

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON  
MUNICIPALITÉ RÉGIONALE D'OTTAWA-CARLETON

REPORT  
RAPPORT

Our File/N/Réf. (23) 14-97.0034  
Your File/V/Réf.

DATE 25 May 1998

TO/DEST. Co-ordinator  
Planning and Environment Committee

FROM/EXP. Planning and Development Approvals Commissioner

SUBJECT/OBJET **LOCAL OFFICIAL PLAN AMENDMENT 10  
CITY OF NEPEAN**

### **DEPARTMENTAL RECOMMENDATION**

**That the Planning and Environment Committee recommend that Council approve Amendment 10 to the City of Nepean's Official Plan as modified on the Approval Page attached as Annex 1 and that staff be directed to issue the required "notice of decision".**

### **BACKGROUND**

The City of Nepean adopted local Official Plan Amendment (LOPA) 10 on 9 Oct. 97 and subsequently submitted same to the Region for approval under Section 17 of the Planning Act, 1990 on 2 Dec. 97.

Through the preparation of Nepean's LOPA 10 a number of concerns regarding permitting home based businesses in existing residential areas were raised by various residents. The majority of these concerns were dealt with by Nepean staff prior to Nepean Council's adoption of LOPA 10. Regrettably, a few residents had outstanding concerns that manifested themselves in objections being filed with the Region. Pursuant to Regional By-law 53 of 1995 (i.e., the staff delegation by-law), this report has been prepared to allow Planning and Environment Committee and Council the opportunity to render a decision on this disputed LOPA.

### **THE AMENDMENT**

The purpose of the City of Nepean's local Official Plan Amendment (LOPA) 10 is to incorporate policies in Nepean's Official Plan to encourage and accommodate home based businesses in all residential areas in the City (see Annex 2 for extract of Nepean's LOPA 10). Similar to other home based business LOPAs approved in other municipalities in Ottawa-Carleton (e.g., Kanata and Cumberland) and across Ontario, Nepean's LOPA 10 seeks to strike a balance between

developing a policy framework to permit home based business while ensuring that adequate measures are in place to preserve the character of residential areas.

As Nepean's LOPA 10 was adopted on 9 Oct. 97, it is being processed under the Bill 20 provisions of the Planning Act, 1990.

### EXTERNAL AGENCY COMMENTS

Nepean's LOPA 10 was circulated by Nepean staff to a number of agencies, utilities, and community groups. No substantive comments were received from any of the circulated agencies. However, this circulation did identify several issues (e.g., traffic and private servicing) which Nepean Planning staff attempted to address. While most issues were resolved through Nepean Planning staff's efforts prior to the adoption of Nepean's LOPA 10, there were a few issues which were not.

### OBJECTIONS

#### Milan Stolarik

In a letter dated 27 Oct. 98, Milan Stolarik noted that he objects to some of the home occupations permitted by Nepean's LOPA 10 (e.g., hairdressers, barbers, masseurs, etc). Mr. Stolarik's concerns relate to home based businesses creating traffic, parking, noise, safety and pollution problems through increased traffic in residential neighbourhoods. Mr. Stolarik voiced his concerns at the formal public meeting to consider Nepean's LOPA 10.

Regional and Nepean staff met with Mr. Stolarik on 17 Feb. 98 to explain the circumstances surrounding Nepean's LOPA 10 and how the array of problems associated with home based businesses will not result in the problems Mr. Stolarik outlined. In addition, Regional staff pointed out what his options are if he is still dissatisfied with a Regional staff recommendation to approve it (i.e., an Ontario Municipal Board appeal). As a result of this discussion, Mr. Stolarik withdrew his objection verbally on 6 Mar. 98.

#### David Morgan/Robert Vogrig/David Nitchke

On 17 Feb. 98, Regional staff received a fax from David Morgan of Merivale Gardens outlining his objection to Nepean's LOPA 10. On 14 Apr. 98, Regional staff received e-mails from Robert Vogrig and David Nitchke also of Merivale Gardens, spelling out their difficulties with Nepean's LOPA 10. The reasons for their objections are similar and accordingly are summarised as follows:

1. Merivale Gardens is not designed to accommodate higher traffic volumes or increased parking demands - the local streets do not have sidewalks, curbs or street lighting which could result in dangerous situations if traffic volume were to increase;

2. by increasing the volume of traffic through Merivale Gardens decreases in safety and property value as well as increases in accidents, garbage and crime will result;
3. there is no storm sewer system designed to handle the toxic substances deposited by the increased traffic;
4. the hours of operation of home based businesses will interfere with the enjoyment of residential properties elsewhere in the community;
5. signage associated with home based businesses will detract from the quality of streetscape;
6. the houses in Merivale Gardens are on private wells and septic systems and not designed to handle the increased demands of home-based businesses;
7. there are an insufficient number of inspectors to routinely inspect home based businesses; and
8. permitting home based businesses will encourage those individuals who currently run or own a business outside the home to do more work at home.

#### STAFF COMMENT

While Regional staff attempted to resolve the objections of Messrs. Morgan, Vogrig and Nitchke, it became clear that some of these objections were not resolvable.

In terms of the specific objections, Regional staff note the following:

- By virtue of their small scale and ancillary function to the main residential use (e.g., professional, administrative, sales and marketing services, tailors, barbers, hairdressers, registered massage therapists, estheticians, and arts/crafts instruction, etc.), the introduction of home based businesses into residential areas typically result in negligible increases in traffic volume, street parking, crime or street garbage and no tangible decreases in property value.
- While it is true that Merivale Gardens and other privately serviced residential areas in Nepean do not have storm sewers, there is no concrete evidence offered by any agency with a mandate in this area, to substantiate the claim that home based businesses in these areas will threaten the quality of groundwater.
- Nepean has the authority to license home based businesses to ensure compliance with Nepean's various by-laws (e.g., hours of operation, noise, parking, etc.).

Further, Nepean's Zoning By-laws 39-81 and 73-92 have been amended to prohibit any uses that are likely to adversely affect adjacent properties.

- Signage and other external markings that indicate a home based business is operating on the premises are prohibited by Nepean's Zoning By-laws 39-81 and 73-92 as amended.
- In an attempt to constructively address the concerns of Messrs. Morgan, Vogrig and Nitchke regarding the ability of the private services to accommodate the demands of home based businesses, Regional staff have proposed a modification to Nepean's LOPA 10 to require that any change in use of a residential dwelling to accommodate a home based business that will increase the load on the private well or sanitary system be approved by the Part VIII Director (i.e., the Rideau Valley Conservation Authority) and the City of Nepean.
- Nepean's inspection staff positions are created/maintained in response to anticipated need and target service standards. The inspection staff complement, among other matters, is reviewed annually through Nepean's operating budget deliberations, a process that involves public input.
- Regional staff are not aware of any evidence supporting the claim that by accommodating home based business in residential areas individuals who presently run or own businesses outside their homes will be encouraged to do more work at home.

Regional staff are satisfied that Nepean has crafted LOPA 10 in a fashion that addresses all reasonable concerns related to accommodating home based businesses. Indeed, with the exception of the objections of Messrs. Morgan, Vogrig and Nitchke, Nepean appears to have struck a balance between creating a practical policy framework while protecting the character and infrastructure of existing residential areas.

Notwithstanding that Nepean's LOPA 10 conforms with the policies of both the 1988 and the 1997 Regional Official Plans, Regional staff recommend the following modification to clarify that where home based business will result in increased demand on private wells or private sanitary systems the appropriate approvals from the Part VIII Director under the Environmental Protection Act and the City of Nepean must be sought. Nepean staff have reviewed and concur with the modification proposed.

Modification No. 1

PART B, THE AMENDMENT, SECTION 2.0, SPECIFIC AMENDMENTS, Subsection 2.2, The Community be modified by the addition of the following bullet after reference to “the City’s Licensing By-law”:

- “in accordance with Section 7.0 (iii) of the Nepean Official Plan, with regard to the use of private wells and waste disposal systems under the Environmental Protection Act, approval of the Part VIII Director and the City of Nepean, will be required for any use that increases the load on private wells and septic systems.”

Comment

Modification No. 1 is proposed to allay the concerns of the residents in communities on private individual services that home based business will not be allowed where they threaten the proper functioning of existing wells or septic systems. The adequacy of such private services will be determined by the Part VIII Director under the Environmental Protection Act and the City of Nepean.

CONSULTATION

Public meetings required by Section 17(15) of the Planning Act, 1990, were held at Nepean’s City Hall on 1 Apr. 97 and 7 Oct. 97. Various members of the public and the development community spoke in favour and in opposition to Nepean’s LOPA 10. Issues raised included degradation of the groundwater in those existing areas that are privately serviced (e.g., Merivale Gardens, etc.) and the increased traffic through residential areas. In addition to these public meetings, Nepean staff held an open house and attended various other meetings with community associations to solicit their input on how best to accommodate home based businesses.

Messrs. Morgan, Vogrig and Nitchke have been informed of the date and time that Planning and Environment Committee will deal with Nepean’s LOPA 10.

FINANCIAL IMPLICATIONS

The approval of Nepean’s LOPA 10 will promote economic development in Nepean through the introduction of permissive policies for home based businesses in all residential areas.

*Approved by*  
*N. Tunnacliffe, MCIP, RPP*

**APPROVAL PAGE  
AMENDMENT NO. 10 TO THE OFFICIAL PLAN  
OF THE CITY OF NEPEAN**

I hereby certify that Amendment No. 10 to the Official Plan of the City of Nepean, which has been adopted by the Council of the City of Nepean, was approved by the Council of the Regional Municipality of Ottawa-Carleton on \_\_\_\_\_ 1998, under Sections 17 and 21 of the Planning Act, 1990, except:

A. the following which was modified under Section 17(34) of the Planning Act, 1990:

Modification No. 1

PART B, THE AMENDMENT, SECTION 2.0, SPECIFIC AMENDMENTS, Subsection 2.2, The Community is modified by the addition of the following bullet after reference to “the City’s Licensing By-law”:

- “in accordance with Section 7.0 (iii) of the Nepean Official Plan, with regard to the use of private wells and waste disposal systems under the Environmental Protection Act, approval of the Part VIII Director and the City of Nepean, will be required for any use that increases the load on private wells and septic systems.”

Dated this \_\_\_\_\_ day of June, 1998.

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Deputy Clerk, Regional Municipality of Ottawa-Carleton

## AMENDMENT NO. 10 TO THE NEPEAN OFFICIAL PLAN

### A. PREAMBLE

The amendment consists of text only and is general in application.

#### 1.0 PURPOSE

The purpose of this amendment is to introduce policies to the Nepean Official Plan which encourage the establishment and operation of HOME OCCUPATIONS in all residential areas within the City. HOME OCCUPATIONS are defined in the indemnity zoning by-laws.

#### 2.0 LOCATION

The policies contained in this amendment are general in application and therefore no amendment to the Schedules of the Official Plan are required.

#### 3.0 BASIS

##### 3.1 Context

Recent and numerous studies conducted by Federal, Provincial, Regional and Local Government, as well as by private sector interests, have all pointed to the emerging role of HOME OCCUPATIONS as an important part of both our local economies and communities.

Increasingly, municipalities are becoming aware of the need to clarify policies which both promote and regulate HOME OCCUPATIONS. Official plan policies are required which explicitly recognize, and state the importance of HOME OCCUPATIONS in local economic development and in community planning. At the same time, appropriate sign and zoning by-law regulations must be in place to ensure that HOME OCCUPATIONS are conducted in a manner which does not adversely affect the residential character of neighbourhoods.

##### 3.2 Public Consultation

After review of Federal, Provincial and Regional studies on Home Based Businesses, an open house was held in Nepean in November 1995. The purpose of the open house was to secure input from the broader public with respect to HOME OCCUPATIONS. Specifically, feedback was sought on:

- general perceptions/attitudes or concerns re: HOME OCCUPATIONS;
- adequacy/relevance of existing regulations; and
- suggested policy/regulatory directions re: promoting/regulating HOME OCCUPATIONS.

An anonymous comment sheet was made available to all workshop participants and was subsequently distributed to approximately 300 interested individuals. The comments received were utilized in preparing the proposed Official Plan amendment and in amending the existing zoning and sign by-law provisions re: HOME OCCUPATIONS. Draft Official Plan Amendment, and zoning by-law amendments were also widely circulated - the comments have been used to refine proposed policies.

## **B. THE AMENDMENT**

### **1.0 INTRODUCTION**

All of this component (Part B), consisting of the following text, constitutes Amendment No. 10 to the Official Plan of the City of Nepean (hereinafter referred to as the Nepean Official Plan).

### **2.0 SPECIFIC AMENDMENTS**

The following changes are hereby made to the Nepean Official Plan.

Section 1:4:a General Principles - Residential Development is amended by adding the following text immediately after the contents thereof:

"viii) It is the Council's policy to encourage the establishment of HOME OCCUPATIONS in all residential neighbourhoods. Policies and regulations will be developed that are sensitive to the needs of those operating HOME OCCUPATIONS which at the same time ensure that the residential character of neighbourhoods is not compromised."

Subsection 2.2 The Community is amended by adding the following text immediately after the contents thereof:

"vi) HOME OCCUPATIONS Home Occupations are an important part of residential neighbourhoods and communities.

Home Occupations provide a valuable source of employment, promote local economic development, and help in achieving a balance of housing to jobs throughout the City. Home Occupations shall be encouraged in all residential areas and shall be subject to the provisions of the implementing zoning by-laws.



Home Occupations shall be:

- integrated with, but clearly secondary, incidental and subordinate to the residential use of the premises in which it is located;
- conducted entirely within the residence so as not to be visible from adjacent properties;
- limited to such uses that are compatible with adjacent residential uses;
- conducted principally by a member of the household/premises at which it is situated; and
- conducted only in accordance with the provisions of the implementing zoning by-laws and other applicable regulations."
- in certain cases, subject to the City's Licensing By-law."

MODIFICATION

NO. 1  
UNDER SECTION 17 (34) OF  
THE PLANNING ACT.