



**PLANNING REPORT
for the TOWNSHIP OF GUELPH/ERAMOSA
Report # 24/19**

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

MEETING DATE: June 17th, 2024
TO: The Mayor and Members of Council
 Township of Guelph Eramosa
FROM: Zach Prince, Senior Planner
 County of Wellington Planning and Development
SUBJECT: **RECOMMENDATION REPORT**
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 24/19; and

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

THAT the Council of the Township of Guelph/Eramosa direct staff to bring back Zoning By-law Amendment Application ZBA 02/24 to allow Home Occupation – Trade as a permitted use within the Agricultural Zone within the Township to the next Regular Meeting of Council for formal consideration; and

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.

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.

PUBLIC CONSULTATION & COMMENTS

The public meeting for this application was held on May 6th, 2024. Three (3) members of the public spoke and provided comments on the proposed amendment relative to hobby types uses and asked questions regarding the use on agricultural properties larger than 1 ac, and if a portion of a building could be used for the proposed use.

Planning Comment: Regarding using a portion of the building, the proposed by-law does not require the use to be the sole use of the building. Staff would suggest that the use should be distinguishable from personal uses to determine by-law compliance should a complaint arise from an operator.

No written comments were received before or after the public meeting.

PLANNING ANALYSIS & DISCUSSION

POLICY REVIEW

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

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 generally 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.

Proposed Zoning By-law Amendment

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' use which would be operated by a resident of the main dwelling and 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. The definition also includes examples of uses not considered. 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. The proposed by-law is included as **Attachment 2**.

The by-law as proposed has been modified slightly from the by-law presented at the public meeting. Modifications include lot area, clarifying the defined terms of the uses not included within the definition, clarifying the required side yard requirements, text errors and omissions. Staff are proposing that the side yard setback be equivalent to the permissions in Section 6.2.5 (ie 3 m or 7.5 m where the use abuts a residential zone).

Lot Area

Staff initially proposed a minimum lot area of 5 ac when the amendment was first presented. At the request of council, a minimum of 1 ac was provided to the public at the May public meeting. Based on our review and feedback provided, staff are recommending a minimum lot size of 2 ac be applied. A minimum lot size is proposed to reduce concerns with compatibility of the proposed use with adjacent residential uses. Generally residential lots in the Agricultural zone in Guelph/Eramosa are in clusters ranging from 0.5 ac to 2 ac. These clusters of residential uses are where compatibility concerns tend to arise based on staff's experience.

Lots which are 2 ac or greater represents approximately 86% of the lots zoned Agricultural (A) in the Township and closely align to the permissions in Erin.

Prohibited uses

Within the proposed definition of the Home Occupation - Trade staff have included examples of uses which are defined in the zoning by-law that are prohibited from being considered as part of this amendment. Uses including a wholesale outlet, warehouse, contractor or tradesperson establishment, retail store, automobile service, transport establishment or automobile body/repair shop are examples which are not considered as a Home Occupation - Trade. The intent is to clarify that these uses would generally require a zoning by-law amendment and may not be compatible in the Agricultural zone. Further some of these uses are permitted as Farm Home Industries and on-farm diversified uses which fall under a separate category or permissions in provincial policy.

Township Noise By-law

The Township recently updated their noise by-law which applies across the entire Township with some exemptions. Generally, the proposed use would be required to meet the noise by-law including ensuring equipment is in working order and limiting the sounds of trailers, motors, etc and operating within the required hours of operation within the By-law.

CONCLUSIONS

Planning staff are of the opinion that the subject proposal and the proposed amending by-law is consistent with the Provincial Policy Statement (2020), in conformity with the Growth plan and maintains the intent and purpose of the County of Wellington Official Plan and the Township's zoning By-law. The proposed by-law allows for a new use accessory to a residential use in the Agricultural zone with regulations to limit the scale and compatibility concerns between uses. Accordingly, we recommend the approval of the amending by-law.

Respectfully submitted by
County of Wellington Planning and Development
Department



Zach Prince, RPP MCIP
Senior Planner

Reviewed by
Township of Guelph Eramosa

Ian Roger, P.Eng.
CAO

The Corporation of the Township of Guelph/Eramosa

By-law Number XX/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, 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 m² which does not include changeable copy or internal illumination.
6. Where a **home occupation** 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**.
2. 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** 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 an **accessory building gross floor area** shall be devoted to the use.
2. Shall only be permitted on a lot that has a minimum **lot area** of 2 ac (0.8 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 60 m of a dwelling unit on a separate lot.

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 a 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 XX day of XX, **2024**.

Chris White, Mayor

Amanda Knight, Clerk

THE CORPORATION OF THE TOWNSHIP OF GUELPH/ERAMOSA

EXPLANATION OF BY-LAW #XX/2024

By-law Number XX/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.

#	Zoning By-Law 40/2016 Section	ZBA Section	Existing provision/section/reason	Proposed provision/section	Recommendation
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ATTACHMENT 2: Proposed Zoning By-law Amendment

Guelph/Eramosa Proposed Amendments

Public Meeting: June 17th, 2024

Text Highlighted in Red show updates from May 6th, 2024 Public Meeting

#	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 – 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, or automobile body/repair shop, automobile sales establishment, or automobile washing establishment as defined herein.</i></p>	Add definition for new use

#	Zoning By-Law 40/2016 Section	ZBA Section	Existing provision/section/reason	Proposed provision/section	Recommendation
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"> 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; 2. Only two employees in addition to the permanent residents of the dwelling unit may be employed; 3. No external storage, external display of goods or materials, or accessory buildings may be used in relation to a home occupation; 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. 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; 6. Up to 25% of the gross floor area of the dwelling unit may be used for home 	<p><i>Revise 4.12 Home Occupation Regulations</i> Where permitted within this by-law, a home occupations a home occupation – trade are subject to the following regulations:</p> <p>4.12.1 General Provisions</p> <ol style="list-style-type: none"> 1. Is clearly secondary to the main residential dwelling 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 parking; 2. Only two (2) employees in addition to the permanent residents of the primary main dwelling unit may be employed; 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 main dwelling unit; 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; 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 	<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 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>

#	Zoning By-Law 40/2016 Section	ZBA Section	Existing provision/section/reason	Proposed provision/section	Recommendation
			<p>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>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>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 2 ac (0.8 ha). and</p> <p>3. Notwithstanding Section 4.12.1.6 meet the</p>	

#	Zoning By-Law 40/2016 Section	ZBA Section	Existing provision/section/reason	Proposed provision/section	Recommendation
				<p>minimum Interior Side Yard requirements in Section 6.2.85 are applicable.</p> <p>3. 4. 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. 5. Only one Home Occupation – Trade or Farm Home Industry is permitted on a lot in the Agricultural Zone.</p> <p>5. 6. Shall comply with Section 4.12.1 (General Provisions)</p> <p>6. 7. 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 accordance with the provisions of Section 4.12.2.</p> <p>7. 8. 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 Home Occupation - Trade as a permitted use in the Agricultural Zone	Permit in A zone only