**THE CORPORATION OF THE TOWNSHIP OF TAY**

# BY-LAW NO. 2024-XX

**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** **THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF TAY ENACTS AND BE IT ENACTED AS FOLLOWS;**

1. Section 3 – Definitions

3.2.78 Dwelling Unit, Accessory “shall mean a self-contained dwelling unit accessory to the main use of the property and contained within or attached to a main use building” be amended to

“shall mean a self-contained dwelling unit accessory to the main use of the property and contained within or attached to a main use building, or as a detached dwelling unit.”

3.2.96 Garage, Attached “shall mean a garage, accessory to a dwelling unit on the same lot, and separated therefrom by a common wall and/or common roof structure. For the purposes of this definition, a wall between a house and an attached garage may be considered "common" as long as at least forty (40) percent of the length of the garage wall is common with the dwelling wall”, be amended by removing “For the purposes of this definition, a wall between a house and an attached garage may be considered "common" as long as at least forty (40) percent of the length of the garage wall is common with the dwelling wall”.

3.2.98 Garden Suite “shall mean a detached dwelling unit no larger than 70 square metres in area and considered secondary and incidental to an existing single detached dwelling unit” be amended to “shall mean a temporary detached dwelling unit which is considered secondary and incidental to an existing single detached dwelling unit”.

3.2.111 Height of Building “shall mean the vertical height from the finished grade and shall be calculated as follows:

(a) In the case of a flat roof, the highest point of the roof surface on the parapet, whichever is the greater; and

(b) In the case of a mansard roof, the deck roof line; and

(c) In the case of a gable, hip or gambrel roof, the average heights between the eves and ridge; exclusive of any accessory roof construction such as a chimney, tower, steeple, television antenna or mechanical penthouse”, by amending the first sentence to the following: “shall mean the vertical height from the average finished grade on all sides of the structure and shall be calculated as follows:”

1. Subsection 4.1.4 (c) No accessory building in any Residential Zone shall: where the building area exceeds 10 m2 have an exterior of corrugated metal, other than a roof be deleted.
2. Subsection 4.1.6 paragraph 3 which states ”Notwithstanding the above provisions of Section 4.1.6, the gross floor area of any detached accessory building or structure shall not exceed the gross floor area of the existing dwelling on the lot” be deleted, and Sections 4.1.7 to 4.1.13 be renumbered accordingly.
3. Subsection 4.1.7 “In the Village Residential “R1” Zone, the Village Residential “R2” Zone, the Village Residential – Special “R2-S” Zone, Residential Estate “RE” Zone, the Shoreline Residential “SR” Zone and the Limited Service Residential “LSR” Zone, a maximum of 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” be amended to replace “10m2” with “15m2.”
4. Subsection 4.1.8 (c) “For those lands in the R1, R2, R3, SR, RMH, D and LSR Zones, a detached private garage or other accessory building/structure may be erected and used in an interior side and/or rear yard provided that it shall be no closer than two (2) metre to the interior side or rear yard lot line. An attached private garage in the above zones, may be erected and used in an interior side and/or rear yard provided that it shall be no closer than one (1) metre to the interior side or rear yard lot line shall except where a mutual garage is erected on the common lot line between two lots, in which case no interior side yard is required. In the case of an attached private garage, it shall be no closer than one (1) metre to the interior side or rear yard lot line*”* be amended which requires the removal the portion that says“An attached private garage in the above zones, may be erected and used in an interior side and/or rear yard provided that it shall be no closer than one (1) metre to the interior side or rear yard lot line shall except where a mutual garage is erected on the common lot line between two lots, in which case no interior side yard is required. In the case of an attached private garage, it shall be no closer than one (1) metre to the interior side or rear yard lot line”.
5. Subsection 4.1.9 “Detached Accessory Building and Structures less than 10m2” be amended by changing any reference of 10m2 to 15 m2.

## Subsection 4.1.10 Boat Houses, Pump Houses, and Boat Docks. “Boat houses, pump houses, and boat docks are permitted in any yard of a waterfront lot except the front yard, provided they are located no closer than 1.0 metre setback from the interior side lot line and 3.0 metres from the flankage lot line” be amended by changing 1.0 metre setback to 4.0 metres.

1. Add new Subsection 4.2.1 (j) A detached Accessory Dwelling Unit must comply with the following yard requirements in the R1, R2, SR, A, RU, & LSR Zones :

Minimum Front yard setback 8 m

Minimum Interior Side Yard 2 m

Minimum Exterior Side Yard 4.5 m

Minimum Rear Yard Setback 2 m.

1. Amend Subsection 4.2.1(i) by removing the wording “contained within an accessory structure”, to read “A detached dwelling unit shall be a permanent structure anchored to a permanent foundation”.
2. Subsection 4.5.3 Lots on Islands (d) “Notwithstanding Section 4.5.1, where an existing lot is located on all or part of an island surrounded by navigable water, a building permit may be issued for a building or structure to be erected, extended or enlarged provided:(d) The applicant, at his or her expense, prior to a building permit being issued, enters into an acknowledgement with the municipality. This acknowledgement shall indicate that normal municipal services are not available for the lot in question”, be deleted.
3. Section 4.11.1 Where a lot having a lesser frontage or area than required by the provisions of this by-law is held under a distinct and separate ownership from abutting lots as shown by a valid registered conveyance with a good and marketable title in fee simple in the records of the Registry or Land Titles Office at the time of the passing of this By-law, or where such a lot is created as a result of an expropriation or a lot on a registered Plan of Subdivision registered prior to the date of passage of this By-law and after the year 1955, such a lot may be used in conformity with the permitted uses of the Zone in which it is located unless a permitted use requires a greater lot area and/or frontage for a use that did not exist at the time of the passing of this By-law, in which case, should a change of use occur, the higher standard would be required and further if the property is vacant on the date of passing of this By-law, the use(s) that require the least lot area shall be permitted, provided it conforms to all other requirements of this By-law and the regulations of any other appropriate authority, be replaced with the following “where a vacant lot, having a lesser lot area and/or lot frontage than required herein, existed on the date of passing of this By-law, or where such a lot is created by a public authority or correction of title, such a smaller lot may be used and a permitted building or structure may be erected and/or used on such a smaller lot provided that all other applicable provisions of this By-law are complied with”.
4. Section 4.12 LEGAL NON-COMPLYING BUILDINGS, STRUCTURES AND LOTS. - “Where a building or structure has been lawfully erected prior to January 1, 1994 on a lot having less than the minimum frontage and/or area, or having less that the minimum setback, and/or yard or any other provision required in this By-law, the said building or structure shall be deemed to comply with this By-law with respect to any such deficiency or deficiencies; and further the said building or structure may be extended, enlarged, reconstructed, relocated, replaced, repaired or renovated provided that: (a) The extension, enlargement, reconstruction, relocation, replacement, repair or renovation does not further encroach or increase the usable ground floor area in a required yard, or further reduce any setback; and (b) All other applicable provisions of this By-law are complied with”, be replaced with the following: Where a building or structure has been lawfully erected prior to January 1, 1994 on a lot having less than the minimum frontage and/or area, or having less that the minimum setback, and/or yard or any other provision required in this By-law, the said building or structure shall be deemed to comply with this By-law with respect to any such deficiency or deficiencies; and further the said building or structure may be extended, enlarged, reconstructed, relocated, replaced, repaired or renovated provided that:

a) Legally Existing Buildings and Structures

Where a legally existing building or structure is located on a lot having less than the minimum required frontage and/or lot area, and/or having less than the minimum required front yard and/or side yard and/or rear yard required by this By-law, the said legally existing building or structure may be expanded or reconstructed provided that:

i) the expansion or reconstruction does not reduce the front yard, and/or side yard, and/or rear yard or increase the amount of gross floor area or ground floor area, or height in a required yard as outlined in this Zoning Bylaw.

ii) the legally existing building or structure is being used for a purpose permitted within the Zone in which it is located; and,

iii) all other applicable Provisions of this By-law are complied with.

b) Reconstruction of Legally Existing Building

Nothing in this By-law shall prevent the reconstruction of a legally existing building that does not comply with the provisions in this By-law, provided that no part of the legally existing building that is non-complying is increased in height, volume or gross floor area and the reconstruction does not reduce the front yard and/or side yard and/or rear yard.

c) Damaged Legally Existing Buildings and Structures

Nothing in this By-law shall apply to prevent the reconstruction of any permitted legally existing building or structure which is damaged by causes beyond the control of the owner, and such permitted legally existing building may be reconstructed as it previously existed, even if such did not comply with one or more of the provisions of this By-law, but the non-compliance may not be further increased. A legally existing building damaged or destroyed because of natural flooding shall not be reconstructed, except in accordance with the provisions of this By-law.

1. Subsection 4.20 PERMITTED YARD ENCROACHMENTS. Sills, belt courses, cornices, eaves or canopies, gutters, chimneys, or pilasters. All yards 0.76 m be amended to 0.5 m.

Balconies – remove row in Table associated under section 4.20.

1. SECTION 7 - VILLAGE RESIDENTIAL "R1" ZONE – Subsection 8.3.1 Single detached Dwelling (f) Minimum Gross Floor Area 93 m2 be amended to 55.74 m2.
2. SECTION 8 - VILLAGE RESIDENTIAL "R2" ZONE – Subsection 9.3.1 Single detached Dwelling (f) Minimum Gross Floor Area 93 m2 be amended to 55.74 m2.
3. That Schedule "F" to General Zoning By-law No. 2000-57, is hereby further amended by rezoning those lands described as Con. 1, OS PT LOT 75 from the Village Residential “R1” Zone to the Institutional “I” Zone.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS XXnd DAY OF XXXXX, 2024.**

**THE CORPORATION OF THE TOWNSHIP OF TAY**

**MAYOR, Ted Walker**

### CLERK, Katelyn Johns