

	Planning & Design POLICY	Procedure Number 2022-03
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Home Occupations and Child Care, Minor with Commercial Kitchens in a Residence: Procedure

Summary

Title of Document:	Home Occupations and Child Care, Minor with Commercial Kitchens in a Residence: Procedure
Title of Designated Responsible Manager:	Development Manager, Planning & Design
Original Date Approved:	May 12, 2022
Approved By:	General Manager, Planning & Design
Last Revision:	May 12, 2022
Next Review Date:	Not defined

Purpose:

This procedure applies to any development permit applications for home occupations that include a separate commercial kitchen in the home. The procedure clarifies the type of home occupation, and the number of visits to be approved by the Development Officers.

Background:

As residents continue to look for ways to develop home based businesses, there has been an increase in the number of applications where the homeowner is looking to operate a food based business from their home using a kitchen. The Alberta Public Health Act has 2 different sets of requirements depending on the type of food being produced in a home. The Act does not require a food handling permit, or a secondary commercial kitchen for those wishing to produce ‘low-risk’ foods such as: certain baked goods (like buns or cakes), sweets/snacks, dry foods, condiments, or fresh produce (for more information on what is considered ‘low-risk’ foods please visit the Alberta Government website [here](#)). The Act does require that a homeowner install a second, separate commercial kitchen and obtain a food handling permit for anyone making/preparing food that is not listed as a low-risk food. This procedure ONLY applies to development applications for home occupations which include the installation/construction of a separate commercial kitchen that is intended to be used for business purposes that require approval under the Alberta Public Health Act- Food Regulations. For homeowners looking to put these commercial kitchens in their homes, the [Alberta Public Health Act- Food Regulations](#) in general requires that operators obtain a food handling permit, and that a commercial kitchen is installed which: is of sound construction, facilitates effective cleaning & sanitizing of all equipment and utensils, is designed to ensure the safe and sanitary handling of food, all food handling areas are separated from living quarters, has adequate handwashing stations, has access to hot & cold water that is safe for human consumption, is connected to a lawful sewer system, has adequate lighting

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for sanitary food handling, is equipped with properly operating ventilation system for odours, fumes, steam, vapours, smoke, or excessive heat, and is constructed to control the entry of pests (Alberta Public Health Act- Food Regulation, Section 17 (1-2)). Once the commercial kitchen is constructed and has received development, building and other safety codes permits needed, the homeowner must then apply for a food handling permit with Alberta Health Services, and they will come to inspect the kitchen as part of their approval process. For more information on AHS requirements & permitting processes for operating a commercial kitchen see their website [here](#).

The Procedure section will outline how a Development Officer will treat and review development permit applications for these types of home occupations which include the aforementioned commercial kitchens required for their home-based business.

Procedure:

- **When a development permit application for a home occupation which includes a separate commercial kitchen is received:**
 - **The Development Permit Technician receiving the application will:**
 - **Confirm if the home occupation includes a separate commercial kitchen**
 - **Confirm the # of customer visits (including suppliers/distributors). The applicant must specify how many visits they will have.**
 - **If there are no customer or supplier visits, the Development Permit Technicians will approve a Type A Home Occupation. This permit must include the following conditions:**
 - **Condition 1: If the Home Occupation ceases to operate, a separate development permit is required for the continued use of the commercial kitchen for any other purpose than that of the approved home occupation operation.**
 - **Condition 2: If the Home Occupation ceases to operate, and no separate permit has been issued for the continued use of the commercial kitchen, that kitchen must be removed.**
 - **If the Development Permit Technician determines there are supplier or customer visits the application will be sent to the Development Officer for a decision.**
 - **The Development Officer will review the application and make a decision in accordance with Land Use Bylaw 6300.**
 - **If the Development Officer approves the home occupation, they will ensure the permit specifies:**
 - **The type of home occupation approved (in accordance with Land Use Bylaw 6300):**
 - **Home Occupation – Type B**

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- The # of customer visits per day.
 - **PLEASE NOTE:** the # of customer visits per day can only be the # of visits indicated on the application (this cannot assume the max of 6 as indicated in Land Use Bylaw 6300 (53)(1)).
- And specifies the following 2 conditions:
 - **Condition 1:** If the Home Occupation ceases to operate, a separate development permit is required for the continued use of the commercial kitchen for any other purpose than that of the approved Home Occupation operation.
 - **Condition 2:** If the Home Occupation ceases to operate, and no separate permit has been issued for the continued use of the commercial kitchen, that kitchen must be removed.
- All other requirements as outlined in Land Use Bylaw 6300 must be followed.
- When a development permit application for a Child Care, Minor in a home which includes a separate commercial kitchen is received:
 - The Development Permit Technicians will receive the application, and forward to the Development Officer for a decision.
 - **NOTE:** if the application is for a Child Care Minor and includes a commercial kitchen then the fee is the standard child care fee in Bylaw 5197. However if the application is for the commercial kitchen itself for a Child Care, Minor that already exists the fee collected will be a nominal fee which will be determined by the Development Manager.
 - The Development Officer will review the application and make a decision in accordance with Land Use Bylaw 6300.
 - If the Development Officer approves the Child Care, Minor, they will ensure the permit includes the following conditions:
 - **Condition 1:** If the Child Care, Minor ceases to operate, a separate development permit is required for the continued use of the commercial kitchen for any other purpose than that of the approved Child Care, Minor operation.
 - **Condition 2:** If the Child Care, Minor ceases to operate, and no separate permit has been issued for the continued use of the commercial kitchen, that kitchen must be removed.
 - All other requirements as outlined in Land Use Bylaw 6300 must be followed.

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Supporting Documents

- Land Use Bylaw 6300

Responsibility for Procedure Implementation

- Development Manager, Planning & Design

Procedure Status:

Current Status: in effect

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Approval Details: approved by General Manager, Planning & Design

Endorsement Details

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Procedure Author : Planner 1

Authored date: May 12, 2022

Contacts:

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