

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2018-____

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED

WHEREAS, the *Planning Act, R.S.O. 1990, Chapter P.13 Section 34 as amended*, provides that the Councils of local municipalities may enact by-laws regulating the use of land and the erection, location and use of buildings and structures within the municipality;

AND WHEREAS, By-Law No. 2002-121, as amended, regulates the use of land and the erection, location and use of buildings and structures within Tay Valley Township;

AND WHEREAS, the Council of the Corporation of Tay Valley Township deems it advisable to amend By-Law No. 2002-121, as amended, to implement the recently updated policies of the Official Plan for Tay Valley Township;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows:

1. GENERAL REGULATIONS

Section 1: Section 2, DEFINITIONS, of By-Law No. 2002-121, as amended, is hereby further amended by deleting the definition of AGRICULTURAL USE and replacing it with the following new definition.

“AGRICULTURAL USE shall mean the use of land, buildings or structures for the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

This definition shall include livestock facilities, as herein defined, but shall not include commercial or industrial activities such as abattoirs, tanneries, kennels or manufacturing activities involving crops, animal products or wood products.”

Section 2: Section 2, DEFINITIONS, of By-Law No. 2002-121, as amended, is hereby further amended by adding the following new definition for AGRICULTURE-RELATED USES, in alphabetical order.

“AGRICULTURE-RELATED USES shall mean those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations,

and provide direct products and/or services to farm operations as a primary activity.”

Section 3: Section 2, DEFINITIONS, of By-Law No. 2002-121, as amended, is hereby further amended by adding the following new definition for INSTRUCTIONAL FACILITY, in alphabetical order.

“**INSTRUCTIONAL FACILITY** shall mean a school conducted for profit, excluding a school as herein defined, which provides training or instruction in dance, music or other arts, driver training, fitness, golf, business, trades, technology, and similar uses.”

Section 4: Section 2, DEFINITIONS, of By-Law No. 2002-121, as amended, is hereby further amended by revising the definitions of DWELLING by deleting the definition of SECONDARY UNIT and replacing it with the following new definition.

“**SECOND DWELLING** shall mean an accessory building which contains one or more habitable rooms designed and occupied as an independent dwelling in which living, kitchen and bathroom facilities are provided and which is located on the same lot as a single dwelling, semi-detached dwelling or townhouse dwelling, as defined herein.”

Section 5: Section 2, DEFINITIONS, of By-Law No. 2002-121, as amended, is hereby further amended by revising the definitions of DWELLING by deleting the definition of MULTIPLE DWELLING and by replacing it with the following new definition.

“**MULTIPLE DWELLING** shall mean a dwelling which contains three or more dwelling units and which is not a townhouse dwelling as herein defined.”

Section 6: Section 2, DEFINITIONS, of By-Law No. 2002-121, as amended, is hereby further amended by revising the definitions of DWELLING by adding the following new definitions of TINY HOUSE DWELLING and TOWNHOUSE DWELLING, in alphabetical order.

“**TINY HOUSE DWELLING** shall mean a single dwelling or a seasonal dwelling, as herein defined, which does not meet the minimum dwelling unit area requirement of the zone in which it is located but which otherwise meets all of the provisions of the Ontario Building Code.”

“**TOWNHOUSE DWELLING** shall mean a dwelling which contains three or more dwelling units which are divided vertically, each of which has a separate entrance, and fully independent front and rear yards.”

Section 7: Section 2, DEFINITIONS, of By-Law No. 2002-121, as amended, is hereby further amended by revising the definitions of DWELLING UNIT by adding the following new definition of SECOND DWELLING UNIT, in alphabetical order.

“SECOND DWELLING UNIT shall mean one or more habitable rooms designed and occupied as an independent dwelling in which living, kitchen and bathroom facilities are provided and which is located entirely within a single dwelling, semi-detached dwelling or townhouse dwelling, as defined herein.”

Section 8: Section 2, DEFINITIONS, of By-Law No. 2002-121, as amended, is hereby further amended by revising the definition of GARDEN SUITE as follows.

“GARDEN SUITE shall mean a portable detached dwelling located on the same lot as the principal dwelling which provides for the housing needs of the family residing in the principal dwelling, and for which a temporary use by-law has been adopted pursuant to the provisions of the *Planning Act*.”

Section 9: Section 2, DEFINITIONS, of By-Law No. 2002-121, as amended, is hereby further amended by revising the definition of HOME-BASED BUSINESS as follows.

“HOME-BASED BUSINESS shall mean an occupation, trade, profession or craft conducted as an accessory use to the use of a dwelling.”

Section 10: Section 2, DEFINITIONS, of By-Law No. 2002-121, as amended, is hereby further amended by adding the following new definition for INTAKE PROTECTION ZONE, in alphabetical order.

“INTAKE PROTECTION ZONE (IPZ) shall mean the area upstream of a surface water intake where land use activities have the potential to affect the quality of water that flows into the intake.”

Section 11: Section 2, DEFINITIONS, of By-Law No. 2002-121, as amended, is hereby further amended by adding the following new definition of ON-FARM DIVERSIFIED USES, in alphabetical order.

“ON-FARM DIVERSIFIED USES shall mean uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.”

Section 12: Section 2, DEFINITIONS, of By-Law No. 2002-121, as amended, is hereby further amended by revising the definition of PLACE OF WORSHIP as follows.

“PLACE OF WORSHIP shall mean a place which is owned or occupied by a religious congregation or religious organization and dedicated exclusively to worship and related religious, social and charitable activities, and may include churches, chapels, temples, parish halls, mosques and synagogues. It also includes a convent, a seminary, a monastery, rectory, manse, parsonage, as well as a place of assembly and cemetery, as herein defined, and offices for the administration of the religious institution.”

Section 13: Section 2, DEFINITIONS, of By-Law No. 2002-121, as amended, is hereby further amended by adding the following new definition of RISK MANAGEMENT OFFICIAL, in alphabetical order.

“RISK MANAGEMENT OFFICIAL shall mean a person appointed by the Corporation that is responsible for the enforcement of Part IV of the Clean Water Act, and who has the qualifications prescribed in Ontario Regulation 287/07, as may be amended.”

Section 14: Section 2, DEFINITIONS, of By-Law No. 2002-121, as amended, is hereby further amended by revising the definition of SCHOOL as follows.

“SCHOOL shall mean an educational establishment as defined in the Education Act, and includes any facility which has a body of students and teachers, and which provides primary, elementary, and secondary or adult education courses of study authorized or approved by the Minister of Education for the Province of Ontario. This definition includes schools under the jurisdiction of a Board of Education, as well as other private schools that provide such courses of study, and that may also provide other specialized training or instruction, whether such private schools are operated for-profit or not-for-profit.”

Section 15: Section 2, DEFINITIONS, of By-Law No. 2002-121, as amended, is hereby further amended by adding the following new definition for SOURCE PROTECTION PLAN, in alphabetical order.

“SOURCE PROTECTION PLAN shall mean the Mississippi-Rideau Source Protection Plan prepared pursuant to the Clean Water Act, 2006.”

Section 16: Section 3, GENERAL PROVISIONS, of By-Law No. 2002-121, as amended, is hereby further amended by deleting Section 3.7 and replacing it with a new Section 3.7 as follows.

“3.7 Home-Based Businesses

A home-based business, as herein defined, shall be permitted as an accessory use in any dwelling, except in an accessory dwelling or a seasonal dwelling, unless specifically listed below as a prohibited use, in accordance with the following provisions.

1. Residential Character

The home-based business use(s) shall not cause any individual or cumulative effects that change the residential character of the main residential use. The use(s) shall not:

- be visible or apparent from adjacent properties, other than due to permitted signage if any;
- cause a nuisance or annoyance or loss of enjoyment to neighbours; or,
- cause a significant increase in traffic on streets serving the dwelling.

2. Compatibility

The home-based business use(s) shall not generate noise, vibration, fumes, dust, effluent, odour, glare, magnetic fields or radiation, which is evident outside of the dwelling or which exceeds limits established by existing By-laws and Provincial or Federal legislation or policy.

3. Maximum Size

The amount of floor area deemed separate and exclusively dedicated for the home-based business use(s) shall not exceed 25% of the total floor area of the dwelling, or 50 m², whichever is the lesser.

4. Location

- The floor area of the home-based business use(s) may be located in any portion of the dwelling unit.
- Not more than 15 m² of the floor area may be located in a private garage or in an accessory building, provided these structures comply with all other provisions of this By-law.

5. Employees

The home-based business use(s) may have no more than 2 employees at a time working on the premises, in addition to the residents of the dwelling unit, provided that employee parking, if required, shall be provided on the lot.

6. Exterior Effects

The home-based business use(s), including the storage or display of goods or materials, shall be located entirely within the dwelling or accessory building(s) and shall not be visible from adjacent properties.

7. Radio, Television and Satellite

The home-based business use(s) shall not interfere with telephone, television, radio, or satellite reception.

8. Health/Life/Fire Safety Hazard

The home-based business use(s) shall not be deemed to present a health, life or fire safety hazard, as regulated by the Ontario Building Code, the National Fire Code, the Ministry of the Environment and Climate Change, the Ontario Ministry of Health and Long-Term Care, or other provincial or federal legislation.

9. Water and Sewer Services

The applicant shall obtain a sewage system approval and shall demonstrate to the satisfaction of the Township that there is a sufficient supply of well water where the proposed home-based business use(s) may place demands on the existing sewage disposal and water supply systems that exceed normal domestic usage.

10. Retail Sales and Rental

The retail sales or rental of merchandise shall only be permitted as part of the home-based business use(s) where the merchandise:

- is produced, assembled, repaired, or otherwise has value added to it on the property;
- is associated with a service that is provided as the primary component of the home-based business use(s); or
- is a transaction where the customer contacts the business to place an order to purchase or rent the merchandise, and the merchandise is either picked up by the customer or delivered to the customer.

11. Instruction or Education

The permitted home-based business use(s) may include instructional or educational activities, in accordance with the following provisions.

- The use(s) shall be limited to a maximum of 3 students at a time; however, if the activity requires that there be 4 or more students, this may be permitted provided that all requirements of fire, health and life safety have been met through a building permit application, if required.

- The teaching of music, dance, or other physical activity that is likely to create noise or vibration shall be permitted only where it can be ensured that noise or vibration will not be detectable to the occupants of adjacent dwellings.

12. Delivery Vehicles

Home-based business use(s) that require the receipt or delivery of merchandise, goods, or equipment shall only be permitted where the delivery vehicles are typical of those vehicles used in residential deliveries. No deliveries (drop offs or pick-ups) are permitted between the hours of 7:00 PM and 7:00 AM.

13. Specifically Prohibited Uses

The following uses do not fall within the definition of home-based business:

- any use which does not comply with the preceding provisions;
- any use which has not received a license under any other municipal by-law, as may be required;
- kennel, veterinary clinic or any other animal-related use;
- licensed day nursery;
- any residential use, except as permitted in the Zone in which the home-based business use is located;
- home for the aged or nursing home;
- laundromat or dry-cleaning use;
- restaurant;
- retail store;
- any automobile-related use, heavy equipment sales or rental use, equipment rental outlet use and transportation depot use, as herein defined;
- commercial yard sale and open market.

14. Special Provisions for Rural and Agricultural Zones

Where a lot is located in the Rural or Agricultural Zones, the following additional provisions shall apply, provided that the lot is a minimum of 4 ha.

- All of the provisions of the foregoing subsections shall apply, except as provided below.
- The home-based business use(s) shall also be permitted in an accessory building or structure to a maximum floor area of 100 m².

- The home-based business use(s) may include accessory open uses and storage, provided such open uses and storage are limited to 200 m² and are not located within any required yard.”

Section 17: Section 3, GENERAL PROVISIONS, of By-Law No. 2002-121, as amended, is hereby further amended by adding a new Subsection 3.19, as follows and by renumbering all subsequent Subsections, including references thereto, in sequence.

“3.19 Second Dwelling Unit and Second Dwelling

Notwithstanding any provision of this By-law to the contrary, where a single dwelling, a semi-detached dwelling or a townhouse dwelling is permitted as a principal use in a zone, or where an existing single dwelling, semi-detached dwelling or townhouse dwelling is a legal non-conforming use as of the date of this By-law, a second dwelling unit or a second dwelling, as herein defined, but not both, are permitted on the same lot in accordance with the following provisions.

1. General

- The second dwelling unit or second dwelling shall comply with the provisions of the Building Code Act.
- The second dwelling unit or second dwelling shall be connected to the same water supply and sewage disposal systems as the principal dwelling.
- Prior to obtaining a building permit for a second dwelling unit or a second dwelling, the applicant shall obtain a septic system approval and shall demonstrate to the satisfaction of the Township that there is a sufficient supply of well water to serve the second dwelling unit or second dwelling.
- The maximum floor area of the second dwelling unit or second dwelling shall not exceed 50% of the floor area of the principal dwelling, to a maximum of 80 m² in the Residential and Limited Services Residential Zones and 95 m² in the Rural and Agricultural Zones.
- The second dwelling unit or second dwelling shall share the driveway entrance to the lot with the principal dwelling.
- A minimum of one parking space shall be provided for the second dwelling unit or second dwelling, in addition to the minimum parking requirements for the principal dwelling.

- The second dwelling unit or second dwelling shall be included in the calculation of lot coverage.

2. Additional Provisions for Second Dwelling Unit

- The second dwelling unit shall not occupy the whole of a storey.
- The second dwelling unit shall share two of the following with the principal dwelling:
 - building entrance
 - parking area
 - outdoor amenity space
- No enlargement or extension to the principal dwelling shall be permitted unless the enlargement or extension conforms to all other applicable provisions of this By-law.

3. Additional Provisions for Second Dwelling

- An existing accessory building may be partially or fully converted to a second dwelling, except that no habitable room window shall face an interior side lot line or a rear lot line unless the existing accessory building conforms to the minimum side lot line setback and rear lot line setback as is required for the principal dwelling, as the case may be.
- A new accessory building may be constructed as a second dwelling provided that it conforms to all applicable provisions for the principal dwelling.
- The maximum permitted height of a new second dwelling shall be 5m.
- A new accessory building which is constructed as a second dwelling shall be separated by less than 12 m from the principal dwelling.”

Section 18: Section 3, GENERAL PROVISIONS, of By-Law No. 2002-121, as amended, is hereby further amended to revise Subsection 3.20 by adding the following new text to the end of the sentence in the second bullet.

“in the case of an Earth Science ANSI and 120 m in the case of a Life Science ANSI”

Section 19: Section 3, GENERAL PROVISIONS, of By-Law No. 2002-121, as amended, is hereby further amended by adding a new Subsection 3.24, as follows and by

renumbering all subsequent Subsections, including references thereto, in sequence.

“3.24 Source Water Protection

The Intake Protection Zones, IPZ-9 and IPZ-8, as shown on Schedule A-1 are overlay zones. Notwithstanding any provisions of the underlying zones to the contrary, the following additional provisions shall apply.

1. General

All development applications and all building permit applications for land uses within the IPZ-9 and IPZ-8 overlay zones, as shown on Schedule A-1, other than for single dwellings, semi-detached dwellings and duplex dwellings, shall be reviewed by the Risk Management Official and may require a risk management plan prepared to the satisfaction of the Township.

2. IPZ-9 Overlay Zone

In the IPZ-9 overlay zone, the following are prohibited uses and activities:

- waste disposal site
- sewage treatment plant
- salt storage
- snow dump
- storage and handling of pesticides
- activities such as effluent discharge from a sewage treatment plant or industrial use, discharge from a combined sewer or sewage treatment plant by-pass and storage of sewage

3. IPZ -8 Overlay Zone

In the IPZ-8 overlay zone, the following are prohibited uses and activities are:

- waste disposal site
- sewage treatment plant
- activities such as effluent discharge from a sewage treatment plant or industrial use, discharge from a combined sewer or sewage treatment plant by-pass, and storage of sewage

Section 20: Section 3, GENERAL PROVISIONS, of By-Law No. 2002-121, as amended, is hereby further amended to revise Subsection 3.23, Shoreline Occupancy Area, by deleting the word “shall” in the first sentence and replacing it with the word “may”.

Section 21: Section 3, GENERAL PROVISIONS, of By-Law No. 2002-121, as amended, is hereby further amended by adding a new Subsection 3.28, as follows and by renumbering all subsequent Subsections, including references thereto, in sequence.

“3.28 Tiny House

Notwithstanding any other provisions of this By-law to the contrary, a tiny house dwelling, as herein defined, is permitted as a single dwelling in the Rural, Agricultural and Limited Services Residential Zones, and as a seasonal dwelling in the Seasonal Residential Zone, provided that the applicant shall obtain a sewage system approval and shall demonstrate to the satisfaction of the Township that there is a sufficient supply of well water to serve the tiny house dwelling.

Where a tiny house dwelling is located on a lot, no accessory buildings or structures shall exceed 10 m², except for a detached garage”.

Section 22: Section 5.1, General Residential (R), of By-Law No. 2002-121, as amended, is hereby further amended by revising Subsection 5.1.1., Permitted Uses, by deleting “secondary unit”.

Section 23: Section 5.3, Limited Services Residential (LSR), of By-Law No. 2002-121, as amended, is hereby further amended by revising Subsection 5.3.1., Permitted Uses, by deleting “secondary unit”.

Section 24: Section 6.1, General Commercial (C) Zone, of By-Law No. 2002-121, as amended, is hereby further amended by revising Subsection 6.1.1., Permitted Uses, by deleting “secondary unit”.

Section 25: Section 6.3, Tourist Commercial (CT) Zone, of By-Law No. 2002-121, as amended, is hereby further amended by revising Subsection 6.3.1., Permitted Uses, by deleting “secondary unit”.

Section 26: Section 7.1, General Industrial (M) Zone, of By-Law No. 2002-121, as amended, is hereby further amended by revising Subsection 7.1.1., Permitted Uses, by deleting “secondary unit”.

Section 27: Section 8.1, Institutional (I) Zone, of By-Law No. 2002-121, as amended, is hereby further amended by revising Subsection 8.1.1., Permitted Uses, by deleting “secondary unit”.

Section 28: Section 10.1, Rural (RU) Zone, of By-Law No. 2002-121, as amended, is hereby further amended by revising Subsection 10.1.1., Permitted Uses, by deleting “secondary unit”, and by adding “on-farm diversified uses”, in alphabetical order.

Section 29: Section 11.1, Agricultural (A) Zone, of By-Law No. 2002-121, as amended, is hereby further amended by revising Subsection 10.1.1., Permitted Uses, by

deleting “secondary unit”, and by adding “on-farm diversified uses”, in alphabetical order.

Section 30: By-Law No. 2002-121, as amended, is hereby further amended by deleting Schedules A-1, A-2 and A-3, and by replacing them with new Schedules A-1, A-2 and A-3, as shown on Schedules A, B and C, attached hereto and forming part of this By-law.

This By law given its first and second readings on _____, 2018.

This By law given its third and final reading, and passed under the Corporate Seal on _____, 2018.

CORPORATE SEAL OF TOWNSHIP

Reeve (K. Kerr)

Clerk (A. Mabo)

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2018-_____**

2. ULTRA VIRES

Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

3. EFFECTIVE DATE

ENACTED AND PASSED this ___th day of _____, 2018.

Keith Kerr, Reeve

Amanda Mabo, Clerk

DRAFT