MUNICIPAL REGULATION OF HOME-BASED WORK

by

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The home has become a common work place. Yet municipal planning, which is based on the principle of separating homes from commercial and industrial activity, does not recognize the prevalence of home-based work. Zoning bylaw provisions which govern home occupations are clearly outdated, and revising them involves a reappraisal of current conventions regarding neighbourhood land use planning.

Reasons for the growing interest in the concept of working at home include the potential freedom of self-regulated work and the flexibility to accommodate non-work responsibilities and activities, perhaps combined with the independence of self-employment. Other factors include changes in employment and business conditions which have led to the growth in part-time work, multiple jobs, and the subcontracting of corporate services previously done in-house. With the structure of the economy shifting in emphasis from industrial to service sectors, and from goods to knowledge-based services, advances in electronic equipment and telecommunications technology have facilitated the decentralization of work. Inexpensive microcomputers, facsimile machines, etc., afford homeworkers equivalent facilities in-home as in conventional offices. Estimates of the size of the home-based work force vary widely due to definitional and methodological problems in identifying and categorizing the various types of homeworkers. However, the consensus in the literature is that the number of homeworkers in North America is substantial and increasing.

Two approaches were taken to investigate land use planning and regulation in relation to home-based work. The literature review synthesizes American and British sources almost exclusively since Canadian planning literature on the subject is limited. It shows that some jurisdictions have moved beyond recognition of
home-based work to encourage it, often as part of an effort to reduce automobile use. In addition, home businesses expand employment opportunities and are considered a part of economic development strategies. In zoning terms, this has been manifested in moving from enumerating permitted and prohibited types of home-based work to outlining performance standards imposed on all home occupations. Focussing on several municipalities in the Greater Vancouver area, the other important source of data comes from interviews with planning officials and reviews of current policies and home occupation provisions in local zoning bylaws. Among the selected municipalities, few interviewees have recognized the social and economic benefits of home-based work, and many refuse to question the long-held planning principle of spatially-separated land uses. Many land use planners seem unaware of changes in society which are affecting the relationship between the home and work place.

General conclusions deal with the discrepancies among current economic, social, and technological realities, planners' rhetoric about planning practice, and land use regulations which affect home-based work. Specific policy recommendations outline how zoning bylaws regulating the homework sector need to be revised.
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CHAPTER ONE: INTRODUCTION

In recent years, many books, articles, and conference papers have been written about the future of work in post-industrial society. Several authors have addressed the profound economic changes, social forces, demographic trends, and technological advances which have affected the design, structure, nature, and distribution of jobs. Out of necessity and interest, "new patterns of work" (Handy, 1984, p. ix) are occurring. Many are "embryonic trends which are likely to become accepted and commonplace options in both working careers and work organization" (Clutterbuck, 1985a, p. xi). This thesis examines an 'emerging work option, "home-based work", from an urban planning and municipal regulatory perspective.

Considerable interest in home-based work or "home occupations", the "accessory use of the dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services" (Toner, 1976, p. 7), has given rise to numerous publications. Anecdotal articles in popular magazines and "how-to" books popularize the view of home-based work as offering unlimited opportunity with work autonomy, flexibility and minimal financial investment - enticing individuals to work from home in their own home-based businesses. In terms of scholarly research and study, scattered contributions by writers, academics and consultants comprise the academic, public policy and business literature on home-based work. The extent of this literature can be likened to that of telework, which Huws et al. called:

a motley collection, in which the slight and sensational rubs shoulders with the serious and scholarly, where individual anecdote claims equal status with broad survey (1990, p. xv).
Societal changes

Renewed interest in home-based work has been stimulated by significant changes in contemporary society. Chapter 2 of this thesis reviews the literature which addresses the extent, nature and potential significance of home-based work and identifies the factors influencing its adoption as a work option. Structural changes in the economy (i.e., growth of the service sector assisted by technological advances), corporate reorganization, and changes in employment conditions, workforce demographics and attitudes toward work and leisure have precipitated the rise in importance of the small business sector and have led to the boom in the home business sector which exists on the "respectable" fringe between the formal and informal economies (Handy, 1984).

Increasingly, many people are choosing or are having to create their own jobs which often take the form of free-lance work or small businesses which originate in the home. Assisting many of those who create products or render services are electronic office devices and advances in telecommunications technology which are also enabling a relatively small but fast-growing segment of the home-based work force ("telecommuters") to shift all or part of their jobs from the office to the home. While "homeworkers" are labelled by the location of their work place, they are not a homogeneous group; involved in a wide range of occupations, homeworkers vary in employment status and work situation. Such self- or corporate-employed workers are involved either part-time or full-time in the home-based economic activity from which they derive their primary or supplemental income.

Observers speculate about the significance of home-based work as a long-term employment trend since the actual profile of the phenomenon is blurred due to inadequate statistical sources and limited research on the subject. However, with
the changing nature of work, i.e., increased demand for personal and knowledge-based services, the "cottage industry" is making a comeback and becoming a more visible feature of the economy. Considerable growth is anticipated in the movement throughout the 1990s and beyond, particularly in the formation of home-based businesses. In 1989, it was estimated that 15% of the British Columbia work force operated out of the home, with the provincial government expecting that percentage to double by the year 2000 (Home-based businesses, 1989).

**Regulation and enforcement**

Despite consensus that home occupations are "likely to become a more common feature of the urban fabric" (Ontario, 1987, p. 26), relatively little research has been conducted on the public policy implications of home-based work. Chapter 3 discusses the planning literature which generally focuses on the municipal regulation of home occupations. As home occupations have become more prevalent, some municipalities have amended their zoning bylaws which govern land use to accommodate people engaged in home business ventures. However, other municipalities have neglected to review their outdated, confusing, and biased restrictions on the use of space in the home, employees, sales, storage, advertising, and traffic, etc., which often inhibit the growth of legitimate home-based businesses, resulting in many home-based workers operating their businesses illegally. Hence, some municipalities are presently experiencing difficulty in monitoring existing home occupations and in enforcing relevant regulations. Generally, municipal regulations designed to guide the establishment and operation of home occupations do not support the new interest in home-based work.

Indeed, local municipal land use regulations reflect a lack of recognition of contemporary realities about home-based work. Chapter 4 is a compilation of data obtained from meetings held with seven senior administrators and planners whose
work involves the regulation of home occupations in selected municipalities in the Greater Vancouver area. The variety of regulatory approaches used and levels of understanding about the work-at-home phenomenon are discussed in conjunction with an analysis of local zoning bylaws whose adequacy in regulating home occupations is critiqued.

Home occupations are generally viewed negatively by planners; however, they offer significant social and economic benefits to the homeworker and community. Chapter 5 concludes this thesis by discussing the planner’s role in developing land use policies and designing regulatory mechanisms which support the growing prevalence of home-based work. Recommendations for the effective management of home occupations (including the design of zoning bylaws) are offered.
CHAPTER TWO: LITERATURE REVIEW ON HOME-BASED WORK

Introduction

This chapter takes the form of an extended literature review and addresses the extent, nature, and significance of the home-based business phenomenon in the context of interacting economic, social, demographic, and technological forces which are influencing the adoption of home-based work in general. Data from a variety of sources indicate that working at home emerged as a significant trend among both self-employed and salaried workers during the 1980s in North America (Bacon, 1989; Pratt, 1987a; Smith, 1987). Analysts expect continued steady growth in the home-based work force which is composed of: self-employed entrepreneurs; independent contractors (or "free-lancers") in high status occupations in the service sector; piece-rate manufacturers (or "outworkers"); and salaried company employees who work at home on or off company time ("teleworkers") (Bacon, 1989; Stanworth and Stanworth, 1989). However, much of the research on home-based work is highly speculative, and relatively little serious research has been conducted on home-based businesses, the fastest-growing sub-category of home-based work (Cu-Uy-Gam, 1989). Sources used are almost exclusively American and British due to the limited amount of Canadian literature on the subject.

While important, various other aspects of home-based work are tangential to this thesis and are not discussed, such as: the history of industrial home-based work (Boris, 1988; Boris and Daniels, 1989); employment standards (Boris and Daniels, 1989; National Research Council, 1985); characteristics of homeworkers or their work motivations (Ambry, 1988; Bacon, 1989; Dykeman, 1989; Hakim, 1987); or the psycho-social benefits and disadvantages of the home-based lifestyle or its socio-spatial consequences on either the self-employed or telecommuting employee
and their families (Ahrentzen, 1989; Beach, 1989; Christensen, 1985; Kinsman, 1987; Ramsower, 1985; Salomon and Salomon, 1984; Shamir and Salomon, 1985).

**Segment size**

The variability in home-based employment estimates results from the interlocked problems of terminology (i.e., the use of diverse definitions of homeworking) and from methodological problems in identifying and characterizing home-based workers (Hakim, 1984a; Horvath, 1986; Kraut, 1988; Pratt, 1987b). Both conservative and overly-optimistic speculators have attempted to estimate the current number of businesses operating from homes and to forecast the future development of the work-at-home trend. However, homework is notoriously difficult to define, and even small adjustments to the definition adopted can dramatically affect any estimates produced (Hakim, 1987). A compiled definition which captures the entirety of "home-based work" or "homework" (terms used interchangeably in the literature) is: any part-time or full-time paid work done either exclusively in the home or based out of the home, regardless of the employment status of the worker (Christensen, 1988b) who produces goods or services (Kraut, 1988) and is referred to as a "homeworker", "home-based worker", "home-based entrepreneur", etc. Depending upon the inclusiveness of the definition used for "work-at-home" (Hakim, 1984b; Kraut, 1988), estimates of the number of homeworkers vary widely, and range from 8 to 23% of the United States work force (Pratt, 1987b).

Longitudinal data on the prevalence of home-based work are not conclusive, and self-employment trends are difficult to identify. Researchers generally disclose the results of surveys and offer some interpretation of the data that is available (Christensen, 1988b; Horvath, 1986; Kraut and Grambsch, 1987). Often frustrated with the "muddle of incompatible data" (Pratt, 1987b, p. 50) that surveys produce,
researchers experience difficulty in estimating the numbers comprising particular sub-sets of the home-based work force (e.g., home-based businesses) from aggregate data. The size and impact of the work-at-home movement have been largely overlooked, often because home-based businesses have been "lumped" together with other types of homework or all small businesses (Orser, 1991; Wolfram, 1984).

Most quantitative research on homework is based on "benchmark data" supplied by large surveys conducted in the early 1980s in the U.S. (Horvath, 1986; Kraut and Grambsch, 1987). Phrased to match "traditional" ways of working and living, survey questions do not take into account evolving definitions of "work" arising from changing work patterns and labour force arrangements (Kraut and Grambsch, 1987; Pratt, 1987b). Kraut and Grambsch (1987) analyzed the data on place of work from the 1980 U.S. Census and found 2.2 million people worked exclusively from home, 1.2 million of whom were self-employed. (Homeworkers were identified if they indicated on a "means of transportation to work" question that they worked at home as their principal place of work.) Experts agree that the figures were too low; many people were unwilling to report that they worked at home or were confused about what constituted work at home (Herbers, 1986).

The home-based subsector of the work force is difficult to survey due to its informal structure and obscure nature -

a growing, heterogeneous, shifting population of employees, moonlighters, and business operators [who] at different times in their lives, work at home, part-time or full-time, overtime, intermittently and seasonally (Pratt, 1987b, p. 53).

Measurement challenges in gathering information arise from definitional problems, measurement of a changing population, undercounts of segments of the work force, and possible high non-response rates (Pratt, 1987b). As a result, comparisons
between surveys carried out at different times and for different purposes produce conflicting reports of trends in home-based work, which should not be surprising when the sources and variety of criteria behind the collection of the data are compared (Pratt, 1987b). Definitional differences between surveys means that equivalent segments of the diverse home-based population are not identified (Pratt, 1987b). Each survey counts different subsets of the work-at-home population (Pratt, 1987b), and characterizes them according to employment status (e.g., wage and salary, self-employed, and unpaid family workers) or classifies their work-related activities according to occupational categories or industry, which hinders comparison and produces inconsistencies in the figures which researchers derive.

Estimates available from secondary sources and private studies produce valuable data, but due to their small sample sizes (e.g., sampling of selected corporations [Bailyn, 1988] or magazine subscribers [Christensen, 1988c]), the generalizability of their findings is questionable. Pratt (1987b) notes that too many of the work-at-home estimates quoted in the media are educated guesses, or are from sources that are unavailable to verify methodology. Some estimates are based on proprietary sources that are not generally available, such as the 1982 American Telephone and Telegraph marketing study which estimated that a staggering 23 million people (including moonlighters [who operate 'side' businesses from their homes] and volunteer workers), performed job-related, income-producing work at home, representing 23% of the U.S. labour force, of which 7 million are in the "business-at-home" sector (Pratt, 1987b).

A somewhat smaller estimate of the home-based work force is based on a May 1985 Current Population Survey by the U.S. Bureau of Labor Statistics. Results showed that there were nearly 18 million home-based workers; of these, 8.4 million people worked at home for 8 hours or more per week as part or extension of
their primary, non-farm job. Of this figure, 3.6 million were self-employed (unincorporated), employees of their own corporations (incorporated), or unpaid family workers (Pratt, 1987b).

Expecting continued growth, LINK, a market-research firm which tracks home-based work trends, estimated that the work-at-home segment of the U.S. labour force has been expanding by 7 to 9% yearly since 1987. The segment, estimated at 26.6 million Americans engaged in job-related work at home at least part of the time in 1989, is expected to encompass 31 million people by 1992 (Bacon, 1989). Although many are full-time employees (5.5 million) who had formal arrangements with their corporate employers to work at home, the real growth in home-based work has come from entrepreneurs setting up small businesses, of which there were 13.1 million in 1989 (de Santis, 1989).

Research results have shown that a significant proportion (50 to 70%) of homeworkers operate their own home-based businesses or "cottage industries" (Bacon, 1989; Horvath, 1986), and such entrepreneurs represent between 9 and 13% of the total employed population (Dykeman, 1989; Orser, 1991). Few Canadian statistics on this segment are available (Orser, 1991) since neither Statistics Canada nor the Conference Board of Canada keep records on the number of Canadians who work at home (de Santis, 1989); however, an estimated 20% of the labour force work out of their houses, with forecasts that by the year 2000, up to 40% of the labour force, mostly self-employed people, will be working at home (Kucharsky, 1990). A conservative estimate by the British Columbia government of 130,000 home-based businesses is easily overshadowed by private guesses which peg the number as high as 280,000 (Home-based businesses, 1989). Approximately 12,000 to 15,000 home businesses start up each year in British Columbia (Dykeman, 1989).
Despite significant research on homeworking by British researchers such as Hakim, little research has been conducted in the United Kingdom on the proportion of homeworkers who are proprietors, or on the proportion of small businesses which are home-based (Huws et al., 1990). Quantitative estimates of the growth of small businesses are also rare, due to problems of definition and because of the existence of a thriving underground economy (Huws et al., 1990). Canadian researcher Orser also notes that significant "data gaps" exist in the home-based business and self-employment fields of research due to definitional and methodological problems of research, ...[the] lack of recognition and support of these small businesses by researchers and government policy makers, an obscured work force...often reluctant to reveal information to researchers, and...the relative infancy of the independent, profitable home-based business (1990, p. 1).

Whatever the differences in exact estimates of the extent of home-based employment or small businesses based in the home in any particular country, there is a clear consensus in the literature that both are flourishing, with further growth indicated (Huws et al., 1990; Pratt, 1987a).

**Influential factors**

The increased visibility and commercial credibility of home-based businesses reflect the interaction of macroenvironmental forces and numerous situational factors which influence the adoption of this work option (Donnison, 1985; Orser, 1991).

**Corporate restructuring**

Home-based enterprise can be seen as a by-product of changing economic times (Orser, 1991). The combination of corporate restructuring and high
unemployment have created a "push" to self-employment, with demand for contract services "pulling" innovators into the small business sector (Huws et al., 1990).

A lot of people have been driven out of their full-time jobs and are trying to start something up, perhaps in a new kind of business, and they do tend to start it up at home (Mowbray, 1986, p. 54).

Many organizations, experiencing difficulty in adapting to rapid economic and technological change, have been obliged to embark on organizational restructuring programmes (or "downsizing") to cope with business uncertainties. To improve their internal flexibility and cost-effectiveness, companies have changed the way in which they employ, organize, and develop human resources (Cross, 1985; Handy, 1984; Lozano, 1989; Pratt, 1987a). As a result, there has been an increase in the sub-contracting of a wide range of services which had previously been carried out in-house (Bailyn, 1988; Clark, 1982; Huws et al., 1990; Walsh, 1990). Fewer salaried managerial employees are being hired and organizations are securing output through contracted work relationships with individual free-lancers and independent small businesses, producing a more flexible, variable-cost, non-traditional work force of core and peripheral workers which can expand and contract with fluctuating workloads (Christensen, 1988b; Huws et al., 1990; Pratt, 1987a). Much white-collar work (professional, managerial, clerical, technical, and sales [Bailyn, 1988]) in the knowledge-based economy (where information is generated or collected, analyzed, and exchanged) can be easily accommodated at remote work sites by the growing number of "contingent workers". These autonomous and mobile "knowledge workers" (Orser, 1991), free-lancers, or consultants, in contrast to the core ring of full-time wage and salaried employees, form the peripheral ring of part-time or
temporary employees or workers hired as independent contractors (Christensen, 1988a; Clark, 1982).

A new employment practice within organizations, i.e., the increased use of contingent workers, is one aspect of the significant change in the way work is organized - how, where, when, and why we work - and the place it occupies in our lives (Handy, 1984). "'Work' [has] started to mean other things besides the conventional full-time job" (Handy, 1984, p. ix).

Emerging service sector

Influencing the growth of home-based work is the shift to an information and service-oriented economy (Butler and Getzels, 1985) which has brought a new wave of entrepreneurism (Ambry, 1988; Clutterbuck, 1985b; Pratt, 1987a), and home businesses are "undergoing a quiet revolution from cottage industry to ownership by white-collar professionals" (Ronald, 1989, p. C4). For those hired on a contract basis and other self-employed individuals, the home becomes an important work site (Christensen, 1988b). Some 60% of the home-based work force were white-collar workers in 1989 (Bacon, 1989).

Kraut and Grambsch (1987) state that discussions of home-based work revolve around two conflicting images: an optimistic one based on case studies of homeworkers (many using computer technology) where the flexibility in employment that home-based work provides is emphasized (Gordon, 1988; Nilles et al., 1976; Olson, 1983; Pratt, 1984; Toffler, 1980); and a pessimistic one, rooted in labour history, which emphasizes the exploitation that industrial homeworkers or "outworkers" (typically women) have traditionally endured (Allen and Wolkowitz, 1987; Boris, 1988; Boris and Daniels, 1989; Donnison, 1985; Pennington and Westover, 1989).
Despite the persistent and popular image of the homeworker engaged in "traditional" manufacturing work at home, Hakim draws the "inescapable conclusion" (Hakim, 1984b, p. 10), consistent with American research findings (Ehrenhalt, 1986; Horvath, 1986; Kraut and Grambsch, 1987), that manufacturing homework is relatively rare (approximately 8% of home-based work in the U.K.); white-collar and service home-based work (both traditional and new) now predominate. The changing nature of the occupations of the home-based work force reflects the long-term reversal of the relative importance of manufacturing in relation to service sector industries (such as professional, financial and business, and personal services) (Hakim, 1984b), and the impact of new technology is extending the variety of jobs done by homeworkers including those who run their own businesses or take work "put out" by employers (Francis and Schneider, 1989; Hakim, 1984b; Hakim, 1987).

Technological advancements

"Telework", promoted since the energy crisis of the early 1970s as a new form of homework which is computer-mediated, is defined as "organizational work that is performed outside of the normal organizational confines of space and time" (Olson, 1983, p. 182). Some private sector corporations and public sector agencies have recognized that telework assists in the recruitment and retention of people with scarce skills, and have instituted so-called "flexiplace" (flexible work place) programs (Crawford, 1989; Southern California Association of Governments, 1985; Southern California Association of Governments, 1986; Sutton, 1989; Walsh, 1990). Corporate employees or contract workers (e.g., clerical and computer workers), in lieu of commuting to a work site, perform company tasks ("remote work") from their homes or at a neighbourhood or satellite work centre (Francis and Schneider, 1989; Huws et al., 1990).
With their employers' sanction, many home-based workers are "telecommuting" (Nilles et al., 1976) due to the ease of electronic data transmission brought about by innovations in telecommunications technology (Crawford, 1989). The cost and burdens of commuting to an office are reduced with employees typically dividing their work week between the central office and their home (Bacon, 1989; Walsh, 1990). In conjunction with other electronic office devices (such as printers and facsimile machines), affordable, easily-operated personal computers with appropriate sophisticated software, linked by modem to the corporate data base, give employees working outside of the corporate office access and the ability to manipulate information as quickly and professionally as if they were in the office (Bacon, 1989).

However, telework "has not met the projections of some of its more optimistic boosters" (Walsh, 1990, p. A7) due to constraining forces (including organizational resistance) (Gordon, 1988; King, 1989; Olson, 1988; Olson, 1989). Recent speculation about the expansion in size of the white-collar home-based work force engaged in telework and its potential to constitute a long-term trend has led authors to express cautious enthusiasm for "electronic cottaging" particularly for corporate employees (Blandy, 1984; Cross and Raizman, 1986; Huws, 1984a; Huws, 1984b; Huws et al., 1990; Noble, 1986; Olson, 1989; Olson and Primps, 1984; Pratt, 1984; Probert and Wajcman, 1988; Stanworth and Stanworth, 1989).

While telework accounts for only a tiny fraction of all employment (Huws et al., 1990), the importance of computers is obvious in the home business segment of the work force which spends $5.7 billion (US) per year on office equipment and supplies (Ambry, 1988). Using technology as a tool to facilitate the operation of their ventures (Huws et al., 1990; Ronald, 1989), a growing number of white-collar professional, managerial, and technical workers are relying on their training and
contacts to launch their own home-based businesses - "seeking a place...[to] create a healthier balance between their career and personal ambitions, where leisurely family life can flourish - ...[and] so can profits" (Cormier, 1990, p. 36).

Rise of the small business sector

The boom in small business partially stems from "a realization that working for a large firm is in most cases no longer the lifetime option it used to be, and that there may be greater stability of employment in taking one's destiny into one's own hands" (Clutterbuck, 1985b, p. 7). New small businesses, many of which are ideally suited to be operated from home (Pratt, 1987a), are almost all in the service industries where individuals sell acquired skills (Clutterbuck, 1985b) - often catering to professionals working in the home (Pratt, 1987a). Companies have recognized the growing disparity between skills availability and demand (Bureau of National Affairs, 1990; Olson, 1989), and are prepared to pay extra for certain quality skills in the service industry; "the really good employee in any occupation can generally make more on the open market [as an independent contractor] than as a traditional employee" (Clutterbuck, 1985b, p. 7).

Numerous researchers report the growth of small businesses as an increasingly important sector of the economy (Dykeman, 1989; Pratt, 1987a). In recent years, the small business sector has been the backbone of economic growth in Canada and the U.S. (Dykeman, 1989). The greatest number of jobs are being provided by small business, which stimulate regional and community economic development (Dykeman, 1989; Ontario, 1987). These mostly one-person businesses represent a multi-million dollar segment of the economy (Kucharsky, 1990). Statistics show that more than 50% of all Canadian businesses are started out of the home (Dykeman, 1989; Kucharsky, 1990), as it often acts as an incubatory environment (Ambry, 1988; Dykeman, 1989; Pratt, 1987a). Many entrepreneurs
use the home as an incubator before relocating in bona-fide commercial or industrial premises once the business becomes financially secure and space requirements increase. (Highly successful corporations launched from the home include Apple Computers, Amway, Baskin-Robbins, Hallmark Cards, and Purdy's Chocolates [Home-based businesses, 1989; Kucharsky, 1990].) A significant proportion of home-based businesses, however, refuse to grow larger and remain in the home (Handy, 1984; Hilborn, 1988; Home-based businesses, 1989; Ontario, 1987; Pratt, 1987a). Benefits, such as minimal initial risk and low overhead costs, such as office rent, enable the testing of a business idea without seeking outside capital (Pratt, 1987b). Modified tax legislation enabling generous write-offs and cost savings (Alberta, 1986; Elder, 1988; Home-based businesses, 1989; Jacks, 1990), which can be reflected in the product price or service fee, often make the home business more competitive (Mowbray, 1986).

Many "traditional" types of cottage industries exist, but they represent a small percentage of the types of work now being done at home (Wolfgram, 1984). Today, cottage industries include a virtually limitless list of diverse occupations from a range of categories which include: arts and crafts, farm-based activities, resource-based activities, manufacturing, construction, communications, wholesale trade, retail trade, services to home, sports/recreation, management/business services, personal services, tourism, educational, children's products and services, and computer services.

Governmental support

Many community development policy advisors regard small business as a way of broadening employment choices (Clark, 1982). They have "latched onto" small business as the "wave of the future" as a means to assist economic recovery and stimulate the local, provincial, and national economies (Dykeman, 1989, p. 4).
Public policy attention has led to the formulation of new policies, business assistance programs, and initiatives by federal agencies and several provincial governments across Canada (Dykeman, 1989; Orser, 1991). As well, U.S. government agencies recognize the economic potential of the cottage industry which is considered to be the most promising area of economic development in states such as Oregon (Wolfgram, 1984). In light of its declining fish and timber industries, and upon the recommendation of an economic commission, Oregon is encouraging the growth of home businesses through a variety of initiatives (Wolfgram, 1984).

The British Columbia government appears to be the most active and aggressive in Canada in terms of providing policy support for home-based businesses (Dykeman, 1989). It has recognized the contribution of home-based businesses to the British Columbia economy, and is focusing on them as an "opportunity development area" (Dykeman, 1989, p. 12). Committing itself to helping legitimize the home as a business incubator and enhancing the success rate of home-based businesses, the Ministry of Development, Trade and Tourism instituted its Home-Based Business Program in April 1988 (Klyne, 1991). The growth of home-based businesses is being encouraged through a variety of initiatives which assist the individual in successfully starting and managing such an enterprise (Klyne, 1991). In addition to sponsoring a provincial conference to increase awareness about the subject, the Program sponsored the first two issues of the B.C. Home Business Report, a magazine designed especially for the home entrepreneur in British Columbia (now a thriving independent publication). The Program's comprehensive services include the publication of several self-study manuals and the installation of a telephone "hot line" to provide basic information and counselling to homeworkers. Regular home business seminars on proven business practices are offered throughout the province (similar to those courses and
workshops available in Continuing Education departments at post-secondary institutions), and the formation of community networking groups of home-based business owners to provide mutual support through informal meetings is underway (Klyne, 1991). With Southex Exhibitions, a trade show producer in North America, the Ministry sponsors the twice-yearly B.C. Creative Arts Show which helps home-based businesses market their products at the wholesale level in the larger province-wide, national, and international arena.

The Ministry is currently charting the future direction of the Program, believing that the home-based business movement has not yet reached its full potential (Klyne, 1991). Recognizing that home occupations continue to grow in numbers and variety, the Program is updating its database of 8,000 home-based businesses by compiling a provincial directory of all types of such businesses from every region in British Columbia. Through information obtained from the province's 180 municipalities which responded to their December 1990 questionnaire regarding municipal home-based business issues, the Program intends on developing initiatives to increase awareness of the benefits of home-based businesses in municipalities which may require assistance in regulating home occupations (Klyne, 1991). In addition, the first national conference on home-based business is planned for April 1992 in New Westminster, BC.

Women in the work force

Along with the growing percentage of women in the work force over the last two decades, there has been a change in their business roles (Cross and Raizman, 1986). Women, seeking alternatives to traditional employment (Christensen, 1985; Clutterbuck, 1985b; Langway et al, 1984; Orser, 1991; Pratt, 1987a; Taylor, 1986), are starting new enterprises at three times the rate of men (Jones, 1991). The phenomenal movement is fuelled by women whose desire for career advancement
has been frustrated in the corporate arena (Ambry, 1988; Jones, 1991; Lawson, 1985). Often stifled by organizational rigidity, some of the best educated and most highly motivated women are dropping out of the corporate managerial work force and are deciding to work for themselves (Lawson, 1985; Pratt, 1987a), "seeking entrepreneurial adventure as a solution for work place woes" (Taylor, 1986, p. 19). The number of self-employed women increased from 2.1 million in 1980 to 2.6 million in 1985 (Taylor, 1986), with one woman in four a sole proprietor (Cross and Raizman, 1986). The home provides an important work place for many women in business for themselves; of all sole proprietorships in Canada and the U.S. operated from private residences, more than 70% of these businesses are managed by women (Bacon, 1989; Dykeman, 1989; Kucharsky, 1990; Pratt, 1987b). Pratt states "the 'typical' home-based entrepreneur of the 1980s is a married, white woman of middle age", well-educated and professional, with previous work experience (1987a, p. 12).

Many researchers note the significant number of female home-based workers (Boris, 1988; Boris and Daniels, 1989; Christensen, 1985; Christensen, 1988c; Gerson and Kraut, 1988; Hakim, 1987; Hilborn, 1988; Langway et al, 1984; Pratt, 1987a) for whom the work option is often promoted as being particularly viable (Christensen, 1985; Christensen, 1988c; Langway et al, 1984; Pratt, 1987a). Some observers point out that home-based occupations may have some negative consequences for women's long-term career goals by fostering a "new underclass of hidden female workers" (Butler and Getzels, 1985, p. 4). However, the work-at-home phenomenon is not exclusively a women's movement (Wolfgram, 1984) as equal numbers of men and women are found among homeworkers (de Santis, 1989; Orser, 1991). The most significant difference between genders is that men predominate among those who work from home as a base, while women form the
great majority of those working at home full-time (Hakim, 1987; Horvath, 1986; Pratt, 1987a).

While traditional boundaries between women's work and men's work have changed (Christensen, 1988b), many women experience continuing conflict between career goals and family goals (Ambry, 1988; Christensen, 1985; Jones, 1991; Pratt, 1987a; Taylor, 1986) and seek flexible work arrangements for personal, economic or career reasons. Apparently, the demands of raising a family are driving women out of the corporation (Taylor, 1986). Due to inadequate planning for demographic trends and societal changes, including the growing number of female workers (including working mothers) and changes in the "size and shape" of North American families (Bureau of National Affairs, 1990; Cross and Raizman, 1986; Taylor, 1986), few companies have instituted policies on "work and family programs", such as child care, "flextime", work-at-home, telecommuting, shortened work weeks, or job sharing (Christensen, 1988b).

Hakim (1984b) has found that a high percentage of home-based workers are married women, and notes the significance of marriage and associated family responsibilities which appear to be greater for women homeworkers than men. Kraut and Grambsch (1987) concur, finding married women with young children were overrepresented among homeworkers, as were unmarried men without children; they conclude that women, not men, use homework as a mechanism to combine family obligations with paid employment. For many women, the traditional caretakers of the family, self-employment allows for greater flexibility in working and child care arrangements than does the current labour market, enabling them to juggle work and family obligations (Butler and Getzels, 1985; Christensen, 1988c; Cu-Uy-Gam, 1989; Hakim, 1980; Langway et al, 1984; Olson, 1989).
Employment flexibility

Significant changes in working patterns include the growth of part-time work and the long-term decline of full-time employment, with self-employment an alternative to full-time work for an employer (Clark, 1982). Huws et al. write:

for many workers, a permanent full-time job will cease to be an available option; the choice will increasingly be between an ever-widening range of different casual, temporary or part-time employment options which may be carried out on a self-employed, agency or employee basis...the opportunities for entrepreneurship will expand, many of them created by the gaps...[resulting] from the restructuring of large organizations or state services (1990, p. 222).

Part-time employment emerged as one of the most visible forms of work time changes in the economy in the 1980s (Orser, 1991; Pratt, 1987a) with more than 40% of the economic growth in Canada between 1979 and 1986 in part-time jobs (Orser, 1991). The opportunity to work part-time with flexible hours is cited as the primary motive for many home-based entrepreneurs, as indicated by the majority of independent home business owners who work less than 40 hours per week in the service sector (Kraut, 1988).

Home-based employment can increase employment flexibility and is an attractive work option for: those with limited work options due to family responsibilities, such as households with young children (Alberta, 1986; Christensen, 1985; Christensen, 1988c; Kraut and Grambsch, 1987; Walker, 1989), or physical constraints, such as the disabled (Pollack, 1981; Pratt, 1987a; Proctor, 1986); those in urban and rural areas who are unable to find conventional full-time employment in the formal economy, particularly in recessionary times (Bacon, 1989; Butler and Getzels, 1985; Bye, 1984; Handy, 1984); or those who do not wish to be employed
full-time in traditional paid work outside of the home, such as older people (Bacon, 1989; Pratt, 1987a).

Working at home is becoming a particularly attractive option for older people (Gardner, 1990; Kraut, 1988; Pratt, 1987a), with a mid-1980s survey finding that nearly one-fifth of all full-time home-based workers were over 55 years of age, a group that accounts for only one-eighth of all employed workers (Horvath, 1986). Many early retirees and seniors start their own home-based businesses, and applying their experience, work contacts, and knowledge (and often early retirement allowances), market their skills or turn a serious hobby into a vocation (Gardner, 1990; Ronald, 1989).

For rural residents in sparsely settled areas, hobbies also often turn into profitable businesses which supplement family incomes, reflecting limited employment opportunities or inadequate income from traditional work (e.g., farming) (Galante, 1986; Orser, 1991). More home-based businesses are found in rural areas than urban areas (Dykeman, 1989; Kraut and Grambsch, 1987). Differing in the services and products offered (Kraut and Grambsch, 1987), owners of rural cottage industries tend to rely on traditional resource-based or farm-related skills rather than on advanced technology, often hiring other home-based workers as their businesses grow (Dykeman, 1989; Galante, 1986).

Quality of life

People of all ages, from young adults to retirees, are launching home-based businesses, and the "prize" they are chasing is quality of life (Ambry, 1988). North Americans are reappraising the commonly held "assumptions, meanings, and practices of the work place and work force" and are rethinking the traditional division between the home and work place (Miller, 1988, p. ix). After a century of separating business from the home, profound attitudinal changes regarding work.
and quality of life have led to an increasing interest and commitment to entrepreneurship and self-employment by people desiring greater autonomy over their own time, working style and conditions (Ambry, 1988; Bacon, 1989; Dykeman, 1989; Orser, 1991; Sachs, 1986). Liberation from the daily grind of commuting to a 9 to 5 job and office pressures, and the elimination or reduction in child care expenses can be strong incentives to experiment with home-based work (Horvath, 1986); it is seen as an attractive opportunity to integrate one's work and family lives and pursue new educational, leisure, and community interests (Bacon, 1989; Huws et al., 1990; Pratt, 1987a). Basing work at home, "the one environment that most of us can still control" (Farmanfarmaian, 1989, p. 38), is part of the lifestyle trend of "cocooning" (Kucharsky, 1990) in which a new emphasis is placed on the home as the centre of society resulting in greater community stability and better environmental quality (Toffler, 1980).

Although not everyone could or would wish to earn a living by working at home, for some it is the "ideal work arrangement" (Butler and Getzels, 1985, p. 1), with "technological conditions, economic incentives, and political support converging to create a favourable climate" (Herbers, 1986, A18). Whatever the reasons, the opportunity, need, and desire to work in the home has increased (Alberta, 1986), and "home occupations are here to stay" (Klyne, 1991; Longhini, 1984, p. 28).

Summary

Despite definitional and methodological problems which have resulted in studies producing varying estimates of the numbers comprising the home-based segment of the work force, the general consensus in the literature is that the number of people engaged in home-based work is substantial and increasing. Several significant factors are fuelling the renewed interest in the work-at-home
concept. Forces affecting the nature of home-based work and influencing its adoption include technological advancements which have assisted in restructuring the economy resulting in the expansion of the service sector and rise in importance of the small business sector. Demographic trends, such as the significant number of women in the work force, economic conditions, including corporate downsizing and unemployment, and attitudinal changes are propelling North Americans to choose home-based work as a viable, alternative work option. Home-based work offers significant benefits including expanded employment opportunities, freedom of self-regulated work, flexibility to accommodate non-work responsibilities and activities, and reduced transportation costs, while providing an incubator environment for new enterprises and creating new jobs.

While certain forces are fostering the establishment of home-based businesses, other factors are said to affect their operation and impede their growth; the issues surrounding municipal zoning regulations are examined in Chapter 3.
CHAPTER THREE: REVIEW OF PLANNING LITERATURE

Introduction

This chapter reviews the public policy literature on home-based work which, like any employment, is governed by a variety of laws and regulations. The most immediate control over home-based enterprises, usually referred to as "home occupations" in urban areas, are municipal zoning bylaws (Alberta, 1986; Ontario, 1987; Staples, 1988). Such planning regulations are used by almost all local governments (Butler and Getzels, 1985; Pratt, 1987a) and vary considerably from one locality to another, both in their content and in the degree to which they are enforced (Huws et al., 1990). The literature focuses on the design of zoning bylaws, which reflect the concerns and attitudes of local government officials and planners who must balance competing interests in their communities (Staples, 1988).

Due to limited space and excellent coverage elsewhere, this thesis will not discuss in detail other significant planning-related issues: the spatial impact of new technology and information-based industries on housing and neighbourhood design (Ahrentzen, 1989); settlement patterns and urbanization processes (Brotchie, 1984; Brotchie et al., 1985; Castells, 1989; Francis and Schneider, 1989; Nilles et al., 1976); or the transportation-telecommunication tradeoff hypothesis (Francis and Schneider, 1989; Gordon and Van Arsdale, 1986; Huws et al., 1990; Janelle, 1986; Nilles et al., 1976).

Regulatory literature

Regulatory perspectives on home-based enterprise are provided by several authors. Two American Planning Association publications have been produced about the subject: one by Toner (1976) which focuses on the design of home occupation ordinances; and the other by Butler and Getzels (1985) which gives an overview of the state of local government regulations, discusses administrative and
enforcement procedures, and concludes with recommendations regarding the design of zoning bylaws. Pratt (1987a) examines the legal barriers to home-based work, while Butler (1988) focuses on the local zoning ordinances which govern it.

Canadian research on municipal policies on home businesses and their impact on residential communities is lacking. However, studies have been conducted by Alberta's Inter-Agency Planning Branch of the Department of Municipal Affairs (Alberta, 1986) and Ontario's Ministry of Municipal Affairs (Ontario, 1987). Both recognized the growing public interest, municipal concern in managing home occupations, and the lack of clarity surrounding the issue, and undertook studies to provide an overview of the situation their respective municipalities were experiencing. In addition, Staples (1988) specifically examines the regulatory approach toward home-based businesses used in British Columbia.

**Advantages of integrating home and work place**

Land use is controlled primarily through official plans and the passage of zoning bylaws by municipal councils, which designate residential districts as areas distinct from commercial and industrial districts in their communities. Such devices reinforce the widely-accepted planning principle of spatially separated land uses (Ontario, 1987) which enhances residential amenity and facilitates the economic well-being of communities (Thomas, 1986). However, many municipal governments recognize that residential and commercial uses are not necessarily incompatible. They realize the need and desire of people to work at home, many of whom are engaged in small-scale business ventures which could not be sustained if commercial quarters were leased or which, depending on the nature of the home occupation, could not be expanded into full-scale enterprises (Porter, 1986). Through development control, allowing home-based work in residential areas can be a
positive, even necessary, policy for a community (Alberta, 1986; Butler, 1988; Ontario, 1987; Pratt, 1987a).

Besides offering expanded employment opportunities and incubating small businesses which create jobs, home occupations can contribute to the efficient use of major urban resources, such as land, housing, and the transportation system (Ontario, 1987). With the journey to work reduced or eliminated for homeworkers, reduced energy consumption and improved air quality may be realized, and fewer pressures may be placed on the road system, dampening demands for auto-related facilities (e.g., parking). A more efficient, intensified use of land may result from the improved utilization of extra domestic floor space to accommodate two diverse uses - the family and business (Dykeman, 1989). In addition, home-based economic activity is likely to strengthen the sense of community and enhance neighbourhood quality due to the easy accessibility to neighbourhood services and facilities within close proximity in a higher-density, mixed-use, pedestrian environment (Ontario, 1987; Thomas, 1986; Toner, 1976). In addition, the presence of home-based workers keeping flexible daytime hours contributes to the general vitality and safety of neighbourhoods (Butler and Getzels, 1985); with greater neighbourhood surveillance, potential crime may be deterred (Ahrentzen, 1989; Cram, 1990; Pratt, 1987a; Staples, 1988). The neighbourhood implications of "this new domestic/labour arrangement" are speculative but suggest "tighter-woven communities" than presently found in most residential developments (Ahrentzen, 1989, p. 273).

Some communities have altered their zoning restrictions and adopted innovative building codes to accommodate people who want to work at home and have made home occupations a neighbourhood feature. While the conversion of existing premises to accommodate home-based work is usual, there are a number of
small- and medium-scale purpose-built residential developments designed to combine residential living with home-based work. Examples include: a small shopping centre/housing project in Oak Creek, WI consisting of 20 homes connected to studios and shops whose entrances face a common pathway (Wolfgram, 1984); an architecturally-controlled subdivision development in Lynwood, IL where one-acre lots are "dual zoned" to accommodate both a single family residence and a separate business building in the rear of the lot (Butler and Getzels, 1985); and a multi-phase, "smart housing" development (which was never built) in Foresthill, CA in which the 360 homes were designed specifically for telecommuting, and were to be equipped with computers and related electronic equipment to be used by resident writers, engineers, computer programmers, and other creative professionals (Cross and Raizman, 1986; Perry, 1985).

Planning issues

Despite the benefits created by home-based work, there may also be negative aspects which impact communities and cause concern for municipal councils, planning staffs, development officers, and merchants (Alberta, 1986; Dykeman, 1989; Ontario, 1987; Thomas, 1986). Home occupations are regulated so as to guard against undesirable changes in neighbourhood character and nuisance to neighbours. Other community-based problems which are related to municipal management include possible strain on municipal services, and financial considerations, such as the loss of property tax revenue and impacts on other businesses (Alberta, 1986; Ontario, 1987; Toner, 1976).

Conflict over neighbourhood values

The dilemma faced by municipal councils and staff is how to control home occupations so that the community can avail itself of the advantages offered by home occupations without destroying the integrity of the residential neighbourhood.
Without adequate local zoning controls in place, conflict arises between people who use part of their homes for business purposes and neighbours who prefer to live in exclusively residential communities (Pratt, 1987a; Toner, 1976).

The most frequently mentioned issue regarding home occupations is the nuisance factor (Alberta, 1986; Butler and Getzels, 1985). Immediate neighbours can become annoyed by nuisances created by home-based businesses, particularly those which generate recognizable external effects, such as noise, odours, and other nuisances including additional traffic and parking problems (Alberta, 1986; Butler, 1988; Toner, 1976). Open storage areas and unsightly signage may also be unwelcome by-products. The proliferation of unregulated home occupations may precipitate a change in the character of the neighbourhood through a deterioration of its aesthetic quality (Ontario, 1987), a decline in property values (Thomas, 1986), and interference with residents' perception and enjoyment of their home and residential environment (Ontario, 1987; Toner, 1976). In extreme cases, certain home occupations may promote a change of land use to a commercial nature due to the expansion and intensification of non-residential uses (Butler, 1988; Ontario, 1987; Thomas, 1986).

Strain on municipal services

Home occupations can place additional strains on municipal services and facilities, such as roads, water supply, sewers, garbage collection, etc. Planned, constructed, and provided to accommodate normal residential usage, such "hard" services may not be able to withstand increased usage associated with commercial operations and may lead to demands for the expansion or improvement of these services which has financial implications for the municipality and the taxpayer (Ontario, 1987).
Tax loss and unfair competition

Another financial consideration may be the loss of municipal revenue due to differing property tax rates for commercial and residential property. Because of the difficulty in monitoring home businesses, officials suspect that many homeworkers operate covertly and pay residential versus business taxes (Ontario, 1987; Wolfgram, 1984). In addition, those businesses situated in designated commercial and industrial areas which pay business taxes argue that allowing home-based businesses to operate constitutes unfair competition (Butler and Getzels, 1985; Bye, 1984; Home-based businesses, 1989; Ontario, 1987). However, Staples (1988) suggests that home-based enterprises are complementary to commercial area businesses with the former very likely meeting the needs of an entirely different market from that served by the latter.

Municipal regulations

An estimated 90% of U.S. communities regulate home-based employment (Butler and Getzels, 1985; Pratt, 1987a) through the combined use of regulatory methods, including the official plan, zoning by-law, and licensing.

Official plan

An official plan states general objectives and policies to guide the municipality in its development. It may provide an enabling statement which outlines the municipal policies on home occupations, and describe the mechanisms used to implement the policies. Bylaws must then conform to the goal and policy statements contained in the official plan.

Zoning bylaw

The zoning bylaw is the most commonly used tool for regulating home occupations (Ontario, 1987). Municipal councils have the legislative authority to pass bylaws to regulate the use of land and buildings, and therefore, are able to
restrict or prohibit specific uses (including home occupations) in residential buildings located within specifically designated zones. The typical zoning bylaw contains a section which defines "home occupation", and may provide lists of permitted and prohibited uses or types of home occupations, in conjunction with statements which outline performance standards.

Many communities incorporate lists in their zoning bylaws to specify the types of occupations, trades, professions, or businesses that are acceptable or prohibited as home occupations in some or all of their residential areas. A list of permitted uses gives typical examples of those which can be conducted within the limits of restrictions imposed by performance standards (Toner, 1976). Prohibited uses are generally those which, by the nature of the investment or operation, have a pronounced tendency to rapidly increase beyond the limits permitted for home occupations (such as beauty parlours, auto repair, medical or dental offices) and thereby impair the use and value of a residentially zoned area for dwelling purposes (Toner, 1976).

Performance standards

Another common element included in zoning bylaws is a series of conditions or criteria which are applied to the operation of home occupations and are widely referred to as performance standards. (Strictly defined, performance standards are actually the quantitative measures of the effects or characteristics of a particular use that may not be exceeded [Butler and Getzels, 1985]). These standards allow home occupations to exist subject to specific conditions that, when met, ensure that the home occupation starts and remains secondary or incidental to the residential use of the dwelling and does not change the residential character of the surrounding neighbourhood (Ontario, 1987; Toner, 1976). "The precise manner in which these conditions are met may be left up to the homeworker, and thus a degree of
flexibility is allowed" (Butler and Getzels, 1985, p. 15). While some restrictions are obviously necessary and desired, many "needlessly interfere with valuable economic activity and have no apparent valid social purpose" (Pratt, 1987a, p. iii). Examples of performance standards include limits on the following:

External effects

Bylaws usually require that the exterior appearance of the residential property be maintained without any evidence of a secondary use, and structural alterations or additions to the exterior of a dwelling of a commercial nature are disallowed (Staples, 1988). The home occupation is usually limited to operate wholly within the residence, with the use of a garage or accessory building often prohibited (Pratt, 1987a). Prohibition of the outside storage of business equipment, materials, or merchandise is usual, with restrictions on the inside storage of inventory and materials possible (Pratt, 1987a). Most bylaws prohibit outdoor signs or the external display of merchandise, and may limit the size and message of an indoor sign to a small, unilluminated type (Staples, 1988), often in accordance with sign by-law provisions.

Intensity of use

To regulate the intensity of use, the bylaw may allow only one home occupation which must remain clearly accessory to the private residential use of the property. Restrictions are imposed on the amount of floor area that can be used for business purposes, e.g., one room or a certain percentage of the interior floor space (Pratt, 1987a). Often the number of participants in the home occupation is restricted to actual residents of the dwelling or "family" members (Staples, 1988), although allowances may be made for the employment of one or two outside staff. Usually, the dwelling cannot be used to assemble employees for instruction, dispatch to other locations, or other purposes (Porter, 1986). Operating hours for
both indoor and outdoor activities may be restricted (Pratt, 1987a). Often the number of clients or customers allowed on the premises at one time or on any given day may be limited, or prohibited altogether (Staples, 1988). On-site retail sales of goods produced are usually prohibited (Pratt, 1987a). Advertisements that supply the address of the home-based business are also usually prohibited (Butler and Getzels, 1985).

**Traffic and parking**

Traffic is often regulated by requiring that the home occupation not create any additional pedestrian or vehicular traffic into or out of the premises in excess of that normally found in the neighbourhood. Limits are sometimes placed on truck or courier deliveries (Pratt, 1987a), and the parking and storage of trucks or vehicles used in conjunction with the home occupation are often restricted or prohibited. Restrictions on the extent of on-street parking and the provision of off-street parking are designed to restrict the flow of traffic to home-based businesses (Staples, 1988).

**Nuisance aspects and use of equipment**

Most municipal zoning bylaws attempt to control the nuisance aspects of home occupations, and often restrict emissions of smoke, dust and other particulate matter (Staples, 1988). Offensive and obnoxious odours, dangerous emissions, and noise and vibrations are prohibited. Electrical interference, heat, and glare are restricted. Often the installation, use or repair of mechanical or electrical equipment other than that customarily employed in a dwelling unit for domestic or household purposes is prohibited (Pratt, 1987a) (this may include personal computers and facsimile machines [Herbers, 1986]).
Licensing

Licensing systems for home occupations provide a quick means of authorizing home occupations in residential districts (Butler and Getzels, 1985), giving the community more control over home occupations (Toner, 1976). The business license requirement is viewed as one way to keep records on home occupations (Ontario, 1987), serving as the "monitoring backbone" of home occupation regulations (Toner, 1976, p. 5). In British Columbia, any enterprise undertaken for the purpose of gain or profit which involves the exchange of money for goods or services qualifies as a business and is usually required to be licensed by the local municipality which may impose differential business license fees (Orser, 1991; Staples, 1988). Upon application for a business license which is temporary and subject to periodic review, the applicant is made aware of the zoning requirements relevant to home occupations (Butler and Getzels, 1985). Case-by-case, administrators determine compliance of the home-based business with the zoning, building, health, sanitation, and business bylaws (Staples, 1988). Inspection of the premises by staff of one or more city departments may be necessary (Butler and Getzels, 1985). Violation of conditions in the zoning bylaw is grounds for revocation of a business license; however, such drastic action, e.g., fines, imprisonment, etc., is usually unnecessary and infractions are usually resolved readily (Butler, 1988).

Homeworkers' perspective

Increasingly being debated in courts and through political channels are the planning regulations (typically zoning bylaws) and the licensing requirements to which the home work site and worker are subject (Pratt, 1987a). While entrepreneurship and self-employment are promoted politically by federal and many provincial governments (Dykeman, 1989; Orser, 1991), current municipal
regulations do not support the new interest in home-based work (Pratt, 1987a). While some municipalities have regulations which encourage home business ownership, others discourage it, and a number of municipalities virtually prohibit all home-based businesses because "[they are] just too hard to police" (Cram, 1990, p. 6). Home-based business owners complain that they are unable to develop satisfactory business growth due to overly restrictive, "archaic" zoning regulations (e.g., on signage, client/customer visits, the sale of products, inventory storage, allowances for employees, etc.) which "play havoc with their business plans" (Cram, 1990, p. 6) and unduly limit the operation of their income-producing activities (Pratt, 1987b). Currently, the homeworker is "little more than a solitary mole, scuttling out of his home" (Mowbray, 1986, p. 54). Such restrictions can thwart the establishment of legitimate home-based businesses and "threaten to stifle an important and growing sector of the economy...[placing] obstacles in the way of the economic and social goals" of an increasing number of people (Pratt, 1987a, p. iii).

Concerns have been expressed that regulations are confusing and biased. "Many of these regulations are poorly written, administered arbitrarily, obscure to the public, and seem more troublesome than the excesses they are intended to prevent" (Toner, 1976, p. 4). Definitions, a critical element in home occupation regulations, can cause interpretation problems due to their vagueness (often unintentionally including housework and hobbies) (Toner, 1976), or can be discriminatory by including ambiguous terms such as "traditional" or "professional" (Ontario, 1987). While they may provide examples, lists of permitted and prohibited uses tend to be difficult to administer due to the time required to interpret them (Ontario, 1987). They do not provide guidance to zoning officials in evaluating proposals for new, unprecedented home occupations (Butler, 1988), and often act as a deterrent to the legal establishment of new home occupations due to
the complexity and time involved in requesting an amendment to a bylaw (Ontario, 1987). If the zoning bylaw has not been challenged, the tendency is not to "overhaul" these lists (Butler and Getzels, 1985), which are cumbersome and awkward tools to incorporate in the bylaw (Ontario, 1987).

Current zoning bylaws often do not reflect the rapid employment changes which have taken place within the last several years (Butler and Getzels, 1985), and many people trying to establish home occupations are hindered or prevented from pursuing particular occupations. Most zoning regulations were drafted and enacted in different economic times (most predate the introduction of telecommunication technology introduced in the late 1970s and early 1980s [Butler, 1988]), and have not been revised to reflect changes in the nature of home-based work, particularly the growing number of people involved in white-collar occupations at home. Most bylaws do not contain provisions for "high-tech" occupations which were not envisioned when the bylaws were written (Pratt, 1987a). For example, some bylaws list historically accepted professionals, such as doctors and lawyers, while prohibiting new types of professionals or consultants who would like their office situated in the home, such as computer programmers or planners (Herbers, 1986).

Lists may be too restrictive and arbitrary, legalizing some businesses and excluding others, and may limit permitted occupations to those "customarily" conducted in the home in that locale (Butler, 1988). Often unintended consequences occur, such as the prohibition of potentially desirable services due to their omission from the list of permitted activities (Butler, 1988). Also, anything not listed as a prohibited use is perceived to be permitted, which is not likely to be the intent of the bylaw (Ontario, 1987).

Home-based workers are often unaware of or unclear about zoning and business bylaws which regulate their work (Butler and Getzels, 1985) or are reticent
to conforming to complex restrictions or paying steep license or development fees (Cooney, 1989; Dykeman, 1989). As a result, many home-based workers operate their businesses illegally, "putting those who stay within the law at an unfair disadvantage" (Herbers, 1986, p. A18).

**Enforcement**

Apparently, many home businesses operate in violation of regulations but without interference from authorities.

The home occupation provision is perhaps the most consistently violated section of the entire zoning ordinance. Mass civil disobedience and lax enforcement attest to its weakness (Toner, 1976, p. 2).

A great many of the restrictions on home-based work are difficult to enforce; ill-drafted home occupation ordinances hinder officials in enforcing their own regulations (Butler, 1988; Bye, 1984; Ontario, 1987). More often than not, zoning bylaws and licensing requirements are not enforced on a pro-active basis due to a lack of staff (Butler and Getzels, 1985).

Municipal officials admit that it is impossible to monitor all existing home occupations; most do not bother with business licenses (Mowbray, 1986), are unobtrusive, do not generate much traffic and often go undetected. Problems are handled primarily on a complaint-by-neighbour basis (Ontario, 1987). Generally, the "unwritten rule in the enforcement of home occupations in most communities is that if no one complains, there is no problem" (Butler and Getzels, 1985, p. 21). Neighbours generally tolerate home-based businesses and only complain if they impinge on the amenity of the area, for example, due to some visible or audible aspect of the operation of the business (Orser, 1991; Pratt, 1987a; Thomas, 1986).
"Neighbours...can police the neighbourhood better than the enforcing department could ever hope to" (Butler and Getzels, 1985, p. 21).

**Review underway**

Many municipalities have resisted accommodating home-based work, fearing that "the whole residential character of [their communities] will be threatened" (Cram, 1990, p. 6). However, a survey of 1,100 local planning agencies by the American Planning Association found that many local governments were dissatisfied with their home occupation ordinances, considering them to be inadequate to regulate the current multitude of home occupations (Butler, 1988).

As the number of people who work at home rises, many local governments are determined to preserve the residential qualities of neighborhoods without impeding the revival of cottage industry (Herbers, 1986). There has been a gradual realization that relatively few home occupations have the potential to really annoy neighbours, change the character of the neighbourhood, strain public services, or compete against businesses in commercial areas (Toner, 1976).

Some municipalities have recognized the importance of home-based businesses to the local economy and are engaged in promoting better business environments for them. The effects of zoning bylaws on home businesses and their economic impacts on communities have become a national issue with the establishment of a multipartite committee under the federal Industrial Adjustment Service Program. It was instigated by the Federation of Canadian Municipalities which called for research to assist policy makers in protecting "traditional qualities in the community while fostering the economic well-being of such commercial establishments" (Mowat, 1991). "Beginning to see that there is a lot more economic activity done at the home-based business level than first imagined" (Mowat, 1991), the entrepreneurship office of the federal Ministry of Industry,
Science and Technology agreed to become involved in the "National Home-Based Business Project" which was launched in January 1991. Its mandate is to research the nature and extent of home-based business in Canada, examine its potential for growth and impact on society, and prepare guidelines for local leaders to assist them in "creating a positive community environment for this home-based economic activity" (Priesnitz, 1990, p. 6). A report compiling the results from this timely research is to include pro-active planning guidelines (e.g., sample bylaws) (Mowat, 1991). Copies will be distributed to municipal councils and planning staffs to guide them in amending their current regulations to foster home-based business activity in their communities (Mowat, 1991).

For most communities, the regulation of home occupations has been a "knotty" problem (Toner, 1976). Officials have acknowledged that is it difficult to devise workable zoning bylaws which require a minimal amount of interpretation yet differentiate between desirable and undesirable home occupations to the satisfaction of all (Butler, 1988). Responding to the increasing trend toward home-based work, zoning administrators, "who have grown more tolerant of home occupations" (Butler and Getzels, 1985, p. 5), are reviewing and revising their current, overly-rigid or vague home occupation regulations, often at the request of municipal councils who receive complaints from proponents of home occupations (Butler and Getzels, 1985).

Frustrated with zoning restrictions, some home business owners have found it advantageous to band together and form home-based business networking associations which promote, support, and nurture the growth of home business. Operating with the philosophy that the self-employed have greater clout when they act collectively (Bacon, 1989), many associations have adopted active policy making roles locally and nationally (Pratt, 1987a). Many "vehemently favour" the lifting of
restrictions on the use of home as work place (Huws et al., 1990, p. 54). In British
Columbia, some groups have successfully lobbied their municipalities to amend
their bylaws to reflect the changing needs of local, home-based residents, many of
whom are unable to establish credibility as legitimate businesses due to zoning and
business bylaw restrictions (Cram, 1990).

Having realized that the practice of listing specifically permitted and
prohibited home occupations is outdated (Toner, 1976), many municipalities are
dealing with the diversity and volume of home-based businesses by simplifying their
zoning bylaws. Some municipalities have found that favoured status given to
"professionals" and "customary uses" is unreasonable, discriminatory and
challengeable, and "cannot be justified on the basis that these uses produce less
harmful consequences to a neighbourhood than other home occupations" (Butler,
1988, p. 193). Such terms are an "inappropriate surrogate" for the regulation of
home occupations, as are provisions which limit home occupation employees to
"family members" (Butler, 1988, p. 193).

Without imposing arbitrary restraints, some municipalities have changed
their home occupation restrictions tied to occupational categories and are allowing
virtually any home occupations as long as they conform to stipulated performance
standards which are enforced only when neighbours complain (Butler and Getzels,
1985). The use of clear and concise performance standards which describe "the
measurable, allowable effects of various occupational activities" (Cross and
Raizman, 1986, p. 26) is recognized to be the most appropriate and effective method
in controlling the impact of home occupations on the neighbourhood (Longhini,
1984). Nuisances, such as noise, odour, etc., are hard to measure, and enforcing
such performance standards takes considerable staff time. However, quantitative
measures of traffic flow, parking spaces, the number of employees and customers,
and floor area usage can ensure home occupations remain incidental and accessory uses within the dwelling (Butler and Getzels, 1985).

A zoning ordinance that takes into consideration the effect of a home occupation on traffic patterns, parking availability, aesthetics and nuisances in general is a reasonable ordinance for maintaining residential character (Toner, 1976, p. 13).

Avoiding easily misinterpreted words or ambiguous language, "the ordinance...should be limiting and explicit, so that quick, effective attention can be paid to those few nuisance home occupations that come to the planning agency's attention" and decisions can be made without extensive investigation or background reports (Toner, 1976, p. 1). Certain "undesirable" home occupations which are likely to generate a lot of vehicular traffic or noise are automatically disallowed because the performance standards of the ordinance could never be met (Longhini, 1984).

Summary

Without regulation, virtually any economic activity could be carried out from an individual's home. Therefore, it is essential to limit home occupations to those which are compatible with the residential nature of neighbourhoods. To ensure minimal negative impacts on the neighbourhood or its residents, many municipalities use a regulatory system that incorporates both licensing procedures and approval of the home occupation based on conditions specified in the zoning bylaw which restrict the use of the home as work place. However, the literature suggests that the design and effectiveness of home occupation regulations vary considerably between municipalities. Many experience difficulty in monitoring home occupations and in enforcing relevant regulations. Vague, outdated, and ill-drafted zoning bylaws can hinder the establishment and operation of legitimate
home businesses and result in their illegal operation. Some municipalities have recognized the benefits of home-based work to the individual and community and have updated their regulations to reflect the changing nature of homework and increasing numbers of homeworkers. Reasonable, well-designed performance standards that are imposed on all home occupations seem to be a workable tool in controlling a broad range of home occupations.

For comparative purposes, a local perspective on the significance of the work-at-home trend and the methods used to regulate home occupations is discussed in Chapter 4.
CHAPTER FOUR: A LOCAL PERSPECTIVE

Introduction

Since most of the literature on home-based work is speculative and based on American examples, it was necessary to obtain insight into the local home-based business situation. Letters outlining this research endeavour were sent to planning directors of eight selected municipalities in the Greater Vancouver area chosen for illustrative rather than representative purposes. Meetings were arranged by telephone and in-person discussions were held with seven planners and senior administrators whose work involves planning for and regulating home occupations. Appendix A lists the informants who were: a director of planning (Coquitlam), departmental planners (New Westminster, City of North Vancouver, West Vancouver and Port Coquitlam), a chief license inspector (Burnaby), and a zoning administrator (Vancouver). The member of municipal staff in Richmond, to whom the research letter was forwarded, was unresponsive to several telephone calls placed to arrange a meeting.

A set of questions (Appendix B) guided the semi-structured, exploratory consultations to ensure that each informant addressed the same aspects of the home-based work issue; a conversational rather than interview format was used to gather information. Questions were asked about the actual and perceived extent of home occupations, their nature, and numerical and economic significance to the municipality. Informants were asked to: describe the local attitudes toward home occupations on the part of municipal council, citizens, and the business community; specify the planning approach adopted in controlling the operation of home-based businesses; elaborate on the methods used by planning staff to regulate them; and discuss the adequacy of these regulations in minimizing negative community impacts. Informants supplied information about enforcement issues including
business license procedures, the frequency and nature of complaints, enforcement
policies, and prosecution incidents. Questions were asked about the nature of and
reasons for past, current, and proposed amendments to the zoning bylaw, and
about the local planning implications of alternative work options such as home-
based work, i.e., possible changes in the way planning (particularly neighbourhood
planning) is conducted in the municipality.

Comments made by planners about the issue in their municipalities are
discussed in conjunction with an analysis of home occupation provisions in zoning
bylaws supplied by the informants. For reference purposes, tabulated data are
provided, and the legend on page 49 is to be used in interpreting all tables found
throughout the text.

**Extent, nature, and significance of home occupations**

It is difficult for municipalities to obtain an accurate picture of the number
and nature of home occupations in their communities, even though all use business
licenses as a "control feature". Often, past year licensing records on home
occupations are not available or cannot be accessed without extensive work
(New Westminster), making it difficult to monitor and establish trends on home-
based businesses. Due to inadequate data collection, its storage, and monitoring, all
estimates of the number and types of home occupations were based on current year
business license information and personal perceptions.

Actual data on home occupations operating in communities is limited;
municipal licensing departments generally maintain very basic data bases for all
business licenses issued. Depending upon the classification system utilized,
statistics specific to home occupations may not be available (Burnaby, Vancouver)
as they are in other areas (Coquitlam, New Westminster, North Vancouver,
West Vancouver). In addition, many home-based business owners do not bother
with business licenses. Only two informants ventured to guess the number of home-based owners operating illegally in their communities; the planners from North Vancouver and West Vancouver estimated that 50% of the home occupations operating were doing so without appropriate licenses.

**Number of home occupations**

The general consensus among those interviewed was that the number of home occupations was increasing in their communities, which verifies claims made in the literature. However, one planner felt that the number of home businesses had stabilized and he was not anticipating the establishment of many more (North Vancouver).

A variety of reasons were supplied as factors contributing to the increase in the number of home occupations. Some informants identified economic conditions, such as a downturn in the economy or unemployment (Burnaby, Coquitlam, West Vancouver) or corporate downsizing (West Vancouver), while one planner felt that business activity was generated during "good times" (New Westminster). Another felt that the number of home businesses was increasing due to personal initiative irrespective of economic climate (North Vancouver). Some mentioned that technological advances in business and communication equipment, such as computers and cellular phones, were making it easier for people to engage in service industries from the home (New Westminster, North Vancouver, West Vancouver).

**Changing nature of home occupations**

The literature suggests that the type of home occupations is changing. However, none of the informants thought that changes were occurring in the nature of the home occupations typically found in their municipalities. While mention was made of "some women at home with their children" and others who have "overgrown hobbies" which have developed into successful businesses
(North Vancouver), the planners in North Vancouver and West Vancouver report the prevalence of professionals, consultants, and related service occupations. However, other municipal staff were unable to indicate the extent of the different types of home occupations in their communities. Frequently perceived as prevalent were craftspeople and contractors (Burnaby, Coquitlam, New Westminster, Vancouver), which is in accordance with the two-tier home business license categories utilized in these municipalities to charge differential rates for homecraft occupations and for those individuals who work in or out of their homes.

Significance of home employment

While home occupations appear to be a permanent, on-going phenomenon in the residential setting and not a passing fad, most informants were generally unconvinced about the significance of home-based businesses in their communities. Many perceived that the economic and social benefits of home occupations accrue only to the individuals involved in their operation (Coquitlam, New Westminster). For example, homecraft occupations are viewed as primarily part-time enterprises which provide a secondary source of income (New Westminster, Vancouver). Despite 1981 Statistics Canada data on West Vancouver employment (supplied by the informant) which indicated that 7.8% of the labour force (or 1,480 people) worked at home (which compares with the 1,470 employees at the largest single employer on the North Shore - Lions Gate Hospital), and the current estimates that 50 to 75% of small businesses in West Vancouver are home-based, the city planner reported, nevertheless, that home occupations have no impact on the community (West Vancouver).

However, beneficial aspects of home occupations to the community are acknowledged by some of the planners who welcome the establishment of home-based businesses which contribute to the local economy by generating spin-off
demand for goods and services (Burnaby, North Vancouver). The planning department in Port Coquitlam, currently amending its zoning bylaw which prohibits almost all home-based work, anticipates that home-based businesses will provide an "ever increasing source of employment".

However, there exist conflicting opinions about the incubation of small business in the home. Some informants recognize the need of some fledgling enterprises to incubate before relocating to commercial districts (Burnaby, North Vancouver, Vancouver). Municipal councils in both Burnaby and North Vancouver are apparently supportive of home occupations, whose operators "are not tacitly, but fully accepted members of the business community" (North Vancouver). However, other informants do not consider the home to be a viable place to start and "grow" a small business (New Westminster, West Vancouver). It was stated that business license applicants "testing the market" should do so in a commercial district (New Westminster).

Contrary to allegations in the literature, informants report that the business community is generally unthreatened by home-based businesses, "probably because they are not aware of their extent" (Vancouver). Virtually no complaints from business competitors about unfair competition have been received by municipalities which have seemingly attempted to pacify business owners operating in commercial districts. In order to maintain the commercial core in their communities, some municipalities have been "adamant" (New Westminster) and "hard line" (Coquitlam) in refusing to amend their zoning bylaws to allow professionals to work at home. Viewing planning as the separation of incompatible land uses by zones, one planner stated that it was unacceptable "to go in through the back door" to create commercial zones (e.g., by allowing professional home offices) without rezoning (New Westminster). It was feared that the building and leasing of office
space would be affected, which could perhaps weaken the commercial core and cause concern for the business community (New Westminster). To reduce the possibility of complaints from the business community in Burnaby, professional home offices are charged the same license fee as those businesses located in bonafide commercial areas ($382 initially, $123 renewal). The planner in North Vancouver believes that smaller-scale home businesses generally cannot compete volume-wise with businesses in commercial areas due to municipal planning regulations which often limit the types of home occupations which can be pursued and affect their operation through restrictions on retail sales, use of outside employees, etc. Importantly, the planners from North Vancouver and West Vancouver report that the majority of home-based businesses in their communities do not use the home as an incubator but as a long-term site for their businesses; it is perceived that most owners do not intend on expanding their businesses beyond the home due to lifestyle considerations (North Vancouver, West Vancouver).

Planning issues

Methods of regulation

All municipalities contacted employ more than one method of regulating home occupations and use a combination of zoning and business bylaws. Among municipalities, however, the zoning bylaw provisions relevant to home occupations vary considerably in age, content, and clarity, with some municipal regulations noticeably more refined (Burnaby, North Vancouver) than other communities. The following tables are provided for comparative purposes to demonstrate the variability in the design of home occupation provisions among municipalities contacted.

Table 1 provides an overview of informants' general comments about the age and design of home occupation provisions in their municipal zoning bylaws.
Although home-based economic activity is permitted in all municipalities contacted (except Port Coquitlam), the only municipality whose official community plan contains a reference to home-based work is West Vancouver (one informant was uncertain about such a reference in his municipality [Burnaby]). Limiting home occupations to those compatible with the primary residential function of neighbourhoods, municipalities permit what they consider to be desirable home-based businesses in all residential zones provided they are small-scale, unobtrusive and do not cause a nuisance.

LEGEND

HBW = home-based work
HO = home occupations
OCP = official community plan
ZBL = zoning bylaw
\(\checkmark\) = yes
X = no
? = interviewee did not know
Empty box = not addressed in ZBL

\(\alpha\) = permitted
\(\$\) = restricted
\(\bullet\) = prohibited
\(\Delta\) = excluded in certain areas
* = cited as examples in ZBL
\(\Diamond\) = has separate provisions in ZBL
\(\ddagger\) = proposed amendments
\(\beta\) = regulated using business bylaw

Table 1: Overview of informants' comments regarding the age and design of home occupation provisions

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<thead>
<tr>
<th>Descriptors</th>
<th>Bby</th>
<th>Coq</th>
<th>NewW</th>
<th>NVan</th>
<th>PoCo(\ddagger)</th>
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<th>WVan</th>
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<tbody>
<tr>
<td>HBW reference in OCP</td>
<td>?</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>(\checkmark)</td>
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<tr>
<td>HO permitted in all zones</td>
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<td>X</td>
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<tr>
<td>ZBL defines HO/similar term</td>
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<td>(\checkmark)</td>
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<tr>
<td>Lists performance standards</td>
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<tr>
<td>ZBL lists permitted HO uses</td>
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<td>ZBL lists prohibited HO uses</td>
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Defined in all municipalities except New Westminster and Coquitlam, the variously-termed "homecraft, occupation or business" (West Vancouver), "accessory home occupation use" (Coquitlam, North Vancouver), "homecraft or occupation" (Vancouver), or "home occupation" (Burnaby, New Westminster) must be subordinate to the principal residential use of the dwelling, and is subject to compliance with zoning regulations to limit its scale and impact. Most zoning bylaws were enacted some years ago (two informants were uncertain of the original drafting date [Burnaby, Vancouver]), and almost all have been revised to some extent within the past ten years. Variously-worded performance standards are used by all municipalities, sometimes in conjunction with lists of permitted or prohibited home occupations.

**Occupational limitations**

Table 2 illustrates that many municipalities apply occupational limitations to home-based businesses in their zoning bylaws. Included to prevent interpretation problems, some zoning bylaws contain lists of specifically permitted and prohibited types of occupations in the community (New Westminster) or list only prohibited occupations in all areas (Coquitlam) or particular areas (North Vancouver). North Vancouver prohibits a few multi-client home occupations in its medium and high density apartment districts, with catering establishments and escort or dating services prohibited from operating in all residential zones in the municipality. In contrast, Vancouver and West Vancouver do not specifically list any permitted or prohibited home occupations but, like most other areas, outline separate provisions in the zoning bylaw which regulate common home occupations, such as bed and breakfast and family day-care operations. The Burnaby zoning bylaw lists examples of permitted home occupations, and only prohibits manufacturing, welding, and light industrial uses.
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<th>Descriptors</th>
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<tr>
<td>tailor/seamstress</td>
<td>α*</td>
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<td>domestic crafts</td>
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<td>hobbies</td>
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<td>music/art studio</td>
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<td>small appliance repairs</td>
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<td>stenographer</td>
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<td>bed &amp; breakfast/lodgers</td>
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<td>family day-care</td>
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<td>offices - prof'/non-prof'</td>
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<td>orchestra/band practice</td>
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<td>restaurant/catering</td>
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Use of performance standards

Tables 3 to 6 inclusive summarize the prevalence of four categories of performance standards commonly found in municipal zoning bylaws to deal with issues related to home-based work - in particular: the external effects of home occupations, intensity of use considerations, traffic and parking effects, and nuisance aspects and use of equipment.

Table 3: Performance standards - external effects

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<th>WVVan</th>
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<tr>
<td>operation within dwelling</td>
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<td>use of garage/accessory bldg.</td>
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<tr>
<td>outside storage of equipment</td>
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<td>inside storage of inventory</td>
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To deal with the external effects of home occupations, some municipalities prohibit external changes to the appearance of the dwelling (Burnaby, Coquitlam, Vancouver) or prohibit structural alterations to the dwelling of a commercial nature (Burnaby, New Westminster). Only half of the municipalities use performance standards to situate the home occupations with some specifically permitting their operation within the residential dwelling unit (Coquitlam, North Vancouver, West Vancouver). Some areas allow the use of accessory buildings (Coquitlam, Vancouver) which is prohibited in North Vancouver. While some municipalities prohibit the outside storage of business equipment and materials, and Burnaby and
New Westminster prohibit the external display of merchandise, some municipalities restrict the inside storage of materials or merchandise (Burnaby, West Vancouver) which most likely frustrates home business owners. West Vancouver's somewhat arbitrary provisions state that $1,000.00 wholesale value of stock-in-trade, materials, supplies or goods may be "stored or kept on or within the main or accessory building" while Burnaby allows "no stock in trade [to] be kept or handled...upon the premises".

With respect to signage restrictions, Coquitlam allows "one unilluminated nameplate of less than 0.2m^2 in area" and Burnaby permits "a sign bearing only the name and occupation of the owners which may be illuminated but not flashing and shall not exceed 1900 sq. cm. (2.05 sq. ft.) in area". In contrast, West Vancouver requires that any sign related to the home occupation must comply with the municipal sign bylaw which allows one four square foot fascia sign containing the person's name and hours of business.

To ensure that the home occupation remains as an accessory use of the residential dwelling, municipalities use a variety of restrictions as performance standards to regulate intensity of use. North Vancouver is the only municipality to limit the number of home occupations operating in a dwelling to one. Two municipalities, which specifically permit home occupation operation in the dwelling unit, restrict the amount of interior floor area (20%) which may be used for business purposes (Coquitlam, North Vancouver). With the exception of New Westminster, all municipalities restrict the number and type of participants allowed to be engaged in the home occupation. While Burnaby allows any number of residents of the dwelling to be actively employed in the home-based economic activity, Vancouver restricts employment to only one resident, and West Vancouver limits the practice of a home occupation to no more than two persons of an "immediate
family". In contrast, both Coquitlam and North Vancouver limit participation in the home business to at least one resident of the dwelling and not more than a maximum of two persons.

Table 4: Performance standards - intensity of use

<table>
<thead>
<tr>
<th>Descriptors</th>
<th>Bby</th>
<th>Coq</th>
<th>NewW</th>
<th>NVan</th>
<th>PoCo</th>
<th>Van</th>
<th>WVan</th>
</tr>
</thead>
<tbody>
<tr>
<td>number of HO per dwelling</td>
<td></td>
<td></td>
<td>$</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>amount of floor area used</td>
<td>$</td>
<td></td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>participants</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>employees</td>
<td></td>
<td>$</td>
<td></td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>on-site retail sales</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td></td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>#/frequency of client visits</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$β</td>
<td></td>
<td>$β</td>
</tr>
<tr>
<td>advertisements</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$β</td>
</tr>
</tbody>
</table>

Interestingly, New Westminster is the only municipality to allow the sale of the "principal product of the homecraft or home service being undertaken" on the premises. On-site retail sales of such goods are prohibited in all other municipalities contacted (Burnaby, Coquitlam, North Vancouver, Vancouver, West Vancouver) with most municipalities including a simple statement to prohibit such sales. However, planners' concern for the implications of traffic congestion (e.g., parking, congestion, and noise) by home occupations is underscored by the performance standard found in the West Vancouver home occupation provisions which states that "no goods, wares, merchandise, or other commodities are sold directly in, or upon, or from the premises". With respect to client and customer visits, inconsistencies are evident with New Westminster allowing on-site sales while prohibiting the operation of home offices as work places; in other municipalities (Burnaby, North Vancouver, West Vancouver), "reverse discrimination" is found
where zoning bylaws exhibit favourable bias toward professionals, etc., by allowing them to offer services, yet prohibit retail sales to customers - who need not generate more traffic than clients whose visits are permitted.

Table 5: Performance standards - traffic and parking

<table>
<thead>
<tr>
<th>Descriptors</th>
<th>Bby</th>
<th>Coq</th>
<th>NewW</th>
<th>NVan</th>
<th>PoCo</th>
<th>Van</th>
<th>WVan</th>
</tr>
</thead>
<tbody>
<tr>
<td>add'l vehicular traffic</td>
<td>●</td>
<td>●</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>add'l pedestrian traffic</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>truck/courier deliveries</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>use/parking of HO vehicles</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>on-/off-street parking</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$</td>
<td></td>
</tr>
</tbody>
</table>

Typically hard to quantify and "police" are certain aspects of home occupation operation such as traffic and the number and frequency of client visits. Subsequently, most municipalities do not address such issues in their zoning bylaws. However, the home occupation provisions in West Vancouver limit the use of vehicles in connection with the home occupation, and include the confusing statement: "that the homecraft, occupation or business shall not involve, or be reasonably expected to involve any vehicle making deliveries to or from the premises or people making visits associated with the business other than an occasional or infrequent delivery or visit". North Vancouver regulates the use and parking of commercial vehicles used for home-based work purposes, as does Burnaby whose zoning bylaw regulates nuisance effects and traffic together by requiring that

the home occupation carried on therein shall not produce noise, vibration, [etc.]...other than that normally associated with a dwelling nor shall it create or cause any...traffic congestion on the street.
New Westminster also prohibits "any increase in automobile parking attributable to the use of the premises for home occupation".

All municipalities prohibit "traditional" nuisances such as noise, odour, electrical interference, etc., created through the operation of the home occupation but none apply specific conditions for their measurement. Regarding the generation of noise, etc., both Burnaby and New Westminster include a performance standard which restricts the use of equipment by the home business owner. However, the Burnaby zoning bylaw is somewhat biased in allowing "professional" persons to work at home while limiting the use of equipment to that "ordinarily employed in purely domestic and household use or for recreational hobbies, except for such equipment as may be used for a resident physician or dentist".

Table 6: Performance standards - nuisance aspects and use of equipment

<table>
<thead>
<tr>
<th>Descriptors</th>
<th>Bby</th>
<th>Coq</th>
<th>NewW</th>
<th>NVan</th>
<th>PoCo</th>
<th>Van</th>
<th>WVan</th>
</tr>
</thead>
<tbody>
<tr>
<td>odour, emissions, etc.</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>noise, vibrations, etc.</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>use of equipment</td>
<td>§</td>
<td>§</td>
<td></td>
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</tr>
</tbody>
</table>

Regulatory approaches

Generally, the design of home occupation provisions reflects municipal attitudes toward home-based work, with regulatory approaches adopted varying among municipalities.

Control

Some municipalities have adopted a "control" approach toward home occupations and have resisted making changes to their policies to accommodate a broad range of home occupations, fearing disruption in single family residential and
commercial areas (Coquitlam, New Westminster). Consequently, the zoning bylaws in these areas have been subject to few minor revisions since their initial enactment.

The planner in New Westminster believes that the city's bylaw "allows for flexibility" by permitting "other uses similar in character to the foregoing ones". For example, the 1986 amendment to the New Westminster zoning bylaw involved adding "bed and breakfasts" as an allowable use to what the planner called its "pre-1960s" regulations. Home occupations listed as permitted and deemed to be "customary" in the New Westminster zoning bylaw include: "dressmaking", "millinery", "manufacture of...handicraft objects as an extension of a hobby", "stamp and coin collecting", music or art instruction, "small casual repairs to household equipment", and "public stenographer".

Despite its control approach to home occupations, New Westminster has ironically neglected to address certain critical aspects of home occupation operation used by other municipalities, e.g., signage and use of the dwelling unit and accessory buildings. In addition, intensity of use guidelines are lacking which are generally addressed in other municipalities.

At various times, Coquitlam has amended its 1971 zoning bylaw to adopt various specific performance standards which reinforce the accessory nature of home occupations, and has added prohibited home occupation uses, including "the salvage or repair, or both, of motor vehicles" and "dating service or social escort service". It has also clarified home occupations which are presumably problematic in the municipality; it has expanded its prohibition of "dance school" to "dance school and dance recital by more than one class of six children, EXCEPT dancing lessons for children under 16 years old in classes of six or fewer" and, earlier this year, on the advice of the municipal solicitor, amended the clause prohibiting "the sole or principal office of an architect, lawyer, doctor, dentist, optometrist,
chiropractor, dental mechanic, or other similar professional person" to read: "offices or facilities for medical examinations or treatment, building or structural design, personal counselling and advice, financial and accounting services, legal services, and consulting services" so as to "zone for use, not the person" (Coquitlam).

Accommodate

Some municipalities have been progressive in accommodating changes in the way people work; one planner believes that home-based work is an ideal arrangement for some people who should be accommodated in the community (North Vancouver). Recognizing that lists of uses tend to require constant revision, some municipalities strictly rely on performance standards which are imposed on all home occupations to control their intrusive or abusive aspects (Burnaby, North Vancouver, West Vancouver). Within the last three years, North Vancouver has been successful in substantially revising its 1967 home occupation provisions to be more permissive and has produced a "model" home occupation ordinance. Virtually all home occupations which comply with the performance standards are allowed, and such occupations typically include: offices for professionals and non-professionals; studios of artists, craftspeople, musicians, etc.; family day-care centres; and bed and breakfast operations. Other uses, which generally cannot comply with the performance standards which contain specific guidelines to direct the operation of home occupations, are disallowed, and are typically commercial or industrial in nature.

Similarly, the performance standards used in Burnaby are also readily enforceable and require a minimal amount of interpretation to determine the intent of the restrictions on the use of the dwelling for business purposes. However, informants recognize that the effectiveness of performance standards is often hindered due to design (Burnaby, West Vancouver); performance standards which
contain ambiguous terms and are vague, outdated, redundant or biased are endemic and tend to invite interpretation problems.

The vagueness of regulations within the West Vancouver zoning bylaw has been brought to the attention of the planning department which, over two years ago, was instructed by the municipal council to examine the municipality's home occupation policies due to complaints from one resident who perceived that a specific home business being operated by his neighbour was violating the zoning bylaw. Recognizing many regulations to be almost unenforceable, the planner suggested a few improvements to remove redundancies and improve on the bylaw's objectivity and effectiveness. Proposed amendments include: simplifying its "needlessly complex" definition of home-based work; specifying the maximum permitted floor area for the home occupation use within the primary dwelling and the use of accessory buildings; deleting its reference to "family" participants and permitting one employee; removing the indoor storage of stock-in-trade provision; and incorporating specific rates of deliveries and visits. However, the planner notes that amendments to bylaws are time-consuming and costly, and due to other council priorities, the necessary changes have yet to be acted on.

Tolerate

Some municipalities have come to tolerate home-based businesses, recognizing that strict regulations do not deter their operation (Port Coquitlam, Vancouver). While its official community plan includes what the planner calls the "typical statement that commercial activities are to be located downtown" (Port Coquitlam), the municipal council in Port Coquitlam is supportive of home-based businesses and recently requested that its first home occupation regulations be drafted. It was felt that council's current position regarding home-based businesses reflected "poorly on the city" (Port Coquitlam), particularly with the
increasing numbers of enquiries from people wanting to operate home-based businesses and the cognizance by officials that businesses were being operated illegally, with zoning enforcement only taking place in response to occasional complaints about unsightliness, noise, client visits, and parking problems (Port Coquitlam). Relying on clearly written performance standards, the proposed zoning bylaw provisions accommodate "accessory home businesses" in all single family and duplex zones and only prohibit manufacturing, welding, or other industrial uses.

The administration of cumbersome regulations prompted Vancouver to substantially alter its regulatory approach in the early 1980s by dropping its development permit requirement and reducing the number of performance standards governing home occupations in its zoning bylaw. Requiring greater compliance with their business bylaw, the procedures used by the municipality are the most unusual of all municipalities contacted. While applicants for a homecraft business license must sign a statement in recognition of five performance standards, they must also comply with business bylaw provisions which limit the individual's involvement in the occupation to 20 hours per week. (Full-time employment in a homecraft occupation constitutes manufacturing which is prohibited in residential zones.) The bylaw also dictates that the home occupation cannot be a major source of income, that no advertising is permitted, and that products can only be sold at craft fairs and flea markets. It is questionable as to what extent such discriminatory policies can be or are enforced.

In contrast, individuals who want a home office in Vancouver must apply for a home business license and sign a statement to recognize the somewhat vague business license provisions which are open to interpretation. Engaging in actual work in the residence is seemingly prohibited. While they are allowed to advertise
in the newspaper (only including a telephone number), business owners are allowed to have an office in the residence to be used "only as a mailing address, a place to receive business telephone calls and for keeping books and records in connection with the business". The storage of "products or material", signage, and conducting business transactions on the premises are disallowed. Through its business bylaw, Vancouver is the only municipality contacted which prohibits client visits outright.

Results from the Clouds of Change Task Force report issued in June 1990 led the Vancouver municipal council to direct its planning department to study and suggest amendments to its existing bylaws and regulations so as to increase the possibility of people undertaking home occupations. Finding that Vancouver currently "discourages many people from working from home", the report recommends that the work option be encouraged to reduce the need for transportation which will contribute to a new focus on environmentally-sensitive "proximity planning" (Clouds of Change, 1990, p. 49). Depending upon council's attitude, which until now has been one of "benign indifference", the zoning administrator feels that the issue "could become significant", and reductions in restrictions on home occupations may occur (Vancouver). However, he adds that it becomes a question of how permissive council wants the regulations to be; if the issue is "opened up too much", it is anticipated that enforcement may become costly and bureaucratic (Vancouver).

Enforcement

Currently, very few complaints are received by municipalities about the operation of home occupations; using the numbers of complaints as an indicator, planners perceive the zoning provisions to be "well-respected" by home-based business owners (West Vancouver). While some municipalities use informal enforcement procedures to identify unlicensed home occupations, such as perusing
newspaper advertisements, etc. (Burnaby, North Vancouver, West Vancouver), they recognize that they cannot monitor home businesses as closely as businesses in established commercial areas since most are obscure and generate little traffic (New Westminster, Port Coquitlam, Vancouver). Generally, municipalities turn a blind eye to home occupations due to limited staff time and bylaw limitations. Knowledge of violations of zoning bylaws is gained largely on a complaint basis where neighbours are aggravated by externalities of adjacent licensed or unlicensed home occupations. Planners cite that the most common complaints are to do with the use of vehicles and parking problems (Burnaby, Vancouver, West Vancouver) and the outside storage of equipment or materials (North Vancouver). Some informants mentioned specific complaints about the operation of auto repair and landscaping businesses from the home (Burnaby, New Westminster, North Vancouver).

Most municipalities experience few enforcement problems and informants have found that complaints are easily resolved on a "good neighbour basis" (New Westminster, West Vancouver). Most home-based business owners do not realize they may be affecting someone else until the matter is brought to their attention (Burnaby). Informants note that, upon notification of a violation by a city inspector, home-based business owners usually comply with the zoning bylaw within a reasonable time period before any further action is required (Burnaby, North Vancouver). Municipal officials view prosecution as a last resort when attempts to resolve home occupation problems using conventional enforcement practices, such as monetary fines, do not achieve compliance (Burnaby, West Vancouver). Prosecution is believed to be an onerous task due to the difficulty in documenting evidence of a violation and obtaining witnesses to testify (West Vancouver). Very few incidents of prosecution were cited by planners, and
those instances where the municipality has been successful in prosecution usually result from a blatant violation where the use is obviously of a commercial or industrial nature, such as auto repair (Burnaby, North Vancouver).

Adequacy of regulations

All informants felt that their zoning bylaw provisions were adequately controlling the negative impacts of home-based businesses on neighbourhoods in their communities. No visible changes in their residential character due to the operation of home occupations were apparent. All municipalities were intent on continuing to use their current regulatory approach in prohibiting those uses which they perceived to create problems while permitting those which have minimal or no impact on the neighbourhood.

Despite the growing number of home occupations, most municipal officials contacted do not anticipate making substantial revisions to their current restrictions in their zoning bylaws or licensing requirements which control home occupations. The informant in Burnaby anticipates the eventual need to improve the municipality's home occupation provisions but presently the planning department is "very busy" with other priorities (Burnaby). Some informants expect that future changes may be necessary to their existing home occupation regulations due to lobbying of municipal councils by home business owners (Burnaby, North Vancouver, Vancouver). Anticipated are challenges to restrictions on client visits (Vancouver), retail sales of products made on-site (North Vancouver, Vancouver), and restrictions to do with persons engaged in home occupations (Burnaby, Vancouver). When pressed, the planner in New Westminster suggested that if there were "considerable pressure", changes could be made to allow "certain home occupations", e.g., beauty parlours with two chairs, in specific residential areas.
Until an "issue is made" (Coquitlam), neither New Westminster nor Coquitlam intend on making allowances to accommodate "new" home occupations, such as professional and consulting services; "where do you draw the line" (Coquitlam) with these occupations which "generate too much traffic" due to client visits (New Westminster) and "belong in commercial districts" (Coquitlam). For example, one planner states that if doctors were allowed in residential areas, they would not be "necessarily close to [other] services patients need" (New Westminster). It is feared that if these types of home occupations were legalized and licensed, greater regulation and policing for enforcement would be necessary (Coquitlam). (North Vancouver found this to be an unfounded rationale in prohibiting such home occupations in residential areas; the planner states that the municipality has experienced hardly any difficulties with them since legalization.) While the planners in both Coquitlam and New Westminster reported that they have received a handful of complaints from potential home office workers about occupational restrictions in their zoning bylaws, neither would acknowledge that many of these individuals may proceed anyway and operate their businesses illegally. The planner in Coquitlam did concede that there are "grey areas of interpretation" in its zoning bylaw, inferring that depending upon how the home occupation is described on the business license application, a license may still be obtained.

Summary

Interviews were held with several planners and senior administrators to obtain a local perspective of the home-based business issue. Of particular interest were the municipal attitudes toward the significance and impact of home occupations in communities, and the design and adequacy of zoning regulations used to control their operation. All municipalities are protective of their residential
areas, prohibiting activities that create noise, odours, and other nuisances for neighbours. Beyond that, regulatory approaches vary between municipalities. Some overly control home occupations while others accommodate them as a reasonable response to economic and other societal factors which are recognized to be affecting the nature of home-based work. Underlying this research was the concern that home occupation regulations may be ill-drafted, confusing, outdated, and biased. To some extent, this concern was confirmed by planners’ comments and through the review of home occupation regulations. Except for North Vancouver, the zoning provisions for all municipalities are lacking in some respects and examples are provided to illustrate bylaw deficiencies. Particularly noteworthy are zoning bylaws which use biased language; contain cumbersome and outdated lists of permitted and prohibited home occupation uses; include vague, unreasonable or unnecessary performance standards; or neglect to address certain aspects of home occupation operation. Experiencing few problems with bylaw enforcement, most municipalities have little intention to amend or simplify their zoning bylaws to support or encourage the emerging interest in home-based work in their communities.

Chapter 5 offers specific policy recommendations to guide planners in revising zoning bylaws appropriately in contemporary society.
CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS

Introduction

This chapter discusses the discrepancies among current economic, social, and technological realities, planners' rhetoric about planning practice, and land use regulation of home-based work. Specific policy recommendations for improving the design and effectiveness of zoning bylaws are outlined.

Planners, in consultation with policy makers and conflicting interest groups in society, draft land use policies and zoning bylaws. Periodically, municipal policies and zoning bylaws must be changed to reflect changing values and attitudes within the community, and be adjusted in response to social forces and economic changes. Home-based work, whose nature and extent in society is changing, can be viewed positively as a way to achieve traditional planning objectives and be used as part of an economic development strategy. However, many of the zoning bylaws examined have not been changed to recognize the economic and social benefits of home-based work which accrue to both the individual and community. In general, planners consulted are not prepared to exercise leadership in this regard; they do not seem to be concerned about discrepancies between current zoning regulations and traditional policy objectives. Some seem unaware of the significance of home-based work; there was a broad range in the degrees of awareness about the changes in the nature of work and expressed attitudes toward home-based workers on the part of those consulted.

Re-examination of zoning

The increased use of the home as work place raises questions about the role of housing and neighbourhood design and presents policy implications for land use planners. It implies a "distinctly different approach to both architecture and planning", producing "exciting new opportunities for those architects and planners
who can grasp them" (Robertson, 1985, p. 174). Yet many planners consulted refused to question the long-held planning principle of spatially-separated land uses. It is suggested that the rigid separation between places of residence and the work place, once imperative for health and safety reasons (Kaplan, 1985), and "one of the foundations of our concept of city form reflected in urban planning and zoning" (Cameron, 1990, p. 5), needs to be re-examined in light of "new patterns of work". While some informants alluded to the importance of structural changes in the economy (North Vancouver), demographic trends (New Westminster), and technological advancements (North Vancouver), few informants seemed to truly appreciate the significant forces in contemporary North American society which have affected the relationship between the work place and home.

Having business activity within the home is not a new or novel concept (Dykeman, 1989). Throughout history, certain occupational groups such as scholars, writers, craftspeople, and artists have worked at home. Prior to the Industrial Revolution, most economic activity was home-based. Agriculture and cottage industries dominated the economy with limited opportunities for work outside the home (Pratt, 1987a). With the advent of the industrial era, traditional patterns of work were altered as industry mechanized work, and people were required to work as employees in centralized work places (Christensen, 1988b). "The emergence of large factories, capital-intensive economies, and expensive industrial technologies" (Ahrentzen, 1989, p. 272) led to the separation of paid labour from the residential site, and the importance of the home as a work place was eliminated. By the end of World War II, home-based industries were virtually non-existent (Kucharsky, 1990), with the work place and home physically and temporally existing as "separate and autonomous behavioural spheres" (Christensen, 1988b, p. 2). In contemporary society, the growing interest in
homework is challenging this ideology of separate spheres which has been reinforced by over a hundred years of North American planning practice.

**Benefits of home-based work**

Rhetoric about reducing transportation costs (West Vancouver), the need for the efficient use of land (New Westminster), and the desire to bring the home and work locations closer together (Coquitlam) does not correlate with municipal attitudes toward home-based businesses, whose persistent growth has yet to garner significant attention by planners. Unfortunately, the work-at-home trend has neither raised planners' consciousness about the social benefits of home-based work on the community nor impacted planning practice. Aware of the trend toward independent employment by increasing numbers of residents in West Vancouver who are perhaps inspired by difficulties entailed in commuting over the bridges, the planner in West Vancouver muses that they may be "pioneering a creative way to get away from central place theory".

In general, informants did not view the promotion of home-based work as a way to achieve planning goals for neighbourhoods and the region. Most viewed planning for home occupations from a regulatory perspective, with many municipalities using mechanisms designed to control home enterprise; some zoning bylaws contain vague, biased, and outdated restrictions which can hinder the establishment of legitimate home-based businesses. Other municipalities have realized that overly restrictive bylaws cannot be enforced and, instead of enduring an underground economy, have made amendments to their zoning bylaws to accommodate home-based work. Informants indicated that it is municipal councils which typically react to complaints from residents or lobbying by home-based business owners and request planners to initiate the review of their current home occupation regulations and make proposals for zoning bylaw amendments.
Few informants were appreciative of the viability and benefits of the work-at-home innovation whose social and economic benefits are clear. The establishment of home-based businesses should be facilitated as part of municipal planning activities to reinforce oft-stated goal statements to do with neighbourhood values, reduced commuting, efficient land use through compact, mixed-use developments, etc. Rather than be considered marginal employment, home-based work should be a vital component of local and regional economic development strategies. Importantly, home occupations are a relatively simple method of providing employment, particularly in economically unstable times.

Yet home-based work will only achieve its potential benefits to individuals, neighbourhoods, and the economy when it is recognized and accommodated. The acceptability of home-based work is hinged on the absence of institutional barriers. "Whether local planning authorities wish to encourage home-based economic activity or not, they are faced with the fact that it does take place" (Thomas, 1986, p. 88) and is encouraged by the provincial government as an important segment of British Columbia's small business sector. It is the responsibility of the local planning authorities to put together planning policies to "cope with the situation" and enable individuals and the community to reap the benefits of home-based work (Thomas, 1986, p. 88). Home occupations should be viewed in a positive and opportunistic light, as one way to support both social and economic development goals.

**Regulatory amendments**

Planners seem reluctant, however, to recognize that their home occupation regulations require improvement, perhaps due to their inadequate understanding of the issue and the unavailability of current, meaningful data to support policy recommendations. Few municipal staff are well-informed about the extent of
homeworking and the nature of home-based businesses in their communities. They rely on estimates and perceptions since official data sources, such as business license records, are limited or lacking, making municipal-specific research on the issue difficult.

While most municipalities experience difficulty in monitoring home occupations, they are complacent in tightening enforcement policies since the few problems which arise are easily resolved. Lack of staff and bylaw limitations preclude rigid zoning bylaw enforcement with home-based economic activity operating on a "blind eye" basis (Thomas, 1986).

The industrial age zoned everybody...you were zoned where you lived, you were zoned where you worked, you were zoned where you played....But in the information age, it overlaps. And that's why these zoning regulations about working at home can't be enforced (Mowbray, 1986, p. 54).

For this reason, the alleged deterrent effects of zoning regulations on home-based work are difficult to quantify. While the existence of ill-drafted regulations was validated through the examination of several local zoning bylaws (which may impede some individuals from pursuing home-based work or encourage others to go underground), they cannot be considered a major constraint on its development. Indeed, all informants conceded that an undetermined number of home businesses operate illegally in their communities.

Nevertheless, as home-based businesses become more widespread, changes in current regulations will be required (Huws et al., 1990) and many planning conventions regarding the legal regulation of building uses will have to be reappraised (Donnison, 1985). The blending of domestic and occupational activities
in the home is "forcing revisions to regulations which affect the function of the dwelling unit" (Cameron, 1990, p. 5).

Although many municipalities currently experience few problems with home occupations, it is timely for planners to adopt a pro-active approach in proposing zoning bylaw amendments which facilitate home-based work before the issue becomes unnecessarily controversial or problematic. Establishing standards for home occupations conducted in residential zones protects residents of these areas from the adverse impacts of activities associated with their operation. Without proper bylaw controls, home occupations may precipitate changes in the residential character of the neighbourhood through a deterioration of its aesthetic quality which may result in a decline in property values. Without revision, inadequate and subjective regulations will only heighten frustration, neighbourhood conflict, and enforcement problems as more individuals choose or are forced to be self-employed and pursue home occupations. Significantly, the Federation of Canadian Municipalities requested the establishment of a national, multipartite research committee to examine how municipalities can improve their zoning bylaws to balance the interests of both residents and home-based workers in their communities. Locally, awareness of the changes in the nature and extent of home-based work has led to the amendment of zoning bylaws in some areas (North Vancouver, Port Coquitlam, West Vancouver). Perhaps some municipalities have recognized that a system which functions on the basis of benign neglect of bylaw enforcement is inherently open to abuse and arbitrary discrimination and is poor public policy.

Home-based businesses impact communities and neighbourhoods both positively and negatively; as well, local government policies and regulations can have positive and negative impacts for the success of home-based businesses
(Dykeman, 1989). To encourage the pursuit of a broad range of home occupations while retaining the advantages of the residential environment, home occupations need to be adequately regulated through the use of carefully designed zoning bylaws that successfully balance the rights of home-based workers with the concerns of neighbourhood residents, and provide guidance to zoning regulators and home-based business people (Butler, 1988). Combined with other regulatory mechanisms, e.g., business licenses, zoning bylaws are an important tool in conserving neighbourhoods, "not to keep them in residential straightjackets, but to control the rate of change" (Toner, 1976, p. 3).

Admittedly, it is difficult to draft workable regulations which require a minimal amount of interpretation and are applicable to the broad range of home occupations. Such occupations are not limited to typically unobtrusive activities such as making quilts, word processing, or rendering architectural drawings but include noisy occupations such as furniture refinishing and woodworking (Butler, 1988).

**Recommendations on regulations**

Home occupations, however, can be managed successfully. To deal with the multitude of home occupations, a number of specific recommendations are suggested as guidelines for a planning policy on home-based economic activity:

1. The practice of issuing municipal business licenses to home occupations should be used to control home occupations rather than generate revenue. A change in license fee structure may be required as steep business license fees act as a deterrent to the establishment of legitimate home-based businesses. Municipalities should take the opportunity to make the home-based business community familiar with the need to comply with zoning provisions pertinent to business operation, and the importance and benefits of obtaining a business license. Well-informed, helpful
municipal staff are necessary to assist the business license applicant. In addition, an information sheet which describes administrative and enforcement procedures to do with home occupations would increase public awareness and potentially reduce the number of enforcement requests. For example, guidelines supplied by the Burnaby licensing department outline zoning provisions pertinent to the operation of home occupations.

(2) Occasionally, certain home-based businesses may need to obtain planning permission due to questionable compliance with the zoning bylaw. If zoning provisions are clearly drafted, the licensing department should not need to refer many applicants to the planning department or have to exercise much discretion in judging the suitability of a home occupation. It is inappropriate and unreasonable for the planning department to expect the licensing department to interpret and enforce outdated, ill-drafted home occupation provisions.

(3) The current enforcement policy of municipalities should be maintained where action is normally taken on the basis of neighbour complaints about zoning bylaw violations.

(4) The modification of existing zoning bylaws should involve the inclusion of explicit conditions as appropriate to safeguard residential amenity. Regulations should be enforceable and defensible if challenged in court. Since municipalities typically have limited finances and staff resources, it is recommended that zoning bylaws be amended to focus on the control of externalities of home occupations rather than restricting home occupations to those listed as permitted or prohibited uses. Because it is impossible to monitor all home occupations, communities should strictly rely on well-designed performance standards which are imposed on home occupations in all permitted residential zones.
Depending upon the age, content, and clarity of existing regulations, municipal staff may have to introduce reasonable conditions to deal with previously-neglected aspects of home occupation, and/or clarify existing regulations to remove inconsistencies (e.g., allow clients and customers), lessen definitional and interpretational problems (e.g., by removing ambiguous and discriminatory terms), and make regulations potentially more enforceable. The design of the zoning bylaw is the key to its effectiveness.

Guidelines in redesigning home occupation provisions include:

(a) ensuring inclusion of a definition of home occupation or similar term which can be interpreted independently from the rest of the home occupation provisions, and is flexible enough to encompass a wide variety of occupations without naming them specifically; and

(b) outlining performance standards which impose reasonable controls on the nature of work activities allowed in the home and the intensity of its use for business purposes. To ensure that the home business remains secondary to the primary residential use and that the residential character of the dwelling and neighbourhood be retained, each performance standard within the set should clearly specify quantifiable and tangible means which provide for the measurement of the intent of the performance standard. This would reduce subjectivity and problems with the "perception" of nuisance and would not necessarily require more "policing" than that which currently takes place.

After conducting extensive research, consulting many individuals, and examining numerous examples of local and American zoning bylaws, the author recommends that the following aspects of the operation of home occupations be specifically addressed in the municipal zoning bylaw through the use of performance standards:
(i) exterior changes to the residential appearance of the dwelling or accessory structure, including structural alterations of a commercial nature which indicate the outward appearance of a home occupation;

(ii) the operation of the home occupation, e.g., wholly within the dwelling and limited use of permitted accessory structures;

(iii) the exterior storage of equipment or materials used in conjunction with the home occupation;

(iv) the display of products visible from the outside of the dwelling, the external display of merchandise, and the use of outdoor signage;

(v) indoor signage of specified type and size with guidelines on the permitted content of message;

(vi) the percentage of interior floor area of the dwelling which may be used for business purposes (including storage of inventory, etc.);

(vii) the number of participants and employees allowed to be engaged in the activity, including residents of the dwelling;

(viii) specific per diem number of client or customer visits;

(ix) the on-site purchase of goods produced or services rendered on the premises;

(x) the content of media advertisements;

(xi) the generation of nuisances such as noise, odour, etc. whose detectable maximums may be stipulated if deemed necessary for measurement purposes;

(xii) specific per diem rates of truck or courier deliveries;

(xiii) the parking and storage of commercial vehicles blatantly used in connection with the home occupation; and

(xiv) required off-street parking spaces for clients or customers.
Unnecessary and unjustified performance standards which can be omitted include: restrictions on the inside storage of materials and inventory if (iii) and (vi) are addressed; limitations on the use of equipment other than that used for domestic or hobby purposes as long as (xi) is provided; and restrictions on the number of home occupations allowed to operate within the dwelling provided that all regulations which restrict the scale and nature of home occupations noted above are listed.

Although it would be handy, the development of one set of specific standardized home occupation provisions for use by all municipalities would be inappropriate and potentially ineffective; the specific circumstances of each municipality dictate the inclusion of certain special allowances or necessary restrictions in the provisions. For example, it may be necessary to include a list of home occupation uses which are excluded in particular residential areas in the community (e.g., apartment zones due to density considerations [North Vancouver]).

Concluding remarks

Having extended much time and effort to establish a home-based business, virtually all owners respect home occupation provisions; being residents themselves wishing to maintain the residential integrity of their neighbourhood, they generally act according to a "code of good neighbourliness" (Thomas, 1986, p. 89). The threat of business closure and neighbour animosity are powerful forces in ensuring compliance with zoning bylaws. Nevertheless, municipalities would be wise to establish clear standards to manage home occupations in order to eliminate or mitigate any adverse effects of home-based businesses in residential areas and to permit residents of the community to legally choose this alternative work option which is desired and necessary in society. Planners should be aware of
contemporary societal realities, adjust their perspectives on home-based work, and reappraise neighbourhood planning conventions.
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APPENDIX A

List of Informants

Burnaby - Mr. Terry Johnston, Chief License Inspector, May 13, 1991
Coquitlam - Mr. Don Buchanan, Director of Planning, May 8, 1991
New Westminster - Mr. Percy Perry, Deputy City Planner, May 9, 1991
North Vancouver, City of - Mr. Francis Caouette, Administrative Coordinator - Development Services Department, May 9, 1991
Port Coquitlam - Ms. Janet Lee, Junior Planner, May 21, 1991
Vancouver - Mr. Rick Scobie, Assistant Director - Zoning Division, May 22, 1991
West Vancouver - Mr. Graham Stallard, Planner - Policy and Development, May 10, 1991
APPENDIX B

Questions used to guide discussion with informants

Extent, nature, and significance of home-based work

- Is the home-based business issue significant in your community?
- Is the number of home-based businesses increasing/decreasing/stable/don't know? Why do you think this may be so?
- Is there an increasing number of business license applications?
- How many home-based businesses are licensed? Could you estimate the number of businesses operating without a business license?
- What are the most prevalent home-based businesses in your community? How prevalent are craft industries?
- Is the type of home occupations changing? Do you perceive an increasing number of home-based professional offices?
- How important are home-based businesses economically to your community?
- Do you consider home-based businesses to be a trend or fad? Why?
- What are the benefits of home-based work?

Attitudes toward home-based work

- What is municipal council's attitude toward home-based work?
- What is the general consensus among citizens about the issue?
- What is the attitude of the business community toward home businesses? Are such businesses considered unfair competition?
- Are you aware of any home-based business networking associations in your community?

Methods of regulation

- Is there a reference to home-based work or home occupations in your official community plan?
• Are there home occupation provisions in your zoning bylaw to do with the operation of home-based businesses?
• When were such provisions first established? When were they last revised? What changes were made?
• In which zones are home occupations allowed?
• Are your current home occupation provisions adequate in managing home occupations?
• Is a current review of your home occupation provisions underway? What is the nature of the proposed changes? What led to this review process taking place?
• If no changes are required now, do you anticipate any future changes to the home occupation provisions in the zoning bylaw?
• Are business licenses required of home occupations?
• What is the procedure in obtaining a business license? What are the categories of licenses and their corresponding cost? Is the planning department notified of the application? Are special forms used for home business license applications?
• Do you use other regulatory methods, e.g., sign bylaws, to direct the operation of home-based businesses?
• How would you describe the regulatory approach toward home-based work in your community? Is it to promote, accommodate, control, or...?

Monitoring and enforcement issues
• Do you have a system to track or monitor home-based businesses?
• Have there been many complaints about home businesses? What type of complaints have been received from citizens, neighbours of home business owners, and business competitors?
• Is enforcement largely done through the investigation of complaints about alleged violations of the zoning bylaw?
• Are informal methods used to locate unlicensed home businesses, e.g., perusing newspaper advertisements in the newspaper?

• Have there been any difficulties in ensuring compliance with the home occupation provisions in the zoning bylaw? Any prosecution incidents?

• Have any home businesses adversely impacted the character of any residential neighbourhoods?

• How informed is the public about the approval process to start a home business? Do you provide an information brochure?

• Are you aware of the Home-Based Business Program operated by the B.C. Ministry of Development, Trade and Tourism?

Planning issues

• Are alternative work options, such as home-based work and telecommuting, changing the way neighbourhood planning is done in your community?

• Are mixed use developments being built? In what areas?

• What planning implications of home-based work do you see? What about: changes in infrastructure needs, greater consideration for neighbourhood planning, e.g., ensuring provision of services and amenities in a pedestrian environment?