



The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Planning, Development and Recreation
Division: Planning
Report Number: 2020-313-Planning, Development and Recreation
Prepared By: Mark A. Boileau, General Manager
Meeting Date: June 8, 2020
Subject: Home-Based Businesses – COVID-19

Purpose

To provide Council with information regarding the establishment of home-based businesses during the COVID 19 pandemic, generally covered under the City's Zoning Bylaw Standards for Home Occupations, resulting from a New Business Motion of Council approved May 11, 2020.

Recommendation

1. That Council receive this report; and
2. That Council maintain its current `Home Occupation` standards.

Should Council wish to amend any of the provisions in the Home Occupation standards, it is recommended that examples outlined in this report, including standards found in other municipalities, be reviewed during the Zoning Bylaw Review currently underway, and that required Public Notice be included in the process.

There is no immediate impact resulting from changes to the Home Occupation standards, however the permanent establishment or migration of businesses to residential zones could result in higher commercial vacancy rates, and therefore loss in commercial assessment.

Strategic Priority Implications

The following priorities are relevant to the subject matter:

- Enable a financially sustainable community (Mission)
- Focus on reducing the number of vacant commercial spaces (Economic Development).

Background / Discussion

At the Regular Council Meeting of May 11, 2020, the following New Business Motion was approved:

Now therefore be it resolved that Council request Administration to prepare a report on which By-laws and zoning rules need to be reviewed in order to encourage more people to setup and work from home.

Now therefore be it further resolved that this report be presented to Council at its next Regular Meeting of Council of Monday, June 8, 2020.

The goal of the report would be to give Council a few options on which By-laws, licensing fees and zoning rules can be changed / relaxed in order to allow people trying to establish a home-based business (including retail sales, auto repair, pet grooming, and any other home based business which might be necessary during this pandemic / social distancing era), to operate within the proper rules and By-laws of our City.

Zoning: Home Occupation

Zoning Standards are put in place to protect the land use and predictability of impact in a neighbourhood, and to institute various regulatory/technical standards which serve to protect and preserve the basic planning concepts, guidelines, land use compatibility and character of the varied areas, as set out in the City's Official Plan.

Typically, home occupations are considered as an opportunity for a start-up or incubator of small-scale occupant or resident operated activities in residential areas. Ultimately such businesses should relocate into commercially zoned areas



of the City, if they expand to a larger scale. This serves to protect the viability and character of residential areas and neighbourhoods, while offering some flexibility in regulatory control for such modestly sized operations. Striking a land use compatibility balance between residential development and a home occupation would be challenging in the absence of the following criteria. They are typically applied to activities of a structured nature such as arts and crafts and personal service-based uses (hairdresser, consultant, etc.).

The following are the City's regulations for home occupations:

Cornwall By-law Provisions for Home Occupations:

" Home Occupation" shall mean an occupation carried on entirely within a dwelling unit by the occupant thereof, provided that the following criteria are observed:

- a) The home occupation is clearly secondary to the use of the dwelling unit, as a residence;
- b) The home occupation does not change the character of the dwelling unit;
- c) The home occupation does not become a nuisance by reason of noise, traffic or parking, or affect the amenities of the neighbourhood;
- d) The home occupation does not occupy more than 25% of the total floor area of the dwelling unit;
- e) There is no display or visible indication from the exterior of the unit or building that such use is conducted, therein, however, a sign bearing the name of the resident may be erected on the property, provided no reference is made to the home occupation. The sign must not exceed 6" X 18";
- f) No more than one home occupation is conducted in the dwelling unit;
- g) No person, other than residents of the dwelling shall be employed in the operation of the home occupation.
- h) No stock-in-trade is sold or kept for sale upon the premises unless such items were created by the resident or are very limited to quantity and deemed necessary and ancillary to the use.
- i) A home occupation shall provide on-site parking at the general commercial rate of 1 space per 300 square feet or part thereof of area used or intended for the home occupation use, in addition to the required residential space(s). However, those Home Occupations specified as Home Based Offices, (excluding medical



profession offices) may utilize one (1) tandem parking spot that being, one vehicle parked behind the other, the additional parking spaces being accommodated in the legal front yard. For those Home Occupations specified as home-based service shops, (shall include but not limited to Hair Salons) tandem parking is permitted, however, this parking is not permitted in the required front yard setback. No Home Occupation which, as part of its operation, required more than one Business Vehicle will be permitted in a residential zone. This vehicle must be parked on site and beyond the required property line setback with any personal vehicle in tandem position.

j) Home Occupations are permitted to establish in singles and semi-detached units only. (It should be noted that there are no provisions for accessory building use under this category).

Notwithstanding anything in this Bylaw, the Home Occupation criteria are not intended to prohibit lemonade stands, bake sales, yard sales (maximum 2 per year as per the City of Cornwall; licensing Bylaw No 200-2005) or similar temporary or infrequent activities on one's private property.

History and Review:

The premise of the home occupation has been included in the City's Zoning By-law with its regulations since 1981. In 2015, an issue developed in which a seasonal or temporary small business activity occurred in a residential zone, including sales external from the main dwelling unit, and numerous freestanding signs on site. Planning Staff researched the provisions of the City's "Home Occupation" in relation to the standards of other municipalities (Attachment 1). A summary of the significant differences includes the following:

Prescott:

- Provide list of specific permitted uses (could result in more Zoning Amendments or Minor Variances)
- Allows 2 businesses per dwelling unit
- Allow use in accessory building
- Allow 1 non-resident employee

Kingston:

- Allow 1 non-resident employee

Brockville:

- No additional parking required



South Dundas:

- Provide list of specific permitted uses
- Allow 2 non-resident employees
- No mechanical or electrical equipment

South Stormont:

- Allow 2 non-resident employees
- Parking for employees required, but maximum 2 vehicles

South Glengarry:

- Allow 1 non-resident employee
- Require employee parking
- Specifies `training, breeding, selling, keeping of animals prohibited`

Guelph:

- 1 or more home occupations permitted in a unit
- Allow 1 non-resident employee
- Parking for employee required
- General description of uses (manufacturing, sales, repairs, medical. Does not mention personal services, consulting or general office, etc.)
- No signs permitted

Renfrew:

- Allow 1 non-resident employee
- Extensive list of permitted uses
- Shall not require additional off-street parking
- Shall not generate additional traffic.

Staff reviewed all of the pertinent information, and the following options were outlined to the Planning Advisory Committee:

a) That the Planning Advisory Committee (PAC) recommends to City Council at least one of the Options, as described below, concerning Seasonal / Temporary land use activity under the Zoning Bylaw;

Option 1 - Status Quo - No proposed changes to the existing Home Occupation Standards;

Option 2 - Create a sub-category to be called "Seasonal / Temporary" Home Occupation Classification (see criteria in Attachment 2 of this report); or

Option 3 - Introduce an exemption clause to the Home Occupation criteria, to be listed in the General Section (02-1-8) of the Comprehensive Zoning Bylaw, as



follows:

"Notwithstanding anything else in this Bylaw, the Home Occupation criteria are not intended to prohibit lemonade stands, bake sales, yard sales, or similar temporary and infrequent activities on one's private property"

Generally, the 'Seasonal/Temporary Home Occupation' standards would differ by: allowing the use to be on the premises, not entirely within the dwelling unit, and; for a term of up to 4 months.

The Planning Advisory Committee (and later Council) chose to remain with the status quo option, and to add option 3 regarding the clarification of minor activities such as lemonade stands, bake sales, yard sales, etc. (see By-law 2015-147 Attachment 3). It was felt at that time that each of the conditions presently included in the Home Occupation definition were worthy of maintaining, as a change would have impact on the integrity of residential neighborhoods.

Regarding the request within the Council Motion to specifically allow retail sales, auto repair and pet grooming, staff would comment that these are the types of uses (particularly automotive repair and commercial retail sales) which do not belong in residential neighbourhoods as they prove to be intrusive and bothersome to the neighbourhood from a noise/odour and parking perspective.

Planning will typically also provide the following advice to a homeowner prior to submitting a formalized application. Aside from applicable Zoning standards, staff request that they determine all other additional costs and implications prior to proceeding.

- Live Work Unit permit application from the Building Division (typically a minor renovation permit)
- Review of how establishing the use would impact the current residential assessment (obtain average increase to property assessment)
- Discuss with their insurance provider regarding potential increased costs
- Costs associated with a Committee of Adjustment application, if applicable. Typically, an application is received for front yard parking.
- Costs associated with a driveway expansion, etc.

Other considerations:

As referenced by the Downtown and Le Village BIAs in their respective letters, the establishment of small business in home settings can have an impact on established commercial districts. For instance, we are seeing numerous examples of employment from the home setting in various cities, and its current and expected impacts on office and commercial vacancy rates. This



phenomenon is not one which will be short-lived, as some employers have seen benefits in such arrangements. Clearly there are advantages in cost savings on rent for the business, and there are in fact some businesses which are reporting increased productivity from remote work settings. On the other hand, employees who are working from home have seen benefits, but over time prefer a return to the traditional work setting, with its social and professional interaction.

The review of other municipal standards for home occupations has revealed a few options for Cornwall. For instance: whether the City would allow employees other than residents of the subject dwelling; whether the City would want to list permitted uses; etc. Should Council wish to consider these or any other suggested provisions, a Zoning Amendment with proper public notice would be required. Given that the City is currently completing a Comprehensive Zoning By-law review, it is recommended that these be considered within that process.

Document Title:	Home-Based Businesses - COVID-19 - 2020-313-PDR.docx
Attachments:	<ul style="list-style-type: none"> - Municipal Comparison of Home Occupation By-Law 2015.pdf - Seasonal Temporary Home Occupation Standards.pdf - By-Law 2015-147 Home Occupation Standards.pdf - Chamber Letter on Homebased Business.pdf - DBIA Leter Home Based Business.pdf - Le Village BIA - Home-Based Business COVID-19, May 18, 2020.pdf
Final Approval Date:	Jun 2, 2020

This report and all of its attachments were approved and signed as outlined below:

Maureen Adams - Jun 2, 2020 - 4:54 PM