DEFINITIONS

"HOME OCCUPATION (RESIDENTIAL)" shall mean an occupation or business conducted as a secondary use for gain or profit within a dwelling unit and/or a permitted accessory structure on the same lot by a resident of the dwelling unit or employee or volunteer in compliance with the regulations contained in this By-law. A home occupation may include private home day care for **5** children or less; offices; consulting rooms; workrooms; a studio for a teacher of fine art, or academic subjects; a photographer or commercial artist; or other uses of a similar nature which conform to the provisions and standards found in the home occupation regulations; or which the Committee of Adjustment of the City of Sarnia, upon application, permits. **"HOME OCCUPATION"** shall not include the following uses as defined in this By-law: a rooming/boarding or lodging house, bed and breakfast establishment, nursing home, day nursery, medical centre/clinic, kennels or animal grooming or the breeding or sale of birds or animals, engine or automobile repair, medical centre/clinic or a retail store except for accessory retail sales or rental as permitted by the home occupation regulations.

HOME OCCUPATION (RESIDENTIAL) REGULATIONS

A home occupation shall be permitted in all permitted dwelling units and permitted accessory structures, and shall be conducted in accordance with all of the following provisions and standards:

- (1) The home occupation shall be conducted only by a person or persons residing in the dwelling unit except that there may be 1 non-resident employee or volunteer on the premises. The premises shall not be used to assemble or rally persons for transportation of either goods or materials or such persons to a work site.
- (2) The sale or rental of goods produced on the premises is permitted. The sale or rental of goods which are not produced on the premises shall be limited to

those which are accessory or related to the home occupation use. An example is a music teacher selling sheet music to a student.

(3) External alterations to the dwelling unit to accommodate the home occupation shall not be permitted.

(4) There shall be no exterior advertising of the home occupation or the display of goods or merchandise visible from the outside of the dwelling unit which provides evidence of the use conducted therein except that notwithstanding the City of Sarnia Sign By-law, as amended, where a Home Occupation Permit has been issued, the holder of the permit can post a sign which includes only the name of the business and the address relating to the Home Occupation subject to the following regulations:

(a) the sign shall be a fascia sign. A fascia sign is defined as an on-premises sign attached to the exterior wall of a building and projecting not more than 15cm therefrom and with the sign face parallel to the wall of the building or structure;

(b) the maximum sign face area shall be 0.2m²;

(c) there shall be a maximum of 1 sign per dwelling unit; and

(d) animation, neon and flashing illumination are prohibited.

(5) The home occupation shall not be noxious or offensive by reason of the hours of operation or the emission of: noise, electrical interference, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, or other objectionable emission.

(6) The home occupation shall not permit on the property the parking or storage of vehicles with a curb weight in excess of 3,000kg and no delivery of materials to the property shall be permitted from a vehicle with a curb weight in excess of 5,000 kg.

(7) The home occupation shall not constitute activities which are either incompatible with or disruptive to the adjacent residential area.

(8) The home occupation shall not generate a volume of pedestrian or vehicular traffic or on-street parking which would cause a disruption of normal activities of adjacent residential properties.

(9) The home occupation shall not create a safety hazard for the existing residential activities on the lot, or in the area.

(10) The home occupation shall not have outdoor storage of materials, containers or finished products.

(11) No more than 25% of the total floor area of the dwelling unit and accessory buildings, including basement or cellar area shall be used for home occupations.

(12) Prior to the establishment of any home occupation

PENALTY FOR VIOLATION

Every person contravening any of the provisions of the Zoning By-law is guilty of an offence and upon conviction may be liable to a fine of up to \$20,000 for a first conviction. A corporation may face a fine of up to \$50,000 for a first conviction.

Item #7 Home Occupation Standards City of Burlington

A. Home occupations are required to have a business license as issued by the city clerk, comply with all city codes and ordinances, and shall be consistent with the following provisions:

1. Only members of the immediate family residing on the premises may be employed;

2. No inventory is kept (other than incidental supplies necessary for and consumed in the conduct of such home occupation) or commodities sold other than those produced on the premises. Samples may be kept but not sold on the premises. Items commonly collected or traded, and occasionally sold by hobbyists such as coins, stamps, antiques, etc. may be considered to be exempt from this provision, as long as all other requirements of home occupations are met;

3. No mechanical equipment is used except such as is customarily used for domestic, household or personal purposes (or as deemed similar in terms of power and type);

4. Not more than one-fourth of the floor area of any building is devoted to such occupation, except accessory buildings which are used for no other purpose;

5. Such occupation shall not require internal or external alteration or involve construction features not customarily found in a dwelling;

6. Shall not involve the use of commercial vehicles for the distribution of materials from the premises;

7. The conduct of any home occupation, including but not limited to the storage of goods and equipment, shall not reduce or render unusable areas provided for the required off-street parking. Additional parking is not allowed in order to conduct a home occupation;

8. Only one sign is permitted, two square feet in area, indirect illumination only, and attached to a building or inside the home;

9. No display pertaining to the occupation, other than the one permitted sign, is visible from the street or adjacent residences;

10. No more animals are maintained on the premises than what may otherwise be permitted in the zone;

11. The home occupation is to be conducted in such a manner that the residence shall not differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emissions of sound, noises, vibrations or odors.

B. Exemptions. Garage sales, yard sales, bake sales, temporary home boutiques or bazaars for handcrafted items, parties for the display of domestic products, and other like uses do not need to comply with the requirements of BMC 17.45.080 as long as the use does not operate for more than four days semi-annually or in violation of any other provisions of the Burlington Municipal Code. To qualify for this exemption, garage and yard sales must involve only the sale of household goods, none of which were purchased for the purpose of resale.

C. A conditional use permit is required and must be granted by the city council for the following home occupation uses, even if the use meets all 11 of the requirements of subsection A but in no case shall any home occupation meet less than nine of the 11 requirements:

1. Automobile repair and rebuild;
2. Craft classes;
3. Home occupations that can only meet 9 or 10 of the 11 requirements as outlined in subsection A;
4. Music and dancing studios.

D. In considering applications for home occupation conditional use permits, the city council shall consider the nature and conditions of all adjacent uses and structures, and no such special home occupation permit shall be authorized unless the city council finds that the authorizing of such special home occupation permit will not be materially detrimental to the public welfare or injurious to the property in the zone or vicinity in which the property is located, and that the authorization of such permit will be consistent with the spirit and purpose of this title. In authorizing a permit, the city council may impose such requirements and

conditions with respect to location, installation, construction, maintenance and operation and extent of open spaces in addition to those expressly set forth in this title, as may be deemed necessary for the protection of other properties in the zone or vicinity and the public interest. (Ord. 1340 § 6, 1997; Ord. 1221 § 6, 1992).

Dallas: noted how the example was interesting as it gave discretion to consider other types as a conditional use but required it to meet no less than 9 of the conditions.

Item #8 Home Occupation Standards Section 9.06.06 of the Land Development Code of the City of Destin

Requirement/Limitation - What it means

(1) No person other than a resident of the premises shall be engaged in such occupation. - **What it means:** This means that you shall not have any employees or volunteers on your property at this location.

(2) The use of the dwelling unit for the home occupation shall be clearly and absolutely incidental and subordinate to its use for residential purposes by its occupants. **What it means:** Your residence shall continue to operate primarily as a residence.

(3) The total square footage of area used for the home occupation, including storage, shall not exceed 25% of the habitable floor area of the dwelling unit. Floor area for garages, storage buildings, open decks and porches shall not be included in the calculation of the total habitable area of the dwelling unit. **What it means:** The business shall be confined to a small area of the home.

(4) There shall be no change in the outside appearance of the principal dwelling unit, other buildings on the premises, or other visible evidence of the conduct of such home occupation. Outside or auxiliary building storage or signs pertaining to the home occupations are prohibited. **What it means:** This means that the residence shall continue to look like a residence – NOT a place of business. No business signs are allowed. No sign larger than 2 square feet is allowed.

(5) Nothing shall be permitted, the use of which would generate noise, vibration, glare, fumes, odors, electrical or electronic interference beyond that which normally occurs in the applicable zoning district. **What it means:** Your home needs to be “neighbor friendly”; it needs to act like a house, not a business; it cannot disturb the neighbors like a business might.

(6) No equipment or process shall be used which creates visual and/or audible interference in any radio or television receiver or causes fluctuations in the line voltage off the premises of the dwelling unit. **What it means:** Any equipment that causes electrical interference is not allowed.

(7) No provision for off-street parking or loading facilities associated with the home occupation other than the requirements of the residential district in which the use is located shall be permitted. **What it means:** This is intended to discourage customers from coming on-site.

(8) No part of a required landscape area shall be used for off-street parking or loading purposes, and no additional driveways to serve home occupations shall be permitted. **What it means:** The outside of the house shall continue to look like a residence, not a parking lot.

(9) No merchandise, commodities or goods of any kind shall be sold or traded on the premises, nor displayed on the premises for sale elsewhere. **What it means:** Retail sales and display of merchandise is not allowed.

(10) All storage, including equipment, relating to the home occupation shall be contained entirely within a completely enclosed structure. Such storage spaces shall be included in the total square footage allowed for the conduct of the home occupation as outlined in (3). **What it means:** All equipment, supplies, and work areas must be contained within the 25% of the house allowed as a home occupation.

WG liked the approach of the – **what it means** sections as it provided clarity to the regulation.

Item #9 from the Burnaby Zoning Bylaw

Home Based Business Regulations

1. A home occupation shall involve no internal or external structural alterations to the principal building (dwelling) and there shall be no exterior indication that the building is being utilized for any purpose other than that of a dwelling, and no building, structure, fence or enclosure other than those in conformity with permitted residential uses in the zoning district in which it is located, may be erected.
2. The premises shall not be used for manufacturing, welding or any other light industrial use, and the home occupation carried on therein shall not produce noise, vibration, smoke, dust, odour, litter or heat other than that normally associated with a dwelling unit nor shall it create or cause any fire hazard, electrical interference, excessive pedestrian or vehicular traffic in the common areas or parking areas of a multi-family building or traffic congestion on the street. (B/L No. 10398-96-08-26)

WG liked the strong wording on of #2

3. There shall be no external display or advertisement other than a sign bearing only the name and occupation of the owners, which may be illuminated but not flashing and shall not exceed 1900 sq.cm. (2 sq.ft.) in area.
4. There shall be no external storage of materials, containers or finished product.

5. No stock in trade shall be kept or handled and no commodity sold upon the premises.
6. Such occupation shall not involve the use of mechanical equipment save as is ordinarily employed in purely private domestic and household use or for recreational hobbies, except for such equipment as may be used for a resident physician or dentist.
7. No person who is not a resident in the dwelling shall be employed in such an occupation.

Parking or Storage of Commercial Vehicles, Trucks or Equipment in Residential Locations

No commercial vehicle, truck, bus, contractors equipment, dismantled or wrecked automobile, trailer or any similar vehicle, conveyance, craft or equipment shall be parked or stored in the open in R1 to R12, or RM (residential) Districts, except the following which may be parked or stored in the rear yard only:

1. One truck or commercial vehicle not exceeding 4500 kg. GVW (9920 lbs. GVW).
2. Trucks, commercial vehicles or equipment required for the construction, repair, servicing or maintenance of the premises.
3. Any dismantled or wrecked vehicle for a period of not more than 30 successive days.

Item # 10 Excerpts form the City of Markham, On By-law 53-94 regarding Home Occupations

“home occupation means a secondary use of a dwelling unit and its accessory buildings by at least one of the permanent residents of such dwelling unit to conduct a gainful occupation or business activity.”

Home occupations shall be permitted in any residential zone subject to the following

- a) the home occupation is clearly secondary to the dwelling unit and is conducted entirely within an enclosed business
- b) the home occupation does not occupy more than 25% of the total combined gross floor area of the dwelling unit and any associated accessory building on the lot
- c) such home occupations shall not create noise, vibration, fumes odour, dust, glare or radiation which is evident outside of the dwelling unit and which exceeds limits established by town by-laws and provincial legislation
- d) other than members of the household residing in the dwelling unit there shall be more than one employee , provided that one off street parking space is available solely for use by such employee
- e) there shall be no exterior storage of goods, material or equipment associates with the home occupation

- f) retail sales shall be limited to those goods and articles which are a produced within the dwelling unit or its accessory buildings
- g) any home occupation involving instructional activity shall be limited to a max of 4 students at a time
- h) there shall be no commodities sold or services rendered that require receipt or delivery of merchandise, goods, or equipment by other than a passenger vehicle or by parcel or letter carrier.
- i) Where a home occupation use is present, the following special parking restriction shall apply
 - i. No parking space shall be located in the front yard
 - ii. Parking or storage of vehicles front yard or flankage yard shall be prohibited except on a driveway
- j) an accessory building may be used if it complies with the setback
- k) Signs advertising the home occupation shall not be permitted

Home Occupations shall not include the following business activities

- Office of a physician, dentist or drugless practioner
- Motor vewhiucle repair garage
- Scrap yards
- Dating bureau/escort service
- Public bath/whirlpool
- Vehicle towing
- Contractor's yards
- Taxi service
- Kennels
- Animal hospital
- Adult entertainment parlour
- Retail store restaurant
- Fast food restaurant
- Take out restaurant
- Sales or service of motorized vehicles, machinery or equipment
- Sales or installation of automotive and audio products
- Any use which from its nature or operation, creates a nuisance or is liable to become a nuisance or offensive by the creation of noise or vibration or by reason of the emission of gas, fumes dust or objectionable odour, or by reason of the matter waste or other material and without limiting the generality of the foregoing shall include any uses which unbdber the appropriate regulations may be declared to be a noxious or offensive trade business or manufacture

WG- thought the language used here could be useful to prevent loopholes

- Any other use or uses prohibited pursuant to prohibited uses section of the applicable zoning bylaw.

Item # 11 HOME OCCUPATION CERTIFICATION – Yachats Oregon

Standards for a Home Occupation

- A. The home occupation shall be secondary to the main use of the property as a residence.
- B. The home occupation shall be limited to either an accessory structure or not over twenty-five (25) percent of the floor area of the main floor area of the main dwelling. If located within an accessory structure, the home occupation shall not utilize over six hundred (600) square feet of floor area.
- C. No structural alteration, including the provision of an additional entrance, shall be permitted to accommodate the home occupation except when otherwise required by law. Such structural alteration shall not detract from the outward appearance of the property as a residential use.
- D. No person other than members of the immediate family residing in the dwelling is to be engaged in the home occupation.
- E. No window display and no sample commodities displayed outside the building shall be permitted. One unlighted sign not exceeding one and one-half (1 1/2) square feet in area shall be allowed. The sign shall either be attached to the exterior of the building, or, if detached from the building, shall not be located in a required front or street side yard. No signs shall be permitted; exception, the provisions provided under the sections concerning Home Business and Bed & Breakfast Inn Signs or Residential Properties in the code.
- F. No stock in trade stored nor commodity kept for sale which is not produced on the premises shall be allowed.
- G. No materials or mechanical equipment shall be used which is detrimental to the residential use of the dwelling or adjoining dwellings because of vibration, noise, dust, smoke, odor, hazardous or toxic chemicals, interference with radio or television reception, or other factors.
- H. No materials or commodities shall be delivered to or from the residence which are of such bulk or quantity as to create undesirable traffic or congestion.
- I. No parking of customer's vehicles in a manner or frequency so as to cause disturbance or inconvenience to nearby residents or so as to necessitate off-street parking shall be allowed.

WG – suggested the term manner and frequency can be helpful terms of addressing the hours things can be done. Even customary activities, if done really late can be problematic

- J. A valid Business License from the City of Yachats shall be required.
- K. If the applicant shall certify that the home occupation will be primarily conducted by electronic means or U.S. Mail and that in the normal conduct of the business consumers, clients or patients shall not visit the premises and no shipment of materials or product shall be made by commercial means, the City Planner, or designee, may authorize the

licensing of the home occupation and waive the Conditional Use Permit requirement. Such license shall be subject to annual review.

If the business owner is able to certify that the proposed activity will comply fully with these standards they may apply to have the requirement for a conditional use permit waived. If the business owner is unable to meet these standards the regular [condition use permit process](#) is required.

Item #12 from the City of Pickering Ontario

A "home-based business" (HBB) is defined as an accessory business or occupation use conducted for gain or profit in a dwelling unit by a ***resident*** of that dwelling unit which is clearly subordinate to the primary residential use of that unit, and which does not create a ***public nuisance or adverse affect*** on the abutting lands and/or surrounding community; (please refer to APPENDIX for definitions of italicized terms used)

The maximum combined floor area that all home-based businesses within one dwelling unit may occupy is 25 per cent of the finished floor area of that dwelling unit to a maximum of 50 square metres;

No use, storage, or activity relating to a home-based business is permitted in an accessory building or structure;

No use or activity relating to a home-based business is permitted in a garage, however, limited storage relating to a home-based business is permitted to the extent that it does not prevent the parking of the number of vehicles the garage was designed to accommodate;

No outdoor storage or visible display relating to a home-based business is permitted;

All vehicle parking associated with a home-based business must be located on the lot upon which the home-based business is operated, except for customer or client parking, and all vehicle parking must be in compliance with the applicable parking provisions;

External changes or alterations required for or relating to a home-based business which would change the overall residential character of the dwelling are not permitted;

The selling of products assembled or developed on the premises is a permitted use in a home-based business, and the sale and distribution of catalogue items is a permitted use in a home-based business provided that no catalogue items are stored on the premises;

In a licensed home-based business, there shall be no pick-up or delivery associated with the home-based business to the dwelling unit between 8:00 pm and 6:30 am

The following specific uses are prohibited in a home-based business:

- (a) adult entertainment parlour;**
- (b) animal hospital/veterinarian clinic;**
- (c) commercial-recreational establishment;**
- (d) dating/escort service;**
- (e) funeral home or parlour;**
- (f) heavy machinery repair, sales, service;**
- (g) kennel/animal boarding service;**
- (h) place of amusement or entertainment;**
- (i) place of assembly;**
- (j) public bath/whirlpool;**
- (k) restaurant (any type of eating/drinking establishment);**
- (l) retail store;**
- (m) taxi service;**
- (n) vehicle (including vehicle audio) repair, sales, service, installations;**
- (o) warehousing;**
- (p) wholesaling;**

Adverse affect-means:

- (a) impairment of the quality of the environment for any use that can be made of it;
- (b) injury or damage to property or to plant or animal life;
- (c) harm or material discomfort to any person;
- (d) impairment of the health of any person;
- (e) impairment of the safety of any person;
- (f) rendering any property unfit for its existing or permitted use;
- (g) loss of enjoyment of normal use of property; and/or
- (h) interference with a residential use or conduct of business;

To obtain a home-based business license, the applicant shall:

- (i) submit to the City Clerk a completed application form provided by the City of Pickering for each business operated from that dwelling unit;
- (ii) pay an annual, non-refundable and non-transferable application fee of \$50.00 per business; and

(iii) demonstrate compliance with the relevant provisions of all applicable municipal by-laws, provincial policies and regulations, and federal laws;

The City Clerk will issue a license for a home-based business which conforms to the relevant municipal by-laws based on the information made available by the applicant on the application form, and based on a site inspection where, in the discretion of the City Clerk, such inspection is determined to be advisable or necessary.

Any use which constitutes a **nuisance**, or any use which is offensive or obnoxious in any way, but not limiting the generality of the foregoing, any use which creates an adverse effect through the generation of traffic, parking, noise, vibration, dust, fumes, gas, odour, waste, emissions, smoke, glare, radiation, electrical interference, or any use involving the use or storage of hazardous, toxic, or contaminant substances which constitutes a threat to public health and safety, or any combination thereof, is prohibited in a home-based business;

Dallas: I hope the examples helped to show types of things done in other areas. I will try and incorporate the things that we liked into our strategy.

Dallas said he brought some maps and some pencil crayons for us to break in to groups and try mark up and discuss and rough together a Concept “zoning” map”. The idea is to identify the general areas of where we expect the zones to go and to identify particular areas of interests. An actual zoning map will take a lot of work over the summer involving going all thought the area and field and cataloguing and field- proofing , but a draft concept zoning map like this would help us keep things clear as we move forward to prepare a draft. Do to the time we will have to do that next time.

WG member: what about those who say how come we were not involved in the process

Dallas stated: the WG is not the limits of the public involvement and that we will be having many more open houses especially when we have a draft and we will try to provide every one ample opportunity to come out so that if anyone says they weren't involved it will be clear that it was not because they were not asked or provided with an opportunity.

Next Meeting will be on June 5th, 2007 at 7:30 pm