

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2024-061

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

SECTION 3.4 FRONTAGE ON AN IMPROVED STREET AND DEFINITION OF IMPROVED STREET AMENDMENT TO COMPREHENSIVE ZONING BYLAW NO. 02-121

WHEREAS, the Ontario Land Tribunal in its Order dated October 31, 2024, in file number OLT-23-000377, ordered the amendment of comprehensive Zoning By-law No. 02-121 for the Municipality of Tay Valley;

THE TOWNSHIP OF TAY VALLEY, BY ORDER OF THE ONTARIO LAND TRIBUNAL, hereby enacts as follows:

1. GENERAL REGULATIONS

1.1 THAT, Section 3.4 (Frontage on an Improved Street) of By-Law No. 02-121 is hereby amended as follows:

3.4 Frontage on an Improved Street

No lot shall be used, and no building or structure shall be erected, on a lot in any zone unless such lot has sufficient frontage on an Improved Street to provide driveway access. Notwithstanding the foregoing, this provision shall not apply to:

- a) a non-residential building or structure that is accessory to an agricultural or conservation use.
- b) lands on a private road in the Limited Service Residential (LSR) Zone and accessed by water, a lane, a private road (private right-of-way) or easement;
- c) lands on a private road in the Seasonal Residential (SR) Zone and accessed by water, a lane, a private road (private right-of-way) or easement;
- d) existing uses, buildings or structures on existing lots without frontage on an Improved Street, subject to the provisions of Section 3.12 of this By-Law;
- e) any repairs, restoration, reconstruction or enlargement of existing uses, buildings or structures on existing lots without frontage on an Improved Street, subject to the provisions of Section 3.12 of this By-Law;
- f) construction of a structure for which no building permit under the Building Code Act is required or reconstruction of a sewage disposal system; or
- g) vacant lots fronting on an Unimproved Street.

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1.2 That the Definitions section of By-Law No. 02-121 is hereby amended as follows:

STREET shall mean a public thoroughfare under the jurisdiction of either the Corporation, the County or the Province of Ontario. This definition does not include a lane, a private road (private right-of-way) or easement.

IMPROVED STREET shall mean a street which has been assumed by the Corporation, the County or the Province and is maintained on a regular, year-round basis.

UNIMPROVED STREET shall mean:

- a) a street which is intended to become an Improved Street pursuant to provisions in, and financial security associated with, a subdivision agreement that is registered on the title to the lot in a plan of subdivision registered after December 10, 2002;
- b) a street that is within a plan of subdivision registered before December 10, 2002, where the street is subject to a road access agreement entered into to the satisfaction of the Township.

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

This By-Law is deemed to be effective on October 31, 2024.

4. BY-LAWS AMENDED

4.1 By-Law No. 2001-121 is hereby amended.

4.2 All by-laws or parts thereof and resolutions passed prior to this by-law which are in contravention of any terms of this by-law are hereby rescinded.


Rob Rainer, Reeve




Amanda Mabo, Clerk