

THE CORPORATION OF THE TOWNSHIP OF TAY

BY-LAW NUMBER 2023-**

"Being a By-law to amend Zoning By-Law No. 2000-57 to permit and regulate accessory dwelling units"

WHEREAS the Council of The Corporation of the Township of Tay deems it desirable to amend the Town's Zoning By-Law 2000-57, as amended with provisions to permit accessory dwelling units on certain properties within Tay; and,

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

WHEREAS no further notice is to be given pursuant to Section 34 (17) of the Planning Act, R.S.O. 1990, as amended; and

WHEREAS Section 35.1 of the Planning Act, R.S.O. 1990, passed as part of the Province's Housing Supply Action Plan, requires local municipalities to pass by-laws that allows for accessory dwelling units on certain properties in Tay.

NOW THEREFORE be it enacted as a By-law of the Corporation of the Township of Tay the following:

(1) Section 3, Definitions, is hereby amended as follows:

1. Section 3.2.78 "Dwelling Unit, Accessory" to:

"An accessory dwelling unit shall mean a self-contained detached dwelling unit accessory to the main use of the property or a self-contained dwelling unit located within or attached to the main dwelling unit"

(2) Section 4, General Provisions, is hereby removed and replaced with the following:

Section 4.2, **Accessory, Dwelling Unit**

General

A maximum of two (2) accessory dwelling units will be permitted per lot

Section 4.2.1, **Detached Accessory Dwelling Unit**

Notwithstanding any other provisions of this By-Law, one (1) detached accessory dwelling unit is permitted to be located in a detached accessory structure in the R1, R2, SR, A, RU & LSR Zones provided:

- a) All existing buildings and structures on the lot are lawful and compliant with the zone provisions of their appurtenant zone;
- b) The maximum lot coverage for all detached accessory buildings and structures shall be 10%;
- c) The minimum distance between a principal dwelling unit and a detached accessory dwelling unit shall be 5 metres;
- d) The minimum gross floor area of the detached accessory dwelling unit shall be no less than 37.0 m² (400.0 ft²) excluding the settlement areas of Port McNicoll and Victoria Harbour with full municipal services;

- e) Detached accessory dwelling units are not permitted in the Grandview Beach/Paradise Point Development Area;
- f) The maximum gross floor area for a detached accessory dwelling unit permitted is based on the lot area chart below;

Lot Area	Maximum Accessory Dwelling Unit Size
0 ha (0 acres) to 0.20 ha (0.5 acres)	0.0-56.0m ² (0-600 ft ²)
0.24 ha (0.51 acres) to 0.4 ha (1.0 acres)	0.0-74.0m ² (0-800 ft ²)
Greater than 0.41 ha (1.1 acres)	0.0-111m ² (0-1200 ft ²)

- g) The detached accessory dwelling unit shall be confined to a single storey, unless located above a detached accessory structure;
- h) Crawlspace foundations are permitted in detached accessory dwelling unit for the purposes of containing mechanical/utility equipment (heating, cooling, plumbing, electrical), provided the same does not allow for human habitation and that same crawlspace foundation does not exceed 1.8 metres in total height. Crawlspace foundations are not included in the gross floor area of the detached accessory dwelling unit;
- i) No home occupation or home industry shall be permitted within an detached accessory dwelling unit;
- j) The maximum height of a detached accessory dwelling unit shall be 4 metres unless located above a accessory structure the maximum height shall be 6 metres in total;
- k) A detached accessory dwelling unit shall not be permitted to have an attached garage unless the detached accessory dwelling unit is located to the rear of the attached garage maintaining the current width or proposed width of the garage. The height for an additional residential unit will remain at 4 metres;
- l) An additional dwelling unit contained within an accessory structure shall be a permanent structure anchored to a permanent foundation.

Section 4.2.2, Accessory Dwelling Units Contained Within the Main Dwelling on Properties Zoned R1, R2, SR, A, RU & LSR Not on Full Municipal Services

- a) Accessory dwelling units are permitted within any legally permitted single detached, semi-detached or townhouse dwelling on the same lot for a maximum total of two dwelling units within the main dwelling;
- b) Accessory dwelling unit located at or above grade shall not be larger than 50% of the gross floor area of the principal dwelling or 93 m², whichever is lesser. If located in the basement of the principal dwelling the second accessory dwelling unit may occupy the entire basement area;
- c) For an accessory dwelling unit contained within the main building, the zone provisions in the underlying zone with respect to lot area, lot frontage, lot coverage, required yards, and building height shall apply.

Section 4.2.3, Accessory Dwelling Units Within the Port McNicoll and Victoria Harbour Settlement Areas with Full Municipal Services

- a) Accessory dwelling units are permitted within any legally permitted single detached, semi-detached or townhouse dwelling. A dwelling unit may also be permitted within an accessory building on the same lot for a maximum total of three dwelling units on a lot;
- b) Accessory dwelling units located at or above grade shall not be larger than 50% of the gross floor area of the principal dwelling or 93 m², whichever is lesser. If located in the basement of the principal dwelling the second accessory dwelling unit may occupy the entire basement area;
- c) For an accessory dwelling unit contained within the main building, the zone provisions in the underlying zone with respect to lot area, lot frontage, lot coverage, required yards, and building height shall apply.

BY-LAW read a **FIRST**, **SECOND**, and **THIRD** time and finally **PASSED** this th day of 2023.

THE CORPORATION OF THE TOWNSHIP OF TAY

MAYOR, Ted Walker

CLERK, Katelyn Johns