

**THE CORPORATION OF THE
MUNICIPALITY OF BAYHAM
BY-LAW NO. Z789-2024**

MUNICIPALITY OF BAYHAM

BEING A HOUSEKEEPING BY-LAW TO AMEND BY-LAW No. Z456-2003, AS AMENDED

WHEREAS the Council of the Corporation of the Municipality of Bayham deems it necessary to amend Zoning By-law No. Z456-2003, as amended;

THEREFORE, the Council of the Corporation of the Municipality of Bayham enacts as follows:

- 1) **THAT** By-law No. Z456-2003, as amended, is hereby further amended by replacing the definition of "**DWELLING UNIT, SECOND**" in SECTION 2: DEFINITIONS with the following:

***ADDITIONAL RESIDENTIAL UNIT**, shall mean a self-contained dwelling unit, ancillary and subordinate to the primary dwelling unit on the lot, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof. Additional residential unit(s) shall not include a trailer, a mobile home, a motor home, or recreational travel vehicle as defined herein.*

- 2) **THAT** By-law No. Z456-2003, as amended, is hereby further amended by replacing Section 4.2 (Accessory Uses) Subsection f) with the following:

f) Shall not exceed 10% lot coverage of the total lot area, except in the case of accessory use buildings accessory to the principal farm dwelling in all Agricultural Zones (A1/A1-A and A2), excluding main farm buildings such as barns, greenhouses, stables and driving sheds, the size of accessory buildings is limited to:

- i. a combined Maximum Floor Area of 100.0 square metres on those lots measuring 0.4 hectares or less; or*
- ii. a combined Maximum Floor Area of 200.0 square metres on those lots measuring 0.4 hectares or more.*

- 3) **THAT** By-law No. Z456-2003, as amended, is hereby further amended by replacing the first paragraph of Section 4.9 (Obnoxious Uses) with the following:

Nothing in this By-law shall be construed to permit the use of land, water, and/or the erection or use of a building or structure for any purpose that is likely to become a nuisance or offensive:

- 4) **THAT** By-law No. Z456-2003, as amended, is hereby further amended by replacing "Dwelling Unit, Second" with "Additional Residential Unit" in Section 4.32.2 minimum parking requirements table;

- 5) **THAT** By-law No. Z456-2003, as amended, is hereby further amended by replacing the title "**Second Dwelling Units**" with "**Additional Residential Unit**" in Section 4.59;

- 6) **THAT** By-law No. Z456-2003, as amended, is hereby further amended by removing and replacing all provisions in Section 4.59 with the following:

Where in this By-law a single detached dwelling, semi-detached dwelling, or row house dwelling is a permitted use, and where the primary dwelling has been in existence in accordance with the timeframe specified in the Ontario Building Code, an additional residential unit shall be permitted within the primary dwelling, or in a detached accessory building on the same lot as the primary dwelling subject to the following:

- a) *An additional residential unit, either within the primary dwelling or in a detached accessory building, shall be connected to approved private and/or municipal water and sewer services where such services are available, to the satisfaction of the Municipality and Southwestern Public Health;*
- b) *A maximum of one (1) additional residential unit shall be permitted on a lot where partial or private water and sewer services are available;*
- c) *A maximum of two (2) additional residential unit shall be permitted on a lot where full municipal water and sewer services are available;*
- d) *A maximum of one (1) additional residential unit shall be permitted in a detached accessory building and all zoning regulations for an accessory building shall be complied with;*
- e) *The maximum gross floor area, per additional residential unit, shall not exceed 40% of the gross floor area of the primary dwelling unit, except that an additional residential unit may occupy the whole of a basement of a primary dwelling;*
- f) *An additional residential unit shall be located within 40 metres of the primary dwelling unit;*
- g) *An additional residential unit shall not be permitted within a farm building, such as barns, greenhouses, stables and driving sheds, or a building used for an on-farm diversified use;*
- h) *A minimum of one (1) parking space shall be provided per additional residential unit, and all zoning regulations for parking shall be complied with; and*
- i) *The additional residential unit shall meet all the requirements of the Ontario Building Code and Ontario Fire Code and requires an approved Building Permit to establish the additional residential unit.*

- 7) **THIS** By-law comes into force:

- a) Where no notice of objection has been filed with the Municipal Clerk within the time prescribed by the Planning Act and regulations pursuant thereto, upon the expiration of the prescribed time; or
- b) Where notice of objection has been filed with the Municipal Clerk within the time prescribed by the Planning Act and regulations pursuant thereto, upon the approval of the Ontario Land Tribunal.

READ A FIRST TIME AND SECOND TIME THIS 5th DAY OF SEPTEMBER 2024.

READ A THIRD TIME AND FINALLY PASSED THIS 5th DAY OF SEPTEMBER 2024.



MAYOR



CLERK