



**PLANNING REPORT
for the TOWNSHIP OF GUELPH/ERAMOSA
Report #24-11**

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

MEETING DATE: May 6th, 2024
TO: The Mayor and Members of Council
 Township of Guelph Eramosa
FROM: Zach Prince, Senior Planner
 County of Wellington Planning and Development
SUBJECT: Township Initiated Zoning By-law Amendment (02-24) Home Occupation – Trade
ATTACHMENTS: 1. Chart of proposed changes

RECOMMENDATION

THAT the Council of the Township of Guelph/Eramosa receive Planning Department Report 24-11 regarding Home Occupation – Trade, Township Initiated Zoning By-law Amendment

INTRODUCTION

The intent of this report is to provide information regarding a Township initiated Zoning By-law amendment to add permission for a Home Occupation – Trade use on lots zoned Agricultural in the Township. The purpose of this Township Initiated amendment is to allow small scale employment uses that are accessory to a main residential use in the Agricultural Zone. Staff have recommended provisions related to the use, scale, setbacks and to reduce concerns related to compatibility between offsite and sensitive uses.

BACKGROUND

The proposed changes are not in relation to a specific property or use but a municipally led change to allow small scale commercial/industrial uses on small lots in the Agricultural area.

Planning staff are proposing to amend the Township’s zoning by-law to allow for a new use (Home Occupation – Trade) by amending the existing Home Occupation provisions. A detailed chart of the proposed changes are included in **Attachment 1**. Staff are recommending a definition of the new use and general regulations that are clearly distinguishable from existing definitions and regulations such as ‘Home Occupation’ and ‘Farm Home Industry.’ Staff are proposing revising the Home Occupation regulations as the intent of the changes are to reflect a use that is secondary to a residential lot where the owner resides. Staff have researched best practices in other communities, reviewed permissions in surrounding municipalities and received municipal feedback related to lot sizes and setbacks.

POLICY REVIEW

Provincial Policy Statement (2020) & Provincial Growth Plan (2020)

The PPS provides a policy framework on matters of provincial interest and guides land use planning and development within the Province of Ontario. All land use decisions must be consistent with Provincial Policy.

The PPS and the Growth Plan provide policies related to Land Use Compatibility and impacts to the agricultural system. Regarding compatibility, both documents indicate that uses should be planned to avoid or mitigate/minimize the potential adverse effects between uses.

County of Wellington Official Plan

The lands subject to this amendment are designated as Prime Agricultural in the County of Wellington Official Plan. The Official Plan allows for Home Businesses within the Rural and Prime Agricultural area in Section 4.2.6 and 6.4.4. The Official Plan allows for small Home Occupations and small-scale Home Industries with limited employees and offsite impacts. Further Section 4.6.5 has policies related to Agricultural Impact Assessments when development is proposed in Prime Agricultural Areas.

TOWNSHIP ZONING BY-LAW

The zoning by-law defines ‘Home Occupation’ and ‘Farm Home Industry’ separately, staff are proposing to amend the Home Occupation provision to allow for a new ‘Home Occupation – Trade’ which would remain accessory to a residential dwelling rather than a farm. The proposed definition provides examples of businesses, crafts or trades that would meet the proposed definition while remaining an accessory use. Further, regulations are proposed related to the size, number of employees, outdoor storage, lot area and setbacks to address scale, compatibility and potential for off site impacts or impacts to the agricultural area.

PUBLIC ENGAGEMENT

As required under the *Planning Act*, notice was circulated to required agencies and Township staff for review and a notice was published in the Wellington Advertiser on April 11th, 2024. Information has also been posted on the Township’s ‘Current Planning Applications’ webpage.

At the time of this report, no comments have been received from the public. Planning staff will continue to work with Township staff to review and address comments as they arise. A summary of comments received will be provided as part of a future recommendation report.


CONCLUSIONS & NEXT STEPS

The public meeting for this application is scheduled for May 6th, 2024 in order to present the proposal to the community and Council and obtain input. Following the public meeting there may be additional comments from the community, Council, other public agencies, which will need to be addressed by the proponent.

Planning staff will be in attendance at the public meeting to present the subject application and to hear any public or Council comments. Our planning recommendations will be provided following the public meeting and resolution of outstanding issues.

Respectfully submitted by
County of Wellington Planning and Development
Department


Zach Prince, RPP MCIP
Senior Planner

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| Reviewed by Township of Guelph Eramosa  _____ Ian Roger, P.Eng. CAO |
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ATTACHMENT 1: Chart of proposed changes

**Guelph/Eramosa Proposed Amendments
Public Meeting: May 6th, 2024**

| # | 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 accessory building as an accessory use to the main dwelling. The trade, artisan craft, or service must be conducted by a person that resides in the main dwelling 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, transport establishment or automobile body/repair shop as defined herein.</p> | Add definition for new use |
| 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> <ol style="list-style-type: none"> 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; Only two employees in addition to the | <p><i>Revise 4.12 Home Occupation</i> Where permitted, home occupations are subject to the following regulations:</p> <p>4.12.1 General Provisions</p> <ol style="list-style-type: none"> Is clearly secondary to the main residential use 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, traffic, storage or | <p>Add new use for Home Occupation – trade to allow more flexibility to residential lots in the A 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</p> |

| # Zoning By-Law 40/2016 Section | ZBA Section | Existing provision/section/reason | Proposed provision/section | Recommendation |
|---------------------------------|-------------|--|---|---|
| | | <p>permanent residents of the dwelling unit may be employed;</p> <p>3. No external storage, external display of goods or materials, or accessory buildings may be used in relation to a home occupation;</p> <p>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.</p> <p>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;</p> <p>6. Up to 25% of the gross floor area of the dwelling unit may be used for home occupation purposes; and</p> <p>7. The parking requirements of this By-law shall apply to any home occupation use, in addition to the required spaces for the dwelling unit.</p> | <p>parking;</p> <p>2. Only two (2) employees in addition to the permanent residents of the primary dwelling unit may be employed;</p> <p>4. 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 dwelling unit;</p> <p>5. 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;</p> <p>6. 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.</p> <p>7. Where a Home Occupation is permitted, it shall comply with the yard and setback requirements of the zone the use is permitted in.</p> <p>4.12.2 Home Occupation</p> <p>1. Shall be in accordance with Section 4.12.1 (General Provisions)</p> <p>2. No external storage, external display of goods or materials, or accessory buildings may be used in relation to a home occupation</p> | <p>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> |

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| | | | | <p>2. Up to 25% of the gross floor area of the dwelling unit may be used for a home occupation</p> <p>4.12.3 Home Occupation – Trade</p> <p>1. A building accessory to the main dwelling may be used for the Home Occupation – Trade, including for the storage of equipment, vehicles and supplies, provided that not more than 100 m² (1,076 ft²) of accessory building floor area shall be devoted to the use.</p> <p>2. Shall only be permitted on a lot that has a minimum lot area of 1 ac and meet the minimum Interior Side Yard requirements in Section 6.2.8.</p> <p>3. No building or structure used for a Home Occupation-Trade shall be located within 60 m of a dwelling unit on a separate lot.</p> <p>4. Only one Home Occupation – Trade or Farm Home Industry is permitted on a lot in the Agricultural Zone.</p> <p>5. Shall comply with Section 4.12.1 (General Provisions)</p> <p>6. A Home Occupation-Trade is not permitted within a dwelling; however, nothing in these provisions shall apply to prohibit a tradesperson from operating an office in the main dwelling in</p> | |

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| 3 Section 6 Agricultural (A) Zone | 6.1 Permitted Uses | | <p>accordance with the provisions of Section 4.12.2.</p> <p>7. Servicing of the structure shall be provided to the satisfaction of the Township</p> <p>Add Home Occupation - Trade as a permitted use in the Agricultural Zone</p> | Permit in A zone only |
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