

TOWN OF STRATFORD

ZONING AND DEVELOPMENT BYLAW AMENDMENT

BYLAW NUMBER 45L

A Bylaw to amend the Zoning and Development Bylaw, Bylaw # 45L, General Amendments.

This bylaw is made under the authority of the *Planning Act* R.S.P.E.I. 1988, Cap. C-P-8.

BE IT ENACTED by the Council of the Town of Stratford that the Zoning and Development Bylaw, Bylaw #45, be amended as follows:

1. Clause 8.1.4.(c) shall be revised by removing the words “exceed one (1) Accessory Building or Structure per Single Dwelling Lot if there is a private garage which is detached existing or proposed;”
2. Subsection 8.1.4 shall be revised by inserting clause “(d) exceed one (1) Accessory Building or Structure per Single Dwelling Lot if there is a private garage which is detached existing or proposed;” and renumbering the following:
from “(d)” to “(e)”; and
from “(e)” to “(f)”.
3. Section 8.29. Home Occupations shall be replaced in its entirety from:

8.29. HOME OCCUPATIONS

8.29.1. Any Single, Duplex or Semi-detached Dwelling, or part of an Accessory Building, may be Used as a Home Occupation, subject to the condition that the Property Owner and the Town enter into a Development Agreement stipulating, but not limited to, the following conditions:

- (a) A Home Occupation shall only be conducted as a Secondary Use to the residential occupancy. The Home Occupation shall be confined to the portion of the Dwelling or Accessory Building devoted to the Home Occupation.*
- (b) There shall be no Storage on the Lot.*
- (c) The Home Occupation shall not involve the use or employment of more than two people who do not reside in the Dwelling;*

- (d) *The Floor Area devoted to the Home Occupation, excluding Home-Based Child Care Centres, shall not be more than 25 percent of the combined Floor Area of all Buildings on the Lot, or 50 square metres (538 square feet), whichever is less;*
- (e) *The Home Occupation shall not create a nuisance to residents in the surrounding neighbourhood such as:*
- i. traffic generation,*
 - ii. noise,*
 - iii. hours of operation,*
 - iv. the creation of any vibration, heat, glare, odour or electrical interference, which is detectable from outside the Dwelling;*
 - v. the discharge of any smoke, fumes, toxic substance or other noxious matter into the atmosphere;*
 - vi. The driveway to the Home Occupation must be separate and independent from the residential driveway of the Dwelling;*
 - vii. No mechanical equipment shall be used except for what is reasonably consistent with the Use of the Dwelling;*
 - viii. No Display shall be permitted, not including one on-site premise sign under 0.26 m²;*
 - ix. The character of the Dwelling as a residential Building shall not change and the Home Occupation shall not cause any interference with the enjoyment of the neighborhood's residential amenities;*
 - x. The Development Agreement shall be registered on the title of the Property at the expense of the Owner.*
- (f) *The following types of occupations or businesses shall be permitted in a Home Occupation:*
- i. Professional Offices;*
 - ii. Occupations and businesses that create and/or offer for sale arts and crafts, weavings, paintings, and sculptures;*
 - iii. Occupations and businesses that repair garden or household ornaments, personal effects, clothing, or toys;*
 - iv. Hairdressing salon or barbershop;*
 - v. Photography studio; and*
 - vi. Home-Based Child Care Centres.*

To:

8.29. HOME OCCUPATIONS

8.29.1. *Any Single Dwelling, or Semi-detached Dwelling or part of an Accessory Building, may be Used as a Home Occupation, subject to the condition that the Property Owner and the Town enter into a Development Agreement, whereupon the Development Agreement shall be registered on the title of the Property at the expense of the Owner.*

8.29.2. *The Development Agreement shall stipulate, but is not limited to, the following conditions:*

- (a) The Home Occupation shall only be conducted as a Secondary Use to the residential occupancy and shall be incidental to the residential use. The Home Occupation shall be confined to the portion of the Dwelling or Accessory Building devoted to the Home Occupation;*
- (b) The property shall not contain more than one Secondary Use;*
- (c) There shall be no Outdoor Storage of merchandise, goods, or inventory of any kind, materials, or equipment;*
- (d) The Home Occupation shall only be operated by the homeowner(s) and shall not involve the employment of any external employees;*
- (e) The number of dedicated parking spaces shall not exceed two (2) for clients, of which parking shall be permitted on the property driveway or adequate off-street parking separate from that required for the dwelling, in accordance with this Bylaw, is provided;*
- (f) The Floor Area devoted to the Home Occupation, excluding Home-Based Child Care Centres, shall not be more than 25 percent of the combined Floor Area of all Buildings on the Lot, or 50 percent of the Accessory Building, or 50 square metres (538 square feet), whichever is less;*
- (g) The Home Occupation shall not create a nuisance to, or unsafe conditions for, residents in the surrounding neighbourhood, such as:*
 - i. traffic generation in a greater volume than would be normally expected in a residential neighbourhood;*
 - ii. generate noise at greater levels than would be normally expected in a residential neighbourhood;*
 - iii. exceed hours of operation between 9:00 am to 8:00 pm Monday - Saturday & 12:00 noon to 5:00 pm on Sunday, excluding Home-Based Child Care Centres;*
 - iv. create any vibration, heat, glare, odour or electrical interference, which is detectable from outside the Dwelling;*
 - v. use or store hazardous, toxic, flammable, or explosive substances;*
 - vi. discharge any smoke, fumes, toxic substance or other noxious matter into the atmosphere;*

- vii. *use mechanical equipment except for what is reasonably consistent with the Use of the Home Occupation;*
- viii. *Display any item, group of items, sign, or billboard visible to the general public, indicating that items or services are offered for sale or trade, but does not include one on-premise sign having an area of 0.26 sq. m. (2.8 sq. ft.) or less;*
- ix. *attach or affix an on-premise sign to the roof of any building, or place an on-premise sign in an inappropriate or unsafe location on any building or the Lot, or illuminate or backlight an on-premise sign, or exceed one on-premise sign; and*
- x. *the character of the Dwelling as a residential Building shall not change and the Home Occupation shall not cause any interference with the enjoyment of the neighborhood's residential amenities.*

8.29.3. *Examples of permitted uses include, but are not limited to, the following:*

- (a) *Business and professional offices that offer services provided by lawyers, architects, accountants, bookkeeper, tax consultants, realtors, insurance agents, or travel agents;*
- (b) *Occupations and businesses that create or offer for sale arts and crafts, weavings, paintings, and sculptures; or repair garden or household ornaments, personal effects, clothing, or toys;*
- (c) *Hairdressing or beautician salons or barbershops limited to two chairs;*
- (d) *Photography studios;*
- (e) *Home-Based Child Care Centres;*
- (f) *Home offices, clerical, computer and/or telephone services;*
- (g) *Desktop publishers, website designs, software developers, mail order catalogue sellers, writers, and editors;*
- (h) *Dressmakers, seamstresses, and tailors;*
- (i) *Small appliances, electronic devices, or computer repairs;*
- (j) *Interior decorator; and*
- (k) *Appointment based businesses shall not exceed two (2) clients at any one time.*

8.29.4. *Notwithstanding the above, Council may permit other uses not listed above which, in the opinion of Council, are appropriate in accordance with subsection 8.29.2. The Town shall forward a notification letter to property owners who own a parcel(s) of land which are located in whole (or in part) within sixty-one metres (61m) or two hundred feet (200 ft.) from any lot line of the parcel being proposed for the Home Occupation.*

8.29.5. *For the Town to conduct a proper assessment of, and to identify any potential impacts from, a proposed use, the Application Form shall be accompanied by the following:*

- (a) *A detailed description of the proposed Home Occupation including, but not limited to, the conditions listed in subsection 8.29.2 and an explanation of each conditions compatibility with the surrounding neighbourhood;*
- (b) *A site plan, drawn to scale, showing all buildings, driveway and parking spaces, any proposed off-street parking, and the location of on-premise signage, if applicable;*
- (c) *A floor plan, drawn to scale, showing all rooms and Home Occupation area, and a secondary means of escape; and*
- (d) *building elevation(s) plan, drawn to scale, showing location of proposed Home Occupation, and location and dimensions of any on-premise signage, if applicable.*

8.29.6. Examples of prohibited uses include, but are not limited to, the following:

- (a) *Automobile service, repairs, body shops, or vehicle rentals or sales;*
- (b) *Eating or drinking establishments;*
- (c) *Wholesale or retail sales;*
- (d) *Welding or metal fabrication;*
- (e) *Large appliance/electronic or equipment repairs or service;*
- (f) *Kennels or animal shelters or veterinary services;*
- (g) *Commercial limousine services;*
- (h) *Janitorial services; and*
- (i) *Manufacturing or use generating, storing, or utilizing hazardous products, or waste.*

8.29.7. The Town may revoke the permit for any Home Occupation that contravenes any condition listed in the Development Agreement or any provision of the Stratford Zoning and Development Bylaw.

- 4. The table in subsection 10.1.1. shall be revised by replacing “*Senior Citizens Apartments Supportive Housing and Facilities*” with “*Senior Apartments, Supportive Housing and Facilities.*”
- 5. The table in clause 11.2.6.(a) shall be revised by replacing the Minimum Lot Area requirement of “*700 sq. m. (7535 ft.)*” with “*700 sq. m. (7535 sq. ft.)*.”
- 6. Clause 11.3.2.(iii.) shall be revised by replacing “*Townhouse Dwellings having up to three (3) dwelling units (up to 40% of units in a Block)*” with “*Townhouse Dwellings having up to three (3) dwelling units (up to 40% of Lots in a Block)*”

7. Subsection 11.3.6. shall be revised by renumbering the following:
from “11.3.7.” to “(d)”; and
from “11.3.8.” to “(e)”.
8. Subclause 11.5.5.(a)(i.) shall be revised by inserting the reference “*Section 11.3.6.*” immediately after the word “*as*” and before the word “*Medium*” to read as follows:

“i. For Single, Duplex, Semi-Detached Dwellings, and Townhouse Dwellings Lot requirements shall be the same as Section 11.3.6. Medium Density Residential;”
9. Subclause 12.3.5.(a)(i.) shall be revised by removing the table in its entirety.
10. Subclause 12.3.5.(a)(ii.) shall be revised by removing the table in its entirety.
11. Subclause 12.3.5.(a)(iii.) shall be revised by removing the table in its entirety.
12. The table in clause 15.1.4.(a) shall be revised by replacing the Minimum Lot Area requirement of “1 Ha. (43,560 sq. ft.)” with “1 Ac. (43,560 sq. ft.)”

This Bylaw received first reading and formal approval at the Town Council meeting of _____, 2022.

This Bylaw received second reading and final approval at the Town Council meeting of _____, 2022.

This bylaw was formally adopted by Council at a meeting held on _____, 2022.

This bylaw is hereby declared to be passed and proclaimed as a bylaw of the Town of Stratford on this _____ day of _____ 2022.

Witness the corporate seal of the Town.

Mayor

Chief Administrative Officer

This bylaw is hereby declared to be passed and proclaimed as a bylaw of the Town of Stratford

on this _____ day of _____, 2022.

Hon. Darlene Compton

Ministry of Agriculture and Land