 <p>Municipality of Magnetawan</p>	<p>REPORT TO COUNCIL</p>
<p>To:</p>	<p>Mayor and Council</p>
<p>From:</p>	<p>Erica Kellogg – Deputy Clerk Planning and Development</p>
<p>Date of Meeting:</p>	<p>November 6th, 2024</p>
<p>Report Title:</p>	<p>Housekeeping Amendment to Zoning By-law No. 2001-26</p>

Background:

This report is to provide a summary of general 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 ensuring the By-law remaining current, accurate and clear.

Evaluation:

Zoning By-laws are living documents that often require updates, such as housekeeping amendments and consolidations. These types of updates allow Staff to review and address minor items such as typos, grammatical and numerical mistakes, formatting, outdated or inconsistent provisions and incorporate previously approved Site-Specific Amendments.

Staff have identified the need for Housekeeping Zoning By-law amendments addressing the following amendments:

- 1) Permission to establish a dock
- 2) Inclusion of 2nd Storey Boathouses
- 3) Revision to Additional Dwelling Units Detached and Attached;
- 4) Revisions to Hunt Camps;
- 5) Revisions to Storage Containers; and
- 6) Grammatical errors.

Analysis:

Proposed Zoning By-law Amendment	Staff Explanation
<p>Delete Section 3.1 a) Permitted Uses</p> <p><i>Where this By-law provides that a lot may be used and a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use provided that a valid building permit for the principal use, if required, is issued or that the principal building or structures is already in existence on the lot.</i></p> <p>Amend with:</p> <p><i>Where this By-law provides that a lot may be used and a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use provided that a valid building permit for the principal use, if required, is issued or that the principal building or structures is already in existence on the lot unless the erection of an accessory structure is specifically permitted within this By-law absent the principal use.</i></p>	<p>Docks are considered a 'structure' within the current Zoning By-law and as such, a dock can not be placed on waterfront properties if a dwelling does not exist or a building permit for a dwelling has not been issued. This amendment would permit the erection of docks on lands absent the principal use (dwelling) as noted in <i>Section 3.1 f) Boat Dock or Launching Ramp.</i></p> <p>Examples where this new provision, if adopted, could be implemented include properties divided by a road yet in singular ownership. In these situations, if the dwelling is located on the 'backlot' the waterfront parcel cannot be utilized for waterfront recreation without a primary use (residential dwelling) existing on that waterfront parcel.</p> <p>Additionally, there are undeveloped properties in the Municipality where an owner is not permitted to utilize the property for mainland docking purposes for their residential water access property.</p> <p>The inclusion of the provision will not alter any other by-law, including the prohibition of trailers on shoreline properties.</p>

<p>Delete 3.1 f) Boat Dock or Launching Ramp</p> <p><i>Notwithstanding the yard provisions of this By-law to the contrary, a boat launching rap or a dock may be erected and used in any yard, or pertaining to a lot abutting on a navigable waterway, provided such ancillary structure is located no closer than 1.5 metres to the side lot line or the 90 degree projection of the side lot line where it meets the tangent of the front lot line at the shoreline.</i></p> <p>Replace with:</p> <p><i>Notwithstanding the yard provisions of this By-law to the contrary, a boat launching ramp or a dock may be erected on land, including vacant land provided;</i></p> <ul style="list-style-type: none"> <i>i) such ancillary structure is located no closer than 1.5 metres to a side lot line or;</i> <i>ii) the 90-degree projection of the side lot line where it meets the tangent of the front lot line at the shoreline;</i> <i>iii) the property owner of the vacant land is an owner on title of an adjacent parcel of land no further than 10meters from the subject lands measured as a straight line.</i> 	<p>The amendment of this Section will fall in line with the above explanatory note regarding permission for a dock to be placed on waterfront properties prior to the existence of a residential dwelling.</p>
<p>Amend Section 3.1 g) Boathouses</p> <p>Add Section iii) Two-Storey Boathouses</p> <ul style="list-style-type: none"> <i>a) maximum width 15metres of 25% of the lot frontage, whichever is less;</i> <i>b) minimum side yard 6metres;</i> <i>c) minimum lot frontage 75 metres;</i> <i>d) maximum height 7.6 metres;</i> <i>e) prior to the issuance of a building permit, the Chief Building Official shall receive foundation plans certified by a professional engineer or professional architect.</i> 	<p>The 2023 Housekeeping brought forward the removal of the pervious provision permitting second storey boathouses. The approved 2023 Housekeeping changes approved the lowering of the maximum height of boathouses from 7.6 metres to 5 metres. The approved inclusion of this amendment in 2023 brought conformity with other accessory structures height, not including garages (7.6 metres) by removing the provision for two storey boathouses.</p> <p>Returning the previous maximum height (7.6 metres) for a boat house returns the</p>

	<p>permission to establish a two storey boathouse with living quarters above provided no cooking facilities are provided as per the definition and section 3.6 b) ii) Additional Dwelling Unit (detached).</p>
<p>Amend Section 3.6 as follows:</p> <p>Delete: 3.6 Additional Dwelling Units</p> <p><i>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.</i></p> <p><i>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).</i></p> <p>Replace with: 3.6 Dwelling Units on a Lot</p> <p><i>Additional Dwelling Units are permitted within the Agricultural (A) Zone; 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.</i></p> <p><i>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</i></p>	<p>The inclusion of a permitted use of an additional dwelling unit within the Agricultural Zone, will further support requirements under the <i>Planning Act</i> which were put into effect by Bill 108.</p> <p>The current Zoning By-law permits second dwelling in zones where a residential dwelling is permitted but does not specifically identify the Agricultural Zone as a permitted Zone for second dwellings. The inclusion of the Agricultural Zone will provide provisions for both attached and detached dwellings as prescribed in <i>Section 3.6</i>.</p>

<p>which the Additional Dwelling Unit is permitted.</p>	
<p>Delete: 3.6 a) iv) Additional Dwelling Units</p> <p><i>The gross floor area of the Additional Dwelling Unit</i></p> <p>iv) <i>(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).</i></p> <p>Replace with: 3.6 a) iv) Dwelling Units on a Lot</p> <p>iv) <i>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 total gross floor area including the development of the Additional Dwelling Unit area (attached).</i></p>	<p>Existing smaller in size homes are limited to the provision of either a minimum of 450sqft to a maximum of 50% which is measured to not included the additional development of the additional dwelling.</p> <p>An example of the limitations this provision provides: an existing 700sqft home seeking to add a two-bay garage with an additional dwelling (granny suite) above the garage. The owner can not include the new garage in the 50% calculation, leaving a permitted additional dwelling size of 350sqft which does not meet the minimum requirement. Staff suggest permission to include the proposed new development in the measurement calculation.</p> <p>With the inclusion of this permission, all new development will still be required to be compliant with other provisions of the Zoning By-law, including setbacks and total lot coverage.</p>
<p>Section 3.6 a)</p> <p>Add:</p> <p>Section 3.6 a) viii)</p> <p><i>MDS I shall apply to any new Additional Dwelling Unit when the presence of livestock barns, manure storages or anaerobic digesters on adjacent lands are observed or when directed by Staff, with the object of minimizing conflicts (attached);</i></p>	<p>This revision will bring conformity to Additional Dwelling units. An existing home when adding an additional dwelling unit, should comply with the MDS I requirements to minimizing conflicts with existing livestock, barns, manure storages or anaerobic digesters on adjacent lands or when directed by Staff.</p>
<p>Delete: 3.6 b) Additional Dwelling Unit (Detached)</p> <p>iv) <i>An Additional Dwelling Unit (detached) may not be located</i></p>	<p>Section 3.6 b) iv)</p> <p>The provisions intended to restrict additional detached dwellings within the Municipality in size and location. The limitation was to remove the ability to sever the new additional</p>

<p><i>more than 50 metres from the Principal or Main Building;</i></p> <p>v) <i>The Additional Dwelling Unit (detached) may not be larger than 70% of the ground floor area of the principal dwelling unit;</i></p> <p>vi) <i>The maximum height of the Additional Dwelling Unit (detached) shall be 9.0 metres;</i></p>	<p>detached dwelling from the parent parcel, resulting in potentially undersized lots.</p> <p>The restriction of this type of severance is addressed in <i>Section 3.6 b) viii), "The Additional Dwelling Unit (detached) shall not be severed from the lot containing the single detached dwelling, or semi-detached dwelling",</i> thus the restriction of the maximum distance of 50 metres is moot.</p> <p>Section 3.6 b) v): This provision has limited residents' ability to create a new, additional, detached dwelling unit that is more than 70% larger than the primary dwelling, without applying for a conditional permit. An example would be that if a resident has an existing home that is 700sq, the new additional detached dwelling could not be more than 490sqft. This provision would mean that if a resident wished to build a second home as their new primary home, converting the existing home into their 'in-law dwelling' they would not be permitted to do so, without specific Building Permit application permissions.</p> <p>Section 3.6 b) vii) A means to regulate lot coverage when considering additional dwellings, <i>Section 3.1 c) Lot coverage and height</i> and within each Zone lot coverage percentages are prescribed. Thus, provided the proposed development does not exceed the permitted lot coverage, the intensity of development for lot coverage is addressed. Additionally, the inclusion of additional dwellings attached, allows development of an additional dwelling unit within the new dwelling. Bring conformity of building height within specific zones (see below), will provide attached additional dwellings within the new detached additional dwelling.</p>
<p>Replace with:</p> <p>vii) The maximum height of the Additional Dwelling Unit (detached) shall be no greater than the provided maximum height permitted within the required zones.</p>	<p>Rural Residential, Residential Multi, Rural: 10.5m,</p>

	<p>Residential Shoreline, Residential Village: 10.7m, Agricultural: 12m (barns)</p>
<p>Delete Section 3.6 b) x);</p> <p>Minimum Distance Separation (MDS) I shall apply new additional dwelling unit (detached);</p> <p>Replace with:</p> <p><i>x) MDS shall apply to any new Additional Dwelling Unit when the presence of livestock barns, manure storages anaerobic digesters on adjacent lands are observed or when directed by Staff, with the object of minimizing conflicts (detached);</i></p>	<p>The provision as applied would require all applications for a detached additional dwelling to complete a Minimum Distance Separation I calculation. Although some properties abut agricultural uses in which an MDS I calculation would apply, not all properties do, making the provision excessive from non-applicable properties.</p>
<p>3.12 Hunt Camps</p> <p>Hunt camps are permitted in the Rural (RU) Zone subject to the following:</p> <ul style="list-style-type: none"> i) A minimum floor area of 10 square metres; ii) A maximum lot coverage of 50 square metres; (500 square feet) iii) A maximum height of 5 metres; iv) A maximum floor area of 65 square metre 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 <p>Delete 3.12 ii) “a maximum floor area of 50 square metres; (500 square feet);”</p>	<p>Within Section 3.12, ii) and iii) are contradictory. ii) permits a Hunt Camp to be no larger than approx. 500 square feet, while iii) permits a Hunt Camp to a maximum of approx. 700 square feet. The Housekeeping amendment if approved, is to remove ii) establishing Hunt Camps to be no larger than 700 square feet.</p>

<p>3.28 Storage Containers</p> <p>Amend heading to include: Storage/Shipping Container</p>	<p>Throughout the By-law the use of shipping and storage container is combined with the exception of the heading, this revision is suggested for more conformity.</p>
<p>Delete Section 3.28 viii); viii) Containers shall be buffered from adjacent properties with a visual barrier, either fence or tree line, to the same height of the container.</p> <p>Replace with:</p> <p>viii) Containers shall be placed in a manner so not to be visible from a major thoroughfare, or back onto a Provincial Highway and/or from a Municipal owned and/or Municipal maintained road;</p> <p>Add Section ix)</p> <p>iv) Shall be buffered from adjacent properties with a visual barrier being either a fence, tree line, or natural berm, to the same height of the container.</p>	<p>This inclusion will provide additional parameters surrounding the visual impacts of Storage/Shipping Containers in permitted Zones.</p>
<p>Amend Section 5 (Definitions):</p>	
<p>Term 26 Boathouse as follows:</p> <p>Any building or enclosure in which one or more boats, ships or float plans and related equipment are stored, kept or repaired, where there is no habitation living quarters included.</p> <p>Replace with; Any building or enclosure in which one or more boats, ships or float plans and related equipment are stored, kept or repaired, where there is no inclusion of human habitation.</p>	

Term 224 (Shoreline Storage Building) as follows:

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 purposes of this definition, a shoreline storage building shall not include living quarters for human habitat and shall not be used for the storage of motor vehicles, other than watercrafts. The 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.

Replace with:

A shed, 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 purposes of this definition, a shoreline storage building shall not include living quarters for human habitat and shall not be used for the storage of motor vehicles, other than watercrafts. The 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.

This revision will be the removal of dryland boathouses, the remainder of the definition remains unchanged.


Respectfully Submitted,



Erica Kellogg

Deputy Clerk – Planning and Development

On desk November 6, 2024

Proposed Site Specific Zoning By-law Amendment	Staff Explanation
<p>Amend Schedule B to include 9 Jackson Road legally described as Con B Pt Lot 97 within the Community Boundary. Rezone the property from the Rural designation to the Village Residential Zone.</p>	<p>The Community Boundary follows the travelled path of Highway 520, thus the inclusion of this property within the Boundary appears to be reasonable. The owner has provided confirmation they understand the implications of the rezoning and wish to proceed.</p> 
<p>Amend Schedule A-1 to change existing zoning from Tourist Commercial to Residential Shoreline for properties municipally known as 45 and 63 Grandview Lane. These properties legally described as CON 2 & 3 PT LOT 23 RP 42R12912 PARTS 1,11,12 and CON 2 PT LOT 23 RP42R6058 PART 1, were severed from the parent property to the west which was and remains a Tourist Commercial operations.</p>	<p>In 1994 the Municipality provided confirmation of the Zoning being Residential Shoreline, however the Zoning revision was not completed and mapping did not reflect the accurate use. These two properties do not have Tourist Commercial use and the owners has provided confirmation they understand the implications of the rezoning and wish to proceed.</p> 