



By-Law No. 2021-014

BEING A BY-LAW TO AMEND BY-LAW No. 2003-009, AS AMENDED

WHEREAS pursuant to the provisions of the Planning Act, RSO 1990, Section 34, the Council of a Municipality may enact by-laws regulating the use of lands and the erection of buildings and structures thereon;

AND WHEREAS By-law No. 2003-009 regulates the use of land and the use and erection of buildings and structures within the Municipality of Mattawan;

AND WHEREAS the Council of the Corporation of the Municipality of Mattawan deems it advisable to amend By-law No. 2003-009;

NOW THEREFORE, the Council of the Corporation of the Municipality of Mattawan enacts as follows:

1. That Section 1.11 is amended by replacing the *Interpretation Act, R.S.O. 1990* with the *Legislation Act, R.S.O. 2006* such that the section reads:

1.11 Interpretation

1. **Legislation Act**

The *Legislation Act, R.S.O. 2006* applies to this By-law.

2. That Section 1, Administration is amended by adding the following new Sections:

1.12 Effective Date

This By-law, as amended, shall take effect from the date of its passage by Council, subject to the provisions of the *Planning Act*.

1.13 Technical Revisions to the Zoning By-law

Revisions may be made to this by-law without the need for a zoning by-law amendment in the following cases:

1. Correction of grammar or typographical errors or revisions to format in a manner that does not change the intent of the By-law.



2. Adding or revising technical information on the zoning maps or schedules that does not affect the zoning of lands including, but not limited to, matters such as updated and correcting infrastructure information, keys, legends or title blocks.
 3. Changes to appendices, headings indices, marginal notes, table of contents, illustrations, historical or reference information, page numbering, footers or headers, which do not form part of this By-law and are editorially inserted for convenience or reference only.
3. That Section 2.4 is hereby amended by adding the following additional text to the end of the paragraph.

In addition to the criteria set out in Section 43 (1) of the *Planning Act*, the following additional criteria shall apply to the review of applications for a minor variance for a shoreline property:

1. Development must generally conform to policies and zoning regulations for a shoreline vegetation buffer.
4. That Section 3 – Definitions is amended by replacing, modifying or adding the following definitions. Wherever the name of the use is changed in the by-law, the name of the use as listed below shall prevail:

Abattoir

Means a building specifically designed to accommodate the penning and slaughtering of live animals and the preliminary processing of animal carcasses and may include the packing, treating, refrigeration and sale of the product on the premise.

Accessory

When used to describe a use, building or structure, means a use, building or structure naturally or normally incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith.

Animal Day Care Establishment

Means a commercial premise used for a day care service for domestic pets, but shall not include an animal shelter or kennel.

**Animal Shelter**

Means a building, structure where animals, birds or other livestock are examined or treated and which may be kept on a short-term basis, and may include the premises of a veterinarian or veterinary surgeon.

Barrier Free

Means that which can be approached, entered and used by persons with physical or sensory disabilities

Brewery or Winery

Means a building used primarily for the manufacturing, processing and distribution of beer, cider and wine and may include an accessory retail outlet.

Building, Mixed Use

Means a building containing more than one land use (e.g. retail commercial and residential, office and residential, industrial and retail) that is designed and constructed as a single building.

Cannabis

Means a cannabis plant, including the phytocannabinoids produced by or found in such a plant regardless of whether that part has been processed or not and any substance or mixture of substances that contains or has on it and part of such a plant and any substance that is identical to a phytocannabinoid produced by or found in such a plant regardless of how the substance was obtained.

Cannabis Retail Store or Dispensary

Means any use of land, building, structure or part thereof used for the retail sale of cannabis or any product or substance produced in whole or part from cannabis, and shall be deemed to include a licensed Ontario Cannabis Retailer under the *Ontario Cannabis Retail Corporation Act, 2017*.

Cemetery

Means a cemetery within the meaning and as regulated by the *Funeral, Burial and Cremation Services Act, 2002* and includes a mausoleum, columbarium or other building or structure intended for the interment of human remains.

Cemetery, Pet

Means a use of land for the internment of animal remains of a domestic pet.



Communications Facility

Means an installation which transmits, receives and/or relays communications such as a microwave relay tower, significant antenna, telephone, cellular telephone tower, radio or television broadcast tower or similar facility.

Crisis Care Facility

Means a residential facility that is licensed and funded by the Province of Ontario, Government of Canada or an appointed agency, for the short term, temporary care of persons requiring immediate emergency shelter and aid who are living under supervision in a single housekeeping unit and who by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their wellbeing.

Day Care, Private Home

Means the use of a dwelling unit operated commercially for the temporary care of children.

Day Nursery

Means an establishment for pre-school-aged children governed by the *Child Care and Early Years Act*.

Drive-Through Facility

Means a premise used to provide or dispense products or services through an attendant or a window or an automated machine, to *persons* remaining in motor vehicles that are in a designated *stacking space*, and may be in combination with other land uses. Kiosks within a parking *structure* necessary for the operation of the parking facility or kiosks associated with a surface *parking area* are not considered drive through facilities.

Dwelling - Additional Residential Unit

Means an additional dwelling unit within a permitted single detached dwelling, semi-detached dwelling, or row house that does not otherwise contain an ancillary residential unit, and includes a dwelling unit in a detached building or structure ancillary to a detached house, semi-detached house or row house or up to three dwelling units in total.

Dwelling – Tiny House or Small House

Means a dwelling having a gross floor area of not less than 27.8 m² [300 ft.²] and not more than 41.8 m² [450 ft.²] and is erected on a foundation.

**Farm**

Means land used for the tillage of soil and the growing of vegetables, fruits, grains, and other staple crops. This definition shall also apply to land used for animal husbandry, dairying or wood lots [see also Agricultural Use].

Farm, Hobby

Means land on which a farm may be operated primarily for recreational purposes or for home consumption by the occupants of the dwelling on the same lot, and which is clearly secondary and accessory to the permitted use. A hobby farm may also include a farm produce outlet.

Farm Vacation Establishment

Means an accessory use in a private single detached dwelling in which guest rooms are provided for gain as temporary accommodation on a daily basis for the vacationing public interested in learning or participating in the operation of a farm.

Fitness Centre

Means a commercial building or part of a building in which facilities are provided for recreational or health related activities including but not limited to weight training and exercise classes and may include associated facilities and services such as a lounge, washrooms, showers, and saunas, a day spa, an administrative office, a cafeteria and an accessory retail outlet for fitness-related attire, equipment and dietary supplements.

Gasoline Bar

Means one or more pump islands, each consisting of one or more gasoline pumps, and an accessory building or structure used for transacting sales and may include the sale of automotive accessories and related products, tobacco, snacks and beverages, lottery tickets, newspapers and may include other accessory features such as a comfort station, ATM and propane exchange facility.

Geothermal Power Facility

Means a heating facility such as a heat pump whose energy source is naturally created from the earth's crust.

Green Energy Industries

Means a building or structure in which products are manufactured for the generation of electricity from non-polluting or renewable source (i.e. wind, sun, geothermal, biomass). Products manufactured by a renewable energy industry may include but are not limited to solar panels, wind turbines, geothermal equipment, and parts or components thereof.

**Group Home**

Means a single housekeeping unit in a residential dwelling, which is registered with the Municipality, in which persons (excluding supervisory or operating staff) live together under responsible supervision consistent with the requirements of its residents for a group living arrangement and which is licensed and/or approved under Provincial Statutes and in compliance with municipal by-laws.

Guest Room

Means a bedroom or suite of rooms, which contains no facilities for cooking and which is used or maintained for gain or hire by providing accommodation.

High Water Mark

Means the mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark. Features will also include a natural line or mark impressed on the bank or shore or rock, or other distinctive physical characteristics.

Hazardous Lands

Means property or lands that could be unsafe for *development* due to naturally occurring process including lands in a flood plain or subject to a flooding hazard or erosion hazard and shall include unstable soils and unstable bedrock.

Hazardous Substances

Means substances which individually, or in combination with other substances are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide variety of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

Home Based Business

Means any privately operated legal occupation, enterprise or business which is carried out as a use clearly accessory or secondary to the main agricultural or residential use of a property and which is compatible with the character of surrounding residential buildings or setting and is owned and operated only by a person or persons residing on the property

Licensed Cannabis Production Facility

Means the use of land, buildings or structures for the cultivation, processing, testing, destructions, packaging and shipping of marijuana



used for medical purposes as approved and regulated by Health Canada.

Licensed Refreshment Sales Vehicle

Means a vehicle which is currently licensed pursuant to the *Highway Traffic Act* and which is equipped for the preparation, storage, heating, cooking, cooling or sale of foodstuffs and beverages within or from the vehicle and may include exterior seating (*e.g., picnic tables*).

Livestock Facility

Means one or more barns or permanent **structures** with livestock occupied portions intended for keeping of livestock. A **livestock facility** also includes all **manure or material storage** and anaerobic digesters.

Loading Space

Means a space or bay located on a lot or within a building which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise, or materials in connection with the use of the lot or any building thereon, and which has unobstructed access not necessarily in a straight line to a public street.

Logging Yard

Means the use of land and accessory buildings and structures for the storage, packaging, sizing, splitting, grading and sorting, cutting, trucking, equipment repairing, shipping and receiving of commercial timber, sawdust and bark.

Micro-cultivation

Means the small scale growing of cannabis plants and harvesting material from those plants, as well as associated activities.

Medical Marijuana Facility

Means a premise approved and regulated under the *Access to Cannabis for Medical Purposes Regulations*.

Microbrewery

Means a commercial operation where beer is produced at a small scale. A microbrewery may be permitted to sell the product that is produced on-site provided that there is no consumption of the purchased product on-site other than sampling. A bar, pub or brewpub shall not be considered a microbrewery. A microbrewery may also sell retail items directly related to the operation on-site.

**Mine**

Means a mine as defined in the *Mining Act*. Mining shall have a similar meaning.

Minimum Distance Separation Formulae I and II

Means formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

Modular Home

Means a ***single detached dwelling*** consisting of one or more modules which meets CSA Standard Z240.2.1 – Zone 2 or CSA Standard A277 – Zone 2 and which has been prefabricated or manufactured in a factory remote from the site where it is intended to be used and transported to the site for installation on a permanent foundation, but does not include a mobile home but does not include a ***Mobile Home, Recreational Vehicle, or a Park Model Trailer*** as otherwise defined.

Motocross Circuit

Means an off-road racing facility conducted on an outdoor enclosed dirt circuit over primarily natural, outdoor terrain and may include spectator facilities such as grandstands or concourses and fast food concessions.

Non-Residential Use

Means a use, building or structure, designed intended or used for purposes other than those of a dwelling or a residential use.

Outdoor Display

Means an area set aside outside of a building or structure, other than a parking area, loading space or parking space which is used in conjunction with a business located within the building or structure on the same property, for the display of goods, merchandise, equipment and seasonal produce and products and may include garden supplies and Christmas trees, new merchandise or the supply of services.

Owner

Means a mortgagee, lessee, tenant, occupant, or a person entitled to a limited estate or interest in land, a trustee in whom the land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator or a guardian.

**Parking Area**

Means a lot or portion thereof required in accordance with the provisions of this By-law for the temporary storage or parking of motor vehicles accessory or incidental to uses in all zones but shall not include a commercial parking lot.

Parking Space

Means an area used for the temporary parking of one motor vehicle or one horse and buggy

Parking Space, Barrier Free

Means a parking space for the temporary parking of a motor vehicle used by a handicapped or disabled person.

Permitted

Means permitted by this By-law.

Permitted Use

Means a use which is permitted in the zone where such use is located.

Place of Worship

Means a building or an open area primarily dedicated to religious worship but may be used for other supportive uses such as a centre for the arts, a community hall, an accessory residential use, a library and similar uses.

Portable Asphalt Plant

Means a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material and includes stockpiling and storage of bulk materials used in the process, which is not of permanent construction but is designed to be dismantled and moved to another location as required. Portable asphalt plants must comply with the applicable separation distances and/or an environmental compliance approval.

Public Service Use

Means a building, structure or lot used for public services by the Municipality of Mattawan and any Boards or Commissions thereof, and any Ministry or Commission of the Governments of Ontario and Canada, any telephone, or railway company, any company supplying natural gas, Hydro One, any telecommunications company, any Conservation Authority, public utilities company or similarly recognized agencies.

**Public Utility**

Means a water works or water supply system sewage works, electrical power or energy generating transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system or a telephone or telecommunications system, scientific research system, and includes any lands, buildings or equipment required for the administration or operation of any such system and is operated by a public authority or publicly governed company.

Quarry

Means any open excavation made for the removal of any consolidated rock or mineral including limestone, sandstone or shale, in order to supply material for construction, industrial or manufacturing purposes, but shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation, or an excavation incidental to the construction of any public works.

Renewable Energy System

Means a system that generates electricity, heat and/or cooling from a renewable energy source.

Residential Use

Means the use of land, buildings or structures for human habitation or as a dwelling.

Retail Outlet

Means a single retail store which is accessory to a permitted commercial use.

Rural Zone

Means a LSR, CR, M1, MX or R zone.

Satellite Dish/Receiver

Means a structure designed, used or intended to be used to send or receive signals to or from a satellite.

Self-Storage Facility

Means a commercial building or part of a building wherein items are stored in separate, secured storage areas or lockers and may include the exterior storage of boats and water-related equipment, recreational equipment and recreational vehicles.

**Separation Distance**

Means the horizontal distance between buildings or structures or physical features measured from the closest point of the exterior wall or identifiable boundary of such building or structure, or of such physical structure.

Shoreline Buffer Zone

Means a natural area, adjacent to a shoreline, maintained or re-established in its natural pre-development state, with the exception of minimal pruning of vegetation, the removal of trees for safety reasons, for the purpose of protecting natural habitat and water quality and minimizing the visual impact of buildings or structures on a lot, and may include the installation of a pathway or trail providing water access.

Solar Collector

Means a Class 1 or 2 ground mounted or rooftop mounted or wall mounted device with a name plate capacity of less than or equal to 10 kW consisting of photovoltaic panels that collect solar power from the sun

Solar Collector, Commercial

Means a Class 3 ground mounted device with a name plate capacity of less than or equal to 10 kW consisting of photovoltaic panels that collect solar power from the sun.

Solarium

Means a glassed-in structure or room projecting from an exterior or main wall of a building which may be used for sunning, therapeutic exposure to sunlight, or for a use where the intent is to optimize exposure to sunlight.

Stacking Lane

Means an on-site lane for motorized vehicles which accommodates vehicles using a drive-through facility that is separated from other vehicular traffic and pedestrian circulation. Stacking lanes may be separated by any combination of barriers, markings or signage.

Stacking Space

Means a portion of a stacking lane which provides standing room for motor vehicles in a queue for a drive-through facility while the occupants are awaiting service

Storage Container

Means a pre-fabricated metal or steel accessory building used for the transport and and/or storage of storage of goods and materials but shall not include the body of a transport trailer, strait truck box or motor vehicle.

**Temporary Building**

Means a building or structure intended for removal or demolition within a prescribed time as set out in a building permit.

Temporary Car Shelter

Means a prefabricated temporary structure usually constructed with a metal, wood or plastic frame and covered with a tarpaulin or other similar type of fabric or plastic cover used primarily for the storage of a motor vehicle or other equipment and is designed to be dismantled or removed.

Tourist Establishment

Means land, buildings or structures used for the purpose of sleeping accommodation on a temporary basis by tourists or vacationers, including a motel, lodge or bed and breakfast establishment, and rental cottages or cabins where more than three such rental units or guest rooms occupy the same property, including accessory uses such as dining, meeting and beverage rooms and similar uses and which such establishment complies with all applicable Airbnb requirements.

Top of Bank

Means the first significant lake ward break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 measured perpendicularly from the break.

Use or Used

Means the purpose for which land, a lot, a building, a structure or premises is designed, arranged, occupied or maintained.

Water Access Lot

Means a lot that is accessed by a navigable water body only.

Wayside Pit and Quarry

Means a temporary pit or quarry opened and used for a public authority solely for the purpose of a particular project of road construction and not located on the road right-of-way.

Yurt

Means a circular domed tent-like structure usually consisting of a wooden frame covered by material and capable of being used on a recreational basis for temporary accommodation.



Zone Regulation or Zone Requirement

Means any provision of this By-law which is listed under the heading "Zone Regulations" or referred to as a zoning regulation and governs the erection of any building or structure or the use of land.

5. That Section 3 – Definitions is amended by deleting the following definitions:

Nursery, Mini-warehouse and Public Storage, Parking Aisle

6. That Section 4.1.1 (b) is amended by deleting the following clause:

An additional residential unit shall be permitted as an accessory use to a single detached dwelling or a semi-detached dwelling or a row or a townhouse dwelling except where the additional residential unit cannot be adequately serviced with an individual on-site sewage system;

7. Section 4.1.3 is amended by deleting clauses (a) through (e) and substituting therewith the following;

- a. A bed and breakfast establishment shall be permitted as an accessory use to any permitted single detached dwelling.
- b. A maximum of four (4) guest rooms shall be permitted for any one bed and breakfast establishment.
- c. The use of the dwelling as a bed and breakfast establishment shall not change the residential character of the dwelling.
- d. Bed and breakfast establishments shall not be subject to the home-based business regulations of Section 4.16 of this By-law.
- e. The bed and breakfast establishment shall comply with any applicable requirements of the local Health Unit, the Building Code, and the Fire Code.
- f. One (1) sign only not exceeding 1.2 m² [12.9 ft²] in surface area nor exceeding 1.5 m [4.92 ft.] in height and which does not flash or oscillate shall be permitted to advertise a bed and breakfast establishment. The permitted sign may be a freestanding sign in a front or side yard or may be attached to a wall of a permitted building or structure, but shall not obstruct any sight triangle. A minimum setback from any lot line of 1 meter [3.28 ft.] shall apply.



- g. A breakfast service shall be available to guests.
- h. A bed and breakfast establishment shall comply with the applicable parking regulations of Section 4.26 of this By-law.
- i. A bed and breakfast establishment shall require proper licensing from the municipality where applicable and shall comply with any applicable Airbnb regulation.

8. Section 4.1 is further amended by adding the following new section:

4.1.4 Accessory Residential Units

- a. One (1) guest cabin or one (1) loft-above-a-garage above a detached garage shall be permitted per lot as an accessory use to a permitted dwelling. A guest cabin shall not exceed 37 m² [398.3 ft²] in gross floor area.
- b. No guest cabin or loft-above-a garage above a detached garage shall be located less than 3 m [9.84 ft.] to any interior lot line or rear lot line or main building.
- c. No guest cabin or loft-above-a garage shall be permitted on a lot occupied by a garden suite.
- d. An additional residential unit shall be permitted as an accessory use to a single detached dwelling or a semi-detached dwelling or a row or a townhouse dwelling in any zone where the additional residential unit can be adequately serviced with an individual on-site sewage system.

9. Section 4.1 is further amended by adding the following new sections:

4.1.5 Storage Containers in a Residential Zone

No person shall place a storage container in any Rural (RU) or Limited Service Rural (LSR) zone except in accordance with the following:



- a. Up to two (2) storage containers shall be permitted on a residential lot.
- b. The dimensions of a storage container shall not exceed 6 m [19.6 ft.] in length, 2.4 m [7.8 ft.] in width or 3 m [9.8 ft.] in height. No stacking of storage containers shall be permitted.
- c. No storage container shall be used for human habitation unless the construction meets the requirements of the Ontario Building Code for residential occupancy.
- d. A storage container shall be located in the rear yard only.
- e. The minimum separation distance of a storage container from any other building shall be 3 m [9.8 ft.].
- f. A storage container shall comply with all other yard setbacks in the zone in which the storage container is located.
- g. A storage container shall not be used for the purpose of display or advertising or as a component of a fence.
- h. A storage container not exceeding the dimensions in clause 4.1.10.2 shall be permitted in a driveway on a residential property for a period not to exceed five (5) days and only for the purpose of loading or unloading household items during the process of moving, but in no case shall encroach upon a public sidewalk or create a site line obstruction to traffic.
- i. A storage container shall not be used for the storage of fuels or hazardous materials.

4.1.6 Storage Containers in a Rural Zone – Non-Residential

- a. Up to two (2) storage containers shall be permitted for a residential or non-residential use in a Rural (RU) zone; however, no limit in the number of storage containers shall apply to an Agricultural Use or to a CR, M1 or MX Zone.
- b. The dimensions of any storage container shall not exceed 13.8 m [45.2 ft.] in length, 2.45 m [8.0 ft.] in width or 3.1 m [10.1 ft.] in height. No stacking of storage containers shall be permitted.



- c. No storage container shall be used for human habitation unless the construction meets the requirements of the Ontario Building Code for residential occupancy.
 - d. A storage container shall be located in an interior side yard or the rear yard only.
 - e. No storage container shall be located on a designated parking space, aisle or access driveway.
 - f. The minimum separation distance from any other building other than another storage container shall be 2 m [6.5 ft.].
 - g. A storage container shall comply with all other yard setbacks in the zone in which the storage container is located.
 - h. A storage container shall not be used for the purpose of display or advertising or as a component of a fence.
 - i. A storage container shall not be used for the storage of fuel or hazardous substances.
 - j. Any storage container shall meet the requirements of the Ontario Building Code.
10. That Section 4.12.1 is amended by deleting “or private road as per the requirements of the respective zone” in the first paragraph and by adding new sub clauses at the end of the section to read:
- (i) An existing use or an existing lot on an existing private road;
 - (j) A lot within a plan of condominium located on an internal private road;
 - (k) A farm field;
 - (l) For a water access lot other than an island; and
 - (m) Provided all other applicable zone regulations are met.
11. That Section 4.12 is amended by adding the following new section:
- 4.12.3 In addition to all the requirements of the Corporation, all development adjacent to any provincial highway shall meet the requirements and permits of the Ministry of Transportation.



12. That Section 4.16, as renumbered, is hereby amended by adding the following new Sections:

- (m) Sale of bait for recreational fishing purposes.
- (n) Pet grooming, but not including overnight keeping of animals.
- (o) A Catering establishment.
- (p) A Studio.
- (q) Seed sales.
- (r) Gun repairs.
- (s) Repair of household appliances.
- (t) The sale of fuel wood sales in a rural zone only.
- (u) Home based businesses shall not include a cannabis retail store or dispensary or a licensed cannabis production facility.

4.16.1 Zone Regulations for Home Based Businesses

- (a) The home-based business shall be clearly accessory to the main permitted residential use.
- (b) A maximum of two (2) home based businesses shall be permitted in a dwelling.
- (c) The residential external character of the dwelling shall not be changed.
- (d) The business(es) may be conducted entirely within the dwelling or may be conducted in an accessory building provided that the home based business does not occupy more than 140 m² [1,506 ft.²] of the accessory building or structure. The home-based business(es) shall cumulatively not occupy more than 25% of the net floor area of the dwelling.
- (e) The home based business shall be operated by the owner or occupant of the dwelling on the lot on which the home based business is operated.
- (f) The home based business shall not create a public nuisance in regard to noise, traffic, parking or health safety.



- (g) The business(es) shall be legal and must have obtained the necessary permits or licenses from the Corporation and any other applicable government body having jurisdiction. Any licenses shall be deemed to expire on the 31st of December of each calendar year and shall be renewed annually.
 - (h) No outdoor storage shall be permitted except where the home based business is established for the sale of firewood.
 - (i) Only one (1) sign shall be permitted to advertise the home-based business(es). The sign shall not exceed 1 m² in surface area. The permitted sign may be a free standing sign in a front or exterior side yard or may be attached to the wall of a permitted building or structure. The sign may be illuminated where the illumination is directed onto the sign and complies with Section 4.17 of this By-law. Signs may also be subject to any sign By-law enacted by the Municipality under the Municipal Act.
 - (j) Parking for home-based business(es) shall comply with Section 4.26 of this By-law.
13. That Section 4.21 (d) is amended by adding the following addition clauses:
- iv. Where an industrial use or sensitive land use is an existing use and an expansion or extension is proposed, the minimum separation distance for a Class I, II or III Industry shall be measured from the nearest main wall of the building or structure occupied by the sensitive land use and the nearest main wall of the building, structure, processing area, assembly or manufacturing area occupied by the industrial use.
 - v. The minimum separation distance from a sensitive land may be located on the property of the industrial use where the building or processing component of the industrial use is setback the required minimum separation distance from the property line abutting the sensitive land use.



14. That Section 4.21 (f) is amended by deleting the section and replacing therewith the following new Section:

(f) Water Bodies and Shoreline Buffer Zone

- i. Subject to Section 4.11, the minimum setback from the high-water mark for a dwelling, a non-residential or accessory building or structure on an individual on-site sewage disposal service shall be 30 m [98.4 ft.] except for a boat house, dock, wharf or low impact accessory structure such as a steam or sauna bath, gazebo, storage shed, a deck, a marine facility or marina. The setback shall be measured as the shortest horizontal distance from the nearest main wall of the building or the edge of the filter/tile bed to the high-water mark. The setback from an intermittent creek may be reduced to 15 m [49.2 ft.].

Shoreline Buffer Zone

- ii. A shoreline buffer zone shall be maintained between the high-water mark and any permitted use, building or structure except a marine facility in a R, LSR and CR Zone. A shoreline buffer zone may be interrupted to provide an access way or pathway to a water body or to provide for a viewscape of the adjacent or abutting water body provided that a clearing of the shoreline buffer zone shall not exceed 25% of the shoreline frontage of a lot occupied by a residential use or 50% for a commercial recreational use.

Wetland

- iii. No dwelling, non-residential or accessory building or structure or an individual on-site sewage service shall be permitted within 30 m [98.4 ft.] of the boundary of a significant wetland or fish habitat.

15. That Section 4.21 is amended by adding to the end of the section the following new section:

(g) Ministry of Transportation

The minimum setback from a provincial highway or highway intersection with a provincial highway for a building, structure, sign, open storage, outdoor display, a patrol yard or land use including a



snowmobile or ATV recreational trail shall be as required by the Ministry of Transportation.

16. That Section 4.24 (a), is amended by deleting the clause and replacing therewith the following:

Any private garage or other building which is accessory to a residential use except where the building or structure is converted to an additional residential unit in compliance with Section 4.1.4 (d) of this By-law.

17. That Section 4.25 is amended by adding the following new clauses:

(e) An outdoor display area shall be permitted as an accessory use to any permitted commercial use, industrial use or public service use provided that the outdoor display area does not reduce any required parking area or loading space area required by this By-law. All outdoor display areas shall be setback a minimum of 3 m [9.84 ft.] from any front lot line or interior side lot line. Despite the above, seasonal sales of Christmas trees or a temporary (i.e., weekend) or a yard sale shall be permitted to occupy a designated parking area but shall be subject to any restrictions otherwise imposed by license or permit by the Corporation.

(f) Auto Body Shop

The outside storage of damaged vehicles shall be visually obscured from any adjacent land used or zoned to permit a residential dwelling.

(g) Salvage Yard

The outside storage of vehicles, equipment or other commodities in an authorized salvage yard shall be visually obscured from any adjacent public road or land used or zoned to permit a residential dwelling with a solid fence having a minimum height of not less than 2 m [5.65 ft.].

18. That Section 4.27 is hereby amended by adding the following uses to the Residential low-density line in the Schedule for Parking requirements:

- Additional Residential Unit
- Tiny House



19. That Sections 5.4.3, 5.5.3, 5.6.3, 5.7.3, 5.8.3, 5.9.3, and 5.10.3 are amended by adding the following new section to the end of the section:

All applicable zone regulations of Section 4 – General Provisions shall apply.

20. That Section 4.26 is amended by adding thereto the following new clauses:

(k) Drive-Through Facilities

Despite any other zone regulation in this By-law, where a use of land, building or structure incorporates a drive-through facility, the following zone regulations shall apply:

- i. A drive-through facility shall be a permitted use in the CR and M1 Zones.
 - ii. A drive-through facility is a principle use in combination with another permitted use and shall comply with the zone regulations in the zone in which the drive-through facility is located.
 - iii. The minimum dimensions of a stacking space in a stacking lane shall be 2.6 m by 5.5 m [8.5 ft. x 18 ft.].
 - iv. No part of any order station shall be located closer than 10 m [32.8 ft.] from the property boundary of any property occupied or zoned for a residential use.
 - v. All drive-through facilities shall comply with the zone regulations for parking as set out in Section 4.25 of this by-law.
 - vi. Stacking lanes for any drive-through facility shall be designed to accommodate a minimum of eight (8) motor vehicles.
21. That Section 4.27, Table 4.27 is amended by adding therein an “Additional Residential Unit” and a “Tiny House” to the list of residential units in the first listing of Residential in the Table.
22. That Section 4.29 is amended by deleting the existing Table and replacing it therewith with the following new Table and labeling the table; Table 4.29.



Table 4.29 – Permitted Projections

STRUCTURE	MAXIMUM PROJECTION INTO REQUIRED YARD
Chimney breasts, cornices, sills, bay windows, pilasters, eaves or gutters, solar collectors where attached to a building, shutters, cornices, parapets or other ornamental structures	0.75 m [2.46 ft.] into any required front yard, rear yard or interior side yard
Canopies which are at least 2.13 m (7 ft.) in vertical clearance above the established grade, with or without supporting posts	2 m [6.5 ft.] into any required yard
Canopies for entrances to apartment buildings and commercial buildings	Despite any other provisions in this By-law, a canopy or portico over a major entrance to an apartment building or commercial building may project into the required yard a distance equal to one-half (½) the setback of the building from the street line
Window awnings	1.2 m [3.9 ft.] into any required yard
Steps, ramps and walkways for use by persons with disabilities	No maximum into any required yard provided they are no closer than 0.5 m [1.6 ft.] to any lot line
Porch, uncovered platform landing, patio or deck, balconies or steps	No maximum into any side yard provided they are no closer than 0.5 m [1.6 ft.] to any lot line and 3 m [9.8 ft.] into any required front or rear yard
Air conditioner	0.5 m [1.6 ft.] into any yard
Fire escapes, exterior stair cases from a building having two storeys or more above grade	1.5 m [4.92 ft.] into an <i>interior side</i> or <i>rear yard</i> only



Table 4.29 – Permitted Projections

STRUCTURE	MAXIMUM PROJECTION INTO REQUIRED YARD
Heat pump or geothermal power facility	1.5 m [5 ft.] into an interior side yard or rear yard
Accessory building	As permitted by and as specified in this By-law
Fences, hedges, shrubs, trees, freestanding walls and retaining walls, flagpoles, light standards, garden trellises, clothes lines, bicycle racks and similar structures or features	No maximum into any yard except with respect to the zone regulations for a sight triangle
Solar collector, wind turbine,	No maximum into any rear yard only provided they are no closer than 3 m [9.8 ft.] to an interior side yard or rear yard lot line
Commercial Solar Collector, commercial wind turbine	No maximum into any yard provided they are no closer than 3 m [9.8 ft.] to an interior side yard or rear yard lot line or 10 m [32.8 ft.] from a street line

23. That Section 4.30 is amended by deleting the text and replacing therewith the following new text:

Prohibited Uses

The following uses are prohibited in any zone, unless otherwise permitted by this by-law:

- a. Adult Entertainment Parlour and Body Rub Parlour; and
- b. The use of any accessory building or structure, boathouse or storage container for human habitation except as permitted in Section 4.1.4.; and
- c. The storage of inoperative rail cars, streetcars, buses, truck bodies or trailers without wheels; and



- d. The parking or storage of commercial motor vehicles or inoperative farm vehicles on a vacant lot; and
- e. The outdoor storage of partially dismantled and/or unlicensed motor vehicles or recreational vehicles, or trailers or motor vehicle or trailer parts; and
- f. Obnoxious uses; and
- g. Smelters, ethanol plants, the manufacturing, refining, rendering or distillation of acid, ammonia, chlorine, coal, coal oil, creosote, explosives, fireworks, glue, petroleum, tar or other gases; and
- h. The bulk storage of industrial chemicals, and hazardous waste, or liquid industrial waste as defined under the *Environmental Protection Act, R.S.O., c. E.19*, as amended.
24. That Section 5.4.1 is amended by adding to the list of permitted uses the following:
- Animal Day Care Establishment
 - Animal Shelter
 - Brewery or Winery
 - Crisis Care Facility
 - Commercial Solar Collector
 - Geothermal Power facility
 - Green Energy Industries
 - Hobby Farm
 - Renewable Energy System
 - Tiny House Dwelling
 - Wind Farm
 - Wind Turbine
25. That Section 5.5.1 is amended by adding to the list of permitted uses the following:
- Dwelling – Tiny House



26. That Sections 5.4.1 and 5.5.1 are amended by adding to the list of permitted accessory uses the following:

- Additional Residential Unit
- Boat House
- Dock
- Farm Produce Outlet

- Farm Vacation Establishment
- Fence
- Garden Suite
- Guest Cabin
- On-farm diversified uses for an Agricultural Use
- Private Garage
- Recreational Vehicle
- Solar collector
- Storage Container
- Swimming Pool
- Temporary Car Shelter
- Wind turbine

27. That Section 5.4.2 a) is amended by adding Hobby Farm with a minimum lot area of 2 ha.

28. That Section 5.6.1 is amended by adding to the list of permitted uses, the following:

- Animal Day Care Establishment
- Auto Body Shop
- Brewery or Winery
- Building Supply Store
- Car Washing Establishment
- Convenience Store
- Drive-through Facility
- Institutional use
- Microbrewery
- Personal Service Establishment



• Place of

Assembly

- Place of Worship
- Propane Bar
- Solar Collector, Commercial
- Studio
- Warehouse
- Wind Farm

Permitted Accessory Uses

- Fence
- Private Garage
- Recreational Vehicle
- Storage Container
- Swimming Pool
- Temporary Car Shelter
- Wind Turbine

29. That Section 5.7.1 is amended by adding to the list of permitted uses, the following:

- Agriculture Related Use
- Custom Workshop
- Drive-through Facility
- Logging Yard
- Microbrewery
- Vehicle Towing Establishment
- Warehouse

30. That Section 5.8.3 is amended by adding the following new sections:

- (c) Any mineral aggregate operation, pit or quarry shall comply with any By-law passed under the Municipal Act governing a mineral aggregate operation, pit or quarry.
- (d) No person shall pile aggregate, top soil, overburden or locate any processing plant or place or build or extend any building or structure:



30 m [98.4 ft.] from the lot line of the site.

(i) Within

(ii) Within 90 m [295.2 ft.] from any lot line that abuts an existing residential Tiny House Dwelling or land zoned for residential use.

(e) Earth berms intended to screen adjoining lands from the operations on site shall be located no closer than 3 m [9.84 ft.] from any lot line.

(f) No mineral aggregate operation shall operate except in compliance with a valid license issued under the Aggregate Resources Act, as amended.

(g) No portable asphalt plant, wayside pit or wayside quarry shall operate without a valid Environmental Compliance Approval.

(h) All applicable **zone regulations** of Section 4 – General Provisions shall apply.

31. That Appendices 1 and 2 are hereby deleted.

32. That Schedule A hereto attached is hereby deleted and replaced with a new Schedule A.

33. That all other provisions of By-law 2003-009 shall continue to apply.

34. That this by-law shall take effect subject to the requirements of the *Planning Act*.

Read a first time this 16th day of December, 2021.

Read a second and third time and finally passed this 16th day of December, 2021

Mayor



Clerk

Treasurer

DRAFT