

BY-LAW NO. 08-070

**THE CORPORATION OF
TAY VALLEY TOWNSHIP**

General Modifications to Comprehensive Zoning By-law No. 02-121

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Date: November 18, 2008

CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 08-070

BEING A BY-LAW TO AMEND ZONING BY-LAW NO. 02-121, AS AMENDED

General Modifications to Comprehensive Zoning By-law No. 02-121

WHEREAS Section 34(1) of the *Planning Act*, R.S.O., 1990, Chapter P.13, authorizes Council to pass by-laws to regulate the use of lands and the character, 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 Zoning By-law No. 02-121, as amended, as hereinafter set forth;

NOW THEREFORE the Council of the Corporation of Tay Valley Township enacts as follows:

1. Section 2 (Definitions – Water Setback) is hereby amended by deleting the words “or the 1:100 flood line, where mapped by the Conservation Authority,” from the definition of “Water Setback”.
2. Section 2 (Definitions – Floor Area) is hereby amended by adding to the end of the sentence in the first bullet the words “where such basement or cellar has a height of less than 2.1 m measured between its floor surface and the underside of the joists of the storey above it”.
3. Section 2 (Definitions – Front Lot Line) is hereby amended by deleting the word “shoreline” and replacing it with the words “high water mark” in the definition of “Front Lot Line”.
4. Section 2 (Definitions) is hereby amended by adding the following definition in alphabetical order:

ATTACHED, when used in reference to the relationship of a deck, porch or stairs to a main building or structure, shall include any deck, porch or stairs that is unattached but is situated within 1 m of the main building or structure.

5. Section 2 (Definitions) is hereby amended by adding the following definition in alphabetical order:

BOATHOUSE shall mean an accessory building or structure that is intended to shelter, house or protect a boat or other watercraft and which is located such that more than 50% of the building or structure is situated beyond the high water mark over the bed of the water body.
6. Section 2 (Definitions) is hereby amended by adding the following definition in alphabetical order:

UNENCLOSED, when used in relation to an attached or unattached porch, deck or other structure, shall mean open except for a roof, supporting columns, safety railings, screens, curtains or shades. The word unenclosed shall exclude partial or full solid walls or other solid materials such as glass and synthetic glass substitutes normally intended to provide protection from the elements.

7. Section 2 (Definitions) is hereby amended by deleting the existing definition of “Marine Facility” and replacing it with the following:

MARINE FACILITY shall mean an accessory building or structure which is used to place a boat in or out of a water body, or to moor, berth or store a boat. This definition shall include a boat launching ramp or equipment, boat lift, dock, slip and boathouse, but shall not include any building used for human habitation, any building that is not a boathouse as defined in this By-law, or any boat repair, service or sales facility.

8. Section 2 (Definitions) is hereby amended by adding the words “and structures” immediately following the word “buildings” in the existing definition of “Lot Coverage”.

9. Section 3.1 (Accessory Uses) is hereby amended by adding the following new subsection:

9. Notwithstanding any provision of this By-law to the contrary, in the case of a wind turbine all yards shall be a minimum of two times the height of the highest point of the area swept by the rotor blades.

10. Section 3.1.6.2 (Accessory Uses) is hereby amended by deleting the words “6.0 m” and replacing them with “5.0 m”.

11. Section 3.6 (Height Exceptions) is hereby amended by deleting the word “windmill” and replacing it with “wind turbine”.

12. Section 3.12.3.1 (Repair, Restoration and Reconstruction of Non-Conforming Uses or Non-Complying Uses, Buildings or Structures) is hereby amended by deleting the period at the end of the sentence in the first bullet and adding the following words:

, except as required to comply with the requirements of the *Ontario Building Code* or to floodproof a building located in a flood plain.

13. Section 3.12.3.2 (Repair, Restoration and Reconstruction of Non-Conforming Uses or Non-Complying Uses, Buildings or Structures) is hereby amended by deleting the period at the end of the sentence in the third bullet and adding the following words:

, except as required to comply with the requirements of the *Ontario Building Code* or to floodproof a building located in a flood plain.

14. Section 3.15.1 (Parking Requirements) is hereby amended by adding the following use type and parking requirement between “Group Home” and “Home-based Business”:

Residential Care Home 1 parking space, plus 1 parking space per 4 rooming units

15. Section 3.15.1 (Parking Requirements) is hereby amended by adding the following use type and parking requirement between “Clinic” and “Commercial use not defined”:

Marina 1 parking space per boat slip or 1 parking space per 20 m² of floor area, whichever is greater

16. Section 3.15.5 (Driveway Access to Parking Areas) is hereby amended by adding the following sentence to the beginning of the section:

The maximum width of any driveway shall be 9.0 m.

17. Section 3.26 (Water Setbacks) is hereby amended by deleting the existing content and replacing it with the following:

Except as otherwise permitted by this By-law, the minimum water setback shall be 30 m for all buildings and structures, including sewage disposal systems but excluding the following:

- Decks and gazebos which are unattached to a main building and which have a combined floor surface area of less than 14 m²;
- Marinas, pump houses, marine facilities and stairs.

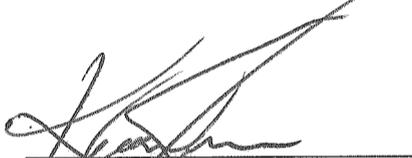
18. Section 3.27 (Yard and Water Setback Encroachments) is hereby amended by deleting the content of the first and second bullets and replacing it with the following:

- Sills, belt courses, chimneys, cornices, eaves, gutters, parapets, bay windows and other ornamental features may project into any existing or minimum required yard or water setback by not more than 0.6 m, provided that in no case shall they be located closer than 1 m to any lot line;
- Attached unenclosed porches, open patios, decks, balconies, exterior stairs and landings may project from the main building into any minimum required yard or water setback by not more than 3 m, except where an existing building is non-complying in relation to the required water setback, an open and unroofed porch, deck, exterior stairs or landing may project into the existing water setback by a maximum of:

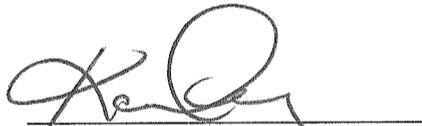
- 2 m, where the water setback of the existing building is equal to or greater than 15 m but less than 30 m, provided the combined horizontal surface area is 28m² or less; or
 - 1.25 m, where the water setback of the existing building is equal to or greater than 6 m but less than 15 m, provided the combined horizontal surface area is 14 m² or less.
19. Section 5.3.4.54 (Limited Services Residential – Special Exception Zones) is hereby amended by deleting the words “second storey addition” and replacing it with the word “additions”.
20. Section 14.1.1 (Flood Plain (FP) Zone – Permitted Uses) is hereby amended by deleting “recreation use, excluding buildings” from the list of permitted uses.
21. Schedule “A2” to Zoning By-law No. 02-121, as amended, is hereby amended by changing the zoning of various parcels of land situated in part of Lots 4 and 5, Concession 8, Burgess Ward, as shown on Schedule “A” to this By-law from “OS” (Open Space) to “R” (General Residential), from “RU” (Rural) to “OS” (Open Space), from “RU” (Rural) to “R” (General Residential) and from “R” (General Residential) to “OS” (Open Space).
22. Schedule “A3” to Zoning By-law No. 02-121, as amended, is hereby amended by changing the zoning of two parcels of land situated in part of Lot 22, Concession 3, Sherbrooke Ward, as shown on Schedule “B” to this By-law from “RU” (Rural) to “MD” (Industrial Disposal) and from “MD” (Industrial Disposal) to “RU” (Rural), respectively.

This By-law passed and enacted this 18 NOVEMBER, 2008.

CORPORATE SEAL OF TOWNSHIP



Reeve (K. Kerr)



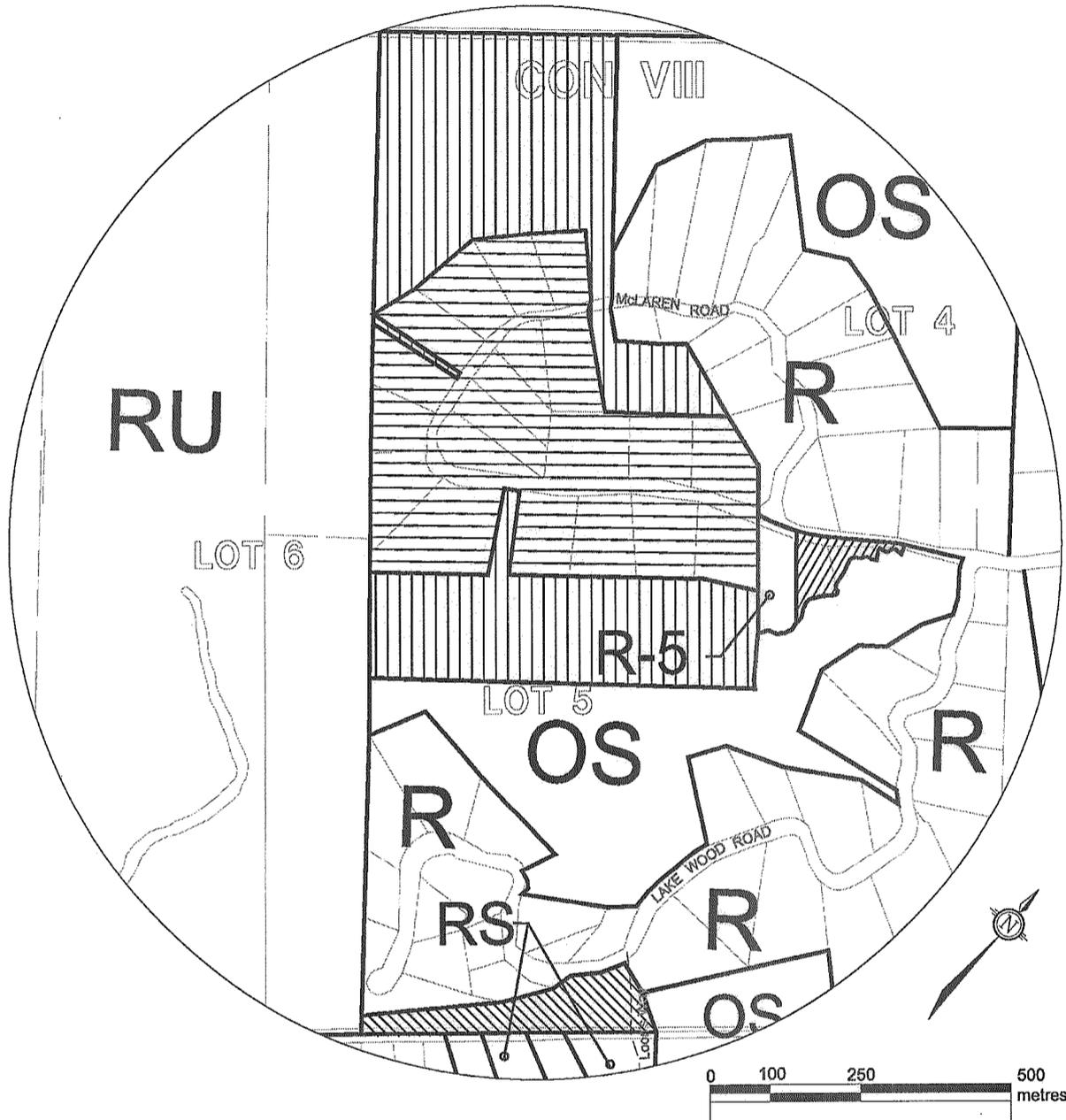
Deputy-Clerk (K. Coulthart-Dewey)

Schedule "A" to By-law No. 08-070

TAY VALLEY TOWNSHIP

Part of Lot 4 and 5, Con. 8

Geographic Township of North Burgess



AREA(S) SUBJECT TO THIS BY-LAW



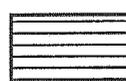
TO: GENERAL RESIDENTIAL (R) ZONE
FROM: OPEN SPACE (OS) ZONE



TO: OPEN SPACE (OS) ZONE
FROM: GENERAL RESIDENTIAL (R) ZONE



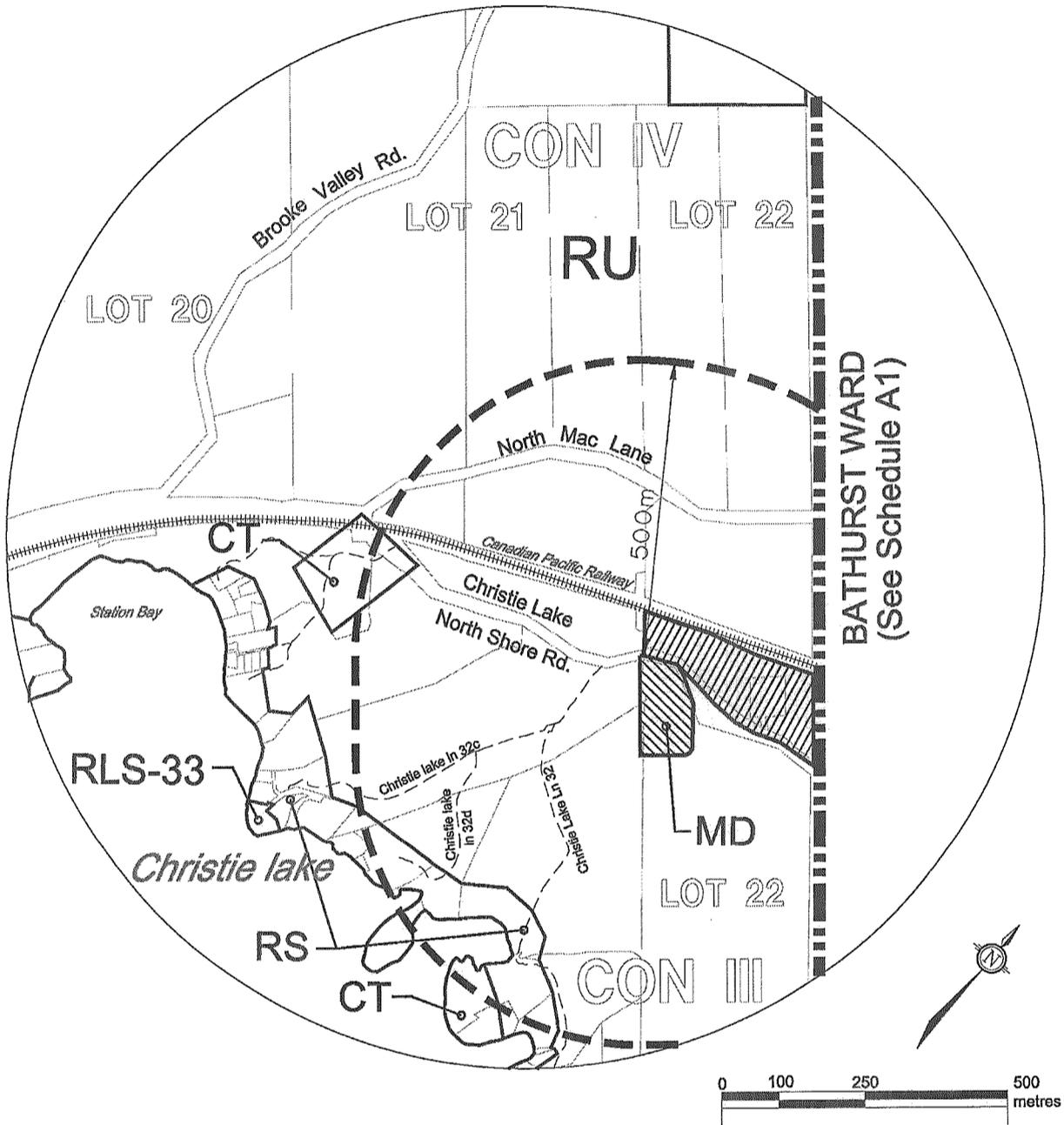
TO: OPEN SPACE (OS) ZONE
FROM: RURAL (RU) ZONE



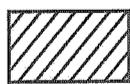
TO: GENERAL RESIDENTIAL (R) ZONE
FROM: RURAL (RU) ZONE

Schedule "B" to By-law No. 08-070
TAY VALLEY TOWNSHIP

Part of Lot 22, Con. 3
Geographic Township of South Sherbrooke



AREA(S) SUBJECT TO THIS BY-LAW



TO: INDUSTRIAL DISPOSAL (MD) ZONE
FROM: RURAL (RU) ZONE



TO: RURAL (RU) ZONE
FROM: INDUSTRIAL DISPOSAL (MD) ZONE



NOTICE OF PASSING OF A ZONING BY-LAW

General Modifications to Comprehensive Zoning By-law No. 02-121

TAKE NOTICE that the Council of the Corporation of Tay Valley Township passed By-law No. 08-070 on the 18 day of NOVEMBER, 2008, under Section 34 of the *Planning Act*, R.S.O., 1990, Chapter P.13.

AND TAKE NOTICE that any person or public body may appeal to the Ontario Municipal Board in respect of the by-law by filing with the Clerk of Tay Valley Township not later than the 16 day of DECEMBER, 2008, a notice of appeal setting out the reasons for the appeal, and accompanied by the fee required by the Ontario Municipal Board.

AND TAKE NOTICE that only individuals, corporations and public bodies may appeal a by-law to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

AND TAKE NOTICE that no person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

THIS AMENDMENT is of general application to all lands within Tay Valley Township. The lands that are subject to this amendment are not the subject of any related applications under the *Planning Act*.

AN EXPLANATORY NOTE of the purpose and effect of the by-law, describing the lands to which the by-law apply, and a Key Map showing the lands to which this by-law applies is attached hereto. The complete by-law is available for inspection in my office during regular office hours.

The Purpose and Effect of By-law No. 08-070 Key Maps

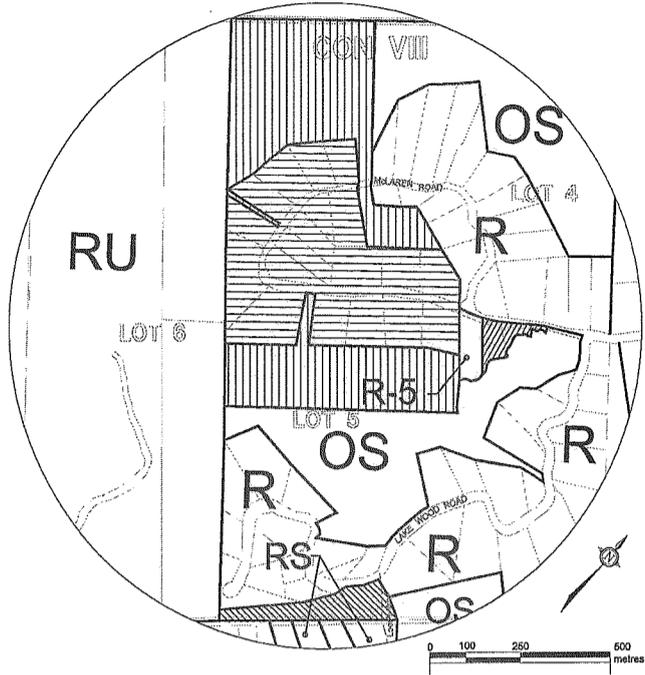
The amendment is of general application to all lands within Tay Valley Township.

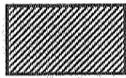
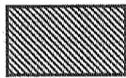
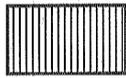
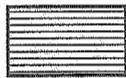
The purpose of the zoning by-law amendment is to clarify provisions, aid with interpretation of certain provisions, and make minor modifications to permitted uses or development standards where experience in working with the Zoning By-law has indicated a need for revision.

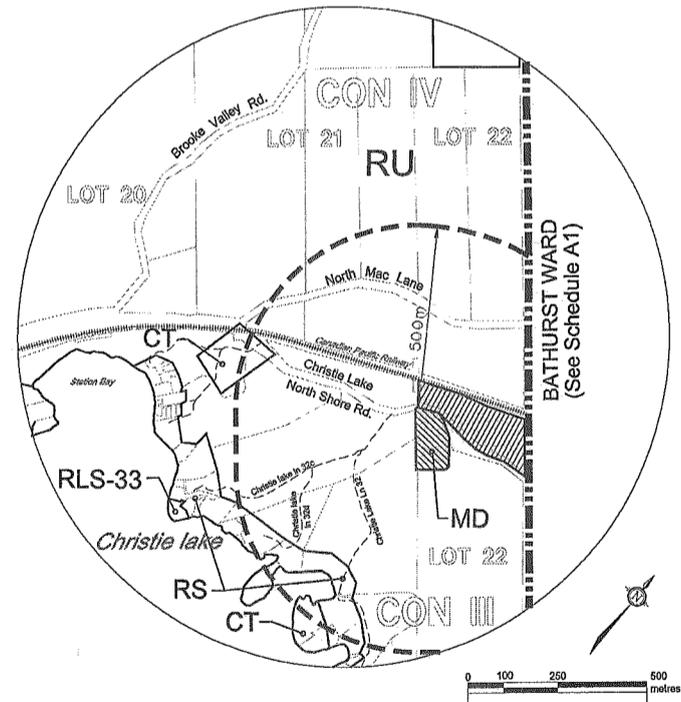
The effect of the amendment would be to address various issues or concerns that have been identified by the public and/or Township staff during the past few years of working with the Zoning By-law.

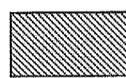
Area Affected by this By-law

This amendment is of general application to all lands within Tay Valley Township, in addition to the parcels of land as indicated in the attached Key Maps.



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 TO: GENERAL RESIDENTIAL (R) ZONE
 FROM: OPEN SPACE (OS) ZONE
- 
 TO: OPEN SPACE (OS) ZONE
 FROM: GENERAL RESIDENTIAL (R) ZONE
- 
 TO: OPEN SPACE (OS) ZONE
 FROM: RURAL (RU) ZONE
- 
 TO: GENERAL RESIDENTIAL (R) ZONE
 FROM: RURAL (RU) ZONE



- 
 TO: INDUSTRIAL DISPOSAL (MD) ZONE
 FROM: RURAL (RU) ZONE
- 
 TO: RURAL (RU) ZONE
 FROM: INDUSTRIAL DISPOSAL (MD) ZONE

THIS NOTICE GIVEN ON THE 18 DAY OF NOVEMBER, 2008.

Kathy Coulthart-Dewey
 Clerk,
 Tay Valley Township
 (800) 810-0161 or (613) 267-5353

CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW No. 08-070

BEING A BY-LAW TO AMEND ZONING BY-LAW No. 02-121, AS AMENDED

General Modifications to Comprehensive Zoning By-law No. 02-121

I, Kathy Coulthart-Dewey, Clerk, hereby certify that By-law No. 08-070 has been passed in accordance with the requirements of the following:

1. Notice of the public meeting under Sections 34(12) and 34(13) of the *Planning Act*, R.S.O., 1990, Chapter P.13; and
2. Written notice of the passing of the By-law under Section 34(18) of the *Planning Act*, R.S.O., 1990, Chapter P.13.

I further certify that: (check one)

- No notice of appeal under Section 34(19) of the *Planning Act*, R.S.O., 1990, Chapter P.13, has been filed within twenty (20) days from the date of notice of the passing of the By-law; or
- Notice of appeal has been filed and the attached submissions are true copies of all written submissions and supporting material received in respect of the By-law prior to the passing thereof together with all notices of appeal.

Kathy Coulthart-Dewey
Deputy-Clerk
Tay Valley Township