



Home Based Businesses in Foothills County

Land Use Bylaw Regulations & Applications

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The purpose of a Home Based Business is to accommodate small, non-intrusive, low risk, low intensity developments to support business activities that can be integrated into and are compatible with adjacent non-commercial or non-industrial properties. Uses that exceed the business classifications and/or standards of a home based business may be considered a commercial or industrial use and should be appropriately located in a land use district where the type of use is provided for.

What constitutes as a Home Office or Home Based business?

An office, business, or occupation conducted within a dwelling and/or an accessory building on a parcel on which a dwelling is located and where one or more residents of the parcel is the primary owner of the business in compliance with the provisions under Section 10.12 of the Land Use Bylaw.

What are the different Classifications?

Home Office

- Office is situated in the dwelling and/or accessory building on the property;
- No non-resident employees working on the property;
- No traffic generated to the property by the business.
- No outdoor storage of business materials on the property

No Development Permit is required for a *Home Office* where it is listed as a permitted use under the applicable land use district in accordance with Section 4.2 of this bylaw;

There is no limit to the number of employees for a *Home Office* where a portion of the dwelling and/or accessory building is the office for a business that operates off site (construction, landscaping, etc.), provided all interaction with the employees is off the property and employee vehicles are not on the premises and all other provisions of the *Home Based Office* are met.

Home Based Business Type I

- No more than one (1) non-resident employees working on the property.
- No more than three (3) business visits are generated to the property per day;
- No more than one (1) business vehicle situated on the property per day;
- No outdoor storage of business-related material or goods on the property
- No nuisance generated by the business, outside of the principal dwelling or accessory building;

In accordance with Section 4.2 of the bylaw, a Development Permit shall not be required for a Home Based Business Type I where the use is listed as a permitted use under the land use district.

Home Based Business Type II

- There are no more than three (3) non-resident employees working on the property;
- No more than six (6) business visits are generated to the property per day;
- Business vehicles or related equipment may be stored outside on the property as follows:
 - Max 3 on parcels under 10 acres
 - Max 6 on parcels 10 acres or larger
- No outdoor storage of business-related materials or goods on the property;
- Shall not generate noise, smoke, odour, dust fumes, exhaust, vibration, heat, glare, refuse matter or other nuisances considered offensive or excessive by the Development Authority;

All Home Based Business Type II require an approved Development Permit.

Home Based Business Type III

- There are no more than six (6) non-resident employees working on the property;
- No more than twelve (12) business visits are generated to the property per day;
- No more than twelve (12) business vehicles are situated on the property per day;
- Outdoor storage of business-related goods and materials, large commercial vehicles, trailers, and/or equipment may be allowed, if in the opinion of the Development Authority, it is adequately screened from adjacent lands;
- Large commercial vehicles, used in conjunction with the business, may be located on the property at the discretion of the Development Authority;
- Shall not generate noise, smoke, odour, dust fumes, exhaust, vibration, heat, glare, refuse matter or other nuisances considered offensive or excessive by the Approving Authority;
- Where a Home Based Business Type III is situated on a parcel zoned Direct Control District #27, Council, as the Development Authority, may determine the number of employees, business visits per day, business vehicles on the property, and on site storage at their discretion.

All Home Based Business Type III require an approved Development Permit. Where Home Based Business Type III is not listed as a permitted or discretionary use under your current land use district, you may be required to redesignate your land prior to making application for a Development Permit approval.

General Home Based Business Rules

- All home office and home based businesses must comply with the provisions under Section 10.12 of the Land Use Bylaw;
- All Home Based Business Type II and Type III require a Development Permit;
- Upon issuance of a Development Permit for any minor or major home based business, the applicant shall obtain a Business Licence from the County. If the business licence is not obtained or is revoked or suspended, the Development Permit shall be and remain suspended until the business licence is obtained or re-instated.
- Large commercial vehicles to be used in conjunction a home based business may be permitted at the discretion of the Approving Authority based on parcel size, proximity of adjacent residences, site screening, etc.
- A Home based Business Type I, II, or III shall not be situated in a Dwelling, Temporary on a parcel;
- A Home Based Business Type I or II, where listed as a permitted use, shall be considered a Discretionary Use, and require a Development Permit, when situated in a Secondary Suite on a parcel;
- All home based businesses must provide parking in accordance with Section 9.19 of the Land Use Bylaw;
- Home based businesses do not include Cannabis Production.

There are currently limited zonings within the Land Use Bylaw that allow for Home Based Business Type III:

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| • Agricultural Business District | • DC#22 |
| • Rural Business District | • DC#27 |
| • Agricultural District | • DC#29 |
| • Country Residential District | • DC#36 |

Please check with the Planning Department on the steps required to apply for the proper Land Use Applications for Council to consider allowing this type of business on your parcel. A Development Permit application is required to be submitted once the land use has been granted.

APPLICATION REQUIREMENTS:

Applications for both Land Use and Development Permit **must be** accompanied with the following information; however, the Development Officer may ask for additional information:

1. A site plan (can be hand drawn) showing:
 - a. the entire parcel;
 - b. north at the top of the page;
 - c. identify and show all existing structures and any proposed buildings with measurements from the same, in feet or metres, to all parcel lines;
 - d. show all existing wells, septic tanks, disposal fields, dugouts on the parcel and storage areas;
2. Full detailed description of the business;
3. Please indicate if the business is primarily run from the parcel or off site;
4. What buildings will be used on the parcel for this business, include storage areas;
5. Are there any buildings proposed and if so, for what purposes will they be used for? Please also include the building size and why it is necessary;
6. Number of people to be employed;
7. If producing a product or goods, please indicate the method of distribution or sales;
8. Provisions for loading and parking;
9. Vehicle generation, break down between employees and customers on a daily basis, also please list the types of vehicles to be expected;
10. Will there be deliveries to the site? If so, how many and how often?
11. Hours and days of operation;
12. Amount of water required for this business;
13. Garbage and storage areas and the fencing and screening proposed for same, and methods for disposing of garbage;
14. Methods of controlling noise, dust, or drainage from the lot;
15. Descriptions of any noxious, toxic, radioactive, flammable, or explosive materials proposed (i.e., gas, oil, paint, etc.). Please also include how it is being stored and how much is being stored and why it is necessary to have in relation to this business;
16. Will there be any lot grading done on site to accommodate this business?
17. If this parcel is not owned by the applicant, then they must receive written consent from the landowner to file an application.

APPLICATION FEES

Applications fees are per the current *Fee Schedule Bylaw*.

- In cases where a business wants to upgrade to another category that is a permitted use, they may make application to the Development Authority. In such cases, the fee will be \$100 (\$25 filing fee + \$75 application fee).
- Business licenses will be upgraded in accordance with approved Development Permits. No fee is required for upgrades to existing Home Based Business licenses prior to their annual renewal at which time they must pay in accordance with the current *Business License Fee Schedule*.

WHERE CAN I OPERATE A HOME BASED BUSINESS

The following page outlines where the different categories of Home Based Business are listed as either permitted or discretionary uses for your information (See next page).

WHERE CAN I OPERATE A HOME BASED BUSINESS

<u>Home Office</u>	<u>Home Based Business Type I</u>	<u>Home Based Business Type II</u>	<u>Home Based Business Type III</u>
<p>A Home Office may exist on lands where listed as a use in the land use district.</p> <p>Home Office is a <i>PERMITTED USE</i> in the following land use districts:</p> <ul style="list-style-type: none"> • Agricultural Business District; • Rural Business District; • Agricultural District; • Country Residential District • Cluster Residential District • Country Estate Residential District • Hamlet Residential District • Residential Multi-Family District • Residential Manufactured Home District • DC#22 – Priddis Meadows; • DC#26 – Dog Kennel • DC#27- Home Based Business • DC#29 - Arenas • DC#32 – Ag Societies • DC#35 - Event Venue • DC#36 – Equine Vet & Rehab <p><i>No Development Permit Required where a Permitted Use</i></p>	<p>A Home Based Business Type I may be operated where listed as a use in the land use district.</p> <p><i>No Development Permit Required where a Permitted Use</i></p> <p>Home Based Business Type I is a <i>PERMITTED USE</i> in the following land use districts:</p> <ul style="list-style-type: none"> • Agricultural Business District; • Rural Business District; • Agricultural District; • Country Residential District • Cluster Residential District • Country Estate Residential District • DC#27 - Home Based Business • DC#36- – Equine Vet & Rehab <p>Home Based Business Type I is a <i>DISCRETIONARY USE</i> on the following land use districts:</p> <ul style="list-style-type: none"> • Hamlet Residential District • Residential Manufactured Home District • Residential Multi-Family District; • Recreational District; • DC#22 – Priddis Meadows; • DC#29 - Arenas • DC#32 – Ag Societies <p><i>A Development Permit is required as a discretionary use under these land uses where special provisions may be required for parking due to size and nature of parcels.</i></p>	<p>A Home Based Business Type II may be operated where listed as a use in the land use district.</p> <p><i>Development Permit Required in all cases.</i></p> <p>Home Based Business Type II is a <i>PERMITTED USE</i> in the following land use districts:</p> <ul style="list-style-type: none"> • Agricultural Business District; • Rural Business District; • Agricultural District; • DC#27 - Home Based Business • DC#36 - Equine Vet & Rehab <p>Home Based Business Type II is a <i>DISCRETIONARY USE</i> on the following land use districts:</p> <ul style="list-style-type: none"> • Country Residential District • Cluster Residential District • Country Estate Residential District • Hamlet Residential District • Residential Manufactured Home District • Residential Multi-Family District; • Recreational District: • DC#22 – Priddis Meadows • DC#29 - Arenas • DC#32 – Ag Societies 	<p>A Home Based Business Type III can <u>only</u> be applied for as a discretionary use in the following land use districts:</p> <ul style="list-style-type: none"> • Agricultural District; • Agricultural Business District; • Rural Business District; • Country Residential District • DC#22 – Priddis Meadows • DC#27 – Home Based Business-; • DC#29 – Arenas • DC#36 – Equine Vet & Rehab <p><i>Development Permit Required in all cases.</i></p>

DISCRETIONARY USE is a use of land or a building provided for in the Land Use Bylaw for which the Development Authority may issue a Development Permit with or without conditions.

- These decisions and conditions of the decision may be appealed by the applicant and/or area landowners.

PERMITTED USE is a use of land, a building, or buildings provided for in the Land Use Bylaw for which the Development Authority must issue a Development Permit with or without conditions (if all other provisions of the Land Use Bylaw are met and no variances are required).

- These decisions are not appealable by the applicants and/or the area landowners.

DIRECT CONTROL is a land use designation where Council exercise particular control over the use and development of land or buildings within an area of the County. Council acts as the Development Authority in Direct Control District.

- There is no right of appeal by the applicant and/or an area landowner on a Development Permit within a Direct Control District.