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| <br><b>Municipality of<br/>Magnetawan</b> | <b>REPORT TO COUNCIL</b>                              |
| To:                                                                                                                        | Mayor and Council                                     |
| From:                                                                                                                      | Erica Kellogg – Deputy Clerk Planning and Development |
| Date of Meeting:                                                                                                           | November 19 <sup>th</sup> , 2025                      |
| Report Title:                                                                                                              | Housekeeping Amendment to Zoning By-law No. 2001-26   |

### **Background:**

This report is to provide a summary of proposed housekeeping amendments to Zoning By-law No. 2001-26. The purpose of the amendments in this report is to update the provisions contained in the Zoning By-law which ensures the By-law remains current, accurate and concise.

### **Evaluation:**

Zoning By-laws are living documents that often require updates, such as housekeeping amendments and consolidations. Housekeeping amendments provide the opportunity to modify the by-law to ensure inaccurate and contradictory provisions are amended or removed. Additionally, housekeeping amendments are an opportune time to address and correct typos, grammatical and numerical mistakes, formatting, outdated or inconsistent provisions while also incorporating previously approved Site-Specific Zoning Amendments passed by Council.

Staff have identified the need for Housekeeping Zoning By-law amendments addressing the following amendments and an explanation is provided of each revision as part of this report.

- 1) Updating the enforcement measures to include Administrative Monetary Penalties;
- 2) Grouping of likeminded provisions, such as setbacks, accessory uses and the use of travel trailers;
- 3) Amending the maximum size of a temporary storage shed during the construction of a dwelling;
- 4) Primary permitted use in Agricultural zones and the establishment of second dwellings;
- 5) Revisions to Hunt Camps to align with the definition;
- 6) Amend Sections and definitions referencing trailers to align with Trailer By-law 2025-41; and
- 7) Grammatical errors and restructuring sections for the purpose of clarity and user ease.

**Analysis:**

**1) Updating the enforcement measures to include Administrative Monetary Penalties (AMP's)**

Staff recommend the inclusion of AMP's within the Zoning By-law to improve enforcement options when contraventions to the by-law occur.

**2) Grouping of likeminded provisions, such as setbacks, accessory uses and the use of travel trailers;**

- a. Staff suggest Section 3.1 i) be relocated to follow Section 3.1 c) to facilitate ease of comprehension.
- b. Staff suggest moving Section 3.31 to follow Section 3.4 and renaming it to align with the other 'temporary' use during the construction of a primary dwelling. The Section remains untouched beyond the relocation as suggested and the re-working of the subject title from Temporary Construction Uses to Construction Uses, Temporary.

**3) Amending the maximum size of a temporary storage shed during the construction of a dwelling**

Section 3.4 permits the placement of a storage shed which is intended to be for the temporary storage of tools during the construction of a dwelling. The recommendation to reduce the overall size allows the placement of a storage shed absent a building permit which is to be removed once the construction is complete or abandoned.

Additional revisions are suggested to clarify the intention of this Section, that being that only one storage structure is permitted on the property for the purpose of temporary storage of tools incidental to construction.

Staff also recommend amending Section 3.4 paragraph two to showcase that the intent is for the property owners to occupy an existing dwelling provided a conditional building permit is applied for.

**4) Provide clarity on the primary use in Agricultural zones;**

Staff have identified contradictory permissions within the Agricultural (A) Zone's (Section 4.7) permitted uses, the definition of "farm" and the provisions permitting second dwellings (attached/detached). The following revisions are provided to ensure clarity and conciseness within the Zoning By-law as they relate to the A Zone.

The A Zone permits the establishment of an accessory farm dwelling on A Zoned property greater in size of 30 hectares. Section 3.7 Additional Dwelling Units provides that within the A Zone a maximum of two (2) Additional Dwelling Units (one (1) attached and one (1) detached) may be permitted in association with a single detached dwelling in accordance with the regulations specified by the Zone category in which the Additional Dwelling Unit is permitted. The requirement within Section 4.7 wherein a second or accessory dwelling is permitted with a minimum of 30 hectares contradicts permissions within Additional Dwelling Units Section 3.7. Staff recommend the removal of the requirement to have a minimum of 30 hectares to establish a second ("accessory") dwelling.

Definition 80 Farm, reads that a "farm includes a detached dwelling, and such principle or

main buildings and structures as a barn or silo..”. The definition reads that a farm is to include a dwelling, however; agriculture primary use is the agricultural use and should not require a dwelling to be established. Should this provision remain status quo the Zoning By-law would require a dwelling to be established on each and every parcel of land zoned Agricultural, this could mean a landowner with several agricultural parcels would be required to have a dwelling on each parcel. Staff recommend a minor revision to the definition such as “may include a detached dwelling” this revision will provide the option to establish a dwelling on lands zoned for agricultural purposes.

**5) Revisions to Hunt Camps to align with the definition**

Staff recommend a minor revision to align the permitted use with Term 111 Hunting and Fishing Camp. This minor revision provides permission to establish a fishing camp along with a hunting camp within the Rural Zone.

**6) Amend Sections and definitions reference trailers to align with By-law 2025-41**

Staff suggest a revision to Section 3.34 wherein the revision will align with the recently passed Trailer By-law - 2025-41 and further to provide inclusion of the a required civic address prior to license being issued.

Staff also recognize the proposed revision will remove the inclusion of the permitted use of a trailer on vacant land. The permission to use a trailer in zones absent a dwelling is provided within this section since trailers are permitted in these specific zones.

Additionally, Section 3.5 Construction uses, Temporary, speaks to the permitted use of a trailer in all zones when a building permit for the primary dwelling has been issued with conditions. Removal of the permission within this section is suggested as it is duplication.

**The following are suggested revisions to Zoning By-law 2001-26 as amended,**

**Term 70 Dwelling unit, Bachelor;**

Staff recommend the removal of this term as it is a redundant term not used within the By-law. Staff have confirmed the removal of this term does not prevent a person from applying for a dwelling which is open concept.

**Term 80 Farm:**

Staff have provided an explanation to this revision under heading 4) Provide clarity on the primary use in Agricultural zones.

**Term 212 Riding School or Boarding Stable:**

Staff recommend this definition to be amended with the verbiage from definition 48 Commercial Riding School which a fulsome definition.

Staff also suggest the deletion of definition 48 since it will be deemed duplication if the revision to definition 212 to approved.

**Term 48 Commercial Riding School:**

Staff recommend the deletion of this term for redundancy.

**Term 224 Short Term Accommodation:**

Staff recommend this revision to align with the recently passed By-law 2025-50 to licence short-term accommodation properties within the Municipality.

**Term 253 Trailer:**

Staff recommend the removal of Definition 253 because Definition 255 encompasses travel trailers and Definition 254 speaks to temporary construction trailers. Definition 254 and 255 identify and address various forms of trailers that are subject to Zoning provisions and/or licence.

**Term 254 Trailer, Construction:**

Staff recommend the minor revision since the ability to utilize a travel trailer for occupation is noted within Section 3.31 Construction Uses, Temporary.

**Term 255 Trailer, Travel or Tent**

The revision to this definition is to bring the definition into alignment with Trailer By-law 2025-41

Respectfully Submitted,

Erica Kellogg  
Deputy Clerk – Planning and Development



Listed below are the recommended revisions.

#### 1.4 Enforcement

~~Any person convicted of a violation of this By-law is liable, at the discretion of the convicting Justice, on first conviction to a fine of not more than \$25,000 and on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.~~

Every person and/or owner and/or occupant who contravenes and/or directs another person(s) to contravene and/or permits another person the doing of any act which contravenes any of the provisions of this By-law is guilty of an offence and may be subject to:

- fees under the Administrative Monetary Penalties By-law as listed in the current Fees and Charges By-law, and/or
- fines or charges as per the current Fees and Charges By-law and/or
- upon conviction is liable to a fine and/or remediation and/or costs of enforcement, for each offence exclusive of the costs;
- each day a contravention occurs may result in a fee

And further, in addition to any other remedy and to any other penalty the person convicted may also be prohibited from continuing or repeating the offence in accordance with the provisions of section 442 of the *Municipal Act*

Pursue any other collection mechanisms available to the Municipality pursuant to the Regulations or a law which may include deeming the outstanding amount to be unpaid taxes and adding this outstanding amount to the tax roll and collecting it in the same manner as Municipal Taxes.

#### 3.4 Construction Uses

~~A~~One tool shed, not exceeding 20 15 square metres (approx. 161.46 sq ft) , or one construction trailer, or one storage container, ~~scaffold or other building or structure~~ incidental to construction is permitted in all areas within the Municipality on the lot where it is situated and only for so long as it is necessary for the work in progress and until the work is completed or abandoned. For the purpose of this Section, abandoned shall mean the discontinuation of work for more than 120 consecutive days or the failure to maintain a current building permit.

Notwithstanding the provisions set out in Section 3.67 to the contrary, where a Building Permit for construction of a dwelling has been issued by the Municipality, an existing dwelling may be occupied by the property owner(s) on a temporary basis only during the period when there is an active building permit for a new dwelling on the subject lands and subject to the property owner entering into an agreement with the Municipality that requires the removal of the existing dwelling or conversion of the existing dwelling to an accessory building.

### 3.13

#### Hunting/Fishing Camps

Hunting/Fishing camps are permitted in the Rural (RU) Zone subject to the following:

- i) A minimum floor area of 10 square metres;
- ii) A maximum height of 5 metres;
- iii) A maximum floor area of 65 square metre approx. 700 square feet);
- iv) A hunting/fishing camp must be a minimum of 100 metres from an existing dwelling or public road;
- v) A hunting/fishing camp shall not include servicing (septic system or well);
- vi) A hunting/fishing camp is only permitted where a building permit for a dwelling unit is not available; and
- vii) The provision of municipal road services on unopened road allowances or private rights-of-way will not be available.

### 3.34 Trailers or Travel Trailer and Campers

One trailer, travel trailer or a tent trailer ~~a truck camper~~ may be located ~~and used on a vacant lot for recreational use,~~ within the Rural (RU), Agricultural (A) and Rural Residential (RR) Zones ~~or in all zones where a dwelling is permitted during the construction of the primary dwelling as per Section 3.5,~~ where the trailer is licensed by the Municipality and;

- i) it is not located within 30 metres of the shoreline;
- ii) the appropriate sanitary facilities are provided on site in accordance with the requirements for a habitable building; and,
- iii) the trailer is roadworthy and is legally capable of being towed on a public roadway
- iv) The subject property shall have an installed and approved 911/civic address,

#### Definitions:

##### Term 80: Farm

Any farming or agricultural use and includes apiaries; aviaries; berry or bush crops; breeding, raising, training or boarding of horses or cattle; commercial greenhouses; farms devoted to the hatching, raising and marketing of chickens, turkeys, or other fowl or game birds, animals, fish or frogs; farms for grazing; flower gardening; field crops; goat or cattle dairies; growing, raising, picking, treating and storing of vegetables or fruit produce produced on the premises; nurseries; orchards; riding stables; the raising of sheep or goats; the raising of swine; tree crops; market gardening; bee keeping; wood lots; such uses or enterprises as are customarily carried on in the field of general agriculture. "Farm" includes a detached dwelling, and such principal or main buildings and structure as a barn or silo, as well as accessory buildings and structures which are incidental to the operation of the farm. Farm may or may not include a detached dwelling being secondary to the primary farm use.

**Term 212 Riding School or Boarding Stable**

~~An area of land which is used as an educational centre for horse training, handling, care or for the lodging of horses.~~ An area of land and buildings that are used as an educational or recreational centre for horse training, handling, care, or for the lodging of horses. Commercial operations may be subject to Site Plan Control.

**Term 224 Short Term Accommodation**

Means use of a residential Dwelling Unit that offers a place of accommodation or temporary residence, or occupancy by way of concession, permit, lease, licence, rental agreement or similar arrangement whether written or verbal for fewer than twenty-eight (28) consecutive calendar days throughout all or part of the year with no on-site management throughout all or part of the year. Short-term Accommodation uses shall not mean a motel, hotel, bed and breakfast establishment, tourist establishment, tourist cabin establishment, or similar commercial accommodation use.

**Term 254 Trailer, Construction**

Any trailer designed to be temporarily located on a parcel of land during the construction of a building or the development of land utilized for ~~temporary shelter and/or~~ the storage of equipment related to the construction occurring on the land and having the running gear and towing equipment permanently attached.

**Term 255, Trailer, Travel Trailer or Tent Trailer “Trailer”**

Any vehicle, structure, or conveyance that is designed, modified, or used for human occupancy, lodging, sleeping, or living, whether or not it is capable of being towed, self-propelled, or affixed to the ground. Without limiting the generality of the foregoing, this includes, but is not limited to: recreational vehicles, buses, vans, trucks and other vehicles altered or not in whole or in part for habitation but does not include a mobile home or a park model home.