



PLANNING REPORT 24/07 for the TOWNSHIP OF GUELPH/ERAMOSA

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

MEETING DATE: April 15th, 2024
TO: Committee of the Whole
Township of Guelph Eramosa
FROM: Zach Prince, Senior Planner
SUBJECT: **Proposed Zoning By-law Changes, Home Occupation - Trade**
ATTACHMENTS: 1. Chart with proposed changes

RECOMMENDATION:

That the Township of Guelph/Eramosa receive Planning Report 24/07 regarding Proposed Zoning By-law Changes, Home Occupation - Trade as information.

That the Committee of the Whole direct staff to initiate a Township Initiated Zoning By-law amendment to the Zoning By-law 40/2016 related to Home Occupation – Trade uses as described in Report 24/04, 23/13, and 24/07 and proceed with issuing notice and scheduling a Public Meeting.

Introduction

At the direction of the Committee of the Whole, this report focuses on the rationale for the proposed lot area for the proposed Home Occupation – Trade use in the Agricultural (A) Zone and provides additional information for the Committees consideration. This report is in addition to previously provided reports regarding this topic.

Proposed Lot Area

Planning staff have recommended a minimum lot area of 2 ha (5 ac) as identified in report 24/04. Based on the above noted information, this report provides rationale from Planning staff regarding the recommended lot size of 2.5 ha (5 acres) be proposed.

Staff have comprehensively reviewed the approaches and best practices in the County of Wellington and other nearby or similar municipalities and have proposed similar regulations to what exists elsewhere in the County (ie closely resembles Erin). Land use compatibility is a key concern when placing a use that could have negative off-site impacts (ie noise, traffic, etc) near sensitive uses (ie dwelling). The lot area proposed supports the additional regulations which are consistently applied elsewhere (ie proposed setbacks) which are proposed to reduce the potential for possible impacts and/or complaints. The proposed lot area also assists in avoiding any concerns with properties located within or near clusters of residential developments that are seen throughout the Township. Further, when a new building is proposed the additional lot area allows for more flexibility to locate a building in relation to how a property may function.

This area was selected based on the proposed setbacks to reduce the potential for conflicts between the new use and residential uses. Where the minimum lot area is 5 ac, there is a possibility to meet the proposed setbacks from the lot line and neighbouring dwellings. Where the minimum lot area is less than 5 ac it is less likely to be meet the proposed setbacks.

Below is a summary of municipalities within the County and additional review of the lot composition in the Agricultural zone in the Township.

Surrounding Municipalities

Below is a chart summarizing the requirements of Home Industries and Home Occupation – Tradesperson in the other municipalities within the County.

	Mapleton	Wellington North	Minto	Erin	Centre Wellington	Puslinch
Zones	Agricultural	Agricultural	Agricultural	Agricultural	Agricultural	Agricultural and Rural Residential
Minimum Lot Size	25 ac (Use to occupy 1 ac maximum)	25 ac	25 ac	2.5 ha	1 ac	1 ac
Restricted Building Size	232.25 m ² (2500 ft ²)	232.25 m ² (2500 ft ²)	232.25 m ² (2500 ft ²)	186.0 m ² (2000 ft ²)	Permitted in principal dwelling (max 30% of floor area) Storage of equipment, vehicles, materials permitted in accessory building (max 100m ² (1076 ft ²) floor area)	100 m ² (1076 ft ²)
Setbacks	22.8 m (74.8 ft)	22.8 m (74.8 ft)	22.8 m (74.8 ft)	22 m (72.2 ft)		Principal Building
Setback to Neighbouring Residence	121.9 m (400 ft)	121.9 m (400 ft)	121.9 m (400 ft)	60 (197 ft)		-
Outdoor Storage Permitted	Yes, max 35% of 1 ac	No	No	No	No	-

Lot Composition in the Township

Planning staff reviewed the existing Hamlets compared to the zoning by-law and lot areas using the GIS data available. The numbers below are an estimate and include all lots of the identified size, not necessarily lots capable of containing a dwelling. There are approximately 2,563 lots in the Township in the Agriculture (A) Zone. The Hamlets in the Township are largely zoned Rural Residential (RR) Zone and would not be subject to the proposed provisions. However, there are approximately 10 lots in Ariss and Eden Mills zoned Agricultural. There are also several lots next to hamlets and clusters of residential areas in the Country Residential designation (i.e. lots along Jones Baseline, next to the Hamlet of Eramosa, along Country Road #51, and next to Walkerbrae Trail).

Below is a review of the composition based on lot size:

- Less than 0.4 ha/1 ac lots

In the Agricultural (A) zone there are approximately 191 lots that are less than 1 ac in area of 2,563 total lots in the A Zone. This equates to approximately 7.4%. Lots less than 1 ac would require zoning relief if the minimum lot size was set at 1 ac.

Based on our review these lots tend to be in clusters and adjacent to other residential uses. Based on the recommended setbacks, these lots would also likely require relief from lot line setbacks and setbacks to adjacent dwellings and may not be appropriate locations for the proposed use. A proposed Home Occupation – Trade would not meet the proposed side lot line setback (22 m), frontages for these lots are approximately 25 m.

- 0.4ha/1ac to 0.8ha/2 ac lots

There are a further approximately 171 lots between 1-2 ac in the A zone across the Township. This equates to approximately 6.6%. These have a range of frontages and similarly to lots with a lot area of 0.4 ha (1 ac), the proposed setbacks would not be able to be met in many cases. By increasing the lot size to 0.8 ha (2 ac) there is more possibility for the lots to meet the proposed setbacks. Frontages for lots approximately 2 ac are roughly 50 – 75 m (164 -246 ft). If the minimum lot size were to be set at 0.8 ha (2 ac) approximately 86% of lots in the A Zone would be permitted to have a Home Occupation – Trade.

- 2.5 ha/5 ac lots

By providing a minimum lot area of 2 ha (5 ac) there are approximately 1,033 lots that would be permitted for the proposed use which equates to 40% of the lots in the A zone with the Township.

Options for Council to Consider.

Staff are recommending a conservative approach to introducing a new use that has the potential of creating compatibility concerns between properties and sensitive land uses. Based on our review and assessment of the lot composition in the Township, utilizing a minimum lot size of 2 ha (5 ac) with the proposed setbacks would help reduce potential offsite impacts, while also allowing many lots to benefit from the proposed updates, as of right, if in effect. Should Council wish to reduce the minimum lot area, Council may also want to consider reducing the setbacks to ensure the use can be constructed on these smaller lots. A detailed assessment of reduced setbacks has not been provided as part of this report.

Another option to consider in lieu of reducing the lot size would be to keep the minimum lot area and setbacks as proposed but increase the size of the building size to closer align with the provisions in Minto, Mapleton, Wellington North and Erin.

Next Steps

That Council receive this report for information and direct staff to include the recommendations in the public meeting to reflect the above topic.

Respectfully submitted by:



Zach Prince RPP MCIP
Senior Planner

Reviewed by Township of Guelph Eramosa
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Ian Roger, P.Eng. CAO

Attachment 1: Chart with proposed changes

Guelph/Eramosa Proposed Amendments
April 15th, 2024

#	Zoning By-Law 40/2016 Section	ZBA Section	Existing Provision/Section	Proposed Provision/Section	Recommendation
1	Section 3 Definitions	Definitions		<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. The trade, artisan craft, or service must be conducted by a person that resides in the main dwelling 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, transport establishment or automobile body/repair shop as defined herein.</i>	Add definition for new use
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> <p>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;</p> <p>2. Only two employees in addition to the</p>	<p><i>Revise 4.12 Home Occupation</i> Where permitted, home occupations are subject to the following regulations:</p> <p>4.12.1 General Provisions</p> <p>1. Is clearly secondary to the main residential use and does not change the residential character of the dwelling unit and does create or become a public nuisance in particular regarding noise, traffic, storage or parking;</p>	<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</p>

#	Zoning By-Law 40/2016 Section	ZBA Section	Existing provision/section/reason	Proposed provision/section	Recommendation
			<p>permanent residents of the dwelling unit may be employed;</p> <p>3. No external storage, external display of goods or materials, or accessory buildings may be used in relation to a home occupation;</p> <p>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.</p> <p>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;</p> <p>6. Up to 25% of the gross floor area of the dwelling unit may be used for home 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>2. Only two (2) employees in addition to the permanent residents of the primary dwelling unit may be employed;</p> <p>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 dwelling unit;</p> <p>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;</p> <p>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 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</p>	<p>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>

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				<p>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 2 ha.</p> <p>3. No building or structure used for a Home Occupation-Trade shall be located within 22.0 m of a lot line and 60.0 m of a dwelling unit on a separate lot.</p> <p>4. Only one Home Occupation – Trade or Farm Home Industry is permitted on a lot in the Agricultural Zone.</p> <p>5. Shall comply with Section 4.12.1 (General Provisions)</p> <p>6. 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>	

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				7. Servicing of the structure shall be provided to the satisfaction of the Township	
3	Section 6 Agricultural (A) Zone	6.1 Permitted Uses		<i>Add Home Occupation - Trade</i> as a permitted use in the Agricultural Zone	Permit in A zone only