

**TO:** CITY MANAGER 1996 May 7

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT:** HOME OCCUPATION USES IN MULTI-FAMILY RESIDENTIAL ZONES AND CERTAIN COMMERCIAL AND INSTITUTIONAL ZONES

**PURPOSE:** To propose amendments to the Burnaby Zoning Bylaw to permit home occupation uses in the RM4, RM5, RM6, RM7, C3, C8, P5 Districts and to modify the definition and supplementary regulations.

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**RECOMMENDATIONS:**

1. **THAT** the City Solicitor be authorized to prepare a bylaw amending the Burnaby Zoning Bylaw to reflect the modifications and clarifications described in this report.

**R E P O R T**

**1.0 BACKGROUND INFORMATION**

The Planning Department received a letter dated 1995 December 13 expressing a resident's desire to start an import/export business in his home in a high rise building in Burnaby. Over the years, the Licence Office has received a number of similar inquiries from residents of high rise apartment buildings. Currently, Burnaby's Zoning Bylaw does not permit home occupation uses in the higher density multiple family residential districts.

After due consideration, it was determined that there was merit in reviewing this type of business and where it is permitted. Staff forwarded a report to Council on 1996 January 17 describing how such a review would proceed. The review has now been concluded and an amendment to the Zoning Bylaw is proposed that will permit home occupation uses in more zoning districts.

**2.0 EXISTING ZONING REGULATIONS**

"Home Occupation" is currently defined in the Burnaby Zoning Bylaw as follows:

**"HOME OCCUPATION"** means an occupation or profession which is clearly incidental to the use of a dwelling unit for residential purposes, or to the residential use of a lot occupied by a dwelling and includes:

- (1) the office of an accountant, architect, clergyman, dentist, engineer, lawyer, physician or other professional person;
- (2) the office or studio of an artist, chiropractor, dressmaker, music teacher, musician, seamstress, writer, or of persons engaged in home crafts or hobbies;
- (3) the keeping of not more than 2 boarders or lodgers or not more than 4 foster children in each dwelling unit;
- (4) the operation of a kindergarten or day nursery for not more than five preschool children and two school age children, or the operation of a family day care centre licensed under the Community Care Facility Act.

A separate text amendment is currently in progress (Bylaw 10304) which will, if adopted by Council, revise subsection (4) of the above definition to read: "the operation of a family day care centre". This amendment is intended to replace outdated terminology concerning child care facilities.

Section 6.8 of the Supplementary Regulations outlines a number of conditions that apply to home occupation uses (see attached Appendix 1). These conditions are aimed at ensuring such uses do not have a negative impact on the primary residential nature of the district in which they are located. Structural alterations, noise, signage, external storage and employees are among the aspects that are regulated.

Home occupation uses are currently permitted in the R1, R2, R3, R4, R5, R6, R8, R9, R10, R11 and R12 Residential Districts. The only Multiple Family Residential Districts which permit home occupation uses are RM1, RM2 and RM3. In essence, home occupation uses are restricted to buildings 3 stories in height or less. Home occupations are also permitted in all of the Agricultural Districts and in conjunction with residential uses in the Special Industrial District (M4).

### **3.0 HOME BASED BUSINESSES IN BURNABY**

Currently there are over 1,100 home based business licenses in Burnaby. This number has grown by an average of 271 applications over each of the last 3 years and represents approximately ten percent of the total number of business licenses in the City. A wide range of occupations have been licensed including consulting and trading companies, driving instructors, and accountants. Almost half of the total, however, are contractors who operate the office component of their businesses from their homes. This includes plumbing, roofing, building and cleaning contractors, among others. In keeping with the supplementary regulations, no outside storage of materials is permitted.

Every home occupation use is inspected before a licence is issued. This ensures that the conditions of use listed in the supplementary regulations are met and the residential character of the property is maintained. Very few complaints are received about businesses operated out of Burnaby homes.

#### **4.0 THE BUSINESS PERSPECTIVE**

It is estimated that between 600,000 and two million Canadian households are involved in home based businesses. To support this growing trend, a variety of publications, business associations, trade events, and software programs have been developed.

Burnaby's Chamber of Commerce organizes a Home Office Network that meets regularly to discuss topics of concern to operators of home based businesses. The publisher of the quarterly magazine, *Home Business Report*, based out of Abbotsford, is also involved in national events aimed at promoting and facilitating home businesses.

Staff spoke to both of these groups while researching this report. The Chamber of Commerce is in full support of extending home occupation uses to more zoning districts. The *Home Business Report* publisher is likewise in favour of this as a way of encouraging existing businesses to become licensed. Home business is considered "the wave of the future" whose growth can be encouraged while maintaining the integrity of residential neighbourhoods.

During the course of this research, staff also reviewed a study prepared by C.M.H.C. and U.B.C. The report surveyed home business operators in order to examine the impact of their work on the use of the home and neighbourhood. Among the conclusions was the need for municipalities to be more flexible in accommodating the needs of this growing economic phenomenon that rarely has a major negative impact on neighbourhoods.

Information was also solicited on what implications allowing home businesses in more zones may have on transportation networks. Although no quantitative research was identified, it is generally accepted that more people working at home will result in some reduction in the number of people using public and private modes of transportation. Reducing the use of the single occupant private vehicle and providing opportunities for people to live close to work are objectives of Burnaby's Transportation Plan.

#### **5.0 SURVEY OF OTHER MUNICIPALITIES**

Staff contacted 11 other Greater Vancouver municipalities to review their home occupation regulations. Nine municipalities permit home occupation uses in all residential zones. Five of these nine permit the same kinds of home businesses in all of the different residential zones.

Four, however, exclude certain uses from medium or high density multiple family zones or have additional regulations that must be met.

Of the nine municipalities that permit home occupations uses in all residential zones, very few have received public complaints or experienced problems with the operation of home occupation uses in higher density residential zones.

## 6.0 PROPOSED AMENDMENTS

It is recommended that home occupation uses be permitted in residential buildings over 3 stories in height. A minor amendment to the regulations is discussed below as a way to prevent additional congestion in high rise buildings. Home occupations should also be permitted in the two Hastings Residential Districts as well as certain commercial and institutional zones which currently permit dwelling units but not home occupations.

### 6.1 Proposed Amendment to Home Occupation Definition

It has been suggested that home based business should be defined in municipal bylaws in a general manner without specifying the types of occupations that are permitted or excluded. Rather, performance criteria (conditions of use), should be tailored to achieve the desired protection of residential areas. Staff concur with this point of view and feel that any legitimate business should be allowed that meets all of the supplementary regulations. It is recommended that subsections (1) and (2) of the definition, "Home Occupation" be combined and amended generally to permit **"the office or studio or persons engaged in business, art, health, crafts, or instruction"**. This will simplify the definition while providing general guidance on the kinds of home businesses that are allowed in Burnaby homes.

### 6.2 Proposed Amendment to Supplementary Regulations

The existing seven supplementary regulations (appendix 1) aim to minimize any disruption that home occupations might cause to the neighbouring community. As mentioned above, structural alterations, noise, odour, heat, storage and employees are among the regulations. One area that may not be adequately addressed given the proposed extension of home occupations to high rise buildings, is pedestrian and vehicular traffic in apartment common areas and parking areas.

The current regulations state that a home occupation shall not produce any noise beyond that which is normally associated with a dwelling unit, nor cause any traffic congestion on the street. In addition, it is proposed that the supplementary regulations be amended to prohibit any undue pedestrian and vehicular traffic on the premises.

### 6.3 Proposed Amendments to Existing Zoning Districts

Home occupations, except for family day care centres, should be permitted in the Multiple Family Residential Districts, RM4, RM5 and RM7. Child care facilities that are not located in a dwelling unit are already permitted in RM1-RM5 zones. Given this, a separate text amendment (Bylaw 10304, discussed above) is underway to clarify that family day care centres as a home occupation use are not permitted in the RM1-RM3 zones.

The Hastings Residential District (RM6) is intended to encourage small scale townhouse developments that resemble and blend in with adjacent single family neighbourhoods. Home Occupations uses, including family day care centres, should therefore be permitted in this district.

A more comprehensive review is planned that will examine the feasibility of allowing family day care centres in multiple family zones, subject to certain criteria. Satisfaction of all Health Department requirements will continue to be necessary for the licensing of all family day care centres. If such requirements cannot be met, a licence will not be granted.


The General Commercial District (C3) and Hastings Village Commercial Districts (C8) permit dwelling units located above the first storey of a building. An extension of home occupations uses, excluding family day care centres, is proposed for these zones as well. Given the significant commercial component of these zones, family day care centres are not considered appropriate. The supplementary regulations will help prevent any disruptive effects of other kinds of home occupations.

The Community Institutional District (P5) which permits senior citizens housing projects should also permit home occupation uses. Seniors living in this district likely have a variety of skills that could be well utilized in the operation of a home business.

It should be noted that several other zoning districts permit living accommodation for ministers, proprietors, caretakers or watchmen subject to various regulations. Although there may be merit in permitting the first subsection of uses in these dwelling units (i.e. offices and studios), boarders, foster children or family day care centres may not be appropriate in many of these industrial, institutional and commercial districts due to physical isolation and dwelling unit size limitations. Home occupation uses may be more appropriate in zoning districts that have a primary residential use. There may be merit, however, in reviewing this issue further.

## 7.0 CONCLUSION

The extension of home occupations uses to additional existing zoning districts will allow more Burnaby residents the option of operating a home business. This creates a more equitable situation as only residents of low density residential areas currently have this opportunity. Given the tremendous popularity and growth of home businesses, it seems reasonable to encourage this industry. The quality of residential areas should not be compromised as all proposed home businesses are inspected and must comply with regulations that seek to minimize potential negative impacts.



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DIRECTOR PLANNING AND BUILDING

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Att.

cc. Director Finance  
Chief Licence Inspector  
City Solicitor  
Chief Environmental Health Officer

## *Appendix 1*

### 6.8 Home Occupation:

- (1) A home occupation shall involve no internal or external structural alterations to the principal building (dwelling) and there shall be no exterior indication that the building is being utilized for any purpose other than that of a dwelling, and no building, structure, fence or enclosure other than those in conformity with permitted residential uses in the Zoning District in which it is located, may be erected.
- (2) The premises must not be used for manufacturing, welding or any other light industrial use, and the home occupation carried on therein shall not produce noise, vibration, smoke, dust, odour, litter or heat, other than that normally associated with a dwelling nor shall it create or cause any fire hazard, electrical interference or traffic congestion on the street.
- (3) There shall be no external display or advertisement other than a sign bearing only the name and occupation of the owner, which may be illuminated but not flashing and shall not exceed 1 900 cm<sup>2</sup> (2.05 sq. ft.) in area.
- (4) There shall be no external storage of materials, containers or finished product.
- (5) No stock in trade shall be kept or handled and no commodity sold upon the premises.
- (6) Such occupation shall not involve the use of mechanical equipment save as is ordinarily employed in purely private domestic and household use or for recreational hobbies, except for such equipment as may be used for a resident physician or dentist.
- (7) No person who is not a resident in the dwelling shall be employed in such an occupation.

