

**CORPORATION OF THE TOWN OF NEWMARKET**

**BYLAW NUMBER 1997-81**

**A BYLAW TO AMEND BYLAW NUMBERS 1979-50 AND 1981-96, AS AMENDED, BEING A RESTRICTED AREA (ZONING) BYLAW (Home Occupations).**

**WHEREAS** it is deemed advisable to amend Bylaw Numbers 1979-50 and 1981-96 as amended;

**BE IT THEREFORE ENACTED** by the Municipal Council of the Corporation of the Town of Newmarket as follows:

**THAT** Bylaw Numbers 1979-50 and 1981-96 as amended be and the same are hereby further amended by:

1. Adding Section 3.81(A) to Bylaw 1979-50 as amended, to provide a definition for Home Occupation as follows:

**“3.81(A) Home Occupation**

means any occupation conducted for gain or profit as an accessory use within a dwelling unit.”

2. Adding Section 7.5(A) to Bylaw 1979-50 as amended, to provide General Provisions relating to Home Occupations as follows:

**“7.5(A) HOME OCCUPATION**

No home occupation shall be permitted in any zone unless such home occupation is a permitted use and conforms to the following provisions:

- (a) member(s) of the family residing in the dwelling unit operate the home occupation,
- (b) no more than two persons not resident in the dwelling unit shall be employed,
- (c) there is no display visible from outside the premises, other than a sign erected in accordance with the Town sign bylaw, to indicate that any part of the dwelling unit is used for a purpose other than residential,
- (d) such home occupation is secondary to the main residential use and does not change the residential character of the dwelling unit,
- (e) not more than 25% of the gross floor area of the dwelling unit is used for the purposes of home occupation use and shall not be permitted in an attached garage or any accessory building or structure,
- (f) where the gross floor area of a dwelling unit which is used for the purposes of a home occupation exceeds 24 square metres, one additional off street parking space shall be provided for every additional 9 square metres of part thereof of gross floor area which is used for the home occupation,

- (g) such home occupation uses may include a business or professional office, personal service shop, a medical or drugless practitioner, but a clinic, day nursery, nursing home, tea room and an animal hospital shall be deemed not to be home occupations,
- (h) the retail sale of any goods or wares shall not be permitted as a primary home occupation use,
- (i) the operation of a barber or beauty shop shall be limited to one barber or hairdresser at any one time.”

3. Adding to Section:

- 8.1(6) Accessory Building and Uses-RR1 Zone
- 9.1(4) Accessory Building and Uses-RR2 Zone
- 10.1(4) Accessory Building and Uses-RR3 Zone
- 11.1(4) Accessory Building and Uses-R1 Zone
- 12.1(4) Accessory Building and Uses-R2 Zone
- 13.1(4) Accessory Building and Uses-R2A Zone
- 14.1(4) Accessory Building and Uses-R3 Zone
- 15.1(4) Accessory Building and Uses-RM1 Zone
- 16.1(4) Accessory Building and Uses-RM2 Zone
- 17.1(4) Accessory Building and Uses-RM3 Zone
- 18.1(4) Accessory Building and Uses-RM4 Zone
- 18A.1(2) Accessory Building or Uses-RM5 Zone

of Bylaw Number 1979-50 as amended, the phrase: “Home Occupation in accordance with Sections 3.81(A) and 7.5(A) herein”.

4. Adding Section 3.71(A) to Bylaw 1981-96 as amended, to provide a definition of Home Occupation as follows:

“3.71(A) Home Occupation

means any occupation conducted for gain or profit as an accessory use within a dwelling unit.”

5. Adding Section 7.10 to Bylaw 1981-96 as amended, to provide General Provisions relating to Home Occupations as follows:

“7.10 HOME OCCUPATION

No home occupation shall be permitted in any zone unless such home occupation is a permitted use and conforms to the following provisions:

- (a) member(s) of the family residing in the dwelling unit operate the home occupation,
- (b) no more than two persons not resident in the dwelling unit shall be employed,
- (c) there is no display visible from outside the premises, other than a sign erected in accordance with the Town sign bylaw, to indicate that any part of the dwelling unit is used for a purpose other than residential,
- (d) such home occupation is secondary to the main residential use and does not change the residential character of the dwelling unit,

- (e) not more than 25% of the gross floor area of the dwelling unit is used for the purposes of home occupation use, and shall not be permitted in an attached garage or any accessory structure,
- (f) where the gross floor area of a dwelling unit which is used for the purposes of a home occupation exceeds 24 square metres, one additional off street parking space shall be provided for every additional 9 square metres of part thereof of gross floor area which is used for the home occupation,
- (g) such home occupation uses may include a business or professional office, personal service shop, a medical or drugless practitioner, but a clinic, day nursery, nursing home, tea room and an animal hospital shall be deemed not to be home occupations,
- (h) the retail sale of any goods or wares shall not be permitted as a primary home occupation use,
- (i) the operation of a barber or beauty shop shall be limited to one barber or hairdresser at any one time."


6. Adding to Section:


- 8.1(4) Accessory Building and Uses-R1/S Zone
- 8(A).1(4) Accessory Building and Uses-R2/S Zone
- 8(B).1(3) Permitted Uses-RM3/S Zone
- 11A.1(4) Residential Accessory Building and Uses-CR/S Zone

of Bylaw Number 1981-96 as amended, the phrase: "Home Occupation in accordance with Sections 3.71(A) and 7.10 herein".

**READ A FIRST AND SECOND TIME** this 9<sup>th</sup> day of June, 1997

**READ A THIRD TIME AND FINALLY PASSED** this 9<sup>th</sup> day of June, 1997

  
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 John E. Cole, Mayor

  
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 Robert M. Prentice, Clerk