

RESOLUTION No. 2018 - 154 **May 9, 2018**

Moved by: Councillor Jack Crossman

Seconded by: Councillor _____

BE IT RESOLVED THAT the Council of the Municipality of Magnetawan adopts
By-law 2018-28, being a By-law to amend Zoning By-law 2001-26, to incorporate updates to the Zoning By-law.

Carried Defeated Deferred

Sam Dunnett
 Sam Dunnett, Mayor

Declaration of Pecuniary Interest by: _____

Recorded Vote Called by: _____

Recorded Vote (Vote Called by Clerk in random order, Mayor to vote last)

Councillor	Yea	Nay	Abstention	Absent
Tim Brunton				
Jack Crossman				
Charlie Gray				
John Hetherington				
Mayor: Sam Dunnett				



*Knowing our heritage
 we will build our future.*

**The CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN
BY-LAW NO. 2018-28**

Being a By-law to amend Zoning By-law 2001-26, to incorporate updates
to the Zoning By-law

WHEREAS the Council of the Municipality of Magnetawan enacted By-law No. 2001-26 to regulate the use of land within the Municipality of Magnetawan;

AND WHEREAS the Council of the Municipality of Magnetawan deems it expedient in the public interest to amend By-law No. 2001-26;

AND WHEREAS authority to pass such a by-law is provided by Section 34 of the *Planning Act, R.S.O. 1990, Chapter P.13* and amendments thereto;

NOW THEREFORE the Council of the Corporation of the Municipality of Magnetawan enacts as follows:

1. That Zoning By-law No. 2001-26 is amended as follows:

- a) Section 3.1 c) shall be amended by deleting 7.6 and replacing it with 8.5.
- b) Section 3.1 h) (i) shall be amended by deleting the words “ it shall not be closer than 1.5 metres” and replacing it with the words “and is 6 metres or less in height, the minimum setback.” Section 3.1 h) (i) shall also be amended by adding the words “shall be 1.5 metres” after the words “ to the interior side lot line.”
- c) Section 3.1 h) (ii) shall be amended by deleting the words “ it shall not be closer than 1.5 metres” and replacing it with the words “and is 6 metres or less in height, the minimum setback.” Section 3.1 h) (i) shall also be amended by adding the words “shall be 1.5 metres” after the words “to the interior rear lot line.”
- d) Section 3.4 shall be amended by adding the following words “, storage container” after the words “ A tool shed, not exceeding 20 square metres, constructions trailer” and before the words “, 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”
- e) Section 3.8 shall be deleted in its entirety.
- f) Section 3.11 a) shall be amended by deleting the word “assistant” and replacing it with the word “employee.”
- g) Section 3.11 c) shall be deleted in its entirety.

- h) Section 3.11 (d) shall be amended by deleting the words “animal enclosures or external” before the words “there shall be no outside” and before the words “storage of goods or materials in conjunction with the Home Occupation use; and”
- i) Section 3.11 e) shall be amended by deleting the words “an eating establishment” before the words “a Home Occupation shall not include a boarding or lodging house” and replacing them with the words “a restaurant” before the words “or a group home”
- j) Section 3.11 e) shall be amended by deleting the words “but may include a bed and breakfast establishment or an unlicensed day nurse” and replacing them with “or kennel.”
- k) Section 3.12 a) shall be amended by adding the words “,who are not residents” after the words “a maximum of four (4) persons” and before the words “may be engaged in the home industry;”
- l) Section 3.12 d) shall be amended by deleting the word “three” after the words “Notwithstanding section 3.12 (c) a maximum of” and replacing it with the word “four” before the words “currently licensed motor vehicles”
- m) Section 3.14 shall be deleted in its entirety.
- n) Section 3.19 shall be amended by adding the word “Legal” before the words “Non-Complying Lots, Buildings and Structures”
- o) Section 3.19 a) shall be amended by adding the word “replaced” after the words “enlarged, reconstructed” and before the words “repaid and/or renovated.
- p) Section 3.19 (a) shall be amended by deleting the current words and replaced with the following “Legal Non-Complying Lots, Buildings and Structures

- a) Buildings on Undersized Lots

Where a building or structure is located on a lot having less than the minimum frontage and/or lot area, and/or having less than the minimum setback, front yard and/or side yard and/or rear yard required by this By-law, the said building or structure may be enlarged, reconstructed, replaced, repaired and/or renovated provided that:

- i) the enlargement, reconstruction, replacement repair and/or renovation does not reduce the required front yard, and/ or required side yard, and/ or required rear yard or increase lot coverage beyond the requirements of this By-law;
- ii) the height of the existing legal non-complying

- building or structure is not increased, within a required yard.
- iii) the building or structure is being used for a purpose permitted within the Zone in which it is located;
- iv) all other applicable Provisions of this By-law are complied with.

b) Existing Undersized Lots

Where a lot, having a lesser lot area and/or lot frontage than required herein, existed on the date of passing of this By-law, or where such a lot is created by a public authority or correction of title, such a smaller lot may be used and a permitted building or structure may be erected and/or used on such a smaller lot provided that all other applicable provisions of this By-law are complied with and provided that a sewage system that complies with the regulations under Building Code can be installed on the lands.

Lots which have been increased in lot area or lot frontage following enactment of this By-law shall be deemed to comply to the By-law, and may be used in accordance with the provisions of the By-law.

- q) Section 3.22 a) shall be amended by added the words “Commercial uses on lots within the Village Commercial Zone in the Magnetawan Townsite shall not be subject to the parking requirements established in Table 1. The location of the parking area exemptions are identified on Schedule C-1 attached to and forming part of this By-law as Schedule D. (Parking Area Regulations for the Magnetawan Townsite).” After the words “If any computation of parking space requirement as set forth in this section results in a number containing a fraction above 0.25, that remaining fraction shall be counted as one parking space” and before subsection b).
- a) Section 3.22 i) shall be amended to include the words: “Where the parking requirement for any use is 4 or more spaces, barrier free parking spaces shall be provided in accordance with the following: a) Each space shall have a minimum width of 4 m and minimum length of 5.5 m ;b)Each space shall be hard-surfaced and level; c)Each space shall be located near and accessible to an entrance; and, d) Each space shall be appropriately identified for its intended use by persons with limited mobility or other disabilities e) The number of barrier free spaces shall be 20% of the minimum off street parking requirements.” after the words “Barrier Free Parking.”
- r) Section 3.22 shall be amended by deleting the number “1” and replacing it with the number “2” after the words “in accordance with Table” and before the words “the Parking Space Requirement”

- s) Section 3.22 – Table 2 Parking Space Requirement Table shall be amended by deleting the words “Eating Establishment” and replacing it with the words “Restaurant” before the words “or Tavern”.
- t) Section 3.22 – Table 2 Parking Space Requirement Table shall be amended by deleting the words “an eating establishment” and replacing it with the words “a restaurant” after the words “or parking facilities as are required for” and before the words “or entertainment lounge”.
- u) Section 3.22 – Table 2 Parking Space Requirement Table shall be amended by deleting the words “an eating establishment” and replacing it with the words “a restaurant” after the words “Liquor Licensed Premises, exclusive of” and before the words “but including an entertainment lounge”.
- v) Section 3.27 shall be amended by deleting the number “(66 feet)” after the words “20 metres” and before the words “of the normal or maintained high water mark”.
- w) Section 3.29 shall be amended by replacing current wording with the following words: “3.29 Storage Containers Storage containers shall only be permitted within the following zones: Rural (RU), Rural Residential (RR), Agricultural (A), General Industrial (MX), Extractive Industrial (MX), Disposal Industrial (MD), Institutional (I) and General Commercial (CG).

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.”

- x) Section 3.31 shall be amended by deleting the word “Housing” and replacing it with the words “Construction Uses” after the word “Temporary”.
- y) Section 3.31 shall be amended by replacing the first paragraph:

“Notwithstanding any other provision of this By-law, to the contrary, where a dwelling is destroyed, and a Building Permit for reconstruction of the dwelling has been issued by the Municipality for the subject lands, the residents may occupy a travel trailer on a temporary basis but only during the period which the dwelling is being reconstructed to a maximum of one year, provided that the trailer is licensed by the Municipality”.

With the following paragraphs:

“Notwithstanding any other provision of this By-law, to the contrary,

where a dwelling is destroyed, and a Building Permit for construction of a dwelling has been issued by the Municipality for the subject lands, the residents may occupy a travel trailer on a temporary basis but only during the period which the dwelling is being constructed to a maximum of eighteen months, provided that the trailer is licensed by the Municipality.

Notwithstanding any other provision of this By-law to the contrary, where a Building Permit for construction of a dwelling has been issued by the Township for the subject lands, the residents may occupy a travel trailer on a temporary basis but only during the period which the dwelling is being constructed to a maximum of eighteen months.”

z) Section 3.34 shall be amended by adding the words “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, Rural Residential and Agricultural Zones, where the trailer is licensed by the Municipality and;” after the words “Trailers and Campers”

aa) A new Section shall be added following Section 3.34 as follows:

3.35 Septic Systems

a) The following minimum opening elevation and shoreline setback provisions apply to *leaching bed* septic systems:

Provision	Lots Abutting or Adjacent to
Minimum Shoreline Setback for Leaching Bed Components	a) 20 metres from the high water mark
Minimum Elevation for the Leaching Bed Components	The Regulatory Flood Elevation, which is identified as the “100 year flood” or Regional Flood Event.

- b) The following minimum opening elevation and shoreline setback provisions apply to tertiary treatment septic systems:

Provision	Lots Abutting or Adjacent to _____
Minimum Shoreline Setback for the Treatment Unit and Leaching Bed Components	a) 20 metres from the high water mark
Minimum Elevation for the Treatment Unit and Leaching Bed Components	The Regulatory Flood Elevation, which is identified as the "100 year flood" or Regional Flood Event.

- bb) Section 4.1.1 i) shall be amended to delete the word "single" before the words "detached dwelling".
- cc) Section 4.2.1 shall be amended to delete the word "single" before the words "detached dwelling" in item i) and by adding a new subsection iii) "bed and breakfast establishment."
- dd) Section 4.2.2 viii) shall be amended by adding the word "Building" after "Maximum" and modifying the height to 10.7 m.
- ee) Section 4.3.1 i) shall be amended to delete the word "single" before the words "detached dwelling".
- ff) Section 4.3.1 shall be amended to add a new subsection vi) "bed and breakfast establishment" after subsection v).
- gg) Section 4.3.2 viii) shall be amended by adding the word "Building" after "Maximum" and modifying the height to 10.7 m.
- hh) Section 4.4.1 i) shall be amended to delete the word "single" before the words "detached dwelling".
- ii) Section 4.4.2 viii) shall be amended by adding the word "Building" after "Maximum."
- jj) Section 4.5.2 viii) shall be amended by adding the word "Building" after "Maximum."
- kk) Section 4.6.1 i) shall be amended to delete the word "single" before the words "detached dwelling".
- ll) Section 4.6.1 shall be amended by adding subsections xxii) "bed and breakfast establishment" after subsection xxi)

- mm) Section 4.6.2 viii) shall be amended by adding the word "Building" after "Maximum."
- nn) Section 4.67.1 shall be amended by adding subsections xi) "bed and breakfast establishment" after subsection x)
- oo) Section 4.7.2 viii) shall be amended by adding the word "Building" after "Maximum."
- pp) Section 4.8.2 viii) shall be amended by adding the word "Building" after "Maximum" and modifying the height to 10.7 m
- qq) Section 4.9.2 viii) shall be amended by adding the word "Building" after "Maximum" and modifying the height to 10.7 m
- rr) Section 4.10.1 xiv) shall be amended by deleting the word single.
- ss) Section 4.10.2 viii) shall be amended by adding the word "Building" after "Maximum" and modifying the height to 10.7 m.
- tt) Section 4.11.2 viii) shall be amended by adding the word "Building" after "Maximum."
- uu) Section 4.13.2 viii) shall be amended by adding the word "Building" after "Maximum."
- vv) Section 5 DEFINITIONS shall be amended by deleting the definition of a Basement.
- ww) Section 5 DEFINITIONS, Bed and Breakfast Establishment shall be amended by deleting, "A home occupation within a single family" and replacing with "A detached"
- xx) Section 5 DEFINITIONS shall be amended by adding the following definition "**Building Height** Building Height means the vertical distance between the top of the subfloor of the basement storey, where one exists, or the top of the subfloor of the first storey of the building, and: a) the highest point of the roof surface of a flat or domed roof, or any other roof with a cupola except in the case of a boathouse or boatport; or b) the deck line of a mansard roof; or c) the midpoint between the eaves and the peak for any roof structure that has a peak. When applied to accessory buildings, building height shall be measured as the vertical distance between the average natural grade and the peak of the roof on all sides of the building. When applied to in-water boathouses and boatports, building height shall be measured from the high water level to the midpoint between the eaves and the peak.
- yy) Section 5 DEFINITIONS shall be amended by amending the definition

for “**Cellar**” by replacing the current definition with the following “A portion of a building below the first storey floor which is partly or wholly underground and which has more than 50% of its height, from finished floor to finished ceiling or to the underside of the floor joints of the first floor, below the average finished grade level adjacent to the exterior walls of the building.”

- zz) Section 5 DEFINITIONS shall be amended by amending the definition for “**Dwelling, Boarding House**” by replacing the current definition with the following “A detached dwelling in which the owner or his agent resides and in which lodging for more than two persons other than members of the owner’s or agent’s family, in return for remuneration or for the provision of services or both and in which the guest rooms do not have bathrooms and kitchen facilities for the exclusive use of the individual occupants but shall not include a motel, hotel, bed and breakfast, hostel, hospital, children’s home, long term care facility, retirement home or other similar establishment.”

- aaa) Section 5 DEFINITIONS shall be amended by amending the definition for “**Farm**” by replacing the current definition with the following “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.”

- bbb) Section 5 DEFINITIONS shall be amended by adding a new definition, Finished Grade, Average as follows “The average elevation of the finished surface of the ground at ground level on all sides of a building or structure.”

- ccc) Section 5 DEFINITIONS shall be amended by adding the following definition “**Floor Level**” The level of a building, being the basement, cellar, or other storey of a building”.

- ddd) Section 5 DEFINITIONS shall be amended by deleting height of buildings and the definition and replacing it with the following “**Height** Means the vertical distance between the average natural grade at the front of the structure or features, and the top of the structure or features. Building height is defined separately”.

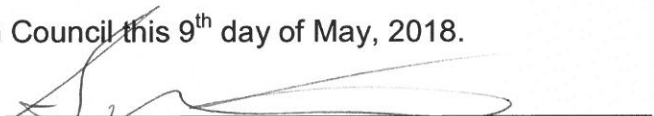
- eee) Section 5 DEFINITIONS shall be amended by adding the following definition "**High Water Mark** The location where the high water level of a lake or river meets the land."
- fff) Section 5 DEFINITIONS shall be amended by adding the following definition "**High Water Level** Mean the highest normal or controlled water level of a lake."
- ggg) Section 5 DEFINITIONS shall be amended by deleting the current definition and adding the following definition "**Home Industry** Any occupation of an industrial nature conducted entirely within a building or part of a building accessory to a detached dwelling".
- hhh) Section 5 DEFINITIONS shall be amended by deleting the current definition and adding the following definition of a Home Occupation "An occupation carried on by the occupant of a dwelling on his premises as a secondary use in connection with which there is no display, no stock in trade nor commodity sold upon the premises and which is clearly subordinate or incidental to the principal use of the dwelling for residential purposes."
- iii) Section 5 DEFINITIONS shall be amended by adding the following definition "**Leaching Bed** An absorption system constructed as absorption trenches or as a filter bed, located wholly in ground or raised or partly raised above ground, as required by local conditions, to which effluent from a treatment unit is applied for treatment and disposal and that is composed of:
- a) the soil, as defined in Part 8 of Division B of the Ontario Building Code, leaching bed fill or other filter media that is contained between the surface on which the sanitary sewage is applied and the bottom of the bed;
 - b) The distribution pipe and the stone or gravel layer in which the distribution pipe is located; and
 - c) The backfill above the distribution pipe, including the topsoil and sodding or other anti-erosion measure, and the side slopes of any portion elevated above the natural ground elevation."
- jjj) Section 5 DEFINITIONS shall be amended by adding the following definition "**Septic System**" a) a leaching bed system; or
b) a tertiary treatment system, with a treatment unit as defined by the Ontario Building Code, which meets the Treatment Unit Effluent Quality Criteria of Table 8.6.2.2 of the Ontario Building Code".
- kkk) Section 5 DEFINITIONS shall be amended by deleting the definition for "**Shipping Container**" in its entirety.

- lll) Section 5 DEFINITIONS shall be amended by adding the following definition "**Storage Container** Means the trailer portion of a tractor-trailer unit or transport truck without the running gear, or a rail or sea container which is traditionally used for the shipping and transportation of goods and materials".
- mmm) Section 5 DEFINITIONS shall be amended by deleting the current definition for "**Storey**" and adding the following definition "means a part of a building between the surface of one floor and the ceiling above. However, a cellar does not count as a storey."
- nnn) Section 5 DEFINITIONS shall be amended by adding the following definition "**Storey, Basement**" means any storey below the first storey which is at least 50% above finished grade along wall face at the front of the building."
- ooo) Section 5 DEFINITIONS shall be amended by adding the following definition for "**Storey, Cellar** and adding the following definition "means any storey below the first storey which is more than 50% below finished grade (measured from finished floor to finished ceiling)".
- ppp) Section 5 DEFINITIONS shall be amended by adding the following definition "**Storey, First** means the storey with its floor closest to finished grade and having its ceiling at least 1.5 metres above finished grade, but is not a basement."
- qqq) Section 5 DEFINITIONS shall be amended by adding the following definition "**Storey, First** means the storey with its floor closest to finished grade and having its ceiling at least 1.5 metres above finished grade, but is not a basement."
- rrr) Section 5 DEFINITIONS shall be amended by deleting the current definition for "**Storey, Half**" and adding the following definition means that portion of a building situated above the first storey that is wholly or in part within the roof".
- sss) Section 5 DEFINITIONS shall be amended by adding a definition for "**Subfloor** The finished flooring of a basement or cellar or the first course of flooring supported by joists of any other floor level of a building".
- ttt) That the diagrams included as Schedule A-1 to this By-law shall be included in the By-law to assist with interpretation.
- uuu) That Schedule A-2 to this By-law shall be included as Schedule B-1 to the Zoning By-law.


2. This By-law shall come into force and effect pursuant to the provisions of and

Regulations made under the *Planning Act*.

READ AND ENACTED in Open Council this 9th day of May, 2018.

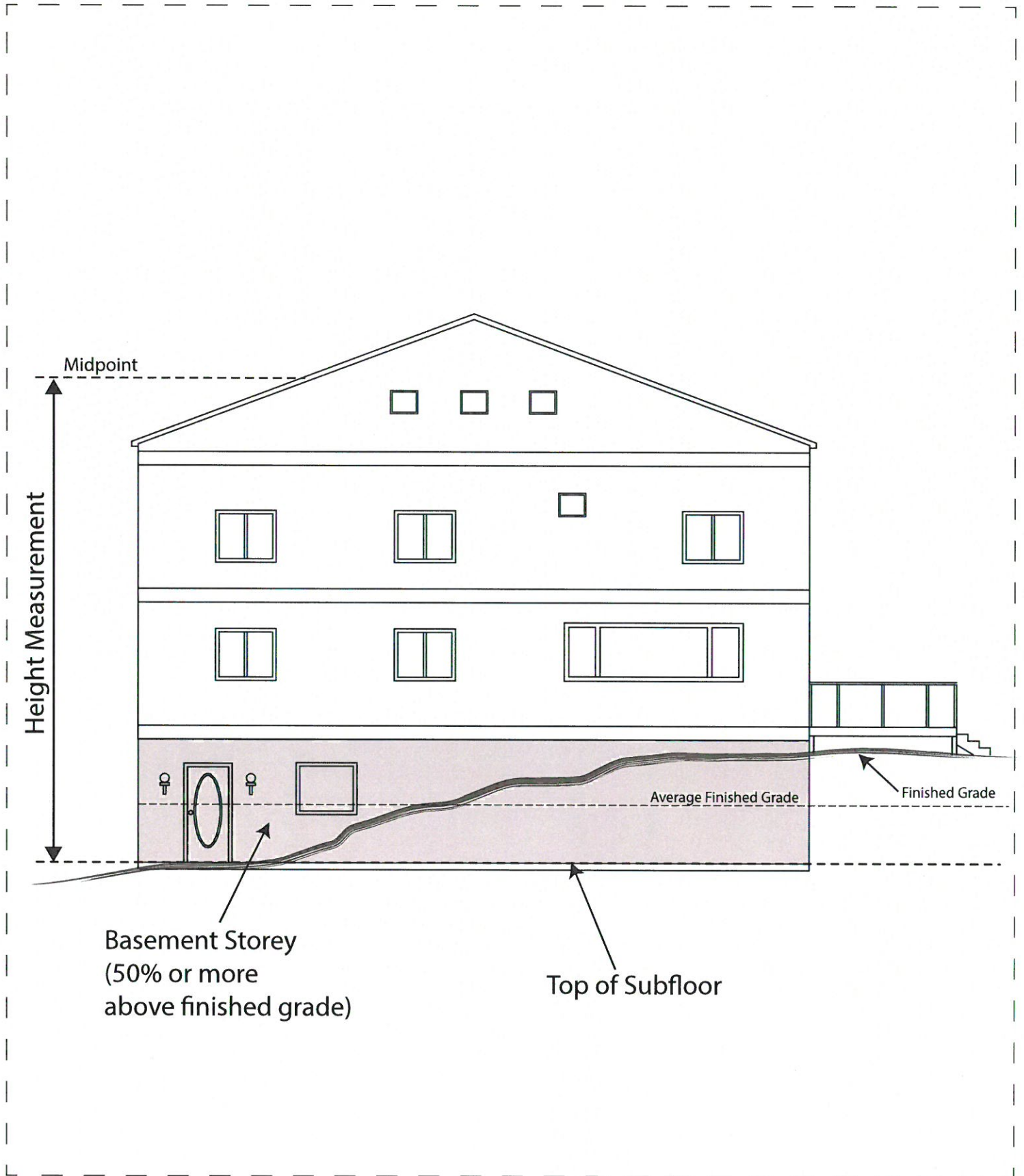


SAM DUNNET, MAYOR

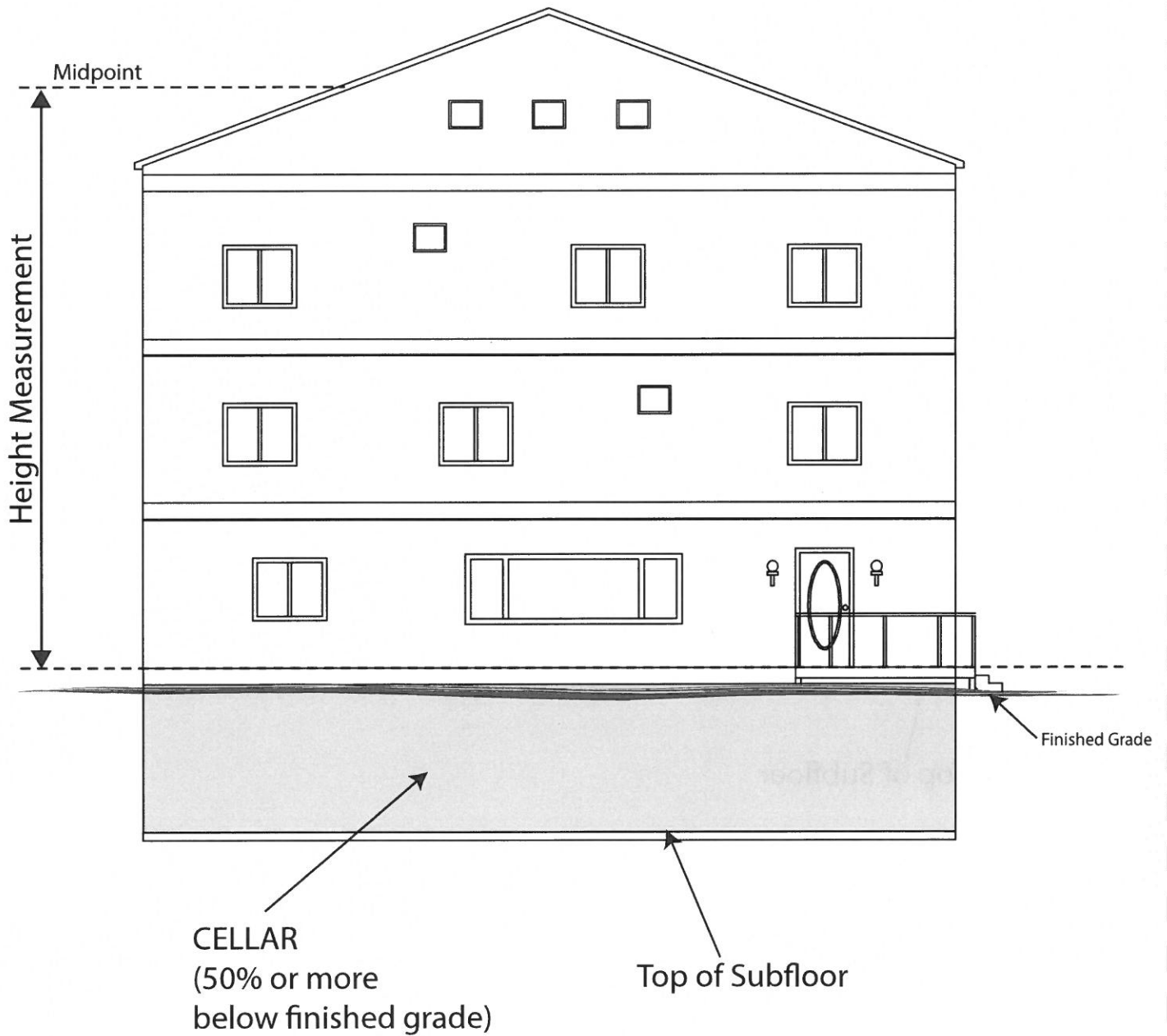


ANDREW FARNSWORTH, CLERK

1 - BASEMENT - Building Height Measurement



2 - CELLAR - Building Height Measurement

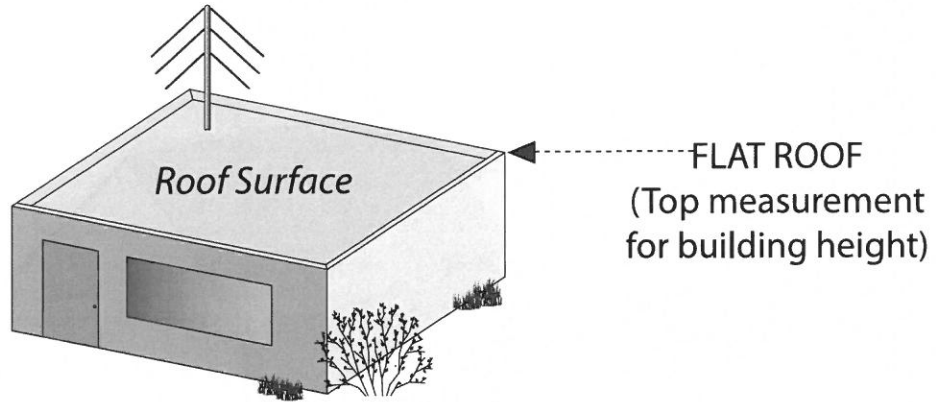


3 - NO BASEMENT OR CELLAR - Building Height Measurement

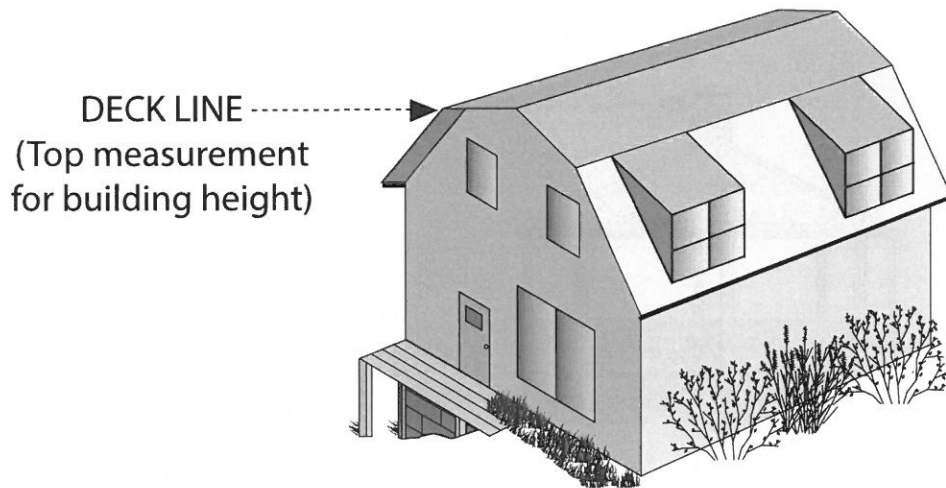


HEIGHT OR BUILDING HEIGHT

FLAT/DOMED ROOF

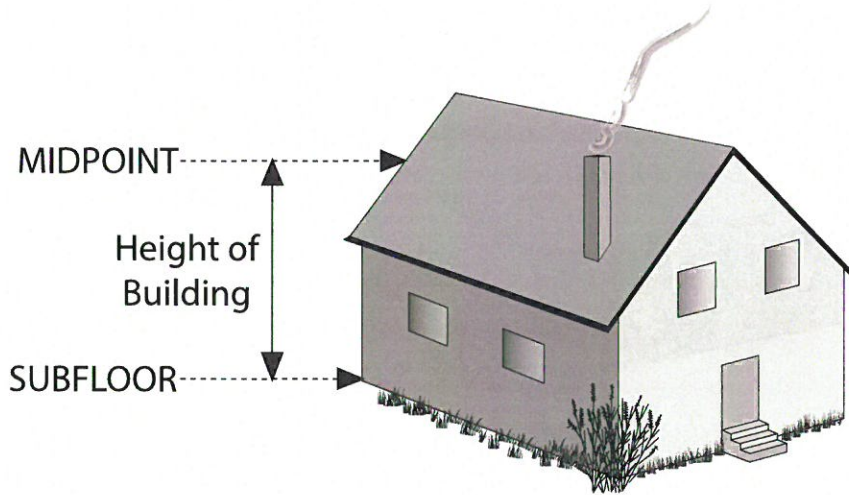


MANSARD ROOF

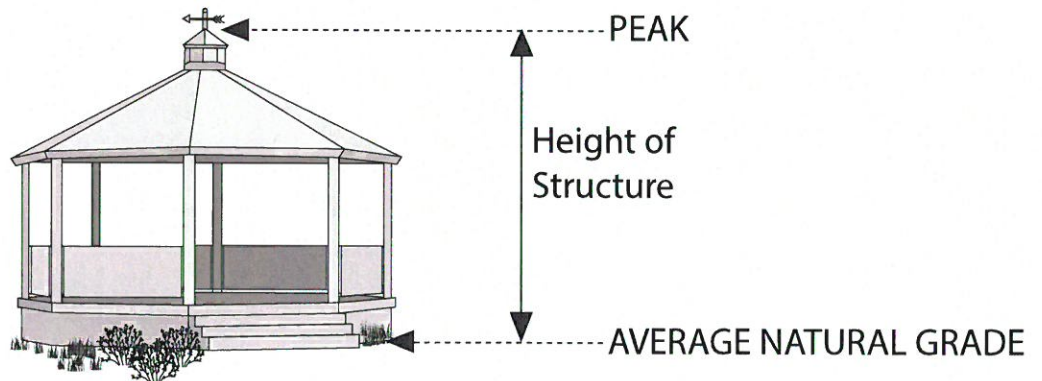


HEIGHT OR BUILDING HEIGHT

STRUCTURE WITH PEAK



ACCESSORY STRUCTURES





This illustration does not form part of this By-law and is provided for convenience only.

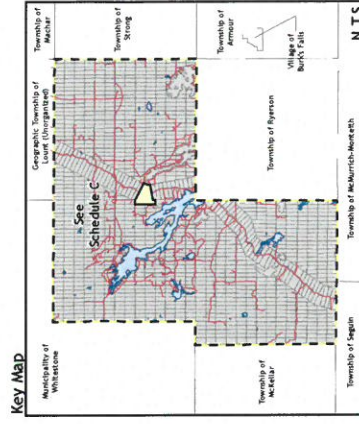
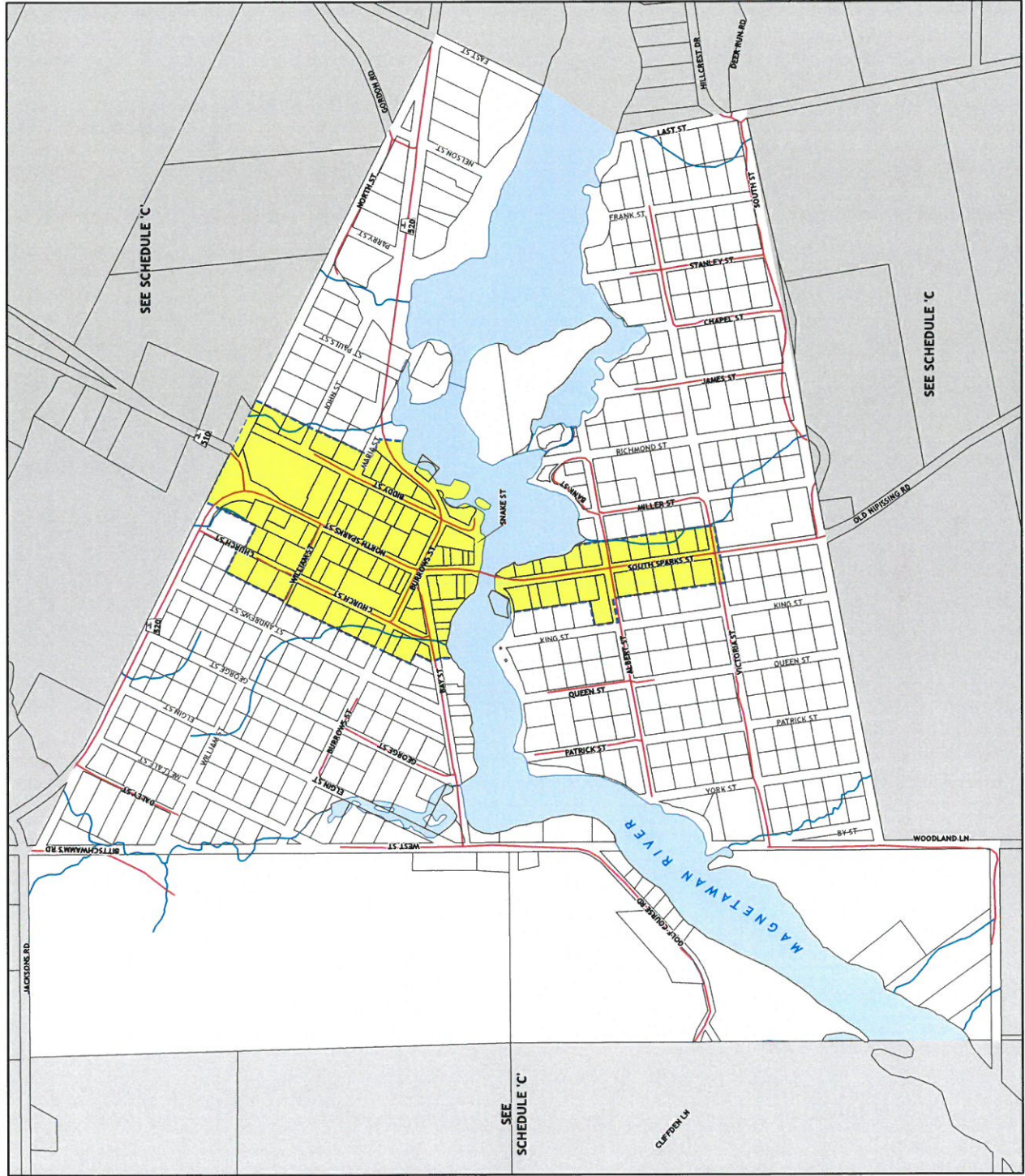
Municipality of MAGNETAWAN

SCHEDULE B1

To
Zoning By-law 2018-___
Village of Magnetawan

Legend

-  Lot Lines
-  Parking Area Regulation Boundary - Refer to Section 3.22



PLANNING
URBAN DESIGN
& LANDSCAPE
MHBC ARCHITECTURE

as Amended March 2018

