



Planning and Development Committee Report

To: To the Chair and Members of the Planning and Development Committee
From: Brandon Kortleve, Planner
Date: June 7, 2022
Report: RPT-22-162
Subject: Extension of the County Initiated Home-Based Business Pilot Project
Purpose: For Information

Recommendation

THAT RPT 22-162 be received as information.

Key Strategic Priorities

1. Sustainable and Managed Growth
2. Effective Communication
3. Economic Resilience
4. Healthy, Safe and Engaged Citizens

Report

First introduced in June of 2021, temporary changes to the County's Zoning By-law created a pilot project to respond to inconsistencies in the current Home Occupation provisions of Zoning By-law 61-16 as well as provide a timely response to the COVID-19 Pandemic and its impacts on local businesses. The County of Brant has leveraged its authority under Section 39(1) of *The Planning Act* to pass a temporary use Zoning By-Law amendment that has created broader permissions for home-based businesses in the County of Brant.

COVID-19 has had an ongoing impact on local businesses and notably on small businesses. According to surveying conducted by the Economic Development and Tourism Division earlier in the pandemic, 80% of businesses surveyed stated they were experiencing financial constraints, with 22% of businesses identifying the impact as "high" and ongoing.

By implementing the tactics of the County of Brant's *Economic Development Strategy and Action Plan*, this pilot project forms part of a best-in-class review of home-based business policies and an opportunity to evaluate implementing permanent changes to our zoning requirements and Official Plan policies for home-based businesses. This project provides new and existing small-business owners the opportunity to utilize their homes for low-impact business purposes, providing the mechanisms that allow these businesses to grow and benefit the economy of the County of Brant.

The Home-Based Business Pilot Project has been successful in a number of ways over the last year, including the following:

1. **Assisting at least eight (8) local businesses by granting permissions that would have otherwise been prohibited.**

The number of home-based businesses operating in the County of Brant has been noted to be much higher than the inquiries received through this pilot project. Throughout 2020 and 2021, Economic Development staff have identified at least 21 businesses operating in a home-based format. An extension of this pilot project will provide staff additional time to support these businesses and evaluate appropriately supportive land-use policies and permissions.

2. **Receiving no complaints related to the pilot project or businesses participating in the program.**

By-Law Enforcement staff have indicated that complaints received during the pilot project and related to businesses operating in residential areas have been related to more intensive business uses such as landscaping, construction, fabrication, and contracting. These uses are not supported by the permissions of this pilot project. The temporary zoning standards note that no home-based business under the pilot project can create public nuisance (e.g., noise, traffic, parking etc.) and allows the County to revoke the temporary permissions for a home-based business at any time when a complaint has been received by the County.

3. **Maintaining the integrity of residential areas while providing opportunities to support the achievement of complete communities.**

As set out by the policies of A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2020), complete communities are intended to offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts. This pilot project has helped improve access to local services at a variety of scales, supporting the growth of our local economy and its resilience in the context of the COVID-19 pandemic.

Continuing this program for an additional year will allow the flexible permissions to stay in place while staff continue to develop a comprehensive and innovative approach to home-based business policies that can be permanently implemented and tracked. This will include further engagement on the topic to discuss the consideration of licensing, financial support, mitigating land use issues, exploring the complete community's framework, and maintaining neighbourhood character.

Conclusions and Recommendation

Staff intend to extend the temporary zoning permissions to continue the Home-Based Business Pilot Project for an additional year, to expire on September 1, 2023. County of Brant By-Law 13-20, being the By-Law to delegate specific administrative and legislative matters to staff, grants the Director of Development Planning delegated authority to extend the By-law upon receiving comments from Development Services and By-Law Enforcement Staff. At the time of authoring this report, there have been no concerns raised with the pilot project by County Staff or the public and staff will be moving forward with an extension to the Temporary Use By-Law unless otherwise directed by Committee and Council.

Attachments

1. Approved Temporary Use By-Law Amendment (By-Law 82-21)

Copy to

1. Zach Gable, Senior Economic Development Officer
2. Brandon Webb, Research and Marketing Economic Development Officer
3. Greg Bergeron, Manager of Enforcement and Regulatory Services
4. Jennifer Boyer, Manager of Policy Planning
5. Mat Vaughan, Director of Development Planning

In adopting this report, is a bylaw or agreement required?

By-law required (Yes)

Agreement(s) or other documents to be signed by Mayor and /or Clerk (No)

Is the necessary by-law or agreement being sent concurrently to Council? (No)

Attachment 1 – Approved Temporary Use By-Law Amendment

BY-LAW NUMBER 82-21

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THE CORPORATION OF THE COUNTY OF BRANT

To create a temporary home-based business program, including temporary zoning permissions, to be implemented as a pilot project through temporary amendments to Zoning By-Law 61-16, as amended

WHEREAS Part V, Section 34 of the *Planning Act* empowers a municipality to pass Zoning By-Laws prohibiting the use of land and the erection, location and use of buildings or structures, except as set out in the By-Law.

AND WHEREAS the Corporation of the County of Brant this By-Law, in conformity with the Official Plan for the County of Brant (2012), prohibits the use of land and the erection, location and use of buildings or structures as prescribed in By-Law 61-16, as amended.

AND WHEREAS Part V, Section 39 of the *Planning Act* permits a By-Law passed under Section 34 to authorize the temporary use of land, buildings or structures for any purpose otherwise prohibited by the By-Law;

AND WHEREAS the Council of the Corporation of the County of Brant recognizes that the COVID-19 pandemic and subsequent state of emergency have created additional difficulties for residents and businesses,

AND WHEREAS economic resilience and facilitating the growth of a diversified local economy is a strategic priority of the Corporation of the County of Brant, as approved in September 2019.

AND WHEREAS the Council of the Corporation of the County of Brant deems a temporary homebased business program to be desirable for the temporary use of the lands within the County of Brant;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT HEREBY ENACTS the following amendments to By-law 61-16, being the Zoning By-law for the County of Brant:

1. **THAT** Section 3 Definitions be amended by adding the following temporary definitions:

Home-Based Business Pilot Project, Home Business

Means a small-scale commercial or institutional service or activity that results in a product or service being provided to patrons and is operated within a dwelling, accessory residential building, or located outdoors on a residential property, and whereby said business activity results in a product or service being provided to patrons, is operated within a dwelling or outdoors on a residential property and is provided as a use of the property that is clearly secondary to a permitted residential use.

Home-Based Business Pilot Project, Indirect Sales and Services

Means a small-scale commercial or institutional activity that is accessory to the residential use of a property and is conducted by a permanent resident of said property, and whereby any exchange of goods and services are coordinated to occur away from their residential premises, or are provided solely by telephone, mail, internet sales, or similar, and whereby purchased goods and services are not provided to patrons on or within proximity to said residential premises. For the purposes of this definition, indirect sales and services shall include goods and services regardless of if they are prepared or provided by the property owner/ occupant or procured by the same for redistribution.

Attachment 1 – Approved Temporary Use By-Law Amendment

Home-Based Business Pilot Project, Direct Sales and Services

Means a small-scale commercial or institutional activity that is accessory to the residential use of a property and is conducted by a permanent resident of said property, and whereby goods, services, and transactions are provided to patrons on or within proximity to the residential premises and location of said home-based business. For the purposes of this definition, direct sales and services shall include goods and services regardless of if they are prepared or provided by the property owner/occupant or procured by the same for redistribution

2. **AND THAT** Section 15.2 Temporary 'T' Zone Provisions is hereby amended to add "Section 15.2.1 Temporary Home-Based Business Program" after Table 15.2 as follows:

Section 15.2.1 Temporary Home-Based Business Program

Notwithstanding any provision of this By-Law to the contrary, the provisions for the Temporary Home-Based Business Program and pilot project shall apply to all lands within the County of Brant. The following requirements shall only apply on a temporary basis, with no guarantee for extension, expiring on September 1st, 2022. A *home-based business* shall be permitted in the County of Brant, provided activities classified as a *home-based business*, as defined within this By-Law, meet the following requirements:

- a) Size, Scale & Location
 - i. A *dwelling unit* must be a permitted and principal use of the property.
 - ii. The structure in which the *home-based business* is located shall meet the requirements and provisions of this Zoning By-Law for the applicable use and zone category.
 - iii. The *home-based business*, including related activities and storage, shall not exceed 50.0 sq metres of the *gross floor area* of the *dwelling unit* and any and all residential accessory structures on the property.
- b) Parking
 - i. Pick-up and drop-off services provided by a *home-based-business* shall also be permitted.
 - ii. One additional parking space, in accordance with the requirements of Section 5 of this By-Law, shall be provided for each *home-based business* involving *direct sales and services*, and shall be provided in addition to those required by this By-Law for other permitted uses on the lot.
- c) Nuisance
 - i. The temporary permissions for a *home-based business* shall be revocable at the discretion of the County, at any time, where a complaint has been made to the County of Brant By-Law Enforcement Division.
 - ii. No *home-based business*, including related activities and storage, shall create or become a public nuisance, particularly with regard to noise, odour, fumes, vibration, traffic, emissions, or parking nor shall it cause electrical interference or interference with telephone, television, and radio or satellite equipment reception.
 - iii. The *home-based business* shall not create or become a fire, health or building hazard.
- d) Location and Character
 - i. The residential appearance and character of the *dwelling* and the *lot* shall be maintained, and no exterior *alteration* shall be made to the *dwelling* which would indicate that any part of the premises is being used for any purpose other than that of a residential *dwelling*.
 - ii. A *home-based business* shall be clearly secondary and incidental to a *dwelling unit* and the proprietor shall be an owner or tenant of said dwelling unit.
 - iii. A maximum of two *home-based business* operations shall be permitted under this section and may be permitted within one dwelling unit (and/or accessory residential building) provided the two *home-based businesses* do not cumulatively exceed the gross floor area requirements for *home-based businesses* as set out in Section 15.2.1 a.3 above.
 - iv. *Open storage* or display of merchandise, material, or equipment shall be prohibited.
 - v. Merchandise may be displayed or stored within the *dwelling* or *accessory structure* provided it shall not be visible from outside the *dwelling* or *accessory structure* in which it is located.

Attachment 1 – Approved Temporary Use By-Law Amendment

- vi. Material, and equipment related to the *home-based business* shall only be permitted when stored within a *structure* and where it is not visible from outside of said *structure*.
 - vii. External advertising shall be prohibited except in accordance with the County of Brant Sign By-Law, as amended.
 - e) Patronage and Employees
 - i. Any *home-based business* in any Urban Residential Zone or Non-Urban Residential Zone shall be permitted only one employee, in addition to the proprietor of the business, provided one additional parking is available for said employee. This parking space shall be provided in addition to the parking spaces required by Section 15.2.1.b or required for any other uses on the *lot*.
 - ii. Where any permitted home-based business is located outside of an Urban Residential or Non-Urban Residential zone, it shall require one additional parking space per employee. These parking spaces shall be provided in addition to the parking spaces required by Section 15.2.1.b or required for any other uses on the *lot*.
 - iii. No more than two (2) clients, customers, or students shall be provided services on-site at any one time.
3. **AND THAT** this By-Law amendment will expire on September 1, 2022, unless extended by the Council of the Corporation of the County of Brant.
4. **AND THAT** this By-Law shall come into force on the day it is passed by the Council of the Corporation of the County of Brant.

READ a first and second time, this 27th day of July 2021.

READ a third time and finally passed in Council, this 27th day of July 2021.

THE CORPORATION OF THE COUNTY OF BRANT


David Bailey, Mayor


Heather Boyd, Clerk