

THE CORPORATION OF THE TOWNSHIP OF TAY

BY-LAW NO. 2019-45

**Being a By-law to amend Zoning By-law 2000-57
being the General Zoning By-law for the Township
of Tay**

WHEREAS By-law Number 2000-57 is the General Zoning By-law of the Corporation of the Township of Tay; and,

AND WHEREAS the Council of the Corporation of the Township of Tay has Amended the General Zoning By-law and has approved the proposed amendments; and,

AND WHEREAS authority is granted pursuant to Section 34 of the Planning Act, R.S.O. 1990 to enact such amendments;

NOW THEREFORE BE IT ENACTED AS A BY-LAW OF THE CORPORATION OF THE TOWNSHIP OF TAY THE FOLLOWING:

1. Subsection 3.2 "Definitions", be amended by the addition of the following and that the subsections following be renumbered accordingly:

"3.2.60 Day Care, Private Home means a *dwelling* used for the temporary care of five (5) or fewer children, other than children residing in the *dwelling* as a principle residence, for a continues period not exceeding 24 hours."

"3.2.68 Dwelling, Fourplex shall mean a building which is divided horizontally and vertically so as to create four (4) dwelling units each of which has an independent entrance.

"3.2.145 Marihuana/Cannabis Production Facility shall means a wholly enclosed *building, structure* or part thereof, *used* to possess, produce, sell, provide, ship, deliver, transport or destroy marihuana or cannabis by a Licensed Producer authorized by Health Canada according to the Marihuana for Medical Purposes Regulations SOR/2013-119 and any successor thereto".

"3.2.181 Pre-Fabricated Shipping Container means a pre-fabricated metal container that is conventionally *used* for the purpose of shipping goods, but does not include a truck body, *trailer* or transport *trailer*, and does not have wheels and cannot be capable of human habitation."

"3.2.192 Refuse Construction Bin shall mean a uncovered refuse receptacle used for the collection of construction waste."

"3.2.222 Trailer, Utility shall means a non-motorized vehicle which is generally pulled by a motorized vehicle and features a rear cargo area (bed) and is used for the hauling of light loads, or boats, off road recreational vehicles and other recreational equipment and includes a boat trailer, an off road recreational trailer and a snowmobile trailer."

2. Subsection 4.1.4 "General Provisions-Accessory Buildings, Uses and Structures", be amended by adding the sentence "Pre-Fabricated Shipping Container", which would form subsection (d).
3. Subsection 4.1.5 "General Provisions, Maximum Lot Coverage" shall be amended by the addition of the following sentence after the words "ground level surrounding the swimming pool" "Decks which are attached or directly abutting a dwelling shall be considered part of the lot coverage for the main building."

4. Subsection 4.1.6 "General Provisions-Accessory Buildings, Uses and Structures- Maximum Ground Floor Area", shall be amended and replaced with the following "The maximum ground floor area of any one detached accessory building or structure in any Residential Zone is 93 m². However, on lots in the Agricultural and Rural Zones which are less than 2 hectares in lot area, the maximum ground floor area of any one detached accessory building or structure is 100 m². This provision shall not apply to accessory buildings or structures in the C1, C2, C3, C4, C5, C6, MAR, M1or M2 Zones."
5. *Subsection 4.1.8 "General Provisions, Accessory Buildings, Uses and Structures, Maximum Quantity" shall be amended by the addition of the following sentence after the words "two detached accessory buildings shall be permitted." "Accessory buildings which are less than 10m² in floor area shall not be included as part of this section 4.1.8 of the Zoning By-law.*
6. Subsection 4.1.9 (b) "General Provisions, Accessory Buildings and Structures-Setbacks" shall be deleted and replaced with the following "In Residential Zones a maximum of one (1) detached Accessory building may be permitted to be located in the front yard, but not in the required front yard setback of the main building. Accessory Buildings/Structures in the A and RU Zones are permitted in the front yard, but not in the required front yard."
7. Subsection 4.1.9 (c) "General Provisions, Accessory Buildings and Structures-Setbacks" shall be amended be amended by replacing the words "one (1) metre)" with the words "two (2) metres".
8. Subsection 4.1.9 (d) "General Provisions, Accessory Buildings and Structures-Setback", shall be amended by the addition of the following sentence after the words "number of said buildings is one (1)." "Detached private garage or other detached accessory building greater than 55 square metres shall meet the same setback as the main use on the lot. Private garages which are attached to the dwelling shall meet the setbacks of the main use."
9. Subsection 4.1.9 "General Provisions, Minimum Setbacks Through Lots" shall be amended by the addition of the following subsection:
 "4.1.9(h)
 The minimum required setback for an accessory building/structure for a through lot shall be the same as the main building on the lot".
10. Subsection 4.1 "General Provisions, Accessory Buildings and Structures" shall be amended by the addition of the following subsection:
 "4.1.9(i)
 Accessory Buildings/Structures shall be set back a minimum distance of 1.0 metre from the main building on the lot and be set back a minimum distance of 1.0 metres from any detached accessory building on the same lot".
11. Subsection 4.1 "General Provisions, Accessory Buildings and Structures" shall be amended by the addition of the following subsection and that the subsequent subsection be renumbered:
 "4.1.10 Detached Accessory Building and Structures less than 10m²
 Detached accessory building or structures which are less than 10 square metres in ground floor area shall:
 - a) shall not be located in the front yard in all residential zones except for waterfront lots where the accessory building must meet the same setbacks as the main use;
 - b) shall be setback a minimum of 1.0 metres from the rear lot line
 - c) shall be setback a minimum of 1.0 metres from interior side lot lines;
 - d) shall meet the exterior setback of the main building of the zone;
 - e) shall have a maximum height of 2.5 metres;
 - f) shall be no closer than 0.5 metres from the main use of the lot;

- g) Shall be limited to 2 detached accessory structures/buildings with a size of less than 10 square metres. This shall not be included in the maximum number of accessory buildings as outlined in Section 4.1.8; and
- h) Shall be subject to the lot coverage provisions of Section 4.1.5".

12. Subsection 4.8 "General Provisions, Home Occupations and Home Industries" be amended by deleting in its entirety and replaced with the following:

"4.8.1 Home occupations are accessory to a residential use, and are intended to accommodate a practitioner or professional residing on the premises. Uses that may be considered a home occupation include:

- A professional, medical or business office (e.g., chiropractor, law office).
- A personal service shop (e.g., pet groomer, hairstylist).
- An art/music studio (e.g., photography, piano).
- A private home daycare.
- A private tutor/instructor.
- A home catering service preparing food to be consumed off-site.
- A small electronic, appliance or computer repair.

Where a home occupation is permitted in a zone, the home occupation:

- a) A *home occupation* shall be located entirely within a detached accessory building and/or the main building on the lot.
- b) Shall clearly be secondary to the main residential use on the lot and does not change the residential character of the dwelling;
- c) The residential appearance and character of the *dwelling* shall be maintained.
- d) A maximum of one (1) *home occupation* shall be permitted per *dwelling unit*.
- e) A *home occupation* shall only occupy a maximum of 35% of the gross floor area of the dwelling unit, if the home occupation is contained in a dwelling unit in the main building on the lot.
- f) A *home occupation* shall not occupy more than 50 percent of the *gross floor area* of one (1) detached *accessory building* in a Residential Zone and 100 percent of the gross floor area up to a maximum of 100 square metres in one (1) detached accessory building in the Agricultural or Rural Zones up to a maximum of 100 square metres if the home occupation is contained within a detached accessory building.
- g) A *home occupation* shall be operated by the *person* or *persons* whose principal residence is the *dwelling* in which the *home occupation* is located, and a maximum of two *persons* who does not reside in the *dwelling* as a principal residence shall be employed by the *home occupation*, in addition to the residents of the *dwelling*.
- h) A *sign* is permitted to be displayed on the *lot* for *home occupation*, provided:
 - i. A maximum of one (1) *sign* is permitted on a *lot* for each permitted *home occupation*; and,
 - ii. The *sign* shall comply with the *Township's Sign By-law*.
- i) The use shall not create or become a nuisance because of noise, fumes, dust, odour, traffic or otherwise interfere with the enjoyment of the amenities of the adjacent neighbourhood or lands.
- j) There shall be no outside storage or display of materials, containers, finished products or mechanical equipment in Residential Zones.
- k) The use shall only be permitted where the existing lot abuts upon and has frontage on an improved public street assumed for public use.
- l) The use shall not involve retailing or the sale of any commodity not produced on the premises except that a telephone, internet or mail order sale of goods is permitted.

- m) The use shall not require the receipt or delivery of merchandise, goods or equipment by any other than a passenger motor vehicle or parcel carrier employed in residential deliveries.
- n) Notwithstanding the requirement for a home occupation to be conducted entirely within a dwelling or accessory building, a private home daycare facility may allow for an outdoor play or amenity area, which shall not be counted as part of the size of the operation.
- o) To monitor and control home occupation uses, the Township may require the appropriate licensing of such uses as may be provided for under the Municipal Act.

4.8.2 Home Industries

Home industries are considered to be uses located outside of settlement areas and are accessory and subordinate to the residential and/or agricultural use of the property. Home industries are intended to accommodate a single professional or tradesperson. Uses that may be considered a home industry are limited to a trade business or a more intensive home occupation requiring the use of an accessory building (e.g., woodworking).

Where a home industry is permitted in a zone, the home industry:

- a) Shall clearly be secondary and incidental to a permitted residential use.
- b) Shall be conducted either entirely within a primary dwelling or an accessory building thereto.
- c) Shall be conducted by at least one of the residents of a dwelling unit located on the same lot.
- d) Shall not occupy more than twenty-five percent (35%) of the gross floor area of the dwelling unit, if the home industry is contained in a dwelling unit in the main building on the lot.
- e) May occupy one hundred percent (100%) of the gross floor area up to a maximum of 100m² of one (1) detached accessory building, if the home industry is contained within a detached accessory building.
- f) Shall not create noise, vibration, fumes, odour, dust, glare, or radiation which is evident outside the building in which the use occurs.
- g) Shall not employ more than two (2) employees who are not a resident of the dwelling unit on the lot.
- h) Shall not involve the use or storage of hazardous substances in types or quantities exceeding those normally found in a residential use.
- i) Shall not involve the repair or maintenance of motor vehicles, construction equipment or vehicles, or industrial equipment or vehicles, but may involve small engine repair outside of a settlement area as approved with the Township of Tay Official Plan.
- j) The use shall not involve retailing or sale of any commodity not produced on the premises, except that telephone, internet or mail order sales of goods is permitted.
- k) Shall, other than on lands zoned Agricultural or Rural, not require receipt or delivery of merchandise, goods, or equipment by other than intermittent delivery by a passenger motor vehicle or by parcel or letter carrier mail service using motor vehicles typically employed in residential deliveries.
- l) A *sign* is permitted to be displayed on the *lot* for the home industry, provided:
 - i. A maximum of one (1) *sign* is permitted on a *lot* for each permitted home and;
 - ii. The *sign* shall comply with the *Township's Sign By-law*.
- m) Shall not include accessory outdoor storage, display or sales.
- n) To monitor and control home industry uses, the Township may require the appropriate licensing of such uses as may be provided for under the Municipal Act".

13. Subsection 4.12 (a) "Legal Non-Complying Buildings, Structures and Lots", shall be replaced with the following "The extension, enlargement, reconstruction, relocation, replacement, repair or renovation does not further encroach or increase the usable *floor area* in a required yard, or further reduce any required setback; and,"
14. Subsection 4.20 "General Provisions, Permitted Yard Encroachments" as it relates to "Verandahs, decks, stairs and porches not exceeding one storey in height" be amended by adding "Interior Side Yard, Exterior Side Yard" in the title "YARDS IN WHICH PROJECTION IS PERMITTED" and addition of the numbers "0.5 metres on one side including eaves and cornices" under the title of "MAXIMUM PROJECTION INTO REQUIRED SETBACK".
15. Subsection 4.29 "General Provisions, Trailers and Campers" and Subsection 4.30 "General Provisions, Truck, Bus and Coach Bodies" be replaced with the following article and that the subsections following be renumbered accordingly:

"4.29 STORING OF SPECIAL VEHICLES

- 4.29.1 No person shall use any lot in any Zone for the purpose of parking or storing a camper trailer, motor home, travel trailer, utility trailer, or boat except in accordance with the provisions of this section or as provided elsewhere in this By-law.
- 4.29.1 No person shall use any lot in any Zone for the purpose of parking or storing a camper trailer, travel trailer, motor home, utility trailer, or boat except in accordance with the provisions of this section or as provided elsewhere in this By-law.
- 4.29.2 In a Rural or Agricultural Zone, the parking or outside storage of a camper trailer, travel trailer, a motor home, a utility trailer, a boat is permitted only where such use:
 - i) is accessory to an existing permitted uses;
 - ii) is located in the rear or side yard and no closer than 1.0 metres to the lot lines; and,
 - iii) is limited to a maximum of one of each of either a camper trailer, travel trailer, a motor home, a utility trailer, or a boat.
 - iv) shall not be parked or stored in the front yard with the exception of being permitted on a driveway, and shall have a 0.5 metre setback from the front lot line.
- 4.29.3 In a Residential Zone and Development Zone, the parking or outside storage of a camper trailer, a motor home, travel trailer, utility trailer, a boat is permitted only where such use:
 - i) is accessory to an existing residential use;
 - ii) is located in the rear or interior side yard and no closer than 1.0 metres to the lot lines;
 - iii) is limited to a maximum of one each of either a camper trailer, a motor home, travel trailer, utility trailer, or a boat.
 - iv) Such camper trailer, motor home, travel trailer, utility trailer, shall not exceed 9.5 metres in length overall exclusive of the hitch or tongue or 3.5 metres in width. In the case of a boat, the length shall not exceed 9.0 metres or 3.0 metres in beam width;
 - v) shall not be parked or stored in the front yard with the exception of being permitted on a driveway, and shall have a 0.5 metre setback from the front lot line

- 4.29.4 The provisions of Subsection 4.29.3 shall also apply to an accessory residential use in a Non-Residential Zone.
- 4.29.5 Notwithstanding Subsection 4.29.3, in a Multiple Residential "R3" Zone, the parking or storing of a camper trailer, travel trailer, a motor home, a utility trailer, or a boat is only permitted within a fully enclosed building, unless such property is being used for a single detached dwelling.
- 4.29.6 In all Zones, human habitation is prohibited in a travel trailer, utility trailer, a boat, camper trailer or motor home unless otherwise permitted.
- 4.29.7 Notwithstanding the preceding subsections, the limitations imposed therein shall not restrict the number of camper trailers, travel trailer, motor homes, utility trailers, or boat that are fully enclosed within a private garage.
- 4.29.8 Notwithstanding the preceding subsections, the parking or storage of a travel trailer, a camper trailer, a motor home or a boat may be permitted in the driveway of a lot in a Residential Zone from 1 April to 31 October of each calendar year.

A utility trailer not more than 5.5m in length inclusive of projections and attachments is permitted to parked or stored in a driveway year round, and shall be setback 0.5 metres from the front lot line".

16. Subsection 4.0 "General Provisions" shall be amended by the addition of the following subsection:

"4.32 TEMPORARY PLACEMENT OF PRE-FABRICATED SHIPPING CONTAINERS

Notwithstanding any other provision in this By-law, the temporary placement of one pre-fabricated shipping container is permitted per lot in a Residential Zone provided the pre-fabricated shipping container:

- a) Is located on the driveway;
- b) Is set back a minimum of 1.0 metre from any lot line;
- c) not be located in a daylight corner,
- d) Has a maximum height of 2.5 metres, or a maximum width of 2.5 metres or a maximum length of 6.1 metres;
- e) Not encroach onto a public sidewalk or municipal right-of-way, which shall include any openings such as gates and doors to access the pre-fabricated shipping container;
- f) Is not located on the lot for more than 90 days in a calendar year.
- g) Shall not be used for human habitation".

17. Subsection 4.0 "General Provisions" shall be amended by the addition of the following subsection:

"4.33 TEMPORARY PLACEMENT OF REFUSE CONSTRUCTION BINS

Notwithstanding any other provision in this By-law, the temporary placement of one Refuse Construction Bin is permitted per lot in a Residential Zone provided the refuse construction bin is:

- a) Is located on the driveway;
- b) Is set back a minimum of 1.0 metre from any lot line;
- c) Shall not be located in a daylight corner;

- d) Not encroach onto a public sidewalk or municipal right-of-way, which shall include any openings such as gates and doors to access the refuse construction bin;
- e) Is not located on the lot for more than 90 days in a calendar year;
- f) Shall not exceed 6.0 metres in length or 2.4 metres width or 2.4 in height."

18. Subsection 4.0 "General Provisions" shall be amended by the addition of the following subsection:

"4.34 BREEZWAYS

Where a breezeway connects a private garage to the main building on the lot, forming part of the main building, the following criteria must be met:

- a) The breezeway is a roof structure that is structurally connected to both buildings;
- b) The minimum width of a breezeway shall be 1.8 metres to a maximum of 2.5 metres in width, which is measured from the outside of support posts;
- c) The maximum permitted height of a breezeway shall be 4.5 metres;
- d) The maximum length of a breezeway shall be 9.0 metres."

19. Subsection 5.2.9 "Specific Parking Regulations" shall be amended by the addition of the following sentence after the words "triplex dwellings" with "fourplex dwelling."

20. Subsection 10.2 "Uses Permitted" be amended by adding "Dwelling, Triplex, Dwelling, Fourplex" after "Dwelling, Duplex".

21. Subsection 10.3 "Multiple Residential "R3 Zone, Zone Regulations" be amended by the addition of the following article and that the subsections following be renumbered accordingly:/"

"10.3.2 Triplex and Fourplex Dwelling

No person shall use any lot or erect, alter or use any building or structure for the purposes of a triplex or fourplex dwelling unless the lot is served by a public water supply and sanitary sewers and except in accordance with the following provisions.

- | | | |
|----|--------------------------------|--|
| a) | Minimum Lot Frontage | 18.5 metres |
| b) | Minimum Lot Area | 557 square metres |
| c) | Minimum Lot Coverage | 35% of the lot area |
| d) | Minimum Required Yards | |
| | i. Front Yard | 6.0 metres |
| | ii. Rear Yard | 7.5 metres |
| | iii. Interior Side Yard | 5.0 metres on one side
3.0 metres on other side |
| | iv. Minimum Exterior Side Yard | 4.5 metres |
| e) | Minimum Dwelling Unit Area | 65 square metres |
| f) | Minimum Landscaped Open Space | 30% of the lot area |
| g) | Maximum Height Of Building | 9.5 metres" |

22. Subsection 22.2 "Uses Permitted" be amended by adding "Marihuana/Cannabis Production Facility".

23. Subsection 23.2 "Uses Permitted" be amended by adding "Marihuana/Cannabis Production Facility".

24. This By-law shall take force and come into effect pursuant to the provisions and regulations made under the Planning Act, R.S.O. 1990, c.P.13.

BY-LAW READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS 26TH DAY OF JUNE, 2019.

THE CORPORATION OF THE TOWNSHIP OF TAY

Mayor, Ted Walker

Clerk, Alison Gray