



28 Pulford Street, Kingsville, Ontario N9Y 1B4

August 11, 2021

Sandy Kitchen
Deputy Clerk, & Acting Clerk
Town of Kingsville

Notice of Motion RE: Residential Housing / Home Occupations

Background:

In the Regular June Meeting of Council, a motion was passed (#391-2021)
"That Council, at a future meeting of Council, be provided with a brief plan language report explaining exactly what a home occupation (in a residential zone) is, and information as to how the Town deals with complaints in regard to same"

I am aware that we are awaiting that report:
To assist in the interim, I found information that has existed for decades regarding Home Occupations. Details enclosed.

Notice of Motion

At the next regular meeting of Council, I may move or cause to have moved:

That Council receive that old or tradition information regarding Home Occupations that they may be enlightened as to historical terminology that is attached.

Gord Queen
Deputy Mayor
Town of Kingsville

Encl:
Home Occupation details from the past

- b) the average level of a one slope roof, provided that a roof having a slope of less than twenty (20) degrees with the horizontal shall be considered a flat roof;
- c) the roof deck line, in the case of a mansard roof;
- d) the average level between eaves and ridges in the case of a roof type not mentioned in subsection a), b) and c) immediately preceding.

3.50

HOME OCCUPATION, shall mean the use of part of a dwelling unit for an occupation for gain or support that is clearly secondary to the residential use of the property and shall include such things as hair dressing and other personal service shops, (excluding self-service dry cleaning and laundry establishments) insurance and other office type uses, medical and other professional type uses, ceramic and other home craft type uses, mail order establishments and bed and breakfast establishments and Ministry licensed home child care establishments that for remuneration provide temporary care to not more than five children and limousine rental establishments provided no more than one limousine is parked outdoors.

3.51

HOTEL, shall mean any tavern, inn, lounge or public house in one main building or in two or more connected or adjacent buildings designed and used mainly for the purpose of catering to the needs of the travelling public by supplying food, refreshments or both and furnishing sleeping accommodation of not less than six (6) guest rooms, each having no facilities for cooking or housekeeping and provided that each guest room may only be entered from the interior of the building, and shall include all such buildings operating under the Liquor Licence Act, R.S.O. 1980, and the Tourism Act, R.S.O.

- f) the area used for the home occupation shall not occupy more than thirty-five percent of the floor area of the dwelling unit and shall not exceed thirty (30) square metres in area;
- g) any signs used to advertise the home occupation shall be in accordance with the Municipality's sign by-law.

6.3 EXCEPTIONS

The special regulations contained in this subsection (6.3) shall apply to the area or areas defined below:

6.3.1 DEFINED AREA R1-1 as shown on Map 1, Schedule "A" of this By-law.

a) Permitted Uses

Professional offices, personal service shops, retail establishments, financial institutions, small animal veterinary clinics and teaching studios or the uses permitted in the R1 zone as indicated in subsection 6.1.1 of this By-law.

b) Permitted Buildings and Structures

Only the existing buildings and structures or the buildings and structures for the permitted uses in subsection 6.1.1 of this By-law.

6.2.1 REGULATIONS FOR GROUP HOME DWELLINGS

No single family detached dwelling shall be used as a group home dwelling, and no new group home dwelling shall be constructed if such group home dwelling is to be located closer than 300 metres to any existing group home dwelling.

6.2.2 REGULATIONS FOR HOME OCCUPATIONS

Home occupations shall only be permitted if in accordance with the following provisions:

- a) any and all parts of the home occupations shall be confined in the dwelling unit including an attached garage;
- b) there shall not be any external storage of materials or containers;
- c) there shall be only members of the family residing in the dwelling unit engaged in the business;
- d) the home occupation shall not change the residential character of the dwelling or create or become a public nuisance particularly in regard to noise, traffic or parking;
- e) there shall not be any use of mechanical equipment that would result in any undue noise, fumes, dust or odour escaping to any adjoining premises;

4.18 Home Occupation

Unless otherwise specifically provided in this by-law, a *home occupation* is a *permitted use* in a *dwelling unit*, provided that it is conducted in accordance with the following regulations:

- a) No more than one employee is *permitted* to engage in the business and working in the *home occupation*;
- b) Notwithstanding subsection a) above, no more than 2 employees are *permitted* to be engaged in the business and working in the *home occupation* where the subject lot is greater than 0.2 hectares in area or is zoned (A1);
- c) a *maximum* of 25% of the *gross floor area* or a *maximum* of 30 m² (323 ft²), whichever is the lesser *floor area*. This limitation *shall* not apply to *guest rooms* and *guest facilities* within a *bed and breakfast dwelling*;
- d) it is carried on exclusively by the inhabitants of the *dwelling unit*;
- e) it is conducted entirely within the main *dwelling*, not in a *garage* or *accessory building*;
- f) only 1 *home occupation* shall be *permitted* on a lot;
- g) there *shall* be no visible indication from the exterior of the *dwelling unit* that a *home occupation* is being carried on except for a *sign* having a *maximum sign* face area of 0.5 m² (5.4 ft²);
- h) there *shall* be no sale of goods other than those produced on the premises;
- i) there *shall* be no external storage of materials, goods or equipment related to the *home occupation*;
- j) there *shall* be no generation of perceptible noise, odour, fumes or dust outside the *dwelling unit*;
- k) The following *home occupations* shall only be *permitted* on a lot that has frontage or an exterior lot line on a *County Road* or a major arterial road:
 - i) a *medical office*;
 - ii) a dog groomer.
- l) The following *uses* are prohibited as a *home occupation*:
 - i) an *adult entertainment* establishment;
 - ii) dating/escort services;
 - iii) contractors yard;
 - iv) tattoo parlour;
 - v) taxi stand, taxi dispatch, taxi establishment;
 - vi) any *use* involving the parking, storage, repair, maintenance and/or towing of motor vehicles, recreational vehicles, commercial trucks or engines;

vii) any *use* requiring ventilation, other than ventilation typically found in a residence;

m) a *bed and breakfast* shall operate in compliance with Subsection 4.5 of this By-law.

4.19 Home Industry

A *home industry* shall only be *permitted* in an *Agricultural Zone*, in conjunction with a *single detached dwelling* in an *accessory building* in accordance with the following provisions:

- a) A *home industry* is an *accessory use* only *permitted* in the 'Agricultural (A1)' *Zone*.
- b) The *home industry* shall have no *outdoor storage* of materials, containers or finished products in the *front* or *side yards*;
- c) One member, at a *minimum*, of the household residence must be employed in the *home industry*. A *maximum* of one employee from outside the household residence may be employed in the *home industry*;
- d) The *home industry* shall not become a public nuisance, particularly in regard to noise, traffic, loading or unloading, or parking;
- e) Not more than one *accessory building* with a *maximum* of 200 sq. m of *gross floor area* may be used for the purpose of the *home industry*;
- f) only 1 *home industry* shall be *permitted* on a *lot*;
- g) No more than three off-street *parking spaces* shall be associated with the *home industry*;
- h) No more than two *vehicles*, including *commercial vehicles*, shall be *permitted* to be associated with the *home industry* and *parked* on the *lot* associated with the *home industry*;
- i) A *home industry* may include, but not be limited to, the following *uses*: welding shop, *farm* implement *repair shop*, small engine *repair shop*, painting business for *farm* implements and things other than motor *vehicles*, *basement* waterproofing, a carpentry shop, a welding or machine or small tool and equipment *repair shop*, a tile drainage contractor, septic tank disposal contractors *facility*, home craft operations such as pottery, woodworking or weaving, furniture upholstery and refinishing, a seed or agricultural products dealer, or any other *use* similar in nature which conforms to the preceding criteria.

4.20 Lake Erie Setback and Frontage – Non-Residential Buildings and Structures

West of the urban centre

No part of any *building* or *structure*, other than a *fence*, hedge or shoreline protective work *shall* hereafter be *erected* in any *zone* or defined area:

- a) within 60 m (197 ft) of the *top of bank* of Lake Erie, measured horizontally along a line perpendicular to a line drawn along the *top of bank* where adequate erosion facilities and shore protection works accounting for 1:100 Year wave run-up levels as designed or approved by a qualified engineer have not been *constructed*;
- b) within 10 m (33 ft) of the shore protection works along Lake Erie, measured horizontally along a line perpendicular to a line drawn along the shore protection works, where adequate erosion facilities and shore protection works accounting for 1:100 Year wave run-up levels as designed or approved by a qualified engineer have been *constructed* and certified by a qualified engineer as built to *design* standards.

East of the urban centre

No part of any *building* or *structure*, other than a *fence*, hedge or shoreline protective work *shall* hereafter be *erected* in any *zone* or defined area:

- a) within 75 m (246 ft) of the *top of bank* of Lake Erie, measured horizontally along a line perpendicular to a line drawn along the *top of bank* where adequate erosion facilities and shore protection works accounting for 1:100 Year wave run-up levels as designed or approved by a qualified engineer have not been *constructed*;
- b) within 15 m (50 ft) of the *top of bank* of Lake Erie, measured horizontally along a line perpendicular to a line drawn along the *top of bank*, where adequate erosion facilities and shore protection works accounting for 1:100 Year wave run-up levels as designed or approved by a qualified engineer have been *constructed* and certified by a qualified engineer as built to *design* standards.

4.21 Lake Erie Setback and Frontage – Residential Buildings and Structures

Notwithstanding any *required setback* in this By-law, a greater *setback shall* apply to the *erection* or reconstruction of a *dwelling* or any *accessory building* or *structure* thereto between two *existing* and immediately adjacent *dwellings* which are less than 76 m (250 ft) apart measured horizontally and parallel to a line drawn along the water's edge of Lake Erie or the top of the bank of a *watercourse*, to the extent that no *person shall erect* any *dwellings* closer to the water's edge or the *top of bank*, as the case *may* be, than the established *building* line.