



**PLANNING REPORT  
for the TOWNSHIP OF GUELPH/ERAMOSA  
Report # 24/24**

Prepared by the County of Wellington Planning and Development Department in our capacity as planning consultants for the Township

**MEETING DATE:** July 8<sup>th</sup>, 2024  
**TO:** The Mayor and Members of Council  
 Township of Guelph Eramosa  
**FROM:** Zach Prince, Senior Planner  
 County of Wellington Planning and Development  
**SUBJECT:** **ADDITIONAL REPORT – REVISED ZONING BY-LAW**  
**Township Initiated Zoning By-law Amendment (02-24) Home Occupation – Trade**  
**ATTACHMENTS:** 1. Updated Chart of Proposed Changes  
 2. Proposed Zoning By-law Amendment

**RECOMMENDATION**

THAT the Council of the Township of Guelph/Eramosa receive Report 24/24;

THAT the Council of the Township of Guelph/Eramosa approve Zoning By-law Amendment Application ZBA 02/24 to the allow Home Occupation – Trade as a permitted use within the Agricultural Zone within the Township;

THAT the Council of the Township of Guelph/Eramosa authorize the Clerk to make such stylistic and technical changes to the Zoning By-law Amendment, in Attachments 1 and 2 the report, as may be required;

THAT Council of the Township of Guelph/Eramosa direct staff to issue the Notice of Passing of Zoning By-law Amendment Application ZBA 02/24 in accordance with Section 34 (18) of the Planning Act, R.S.O. 1990, c.P.13.

**INTRODUCTION**

A Planning Recommendation report 24/19 was presented to Council on June 17<sup>th</sup>, 2024. This report has been prepared to address the direction received from Council at the June meeting. This direction included – reducing the minimum lot size from 2 ac (0.8 ha) to 1 ac (0.4 ha) and reporting back to Council on the related setbacks and regulations for a 1 acre lot.

Planning staff have revised the proposed by-law (Attachment 2) to reflect a minimum lot size of 1 ac (0.4 ha) and through additional review and consideration, have included alternative zoning regulations for setbacks from abutting dwellings. All other regulations and setbacks continue to be appropriate in the context of a 1 ac lot. The change from 2 ac to 1 ac adds approximately 171 lots that otherwise would not have meet the regulations for a Home Occupation – Trade. In total approximately 2,372 lots are greater than 1 ac in area of 2563 total lots located in the Agricultural zone (92.5%). **Attachment 1** includes a copy of the updated chart of proposed changes.

**PROPOSED REDUCED SETBACKS**

Planning staff have reviewed the proposed setbacks based on the direction given by Council to reduce the lot area to 1 ac and provide applicable reduced setbacks. The setbacks proposed for this use are the same zoning setbacks applicable in the Agricultural Zone. Staff have also clarified that Section 6.2.5 is applicable - this means the interior side yard setback is 3 m and increases to 7.5 m where the use abuts a residential zone which aligns with the requirements for an agricultural use in the Agricultural zone.

Based on the direction from Council, staff have further reduced the required setbacks to neighbouring dwellings from 60 m to 30 m to ensure that the regulations being proposed are achievable and appropriate for the minimum lot size, while also maintaining land use compatibility. In considering land use compatibility and setbacks from abutting sensitive lands uses, staff have considered the MOE D-Series Guidelines and approaches applied in the County and neighbouring municipalities. A minimum setback of 30 m setback would align with the MOE D Series Guidelines regarding locating uses which could be incompatible due to noise, dust, odour etc. and aligns with minimums applied by surrounding municipalities with similar type uses. A setback from an abutting, off-site dwelling is required in planning staff's opinion given the definition includes uses such as woodworking, welding and other building trades/crafts which requires equipment and in some cases which may be louder than typically seen in a residential area. Further the use allows for 2 additional employees which could contribute to more possible nuisances and a compounding of nuisances between uses.

In staff's opinion the proposed use could be considered a Class I facility in the MOE D- Series Guideline, which is the lowest class of facilities. The Guidelines measure the setback distance (i.e. 20 m) to the usable or enjoyable space of a property which staff have given an additional 10 m to achieve the proposed 30m setback. A setback of 30m is also the lowest setback applied in neighbouring municipalities.

Additionally, staff have sought to recognize the unique and site-specific nature of some of these uses and the possible variation of types of uses and their associated impacts and level of nuisances to sensitive uses. As such, the proposed by-law also includes the possibility to reduce the 30 m setback to an adjacent dwelling where it is adequately demonstrated that the use would not create a nuisance. This section would be to the satisfaction of the Township and compliance could be achieved through additional information provided to the Township regarding the proposed operation including appropriate studies (i.e. such as noise studies/briefs) and/or mitigation measures such as buffering etc. as required by the Township. However, in all cases, the minimum setback cannot be less than the setbacks established for the parent zone.

**CONCLUSIONS**

Staff have revised the proposed by-law at the direction of council and are requesting that the by-law be approved as presented.

Respectfully submitted by  
County of Wellington Planning and Development  
Department

  
Zach Prince, RPP MCIP  
Senior Planner

Reviewed by  
Township of Guelph Eramosa

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#	Zoning By-Law 40/2016 Section	ZBA Section	Existing provision/section/reason	Proposed provision/section	Recommendation
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ATTACHMENT 1: Chart of Proposed Changes

Guelph/Eramosa Proposed Amendments

Text Highlighted in **Red** show updates from May 6<sup>th</sup>, 2024 Public Meeting

Text Highlighted in **Orange** show updates from June 17<sup>th</sup>, 2024 Recommendation Report

#	Zoning By-Law 40/2016 Section	ZBA Section	Existing Provision/Section	Proposed Provision/Section	Recommendation
1	Section 3 Definitions	Definitions		<p><i>Add Definition for Home Occupation – Trade</i> – a small scale trade or artisan craft conducted for gain or profit within an <b>accessory building</b> as an <b>accessory use</b> to the <b>main dwelling unit</b>. The trade, artisan craft, or service must be conducted by a person that resides in the <b>main dwelling unit</b> and includes uses such as skilled craft work, including; wood working, small engine repair, or other similar crafts; individuals employed in the building trades, including; stonemasons, carpenters, electricians, painters, plumbers, sheet metal workers, general contractors, carpet layers, or other similar trades; but does not include <b>wholesale outlet, warehouse, contractor or tradesperson establishment, retail store, automobile service/gas station, transport establishment, <del>or</del> automobile body/repair shop, automobile sales establishment, or automobile washing establishment</b> as defined herein.</p>	<p>Add definition for new use.</p> <p><b>Proposed definition includes uses which could be considered as Class I uses in the MOE D Series Guidelines (Land Use Compatibility Guidelines).</b></p>
2	Section 4 General Provisions	4.12 Home Occupation	<p>4.12 Home Occupation A home occupation is permitted within a dwelling unit by a resident of said dwelling unit, subject to the following regulations:</p>	<p><i>Revise 4.12 Home Occupation Regulations</i></p> <p>Where permitted <b>within this by-law, a home occupation and a home occupation – trade</b> are</p>	<p>Add new use for Home Occupation – trade to allow more flexibility to residential lots in the A</p>

#	Zoning By-Law 40/2016 Section	ZBA Section	Existing provision/section/reason	Proposed provision/section	Recommendation
			<ol style="list-style-type: none"> <li>1. The home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling unit nor create or become a public nuisance in particular in regard to noise, traffic or parking;</li> <li>2. Only two employees in addition to the permanent residents of the dwelling unit may be employed;</li> <li>3. No external storage, external display of goods or materials, or accessory buildings may be used in relation to a home occupation;</li> <li>4. No external display or advertising other than a fascia or ground sign having a maximum area of 0.2 m2 which does not include changeable copy or internal illumination.</li> <li>5. No mechanical equipment, except that which is customarily used in dwellings for domestic or household purposes, or for use by a dentist, drugless practitioner, physician, or other professional persons;</li> <li>6. Up to 25% of the gross floor area of the dwelling unit may be used for home occupation purposes; and</li> <li>7. The parking requirements of this By-law shall apply to any home occupation use, in</li> </ol>	<p>subject to the following regulations:</p> <p>4.12.1 General Provisions</p> <ol style="list-style-type: none"> <li>1. Is clearly secondary to the <b>main residential dwelling use-unit</b>, does not change the residential character of the dwelling unit and has been demonstrated to the satisfaction of the Township to not create or become a public nuisance in particular regarding noise, <b>odour, dust</b>, traffic, storage or parking;</li> <li>2. Only two (2) employees in addition to the permanent residents of the <b>primary main dwelling unit</b> may be employed;</li> <li>3. The parking requirements of this by-law shall apply to any <b>home occupation and home occupation –trade</b> use, in addition to the required spaces for the <b>main dwelling unit</b>;</li> <li>4. There is no <b>open storage</b> of goods, materials, supplies, equipment or vehicles including heavy equipment such as excavation machinery, or any vehicles not licensed for the road;</li> <li>5. No external display or advertising other than a fascia or ground sign having a maximum area of 0.2 m2 which does not include changeable copy or internal illumination.</li> <li>6. Where a <b>home occupation</b> and/or <b>home</b></li> </ol>	<p>zone where there is appropriate size for more intensive uses.</p> <p>Clearly distinguish between a home occupation permitted in all residential zones and a home occupation – trade permitted in the A zone only.</p> <p>A definition for Farm Home Industry is permitted in the A zone, a Home Occupation – Trade would be in addition to the existing Home Occupation and Farm Home Industry provisions.</p> <p><i>Staff have revised the setback requirements to reflect a minimum lot area of 1 ac. The proposed setback also includes the ability to reduce the setback further without the need for a minor variance where it has been</i></p>

#	Zoning By-Law 40/2016 Section	ZBA Section	Existing provision/section/reason	Proposed provision/section	Recommendation
			<p>addition to the required spaces for the dwelling unit.</p>	<p><b>occupation - trade</b> is permitted, it shall comply with the yard and setback requirements of the zone the use is permitted in.</p> <p><b>4.12.2 Home Occupation</b></p> <ol style="list-style-type: none"> <li>1. Shall be in accordance with Section 4.12.1 (General Provisions)</li> <li>2. No external storage, external display of goods or materials, or accessory buildings may be used in relation to a home occupation</li> <li>3. Up to 25% of the <b>gross floor area</b> of the <b>dwelling unit</b> may be used for a <b>home occupation</b></li> </ol> <p><b>4.12.3 Home Occupation – Trade</b></p> <ol style="list-style-type: none"> <li>1. A <b>building accessory</b> to the <b>main dwelling unit</b> may be used for the <b>Home Occupation – Trade</b>, including for the storage of equipment, vehicles and supplies, provided that not more than 100 m<sup>2</sup> (1,076 ft<sup>2</sup>) of the <b>accessory building gross floor area</b> shall be devoted to the use.</li> <li>2. Shall be permitted on a lot that has a minimum lot area of <b>1 ac <del>2 ac (0.8 ha)</del> and (0.4 ha)</b></li> <li>3. <b>Notwithstanding Section 4.12.1.6</b> meet the minimum <b>Interior Side Yard</b> requirements in Section 6.2.8<b>5 are applicable.</b></li> </ol>	<p>demonstrated to the Township’s satisfaction that the use would not cause a public nuisance.</p>

#	Zoning By-Law 40/2016 Section	ZBA Section	Existing provision/section/reason	Proposed provision/section	Recommendation
				<p><del>3-</del> <b>4.</b> No <b>building</b> or <b>structure</b> used for a <b>Home Occupation-Trade</b> shall be located within <del>60 m</del> <b>30 m</b> of a <b>dwelling unit</b> on a separate lot. <b>Notwithstanding the above, the setback may be reduced, but not less than the minimum setbacks identified in Section 4.12.1.6 and 4.12.3.3, where it has demonstrated to the satisfaction of the Township that the use will not create a public nuisance</b> identified in Section 4.12.1.</p> <p><del>4-</del> <b>5.</b> Only one <b>Home Occupation – Trade</b> or <b>Farm Home Industry</b> is permitted on a lot in the Agricultural Zone.</p> <p><del>5-</del> <b>6.</b> Shall comply with Section 4.12.1 (General Provisions)</p> <p><del>6-</del> <b>7.</b> A <b>Home Occupation-Trade</b> is not permitted within a <b>dwelling unit</b>; however, nothing in these provisions shall apply to prohibit a <del>tradesperson</del> <b>tradesperson</b> from operating an office in the <b>main dwelling unit</b> in accordance with the provisions of Section 4.12.2.</p> <p><del>7-</del> <b>8.</b> Servicing of the structure shall be provided to the satisfaction of the Township</p>	
3	Section 6 Agricultural (A) Zone	6.1 Permitted Uses		Add <b>Home Occupation - Trade</b> as a permitted use in the Agricultural Zone	Permit in A zone only

**The Corporation of the Township of Guelph/Eramosa**

**By-law Number 33/2024**

**A By-law to amend**

**Township of Guelph/Eramosa Zoning By-law 40/2016**

**Entirety of the Township of Guelph/Eramosa**

**WHEREAS** the Council of the Corporation of the Township of Guelph/Eramosa deems it expedient to enact this By-law to amend Zoning By-law Number 40/2016;

**AND WHEREAS** Council is empowered to enact this By-law under the authority of Section 34 of the *Planning Act*, R.S.O. 1990, Chapter P. 13, as amended;

**NOW THEREFORE** the Council of the Corporation of the Township of Guelph/Eramosa hereby enacts as follows:

1. That Zoning By-law Number 40/2016 is hereby amended as follows:
  - a) That Section 3 Definitions be amended by adding the following definition after the definition of *Home Occupation*:

**“Home Occupation – Trade”** – a small scale trade or artisan craft conducted for gain or profit within an **accessory building** as an **accessory use** to the **main dwelling unit**. The trade, artisan craft, or service must be conducted by a person that resides in the **main dwelling unit** and includes uses such as skilled craft work, including; wood working, small engine repair, or other similar crafts; individuals employed in the building trades, including; stonemasons, carpenters, electricians, painters, plumbers, sheet metal workers, general contractors, carpet layers, or other similar trades; but does not include **wholesale outlet, warehouse, contractor or tradesperson establishment, retail store, automobile service/gas station, transport establishment, automobile body/repair shop, automobile sales establishment, or automobile washing establishment** as defined herein.

- b) That Section 4 General Provisions be amended by removing 4.12 and replacing with the following:

**4.12 Home Occupation Regulations**

Where permitted within this By-law, a **home occupation** and a **home occupation - trade** are subject to the following regulations:

4.12.1 General Provisions

1. Is clearly secondary to the **main dwelling unit** and does not change the residential character of the **dwelling unit** and has been demonstrated to the satisfaction of the Township to not create or become a public nuisance in particular regarding noise, odour, dust, traffic, storage or parking;

2. Only two (2) employees in addition to the permanent residents of the **main dwelling unit** may be employed;

3. The parking requirements of this by-law shall apply to any **home occupation** and **home occupation –trade use**, in addition to the required spaces for the **main dwelling unit**;

4. There is no **open storage** of goods, materials, supplies, equipment or vehicles including heavy equipment such as excavation machinery, or any vehicles not licensed for the road.

5. No external display or advertising other than a fascia or ground sign having a maximum area of 0.2 m<sup>2</sup> which does not include changeable copy or internal illumination.

6. Where a **home occupation** and/or **home occupation - trade** is permitted, it shall comply with the **yard** and **setback** requirements of the zone the **use** is permitted in.

#### 4.12.2 Home Occupation

1. Shall be in accordance with Section 4.12.1 (General Provisions)

2. No external storage, external display of goods or materials, or **accessory buildings** may be used in relation to a **home occupation**.

3. Up to 25% of the **gross floor area** of the **dwelling unit** may be used for a **home occupation**.

#### 4.12.3 Home Occupation – Trade

1. A **building accessory** to the **main dwelling unit** may be used for the **home occupation – trade**, including for the storage of equipment, vehicles and supplies, provided that not more than 100 m<sup>2</sup> (1,076 ft<sup>2</sup>) of an **accessory building gross floor area** shall be devoted to the **use**.

2. Shall be permitted on a lot that has a minimum **lot area** of 1 ac (0.4 ha).

3. Notwithstanding Section 4.12.1.6 the minimum **interior side yard** requirements in Section 6.2.5 are applicable.

4. No **building** or **structure** used for a **home occupation-trade** shall be located within 30 m of a **dwelling unit** on a separate lot. Notwithstanding the above, the setback may be reduced, but not less than the minimum setbacks identified in Section 4.12.1.6 and 4.12.3.3, where it has demonstrated to the satisfaction of the Township that the **use** will not create a public nuisance identified in Section 4.12.1.

5. Only one **home occupation – trade** or **farm home industry** is permitted on a lot in the Agricultural (A) Zone.

6. Shall comply with Section 4.12.1 (General Provisions)

7. A **home occupation-trade** is not permitted within a **dwelling unit**; however, nothing in these provisions shall apply to prohibit operating an office in the **main dwelling unit** in accordance with the provisions of Section 4.12.2.

8. Servicing of the structure shall be provided to the satisfaction of the Township.

c) That Section 6.1 Permitted Uses be amended by adding **Home Occupation – Trade** as a permitted use in the Agricultural Zone.



2. All other applicable provisions of By-law 40/2016 shall continue to apply to the lands affected by this amendment.
3. That this By-law shall become effective from the date of passing hereof.

READ three times and finally passed

this **8<sup>th</sup>** day of **July, 2024**.

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Chris White, Mayor

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Amanda Knight, Clerk

## THE CORPORATION OF THE TOWNSHIP OF GUELPH/ERAMOSA

### EXPLANATION OF BY-LAW #33/2024

By-law Number 33/2024 amends the Township of Guelph/Eramosa Zoning By-law 40/2016 by adding a new definition, general provision and permitted use related to Home Occupation – Trade within the Agricultural (A) Zone only.

The purpose of the proposed zoning by-law amendment is to permit a Home Occupation – Trade use as an accessory use to the main dwelling on small lots within the Agricultural (A) Zone. There are general provisions applicable to both home occupations and home occupation – trade and additional use specific provisions related to items such as land use compatibility, setbacks, scale, parking, servicing.

For the purpose of clarity, all terms, including those both bolded and italicized, that are also listed in Section 3 – Definitions are subject to the corresponding definitions.