

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2023- 49

Being a By-law to make minor housekeeping changes to Zoning By-law No. 2001-26

WHEREAS By-law No. 2001-26 as amended is the Zoning By-law of the Corporation of the Municipality of Magnetawan; and

AND WHEREAS there are certain housekeeping changes required, and Council deems it appropriate to make these minor changes related to additional dwelling units; and to improve and clarify provisions related to building height; and

AND WHEREAS authority is granted pursuant to Sections 34 of the Planning Act, R.S.O. 1990 to enact such amendments;

NOW THEREFORE be it enacted as a By-law of the Corporation of the Municipality of Magnetawan the following:

1. Section 3.1 (c) is hereby deleted and replaced by the following:

"c) Lot Coverage and Height

The total lot coverage of all accessory buildings and structures, excluding swimming pools, shall not exceed 5 per cent of the lot area nor shall the height of any accessory building or structure exceed 5.0 metres except where otherwise permitted."

2. Section 3.1 (g) (i) (d) is hereby deleted and replaced by the following:

"d) Maximum height 5.0 metres."

Delete Section 3.1 (g) (ii) Two storey boathouses in its entirety.

3. A new subsection (iii) is hereby added to Section 3.1 (h) after subsection (ii):

"iii) Height

Notwithstanding any other provisions of this by-law to the contrary, a detached garage shall have a maximum height of 7.6 metres, provided all other applicable provisions of this by-law are met."

4. Section 3.1 (h) (i) is hereby deleted and replaced by the following:

"i) Interior Side Yard

Where such accessory building or accessory structure is located in an interior side yard, and is 5.0 metres or less in height, the minimum setback for the interior side lot line shall be 1.5 metres."

5. Section 3.1 (h) (ii) is hereby deleted and replaced by the following:

"ii) Rear Yard

Where such accessory building or accessory structure is located in a rear yard and is 5.0 metres or less in height, the minimum setback to the rear lot line shall be 1.5 metres except, where the rear lot line abuts a municipally maintained road, it shall not be closer than 10 metres to the rear lot line."

6. Section 3.1 (k) v) is hereby deleted and replaced with the following:

"v) for the purpose of determining the number of Guest Cabins on a lot, the second storey of a habitable boathouse that existed as of January 1, 2023, or other accessory building shall be considered a Guest Cabin; and,"

7. A new subsection (l) is hereby added to Section 3.1 after subsection (k) as follows:

"l) Shoreline Saunas

A shoreline sauna is a permitted accessory building which may be located in any required front yard of a lot abutting a shoreline provided:

- i) Minimum setback of 4.5 metres is maintained from the normal or maintained high water mark;*
- ii) A minimum setback of 4.5 metres is maintained from the side lot lines;*
- iii) The structure does not exceed 10 square metres in floor area;*
- iv) The height of the structure does not exceed 4.2 metres; and*
- v) Approval is obtained from any government agency having jurisdiction."*

8. Section 3.6 is hereby deleted and replaced with the following:

"3.6 Additional Dwelling Units

Additional Dwelling Units are permitted within the Rural Residential (RR) Zone; the Shoreline Residential (RS) Zone; the Village Residential (RV) Zone; the Multiple Residential (RM) Zone; the Residential Mobile Home (RMH) Zone; and the Rural (RU) 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, semi-detached dwelling, or townhome dwelling in accordance with the regulations specified by the Zone category in which the Additional Dwelling Unit is permitted. For the purposes of determining the number of dwelling units on a lot, the second storey of an existing habitable boathouse, where equipped with cooking and sanitary facilities shall be considered as an Additional Dwelling Unit (detached).

a) Additional Dwelling Unit (Attached)

- i) A maximum of one Additional Dwelling Unit (attached) shall be permitted within the same building as a single detached dwelling or semi-detached dwelling, with or without an Additional Dwelling Unit (detached);*
- ii) The Additional Dwelling Unit (attached) shall be built in accordance with all relevant regulations within both the Building Code and Fire Code;*
- iii) The owner of the principal dwelling shall demonstrate to the satisfaction of the North Bay Mattawa Conservation Authority (or alternative) that the individual sewage disposal system has sufficient capacity to accommodate the additional flows from the unit;*
- iv) The gross floor area of the Additional Dwelling Unit (attached) shall be limited to a minimum of 450 sq ft to a maximum of 50 percent of the gross floor area of the primary dwelling unit, measured prior to the development of the Additional Dwelling Unit (attached).*
- v) An Additional Dwelling Unit (attached) shall only be accessed via an existing residential vehicular entrance;*
- vi) An Additional Dwelling Unit (attached) shall not be permitted within the regulated floodplain area; and*
- vii) A minimum of one (1) parking space shall be provided for the exclusive use of the occupier(s) of the secondary dwelling unit.*

b) Additional Dwelling Unit (Detached)

- i) *The Additional Dwelling Unit (detached) shall only be permitted in whole or in part of a building which is accessory to, and subordinate to a single detached dwelling, or semi-detached dwelling, on the same lot, and with or without one Additional Dwelling Unit (attached);*
- ii) *On the lands abutting a navigable waterway, where a lot has at least 180 metres of frontage, an additional dwelling unit (detached) is permitted in a rear yard, provided that there is not more than one (1) sleeping cabin on the lot;*
- iii) *Where two (2) or more single detached dwellings exist upon a lot, an Additional Dwelling Unit (detached) is not permitted within an accessory structure;*
- iv) *An Additional Dwelling Unit (detached) shall not be located more than 50 metres from the Principal or Main Building;*
- v) *The Additional Dwelling Unit (detached) shall not be larger than 70% of the ground floor area of the principal dwelling unit;*
- vi) *The maximum height of the Additional Dwelling Unit (detached) shall be 9.0 metres;*
- vii) *An Additional Dwelling Unit (detached) shall not be permitted within the regulated floodplain area;*
- viii) *The Additional Dwelling Unit (detached) shall not be severed from the lot containing the single detached dwelling, or semi-detached dwelling;*
- ix) *A minimum of one (1) parking space shall be provided for the exclusive use of the occupier(s) of the Additional Dwelling Unit (detached);*
- x) *Minimum Distance Separation (MDS) I shall apply to any new Additional Dwelling Unit (detached);*
- xi) *The Additional Dwelling Unit (detached) shall be built in accordance with all relevant regulations of both the Building Code and Fire Code;*
- xii) *The owner of the principal dwelling shall demonstrate to the satisfaction of the North Bay Mattawa Conservation Authority (or alternative) that the Additional Dwelling Unit (detached) can be appropriately serviced with a sewage disposal system;*
- xiii) *The additional Dwelling Unit (detached) shall be placed upon a permanent footing/foundation; and,*
- xiv) *Tenants of an Additional Dwelling Unit (detached) must not be required to access the unit through the primary dwelling unit. As such, an Additional Dwelling Unit (detached) must have direct pedestrian access from a public street or laneway. A direct pedestrian access may be by an unobstructed walkway that is built in accordance with the requirements of the Accessibility for Ontarians with Disabilities Act."*

9. Section 3.1# "Hunt Camps" is hereby added after Section 3.11 "Home Industry" as follows:

"3.1# Hunt Camps

Hunt camps are permitted in the Rural (RU) Zone subject to the following:

- i) *A minimum floor area of 10 square metres;*

- ii) A maximum lot coverage of 50 square metres;
- iii) A maximum height of 5 metres;
- iv) A maximum floor area of 65 square metres (approx. 700 square feet);
- v) A hunt camp must be a minimum of 100 metres from an existing dwelling or public road;
- vi) A hunt camp shall not include servicing (septic system or well);
- vii) A hunt camp is only permitted where a building permit for a dwelling unit is not available; and
- viii) The provision of municipal road services on unopened road allowances or private rights-of-way will not be available."

10. Section 3.3# "Tiny Homes" and "Table 3(A) and Tabel 3(B)" is hereby added after 3.32 Trailers and Campers as follows:

"3.3# Tiny Homes

A tiny home may be located on a Residential property in accordance with the following:

- i) No tiny home shall be smaller than 17.5 m² (188ft²), which is the minimum required size set out in the Ontario Building Code;
- ii) A tiny home shall not exceed 50 m² (538 ft²);
- iii) The structure must be located on permanent foundations with the running gear and towing equipment removed;
- iv) If the space is to be designed as an open concept, meet the minimum requirements, set out in Table X (A);
- v) If the space is to be divided by walls, each room/space must meet the minimum sizes for rooms and spaces, set out in Table X (B);
- vi) A tiny home must also have necessary servicing such as water and sewage;
- vii) A tiny home must comply with the health and safety requirements of the Ontario Building Code; and
- viii) A tiny home may be occupied by any person regardless of whether the primary residential unit is occupied by the owner of the property."

Table 3 (A). Minimum space requirements for open-concept design.

Room or space:	Minimum required floor area:
Combined sleeping, living and dining areas and kitchen space	13.5 m ² (145 ft ²)
Bathroom	Enough space for sink, toilet and shower stall or bath. Could be as little as 3.0 m ² (32 ft ²)
Laundry	1.0 m ² (11 ft ²)

Relevant Building Code provisions – Division B, Subsections 9.5.4 to 9.5.9 and 9.31.4.2

Table 3(B). Minimum sizes for separated spaces.

Room or space:	Minimum required floor area:
Living Area	13.5 m ² (145 ft ²)

Dining Area	Enough space for sink, toilet and shower stall or bath. Could be as little as 3.0 m ² (32 ft ²)
Kitchen	1.0 m ² (11 ft ²)
Combined living, dining and kitchen areas in a one-bedroom unit	11 m ² (118.4 ft ²)
Master bedroom (without built-in closet)	9.8m ² (95 ft ²)
Other bedrooms (without built-in closet)	7 m ² (75 ft ²)
Bathroom	Enough space for sink, toilet and shower stall or bath

Relevant Building Code provisions – Division B, Subsections 9.5.4 to 9.5.9 and 9.31.4.2

11. Section 3.32 “Trailer and Campers” is hereby deleted and replaced with the following:

“3.3# Trailers and Campers

One tent trailer, a travel trailer or 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, 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, the trailer or truck camper is roadworthy and is legally capable of being towed on a public roadway.”*
- iii) the appropriate sanitary facilities are provided on site in accordance with the requirements for a habitable building; and, the trailer or truck camper is roadworthy and is legally capable of being towed on a public roadway.”*

12. Section 3.27 “Storage Containers” is hereby deleted and replaced with the following:

“3.2# Storage/Shipping Containers

Storage/shipping containers shall only be permitted within the following zones: Rural (RU), Rural Residential (RR), General Industrial (MX), Extractive Industrial (MX), Disposal Industrial (MD), Institutional (I) and General Commercial (CG), Agricultural (A).

Notwithstanding the provisions of this By-law, storage containers shall adhere to the provisions of Section 3 (Accessory Buildings, Structures and Uses) and shall be used exclusively for the storage of goods and materials and may not be used to accommodate work areas, shops, office uses or retail sales. Storage containers shall not be permitted to locate within the front yard or exterior side yard.

Storage/Shipping Containers shall be subject to the following regulations:

- i) A shipping or storage container shall be permitted as an accessory building within Municipality in accordance with the following:*
- ii) The container shall be restricted to storage only. It shall not be used as a dwelling or for any gainful occupation. iii. The container meets all provisions of Section 3.1 of this By-law.*
- iii) A maximum of one (1) container shall be permitted within Residential Zones.*

- iv) *A maximum of two (2) containers shall be permitted within Commercial and Industrial Zones.*
- v) *Containers shall not be stacked on top of another.*
- vi) *Containers shall not exceed the length of 12 metres.*
- vii) *Containers shall comply with the Ontario Building Code, where applicable.*
- viii) *Containers shall be buffered from adjacent properties with a visual barrier, either fence or tree line, to the same height of the container.*
- ix) *Shall be maintained in good condition free from rust, peeling paint and any other form of visible deterioration."*

13. Section 3.3# "Short-Term Accommodations" is hereby added after subsection new 3.3# Tiny Homes as follows:

"3.3# Short Term Accommodations

One Short Term Accommodation per property, as defined herein and within the Municipality, and may be permitted within the Agricultural (A), Rural (RU), Rural Residential (RR), Shoreline Residential (RS) and Village Residential (RV) Zones and shall be subject to a licensing system under the Municipal Act.

14. Section 4.2.3 (Additional Dwelling Units) is hereby deleted and replaced with the following:

"4.2.3 Additional Dwelling Units

- i) *Where a lot has at least 180 metres of frontage on a waterbody, including but not limited to, Lake Ahmic, Cecebe Lake or the Magnetawan River, an Additional Dwelling Unit (detached) is permitted in the rear yard subject to the provisions of Section 3.6 (b);*
- ii) *Additional Dwelling Units (detached) are not permitted within shoreline storage buildings (i.e., boathouses);*
- iii) *Additional Dwelling Units (attached) are permitted subject to the provisions of Section 3.6 (a)."*

15. Section 5 (Definitions), Term 23 (Bed and Breakfast Establishment) is hereby deleted and replaced with the following:

	Term	Definition
	<i>Bed and Breakfast Establishment</i>	<i>A detached dwelling wherein no more than 3 guest rooms are made available for temporary accommodation of the travelling or vacationing public. Such an establishment may offer light meals to those persons temporarily residing at the establishment. A Bed and Breakfast Establishment shall not include a restaurant, a Tourist Establishment or Short Term Accommodation.</i>

16. Section 5 (Definitions), Term 67 (Dwelling Unit, Accessory) is deleted and replaced with the following:

	Term	Definition
	<i>Dwelling Unit, Additional (Attached)</i>	<i>A self-contained dwelling unit with kitchen and bathroom facilities within a single detached or semi-detached dwelling on the</i>

		<i>same lot that accommodates the primary dwelling unit.</i>
	<i>Dwelling Unit, Additional (Detached)</i>	<i>A self-contained dwelling unit with kitchen and bathroom facilities within an accessory building on the same lot that accommodates the primary single detached or semi-detached dwelling unit, but does not include a boathouse.</i>

17. Section 5 (Definitions), Term 109 is hereby deleted and replaced as follows:

	Term	Definition
	<i>Hotel</i>	<i>A building, group of buildings or parts thereof that provide sleeping accommodation for the travelling public or for recreational purposes, with or without accessory restaurants, banquet halls, facilities for the temporary exhibition and sale of goods on an intermittent basis, dining rooms premises licensed under The Liquor License Act, and includes any establishment containing guest rooms which is defined as a "hotel" in the Hotel Registration of Guests Act, R.S.O. 1990, c.H.17, and shall also include a motel or hostel, but does not include any residential or rooming house or short term accommodation use, as defined in this By-law.</i>

18. Section 5 (Definitions), Term 141 (Mobile Home) is hereby deleted and replaced with the following:

	Term	Definition
	<i>Mobile Home</i>	<i>Any dwelling that is designed to be mobile, and constructed or manufactured to provide a permanent residence for one or more persons certified in accordance with C.S.A. Standard Z240 or 241, but does not include a tiny home, travel trailer or tent trailer or trailer otherwise designed.</i>

19. Section 5 (Definitions), Term (Shoreline Storage Building) is hereby added alphabetically and renumbered as required

	Term	Definition
	<i>Shoreline Storage Building</i>	<i>Shall mean a shed, boathouse, dryland boathouse, boatport or other similar storage building used for the berthing or sheltering of watercraft, watercraft related equipment, or the safekeeping of personal items, which is built or anchored near the shoreline of a navigable waterway or on land. For the purpose of this definition, a shoreline storage building shall not include living quarters for human habitation and shall not be used for the storage of motor vehicles, other than watercrafts. The</i>

		<i>maximum height of a shoreline storage building shall be 5 metres except where otherwise permitted. A gazebo, pumphouse, or sauna shall not be considered as a shoreline storage building.</i>
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20. Section 5 (Definitions), Term (Short Term Accommodation) is hereby added alphabetically and renumbered as required

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Term	Definition
Short Term Accommodation	<i>Means the commercial use of a residential Dwelling Unit that offers a place of accommodation or temporary residence, or occupancy by way of concession, permit, lease, license, 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. Short-term Accommodation uses shall not mean a motel, hotel, bed and breakfast establishment, tourist establishment, tourist cabin establishment, or similar commercial accommodation use.</i>

21. Section 5 (Definitions), (Tiny Home) is hereby added is hereby added alphabetically and renumbered as required.

Term	Definition
Tiny Home	<i>A ground-oriented permanent dwelling that is detached, and non-motorized, small in size (less than 50m²) and using a compact design.</i>

Sections will be inserted based on revisions and numbered as required.

This By-law shall come into force and effect upon the date of passage hereof and take effect on the last day after the last day for filing appeals in accordance with the provisions of the Planning Act, R.S.O. 1990, c. P.13.

READ A FIRST, SECOND, AND THRID TIME, passed, signed and the Seal of the Corporation affixed hereto, this 4th day of October.

**Consolidated by By-law 2023-60*

THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN


Sam Dunnett, MAYOR


Kerstin Vroom CAO/CLERK,