

## **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 home-based 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.



### **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 1<sup>st</sup>, 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.
  - 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. **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 27<sup>th</sup> day of July 2021.

**READ** a third time and finally passed in Council, this 27<sup>th</sup> day of July 2021.

**THE CORPORATION OF THE COUNTY OF BRANT**

  
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David Bailey, Mayor

  
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Heather Boyd, Clerk