

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2012-12

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 to improve and clarify provisions related to accessory structures; 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 6 metres except where a second storey is permitted the accessory building may be 7.6 metres in height.
2. Section 3.1 (e) through (j) are hereby amended to (f) through (k).
3. Section 3.1 (e) is hereby amended by adding the following:
 - e) *Setback from Principal Building*
An accessory building may be erected no closer than 2.4 metres from the principal building on the lot.
4. Section 3.1 (k) is hereby amended by adding "or other accessory building" after the word "boathouse".
5. Section 3.4 is hereby amended by deleting the number "10" and replacing it with the number "20".
6. Section 3.9 d) is hereby deleted and replaced by the following:

3.9 d) *Hunt Camps*

Notwithstanding the provisions of 3.9 (a) and (b) a Hunt Camp shall be permitted if it is located on an existing lot which has access onto an unimproved municipal road allowance, a private road or a maintained municipal road.

7. Section 3.13 is hereby amended by deleting subsection “3.13 Minimum Dwelling Unit Size” and renumbering the remaining subsections accordingly.
8. Section 3.13 “Minimum Distance Separation” is hereby amended to read as follows:

No building shall be constructed in the rural and agricultural zoned which does not conform to the MDSI and MDSII Formulas as the Ministry of Agriculture Food and Rural Affairs unless the building or structure is proposed on an existing lot of record.

Setbacks for new dwellings constructed on lots created after the approval of this By-law, other than the lot containing the barn from barns containing livestock shall be required in conformity with the MDSI Formula, attached to and forming part of this By-law as Schedule D.

New barns or expansions to existing barns shall require setbacks in conformity with the MDSII Formula, attached to and forming part of this By-law as Schedule E.

9. Section 3.18 “Non-Complying Lots, Buildings and Structures” has hereby been deleted and replaced by the following:

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, repaired and/or renovated provided that the enlargement, reconstruction or renovation and/ or repair does not further reduce the front yard, and/ or side yard, and/ or rear yard or increase lot coverage beyond the requirements of this By-law except as follows;

Where a detached dwelling encroaches into the required front yard of a waterfront lot, the dwelling may be enlarged, repaired, replaced or renovated in that yard provided that the enlargement, repair, replacement or renovation complies with the following provisions:

For the purpose of applying these provisions, the most restrictive regulation shall apply to a non-complying building.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Existing Dwelling Distance from Shoreline</i>	<i>Maximum Floor Area Increase</i>	<i>Shoreline Width Increase (max) (1)</i>	<i>Height Increase (max) (2)</i>	<i>Maximum Ground Floor Area (3)</i>
<i>Less than 5 m</i>	<i>23 sq. m.</i>	<i>0%</i>	<i>1.0 m</i>	<i>93 sq.m</i>
<i>≥5 m & <10 m</i>	<i>32.5 sq. m.</i>	<i>20%</i>	<i>2.0 m</i>	<i>112 sq.m</i>
<i>≥10 m & <15 m</i>	<i>46 sq. m.</i>	<i>30%</i>	<i>2.5 m</i>	<i>125 sq.m.</i>
<i>≥15 m & < 20 m</i>	<i>56 sq. m.</i>	<i>60%</i>	<i>3.0 m</i>	<i>139 sq.m</i>

Footnotes for Table 4.1

- (1) Shoreline width of the dwelling shall be measured along the exterior wall of the building that faces the waterbody measured at right angles to the shoreline.*
- (2) Notwithstanding the maximum height increase, the height of an existing dwelling may be increased by the amount necessary to meet the minimum slope requirements of the Ontario Building Code or to permit a 1/2 storey above the first storey.*
- (3) Notwithstanding the maximum floor area increase of Column 2, a dwelling may be expanded to the maximum floor area set out in Column 5.*

- i) the building or structure is being used for a purpose permissible within the Municipality in which it is located; and,*
- ii) all other applicable Provisions of this By-law are complied with.*

b) Reconstruction of Existing Building

Nothing in this By-law shall prevent the reconstruction of a legally existing building that does not comply with the provisions in this By-law, provided that no part of the building that is non-complying is increased in height or volume except as permitted in the table above.

c) 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 size following adoption of this By-law may also be used in accordance with this provision.

10. Section 3.21 has hereby been amended by adding the words “specifically permitted by this By-law and” after the word “unless” in the first paragraph.

11. Section 3.21 is hereby amended by adding a new section after sub-section (h) as follows:

i) Barrier Free Parking

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 (13ft) and minimum length of 5.5 m (18 ft);

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.

12. Section 3.28 “Shipping Containers” is hereby added after Section 3.27 “Setbacks from Waste Disposal Areas” as follows:

3.28. Shipping Containers

Shipping containers may be used within the Municipality of Magnetawan for the use of commercial and industrial storage, provided that the exterior is covered in a manner appropriate to the use and it is located on the lot in accordance with the provisions for accessory buildings.

13. Section 4.1.2 (i) is hereby amended by deleting “0.8 ha” and replacing with “1.0 ha” and deleting “2.0 acres” and replacing with “2.5 acres”.

14. Section 4.1.2 (ii) is hereby amended by deleting “45 m” and replacing with “60.0 m” and deleting “150 ft” and replacing with “200 ft”
15. Section 4.3.1 is hereby amended by adding (iv) converted dwelling and renumbering the remaining subsections accordingly.
16. Section 4.3.2 (iii) is hereby amended by deleting “7.5 m” and replacing with “6.0 m” and deleting “25 ft” and replacing with “20 ft”.
17. Section 4.4.1 is hereby amended by adding (iv) converted dwelling and renumbering the remaining subsections accordingly.
18. Section 4.4.2 (iii) is hereby amended by deleting “7.5 m” and replacing with “6.0 m” and deleting “25 ft” and replacing with “20 ft”.
19. Section 4.5.1 (ii) is hereby amended by deleting the word “enter” after the word “community” and adding the word “centre”.
20. Section 4.6.2 (ii) is hereby amended by deleting “135 m” and adding “134 m” and deleting “445 ft” and adding “440 ft”.
21. Section 4.8.2 (ii) is hereby amended by deleting “45 m” and adding “60.0 m” and deleting “150 ft” and adding “200 ft”.
22. Section 4.9.2 (ii) is hereby amended by deleting “30.0 m” and adding “20 m” and deleting “100 ft” and adding “66 ft”.
23. Section 4.11.2 (i) is hereby amended by deleting “0.8 ha” and adding “1.0 ha” and deleting “2.0 acres” and adding “2.5 acres”.
24. Section 4.17 is hereby amended by adding:

“Section 4.17 Temporary Uses

Where on Schedules to this By-law, a symbol “T”, and a number, identify a property that is subject to a temporary use permission one or more additional but temporary uses are permitted on the lands noted until the permission granted by the site specific Temporary Use By-law expires in accordance with the policies of the Official Plan and Section 39 of the Planning Act, R.S.O. 1990, c.P.13, as amended. Table 4.23, below, identifies the Temporary Use Zones within the Municipality.

Table 3 : Temporary Uses

Symbol	Zone Designation	Property/Legal Description	Temporary Uses Permitted	Date Enacted	Expiry Date
T1	CV	All lands in the zone	Tents and Trailers may be used for purposes permitted in the By-law. No additional parking shall be required		

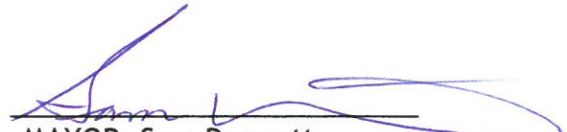
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This By-law shall come into force and effect upon the date of passage hereof and take effect on the last day after the last day for filing appeals in accordance with the provisions of the Planning Act, R.S.O. 1990, c.P.13.

READ A FIRST TIME THIS 23rd DAY OF MAY, 2012.

READ A SECOND TIME THIS 23rd DAY OF MAY, 2012.

READ A THIRD TIME AND FINALLY PASSED THIS 23rd DAY OF MAY, 2012.


MAYOR, Sam Dunnett


CLERK, Roger Labelle