

EXCERPTS FROM THE CONSOLIDATED ZONING BY-LAW [1999] OF THE CORPORATION OF THE CITY OF WELLAND CONCERNING HOME OCCUPATIONS

THIS ALSO APPLIES TO SECTION 6.7 - ZONING BY-LAW 1538 (CROWLAND)

Home Occupations Defined

Home Occupation	2.72	An occupation or business, located within a <i>DWELLING UNIT</i> , save and except a <i>DWELLING UNIT</i> located within an <i>APARTMENT BUILDING</i> , conducted for gain by any person maintaining primary residence within the <i>DWELLING UNIT</i> .
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Development Standards for Home Occupations

Section 6.7 of The Consolidated Zoning By-law [1999] of the Corporation of the City of Welland establishes the following regulations with respect to Home Occupations:

6.7 **HOME OCCUPATION**

HOME OCCUPATIONS may be permitted in accordance with the following provisions:

- (a) the *HOME OCCUPATION* shall be clearly secondary to the main residential *USE* and shall not change the character of the *DWELLING UNIT*;
- (b) the *HOME OCCUPATION* shall be limited to one per *DWELLING UNIT* and shall utilize the lesser of 25 percent of the *GROSS FLOOR AREA* of the *DWELLING UNIT* or 28 square metres and shall be entirely contained within the main *BUILDING*;
- (c) the *HOME OCCUPATION* may only employ a *PERSON* or *PERSONS* who maintain primary residence within the *DWELLING UNIT*;
- (d) the *HOME OCCUPATION* shall not create any nuisance or result in any intrusion to the residential character of the neighbourhood through increased traffic, outdoor storage, noise, lighting, signage, parking, odour or refuse and shall not impact upon neighbourhood amenities;
- (e) the retail sale, or rental of any goods or wares, not produced on the premises, unless incidental to the *HOME OCCUPATION*, shall not be permitted as a primary *HOME OCCUPATION*. **(By-law 2003-137)**
- (f) no more than two (2) clients or customers shall be present in the *DWELLING UNIT* at any time in conjunction with the *HOME OCCUPATION*;
- (g) the *HOME OCCUPATION* shall not involve the *USE* of on-site signage which will draw attention to the fact that the *DWELLING UNIT* is *USED* for such purpose;
- (h) the following *USES* shall not be considered as *HOME OCCUPATIONS*:

- (i) *VETERINARY CLINIC*
 - (ii) *CLINIC*
 - (iii) dry cleaning establishment
 - (iv) *GREENHOUSE*
 - (v) *MOTOR VEHICLE REPAIR SHOP, CLASS A AND CLASS B*
 - (vi) multiple chair hairdresser or barber
 - (vii) pet shop
 - (viii) *ARCADE*
 - (ix) *SECOND HAND SHOP*
 - (x) *SERVICE OR REPAIR SHOP, CLASS A AND CLASS B*
 - (xi) *FUNERAL HOME;*
 - (xii) *BODY-RUB PARLOUR; (By-law 2000-59)*
- (i) a *HOME OCCUPATION* shall not be permitted in *APARTMENT BUILDING UNITS*.
 - (j) private home *DAY CARE FACILITIES* and baby-sitting services are permitted as *HOME OCCUPATIONS* and are not subject to the provisions of Section 6.7 (b) and 6.7 (f).

Home Occupations Not Permitted In Accessory Buildings

As noted above, "Home Occupation" is permitted only within the main building which is further specified in Section 5.4 of The Consolidated Zoning By-law [1999] of the Corporation of the City of Welland.

5.4 ACCESSORY USES

(a) *BUILDINGS OR STRUCTURES*

ACCESSORY BUILDINGS or *STRUCTURES* used for any purpose that is incidental or secondary to that of the main *BUILDING* on the same *LOT*, shall be permitted and without limiting the foregoing such *USE* may include a private garage, greenhouse or swimming pool, if not used for commercial purposes. *ACCESSORY BUILDINGS* or *STRUCTURES* shall not be used for a *HOME OCCUPATION*.

EXPLANATION OF HOME OCCUPATION REGULATIONS

REGULATION/STANDARD	EXPLANATION
<p>Definition: An occupation or business, located within a <i>DWELLING UNIT</i>, save and except a <i>DWELLING UNIT</i> located within an <i>APARTMENT BUILDING</i>, conducted for gain by any person maintaining primary residence within the <i>DWELLING UNIT</i>.</p>	<p>The definition explains what constitutes a "<i>HOME OCCUPATION</i>", that is, the business must be carried on within the <i>DWELLING</i> by a person or persons living in the <i>DWELLING</i>.</p>
<p>(a) the <i>HOME OCCUPATION</i> shall be clearly secondary to the main residential <i>USE</i> and shall not change the character of the <i>DWELLING UNIT</i>;</p>	<p>The <i>HOME OCCUPATION</i> must not be the primary use of the <i>DWELLING</i> nor change the residential character of the <i>DWELLING</i>.</p>
<p>(b) the <i>HOME OCCUPATION</i> shall be limited to one per <i>DWELLING UNIT</i> and shall utilize the lesser of 25 percent of the <i>GROSS FLOOR AREA</i> of the <i>DWELLING UNIT</i> or 28 square metres and shall be entirely contained within the main <i>BUILDING</i>;</p>	<p>The <u>maximum</u> amount of space a <i>HOME OCCUPATION</i> can use inside a <i>DWELLING</i> is 25% of floor area of the <i>DWELLING</i> to a maximum size of 28 square metres or 301 square feet. Further, the <i>HOME OCCUPATION</i> must be carried on <u>entirely</u> inside a <i>DWELLING</i>. Only one (1) <i>HOME OCCUPATION</i> per <i>DWELLING</i> is permitted.</p> <p>Once a <i>HOME OCCUPATION</i> is successful enough to require more space, it is expected that it should be relocated to a non-residential area.</p>
<p>(c) the <i>HOME OCCUPATION</i> may only employ a <i>PERSON</i> or <i>PERSONS</i> who maintain primary residence within the <i>DWELLING UNIT</i>;</p>	<p>All persons working for the <i>HOME OCCUPATION</i> <u>must</u> live at the <i>DWELLING</i>.</p>
<p>(d) the <i>HOME OCCUPATION</i> shall not create any nuisance or result in any intrusion to the residential character of the neighbourhood through increased traffic, outdoor storage, noise, lighting, signage, parking, odour or refuse and shall not impact upon neighbourhood amenities;</p>	<p>The <i>HOME OCCUPATION</i> must be unobtrusive, must not change the character of the neighbourhood nor disrupt the neighbourhood in which it is located.</p>
<p>(e) the retail sale, or rental of any goods or wares, not produced on the premises, unless incidental to the <i>HOME OCCUPATION</i>, shall not be permitted as a primary <i>HOME OCCUPATION</i>. (By-law 2003-137);</p>	<p>The resale or rental of goods or merchandise shall not be the main business.</p>
<p>(f) no more than two (2) clients or customers shall be present in the <i>DWELLING UNIT</i> at any time in conjunction with the <i>HOME OCCUPATION</i>;</p>	<p>The <i>HOME OCCUPATION</i> can have only two (2) customers at any one time. This limit does not extend to private home day care facilities or baby-sitters.</p>

<p>(g) the <i>HOME OCCUPATION</i> shall not involve the <i>USE</i> of on-site signage which will draw attention to the fact that the <i>DWELLING UNIT</i> is used for such purpose;</p>	<p>No signs are permitted at the <i>HOME OCCUPATION</i>.</p>
<p>(h) the following uses shall not be considered as <i>HOME OCCUPATIONS</i>:</p> <ul style="list-style-type: none"> a) <i>VETERINARY CLINIC</i> b) <i>CLINIC</i> c) dry cleaning establishment d) <i>GREENHOUSE</i> e) <i>MOTOR VEHICLE REPAIR SHOP, CLASS A AND CLASS B</i> f) multiple chair hairdresser or barber g) pet shop h) <i>ARCADE</i> i) <i>SECOND HAND SHOP</i> j) <i>SERVICE OR REPAIR SHOP, CLASS A AND CLASS B</i> k) <i>FUNERAL HOME;</i> l) <i>BODY-RUB PARLOUR; (By-law 2000-59)</i> 	<p>The uses listed are not considered to be appropriate uses to be classified as <i>HOME OCCUPATIONS</i> and are therefore specifically prohibited as <i>HOME OCCUPATIONS</i>.</p>
<p>(i) a <i>HOME OCCUPATION</i> shall not be permitted in <i>APARTMENT BUILDING UNITS</i>;</p>	<p><i>HOME OCCUPATIONS</i> are not allowed in <i>APARTMENT BUILDING UNITS</i>.</p>
<p>(j) a private home <i>DAY CARE FACILITIES</i> and baby-sitting services are permitted as <i>HOME OCCUPATIONS</i> and are not subject to the provisions of Section 6.7 (b) and 6.7 (f);</p>	<p>Home day care or baby-sitting services must comply with all of the above except Section 6.7 (b) and 6.7 (f) of The Consolidated Zoning By-law [1999]</p> <p>NOTE: The Ministry of Social Services does have Regulations affecting supervision for more than five (5) children which may be contrary to the provisions of <i>HOME OCCUPATIONS</i>.</p>