



Report to Council

From the Office of Councillor Steve Milani

Date: October 21, 2020
Subject: Home-Based Businesses

Purpose

For Council to consider amending relevant bylaws to allow a home-based business and legal suite to co-exist in the same single-family RS1 zoned dwelling and to permit artisans to sell their wares from a home-based business, reinforcing the City's moniker as 'City of the Arts'.

Recommendation

THAT staff be directed to prepare amendments to relevant bylaws to allow artisans to sell their wares from home under Accessory Home Occupation Use Type I as recommended in the report dated October 21, 2020 from the Office of Councillor Steve Milani regarding Home-Based Businesses;

AND THAT staff be directed to prepare amendments to relevant bylaws to allow a legal suite and an Accessory Home Occupation Use Type I (A) or Type II (B) to coexist on properties zoned for single-family homes where sufficient space exists.

Background

As more people choose to work from home in an attempt to slow the spread of COVID-19 while at the same time reducing overhead, this report attempts to facilitate that by allowing a Type 1 (A) home-based business and a legal suite to coexist in the same dwelling where sufficient space exists. It also provides local artists with the option to sell their wares from home.

Discussion

On Tuesday, March 17, 2020, the British Columbia government declared a provincial state of emergency to support the province-wide response to the COVID-19 pandemic. One of the most effective ways to slow the spread of the disease is through social/physical distancing, resulting in many people now choosing to work from home. The pandemic has also caused many businesses to experience a drop in sales, resulting in some unable to pay their rent, leaving them to consider relocating their small business to their place of residence.

Since RS1 is the most prevalent zoning for single-family homes, it will be used as an example. Currently, an RS1 zoned lot measuring 66 x 132 feet with an area of 8712 square feet can

accommodate one primary residence, one legal suite, one Type II (B) accessory home-occupation, and one carriage house. However, if the accessory home-occupation use is classified as Type 1 (A), a legal suite is not permitted on the same property. This same 8712 square foot lot, once subdivided into two RS1-S lots, however, can accommodate two primary residences, two legal suites, two Type II (B) accessory home-occupations and two carriage houses. Alternatively, it can accommodate two primary residences, one legal suite, one Type 1 (A) accessory home-occupation and two carriage houses, all on the same 8712 square foot space.

For those living on RS1 zoned properties with businesses that fall under the Type II (B) category, this does not pose a problem. However, those who fall under the Type 1 (A) category and reside in an RS1 zoned house which also contains a legal suite, this presents a challenge because current bylaws do not allow a legal suite and Type 1 (A) Home Occupation to coexist. The conditions of Type 1 (A) accessory home-occupation use are further limiting as they do not currently allow the sale of goods. As 'City of the Arts' it makes sense that local artisans be permitted to 'legally' sell their creations from their home-based studios. Technically, any artists selling their wares during the annual 'Port Moody Art Walk - The Shuffle' would be in breach of current City bylaws. In the neighbouring City of Coquitlam, artisans are permitted to sell their creations from their registered home-based business. In the neighbouring City of Coquitlam, artisans are permitted to sell their creations from their registered home-based business. Their Accessory Home Occupation Bylaw states, "An accessory home occupation use must be validly licensed and: 1. must not involve the retail sale and delivery of goods on the premises unless the goods are produced on the premises;"

The City of Port Moody's current Zoning Bylaw #2937 states the following on [page 52](#).¹

8.4 Single Detached Residential (RS1)

8.4.1 Intent

To accommodate Single Detached Residential development and Detached Accessory Dwelling Units on standard urban Lots.

8.4.2 Permitted Use

RS1 Zone

a. Principal Use

i. Single Detached Residential

b. Secondary Use

i. One of the following:

- Bed and Breakfast
- Boarding
- Child Care
- Community Care
- Home Occupation – Type B
- Secondary Suite

¹ <https://www.portmoody.ca/en/services/edocs.ashx?docnumber=461917>

- ii. Detached Accessory Dwelling Unit (see section 5.5)
- iii. Home Occupation – Type A
- iv. Supportive Recovery (see section 5.2.9)

The following descriptions of Port Moody Home-Based Business Requirements listed below can also be found on the City’s website by following this [link](#).²

Accessory home occupation use Type I (A)

We permit accessory home occupation use Type I in single and two-family zones only.

Type I use:

- shall be completely enclosed within a dwelling unit, and shall not alter the residential character of the area;
- shall not involve the sale of goods or the outdoor storage of material;
- shall occupy less than 20 percent of the gross floor area of the principal building and shall not exceed 46 square metres (495.2 sq. ft) in area;
- except for one unilluminated name plate, not to exceed 0.09 square metres (0.968 sq ft) in area, shall not be evident from the exterior of the building;
- shall not discharge or emit odorous, toxic or noxious matter or vapours, heat, glare, radiation, electrical interference or noise;
- shall be conducted by at least one resident of the residential use to which it is accessory, and a total of not more than 2 persons shall be employed in such use; and
- shall involve no alterations to the building other than those associated with the residential use.

Accessory home occupation use Type II (B)

We allow accessory home occupation use Type II in multi-residential zones.

Type II use must meet the following requirements:

- the use of the premises for an accessory home occupation shall be confined to the incidental use of a telephone and records pertaining directly to that business;
- no goods are to be displayed, stored or sold on the premises;
- no alterations are to be made which change the character of the dwelling;
- no signs are to be displayed on the premises;
- the storage of vehicles or equipment associated with an accessory home occupation is not permitted on or near the lot; and
- in the case of rental premises, the business licence applicant will be required to obtain the permission of the owner of the premises before a business licence under this Section can be issued.

It is recommended that the bullet points for Accessory home occupation use Type I (A) be updated as follows:

² <https://www.portmoody.ca/en/business-and-development/business-licences-forms-and-permits.aspx#Accessory-home-occupation-use-Type-I>

We permit accessory home occupation use Type I in single and two-family zones only.

Type I use:

- shall be completely enclosed within a dwelling unit, and shall not alter the residential character of the area;
- shall not involve the outdoor display or storage of goods and materials;
- shall occupy less than 20 percent of the gross floor area of the principal building and shall not exceed 46 square metres (495.2 sq. ft) in area;
- shall not discharge or emit odorous, toxic or noxious matter or vapours, heat, glare, radiation, electrical interference or noise;
- shall be conducted by at least one resident of the residential use to which it is accessory, and a total of not more than 2 persons shall be employed in such use;
- must not detract in any way from the residential character of the exterior of the building nor indicate in any way from the exterior that the premises are being so used, except for one non-illuminated sign (0.2 square metres maximum) and one non-illuminated door-plate (0.05 square metres);
- must not involve the retail sale and delivery of goods on the premises unless the goods are produced on the premises.

Conclusion

More people than ever are now working from home due to COVID-19, with more to follow. According to Statistics Canada, business closures more than doubled at the initial height of the pandemic this past April ([Statistics Canada Business Closures April 2020³](#)). With many people now experiencing a loss of income, paying their mortgage is hard enough, let alone paying rent for a commercial space. This is forcing them to think outside of the box when it comes to their livelihood. While some people may simply require a desk and a phone to do their work, others may be selling their wares or providing a service which requires customers to access their home. If space allows for it, permitting a legal suite and Home Occupation (A or B) to coexist on a single-family residential zoned property in this day and age just makes sense.

Other Option

THAT the report dated October 21, 2020 from Councillor Steve Milani regarding Home-Based Businesses be received for information.

Financial Implications

Staff time would be required to prepare related bylaw amendments.

Communications and Civic Engagement Initiatives

There are no engagement initiatives associated with this report.

Council Strategic Plan Objectives

The recommendation in this report aligns with Council's Strategic Priority of Economic Prosperity. "Foster an environment where businesses can thrive..." "Be proactive in identifying and responding to emerging industries and recognizing challenges to existing industry."

³ <https://www.bnnbloomberg.ca/business-closures-doubled-in-canada-during-height-of-pandemic-1.1475814>