

**THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN
BY-LAW NO. 2014-08**

Being a By-law to correct certain errors and omissions in
Zoning By-law No. 2001-26 and make minor
Housekeeping changes to the By-law

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 errors and omissions in the Zoning By-law and certain housekeeping changes required, and Council deems it appropriate to correct these errors; and make these minor changes and updates to the Definitions Section ; and to improve and clarify provisions related to construction uses; 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 3.4 Construction Uses is hereby amended by adding the following paragraph after the existing paragraph.

Notwithstanding the provisions set out in Section 3.6 to the contrary, where a Building Permit for construction of a dwelling has been issued by the Municipality, an existing dwelling may be occupied 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 occupant 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.

2. Section 3.14 is hereby amended by adding the following and by renumbering the remainder of the section accordingly.

3.14 Minimum Dwelling Unit Size

No dwelling unit shall have a ground floor area of less than 65m² (700 sq. ft.) unless specifically provided for by this By-law.

3. Section 4.2.4 has been amended by adding the following:

4.2.4.1 Shoreline Residential Exception Eight (RS-8) Zone

Notwithstanding the requirements of this By-law to the contrary the following provisions will apply to the lands within the Shoreline Residential Exception

Eight (RS-8) Zone in Part of lots 11 and 12, Concession 7, geographic Township of Croft as identified on Schedules "1, 2 and 3" attached hereto:

a) *Permitted Uses, Buildings and Structures as identified on Schedule "3" and more particularly described as follows:*

i) *North Parcel (Part 1 of Reference Plan No. 42R-16258)*

- *A one and one half storey existing dwelling*
- *A one and one half storey proposed garage*
- *An existing privy to be relocated as shown*
- *An existing dock*
- *And existing deck*
- *A proposed septic system*
- *A proposed deck*

ii) *South Parcel (Part 2 of Reference Plan No. 42R-16258)*

- *A one and one half storey existing dwelling*
- *A one and one half storey existing garage and sleeping cabin*
- *An existing concrete barbeque pad*
- *An existing boathouse and dock*
- *An existing deck*
- *A proposed septic system*
- *A proposed deck*

b) *Size and Location of Buildings and Structures*

The size and location of the permitted buildings and structures are indicated on a site plan attached to a consent agreement that is registered on the title of both parcels at the Land Registry Office in the Town of Parry Sound in the District of Parry Sound. No buildings or other structural development is permitted beyond that identified on Schedule "3" to this By-law.

c) *Habitat Area Zones*

The habitat area zones are those areas on each parcel outside of building, structure, driveway and septic locations including that found in the Hardwood Bush identified in Schedule "3", the Site Plan where the significant vegetation is to be maintained except as provided in the Site Plan and Consent Agreement described above.

Habitat Area Zones are made up of the conifer fringe along the shoreline, the conifer patches between the shoreline and the rear lot line, and, associated regenerating deciduous shrubs and sapling generally within thirty (30) metres of conifer cover, and identified on Schedule "3", the Site Plan.

For the purposes of this By-law, the term "significant vegetation" means "coniferous vegetation and associated regenerating deciduous shrubs and saplings generally within thirty (30) metres of conifer cover, significant to deer for winter habitat."

- d) *Lot Standards*
As identified on Schedules "2" and "3", the minimum lot size shall be 0.542 hectares for the north parcel (Part 1) and 0.63 hectares for the south parcel (Part 2). The minimum lot frontage shall be 45 metres for each parcel.
- e) *Other Provisions*
All other general applicable provisions or zone requirements if not specifically addressed in this amending By-law shall continue to apply.

4.2.4.2 Shoreline Residential Exception Nine (RS-9) Zone

Notwithstanding the setback requirement from High Water mark and the minimum front yard setback in the RS Zone, on lands located in Part of Island H in Ahmic Lake (Croft) and zoned RS-9, the minimum setbacks between the two front corners of main dwelling and the high water mark shall be 3.96 metres at the north-east corner and 11 metres at the south-east corner.

4.2.4.3 Shoreline Residential Exception Ten (RS-10) Zone
(Part of Lot 20, Concession 8, Croft)

Notwithstanding the provisions of Section 3.1 (g) (iii), and on lands within the RS-10 zone, a second boathouse shall be permitted within 2.0 metres of an existing boathouse and the following provisions shall apply:

- a) *The maximum width of the existing boathouse shall be 6.0 metres;*
- b) *The maximum width of the new boathouse shall be 15.25 metres, and*
- c) *The maximum height of the new boathouse shall not exceed 1 storey.*

4.2.4.4 Shoreline Residential Exception Fourteen (RS-14) Zone
(Part of Lot 22, Concession 1, Chapman)

Notwithstanding, the regulations for permitted uses, on lands in Part of Lot 22, Concession 1 and located in the RS-14 Zone, the minimum interior side yard shall be 0.75 metres and further this minimum shall only apply to buildings which existed on the date this By-law was passed.

4.2.4.5 Shoreline Residential Exception Fifteen (RS-15) Zone
(Part of Lots 28 and 29, Concession 5, Chapman)

Notwithstanding, Section 4.2.2.(i) in the Shoreline Residential (RS) Zone, on lands in Part of lot 28 and 29, concession 5 and located in the RS-15 Zone, the minimum lot frontage shall be 65 metres.

The Holding symbol shall be removed subject to the approval of the Ontario Municipal Board of Consent Application Bo45/07 or a withdrawal or dismissal of the appeal to Bo45/07.

4.2.4.6 Shoreline Residential Exception (RS-18) Zone

(Part of Lot 20, Concession 5, Croft 42R 18872)

Notwithstanding Section 4.2.2 in the Shoreline Residential (RS) Zone, for lands located in Part of Lot 20, Concession 5 and legally described as Parts 1 through 5, Plan 42R 18872 and located in the RS-18 Zone, the following provisions shall apply:

- 1. Minimum shoreline frontage shall be 85 metres;*
- 2. Minimum lot area shall be 0.85 hectares;*
- 3. Minimum depth of natural vegetated buffer along the full width of the shoreline shall be 15 metres measured at right angles to the shoreline;*
- 4. Maximum width of shoreline activity area 10 metres located at or near the water's edge;*
- 5. Maximum area of shoreline activity area shall be 50m²;*
- 6. Maximum width of trail from dwelling to shoreline activity area shall be 2.5 metres;*
- 7. Minimum setback from water's edge for a septic system shall be 30 metres.*

Furthermore, for lands located in the RS-18 zone, Sections 3.1 (f) and 3.6 (second and third paragraphs) of By-law 2001-26 shall not apply.

4.2.4.7 Shoreline Residential Exception Nineteen (RS-19) Zone

(Part of Lot 20, Concession 5, Croft)

Notwithstanding Section 4.2.2 in the Shoreline Residential (RS) Zone, for lands located in Part of Lot 20, Concession 5 and legally described as Parts 6 and 7, Plan 42R-18872 and located in the RS-19 Zone, the following provisions shall apply:

- 1. Minimum shoreline frontage measured at right angles from interior lot lines shall be 50 metres.*
- 2. Minimum lot area shall be 0.85 hectares;*
- 3. Minimum depth of natural vegetated buffer along the full width of the shoreline shall be 15 metres measured at right angles to the shoreline;*
- 4. Maximum width of shoreline activity area 10 metres located at or near the water's edge;*
- 5. Maximum area of shoreline activity area shall be 50m²;*
- 6. Maximum width of trail from dwelling to shoreline activity area shall be 2.5 metres; and,*
- 7. Minimum setback from water's edge for septic system shall be 30 metres.*

Furthermore, for lands located in the RS-19 zone, Sections 3.1 (f) and 3.6 (second and third paragraphs) of By-law 2001-26 shall not apply.

For the purposes of the RS-18 and RS-19 Zones, the following definitions shall apply:

1. *Natural Vegetated Buffer – shall mean lands which abut the water's edge which are maintained in a natural vegetated state with the exception of the Shoreline Activity Area. Outside of the Shoreline activity Area, pruning or removal of dying, dead or diseased trees is permitted provided that replanting of native species is undertaken to replace such trees or vegetation.*
 2. *Shoreline Activity Area – shall mean lands located within the Natural Vegetated Buffer which abut the shoreline and are used for recreation and activity associated with the lake. Within the Shoreline Activity Area, no building or structures are permitted which require a Building Permit under the Ontario Building Code Act.*
4. Section 4.8.4 is hereby amended by adding section 4.8.4.3 as follows:

4.8.4.3 General Commercial Exception (CG-3) Zone
(Part of Lot 35, Concession 8, Chapman)

In addition to the permitted uses in the General Commercial (CG) Zone, on lands in Part of Lot 35, Concession 8 and located in the CG-3 Zone, additional permitted uses shall include a mini-storage facility and a storage and/or maintenance building for a dry-mix cement business. For the purpose of the CT-3 Zone, the following definition of mini-storage shall apply:

Mini-Storage – shall mean a self-storage facility consisting of a building or buildings containing individual, self-contained units that are leased to the general public as a commercial venture for the purpose of storing personal and/or household goods.

5. Section 4.10.4 (Tourist Commercial Zone Exceptions) is hereby amended by adding the following:

4.10.4.1 Tourist Commercial Exception (CT-1) Zone
(Part of Lots 28 and 29, Concession 5, Chapman)

Notwithstanding, the permitted uses in the Tourist Commercial (CT) Zone, on lands in Part of Lot 28 and 29, Concession 5 and located in the CT-1 zone, the only permitted uses shall be three rental cabins, an office, ancillary storage and commercial tourist recreation amenities.

Furthermore, notwithstanding Section 3.14 Minimum Opening Elevation, on lands located in the CT-1 Zone, up to three rental cabins may be established at 284.67 CGD.

4.10.4.2 Tourist Commercial Exception (CT-2) (H) Zone
(Part of Lots 28 and 29, Concession 5, Chapman)

Notwithstanding, the permitted uses in the Commercial (CT) Zone, on lands in Part of Lot 28 and 29, Concession 5 and located in the CT-2 Zone, the only permitted uses shall be a light equipment sales and rental establishment, a marine sales and service establishment and a detached dwelling. For the purpose of the CT-2 Zone, a tractor sales and repair business shall be considered a light equipment sales and rental establishment. Furthermore, in the CT-2 Zone, the following additional provisions shall apply:

- a) minimum setback from any interior or rear zone boundary shall be 10 metres;*
- b) the area used for open storage may not exceed 4,000 square metres;*
- c) open storage shall not include salvage or wreckage uses;*

The Holding symbol shall be removed upon completion to Council's satisfaction of a site plan and site plan agreement.

6. Section 4.11.4 (General Industrial Exceptions) is hereby amended by adding the following:

4.11.4.1 General Industrial Exception One (M1-1) Zone

Notwithstanding the permitted uses in the General Industrial (M1) zone to the contrary, within the General Industrial Exception One (M1-1) Zone a public works yard shall also be permitted.

In all other respect the provisions of the General Industrial (M1) Zone shall apply.

- Section 4.12.5 (Extractive Industrial Exception) is hereby amended by adding the following:

4.12.5.1.1 Extractive Industrial Exception One (MX-1) Zone

(Part Lot 27, Concession 5, Chapman) Muskoka Thinstone

Notwithstanding Sections 3.23 of Zoning By-law No. 2001-26, as amended, on lands located in Part Lot 27, Concession 5 and zoned Extractive Industrial Exception (MX-1), the only permitted uses shall be a staging, storage and loading area together with an accessory building, all of which is accessory to an existing legal non-conforming quarry to accommodate storage and granite processing as well as administrative offices and a retail showroom.

Within the MX-1 Zone, uses which are not permitted include portable or fixed cement or asphalt plants or the stockpiling and storage of aggregate based recyclable material not originating on site.

Notwithstanding Sections 4.12.2. and 4.12.3, any building in the MX-1 Zone shall maintain a minimum 50 metre setback from the front lot line and a 120 metre setback from the boundary of the Distress River Provincially significant Wetland.

For land located within the MX-1 Zone, no building permit shall be issued until the owner enters into or amends an existing Development Agreement with the Municipality of Magnetawan.

In all other respects the provisions of By-law 2001-26, as amended, shall apply.

7. Section 5.30 (Definition) is hereby amended by deleting the following duplicated definition and by renumbering the section accordingly:

Building Height

The vertical distance measured between the average finished grade level in the front yard and the highest point of the roof surface or the parapet, whichever is the greater.

In calculating the height of a building, any structure used as an ornament or for the mechanical operation of the building such as a chimney, cupola or steeple shall not be included.

8. Section 5.82 (Definition) is hereby amended by deleting the following duplicated definition and by renumbering the section accordingly:

Farm – Specialized

Any land on which the predominate economic activity consists of raising chickens, turkeys, or other fowl, the raising of fur bearing animals, the raising of swine, goats, horses, or cattle on feed lots, the raising or boarding of dogs or cats or the growing of mushrooms.

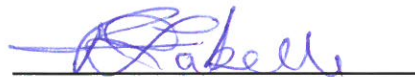
9. Section 5.104 (Definition) has been amended to include the word "average" after the word "the" and before the word "vertical" and further by adding the following paragraph to the end of the section, "In calculating the height of a building, any structure used as an ornament or for the mechanical operation of the building such as a chimney, cupola or steeple shall not be included."
10. Schedules "A1", "A2", "A3", "B" and "C" are hereby removed and replaced with Schedules "A1", "A2", "A3", "B" and "C" attached hereto and forming part of this by-law.

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 THIRD TIME AND FINALLY PASSED THIS 12th DAY OF March 2014.



MAYOR, Sam Dunnett



CLERK, Roger Labelle