

The Corporation of The Municipality of Hastings Highlands

Bylaw 2022-004

A Bylaw To Amend Comprehensive Zoning Bylaw No. 2004-035, As Amended, of the Corporation of The Municipality of Hastings Highlands, Being Bylaws To Regulate The Use of Land and the Height, Bulk, Location, Spacing, Character And Use of Buildings

Whereas Bylaw No. 2004-035, as amended, is the Comprehensive Zoning Bylaw governing the lands located within the Corporation of the Municipality of Hastings Highlands;

And Whereas the Official Plan for the Corporation of the County of Hastings, as amended, contains the goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic, built and natural environment of the lands located within the County of Hastings and its member municipalities;

And Whereas the Corporation of the Municipality of Hastings Highlands is a member municipality located within the County of Hastings;

And Whereas the Council of the Corporation of the County of Hastings adopted the Official Plan on the 19th of December, 2017 and the Official Plan was approved by the Ministry of Municipal Affairs and Housing on the 3rd of August, 2018 and is now in full force and effect;

And Whereas subsection 26(9) of the *Planning Act*, R. S. O. 1990, c.P.13, as amended, requires Council to amend the Comprehensive Zoning Bylaw to ensure conformity with the Official Plan of the Corporation of the County of Hastings no later than three years after its revision;

And Whereas at least one (1) open house was held in accordance with Section 34 of the *Planning Act*, R. S. O. 1990, c.P.13, as amended, to give the public an opportunity to review and ask questions about the proposed Bylaw;

And Whereas at least one (1) public meeting was held in accordance with Section 34 of the *Planning Act*, R. S. O. 1990, c.P.13, as amended, to give the public an opportunity to make representations in respect of the proposed Bylaw;

And Whereas the Council of the Corporation of the Municipality of Hastings Highlands deems it appropriate to amend Bylaw No. 2004-035 for the Corporation of the Municipality of Hastings Highlands;

And Whereas authority is granted under Section 34 of the *Planning Act*, R. S. O. 1990, c.P.13, as amended;

Now Therefore, The Council of The Corporation of The Municipality of Hastings Highlands Enacts As Follows:

1. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by amending the following to Section 3 entitled "Definitions":

- a) That Section 3, as amended, is hereby further amended by adding Section 3.2.1 for the definition of “accessible parking” following the definition for “abattoir” as follows:

“**accessible parking**” shall mean a parking space for accessible parking permit holders:

- a) Type A shall mean a parking space with signage designating the parking space as “van accessible” designed to provide extra space for persons with larger mobility devices, including but not limited to wheelchairs or scooters, who need more space to enter or exit a vehicle.
- b) Type B shall mean a parking space for persons who do not require additional space for larger mobility devices.”
- b) That Section 3, as amended, is hereby further amended by deleting in its entirety and replacing Section 3.6 for the definition of “agriculture/agricultural use” following the definition for “adjacent lands (wetland)” as follows:

“**agriculture/agricultural use**” mean the use of land, buildings or structures for the purposes of the growing of field crops, flower gardening, market gardening, berry crops, tree crops, nurseries, aviaries, apiaries or farms for the grazing, breeding, raising, boarding of livestock or any other similar uses carried on in the field of general agriculture, including the sale of such produce, crops or livestock on the same lot, but shall not include the cultivation or production of cannabis.”

- c) That Section 3, as amended, is hereby further amended by adding Section 3.8.1 for the definition of “agriculture-related use” following the definition of “agricultural produce sales outlet” as follows:

“**agriculture-related use**” shall mean those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity, but shall not include cannabis or a cannabis-related use.”

- d) That Section 3, as amended, is hereby further amended by adding Section 3.8.2 for the definition of “air treatment control” following the definition of “agriculture-related use” as follows:

“**air treatment control**” shall mean the functional use of industrial grade 2.5 multi-stage carbon filtration system, or similar technology, to reduce and/or treat the emission of pollen, dust, and odours expelled from a facility and sized accordingly in comparison to the facility it serves as designed by a qualified person.”

- e) That Section 3, as amended, is hereby further amended by adding Section 3.11.1 for the definition of “arts and craft shop” following the definition of “arena” as follows:

“**arts and craft shop**” shall mean the use of land, buildings or structures as a workplace of an artist or craftsmen for the creation, finishing, refinishing or similar production of paintings, sculptures or similar uses, and shall include a craft shop. An arts and craft shop may also involve the sale of goods or materials produced or manufactured on the premises.”

- f) That Section 3, as amended, is hereby further amended by adding Section 3.35.1 for the definition of “cannabis” following the definition of “camping establishment” as follows:

“**cannabis**” shall mean a genus of flowering plants in the family Cannabaceae. Synonyms include but are not limited to marijuana and marihuana. This definition does not include the industrial or agricultural production of hemp where hemp is a source of foodstuffs, fiber, and biofuel.”

- g) That Section 3, as amended, is hereby further amended by adding Section 3.35.2 for the definition of “cannabis production and processing facility” following the definition of “cannabis” as follows:

“**cannabis production and processing facility**” shall mean lands, buildings or structures used for producing, processing, testing, destroying, packaging, and/or shipping of cannabis authorized by an issued license or registration by the federal Minister of Health pursuant to the Cannabis Regulations, the Controlled Drugs and Substances Act, or any applicable legislation or successors thereto. This use does not include the retail sale or dispensing of cannabis.”

- h) That Section 3, as amended, is hereby further amended by deleting in its entirety and replacing Section 3.83 for the definition of “Environmental Impact Study” with “Environmental Impact Statement (EIS)” following the definition of “elderly persons’ centre” as follows:

“**Environmental Impact Statement (EIS)**” shall mean a study prepared in accordance with established procedures, as outlined in Section 7.8.6 of the County of Hastings Official Plan.”

- i) That Section 3, as amended, is hereby further amended by deleting in its entirety and replacing Section 3.95 for the definition of “flood plain” following the definition of “flea market” as follows:

“**flood plain**” shall mean, for river, stream and small island lake systems, the area, usually lowlands, adjoining a watercourse which has been, or may be subject to flooding hazards.”

- j) That Section 3, as amended, is hereby further amended by adding Section 3.100.1 for the definition of “forestry – bio-economy” following the definition of “forestry/forestry uses” as follows:

“**forestry – bio-economy**” shall mean a renewable and sustainably sourced biomass resources such as trees, agricultural crops and organic residuals from harvesting and timber processing used to provide a greater range of consumer and industrial products to society.”

- k) That Section 3, as amended, is hereby further amended by deleting in its entirety and replacing Section 3.109 for the definition of “garden suite” following the definition of “garage, public” as follows:

“**garden suite**” shall mean an accessory one-unit detached residential structure containing a bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable. Under no circumstances shall a garden suite be defined to include a single wide or double wide mobile home, a motorized mobile home, a travel trailer, tent trailer or trailer otherwise designed.”

- l) That Section 3, as amended, is hereby further amended by deleting in its entirety and replacing Section 3.115 for the definition of “greenhouse” following the definition of “golf course” as follows:

“**greenhouse**” shall mean a building for the growing of plants, shrubs, trees and similar vegetation which are primarily intended to be transplanted outdoors, but shall not include cannabis or a cannabis-related use.”

- m) That Section 3, as amended, is hereby further amended by deleting in its entirety and replacing Section 3.116 for the definition of “group home” following the definition of “greenhouse” as follows:

“**group home**” shall mean a dwelling unit used to provide supervised living accommodation as per the requirements of its residents, licensed or funded under the Province of Ontario or Government of Canada legislation, for a maximum of 10 persons, exclusive of staff, living together in a single housekeeping unit, but excludes correctional facilities and shelters.

- n) That Section 3, as amended, is hereby further amended by deleting in its entirety and replacing Section 3.122 for the definition of “home occupation” following the definition of “home industry” as follows:

“**home occupation**” shall mean a use which is clearly incidental or secondary to the residential use of a dwelling and is conducted entirely within such a dwelling by an inhabitant thereof and shall not use more than 30% of the gross floor area of the dwelling. Such uses may include, but are not limited to, arts and crafts shop, an outlet or office for a real estate agent, a hairdresser, dressmaker, dentist, doctor, chiropractor, physiotherapist, licensed massage therapist or osteopath or other professional, or a bed and breakfast establishment.”

- o) That Section 3, as amended, is hereby further amended by adding Section 3.126.1 for the definition of “hydrogeological study” following the definition of “hunt camp” as follows:

“**hydrogeological study**” shall mean a study prepared in accordance with Section 7.8.9 of the County of Hastings Official Plan.

- p) That Section 3, as amended, is hereby further amended by adding Section 3.157.1 for the definition of “mineral aggregate resources” following the definition of “merchandise service shop” as follows:

“**mineral aggregate resources**” shall mean gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.”

- q) That Section 3, as amended, is hereby further amended by deleting in its entirety and replacing Section 3.158 for the definition of “Minimum Distance Separation” following the definition of “mineral aggregate resources” as follows:

“**Minimum Distance Separation**” shall mean a separation requirement in accordance with the *Minimum Distance Separation (MDS) Formulae and Implementation Guidelines*, as amended from time to time, as defined by the Provincial Policy Statement (PPS) and administered by the Ontario Ministry of Agriculture, Food and Rural Affairs:

- i) Minimum Distance Separation I provides minimum distance separation for new or expanding development from existing livestock facilities.
 - ii) Minimum Distance Separation II provides minimum distance separation for new or expanding livestock facilities from existing or approved development.”
- r) That Section 3, as amended, is hereby further amended by deleting in its entirety and replacing Section 3.170 for the definition of “nursery/garden centre/greenhouse” following the definition of “nuisance” as follows:

“**nursery/garden centre/greenhouse**” shall mean, excluding cannabis or a cannabis-related use:

- i) a place where young trees or other plants are grown for transplanting or for sale and may also include the sale of related accessory supplies;
- ii) land used for the growing of sod, flowers, bushes, trees or other gardening, landscaping or orchard stock for wholesale or retail sale;

- iii) a building or structure, and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening tools and implements which are sold at retail from such building or lot to the general public.”
- s) That Section 3, as amended, is hereby further amended by adding Section 3.187.1 for the definition of “portable asphalt plan” following the definition of “planting screen” as follows:

“**portable asphalt plant**” shall mean a facility:

- i) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and
 - ii) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.”
- t) That Section 3, as amended, is hereby further amended by adding Section 3.188.1 for the definition of “portable concrete plant” following the definition of “portable canteen” as follows:

“**portable concrete plant**” shall mean a building or structure:

- i) with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
 - ii) which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.”
- u) That Section 3, as amended, is hereby further amended by deleting in its entirety and replacing Section 3.194 for the definition of “Provincially Significant Wetlands” following the definition of “private road” as follows:

“**Provincially Significant Wetlands**” shall mean any wetland that is subsequently evaluated and determined by the Ontario Ministry of Natural Resources and Forestry in accordance with the Provincial Policy Statement (PPS), as amended from time to time.”

2. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by amending the following in Section 5 entitled “General Provisions”:

- a) That Section 5, as amended, is hereby further amended by deleting in its entirety 5.5.6 under Section 5.5 entitled “Prohibitions.”
- b) That Section 5, as amended, is hereby further amended by deleting in its entirety and replacing 5.5.7 as follows:

“5.5.7 Notwithstanding anything contained in this Bylaw, no person shall use or occupy any building for residential purposes:

- i) unless such building has been substantially completed and finished in all respects in accordance with the plans and specifications filed upon application for the building permit; and
- ii) unless such building is serviced with electricity, a pressure well water supply system, and an appropriate sanitary sewage disposal system, except for a hunt camp.

c) That Section 5, as amended, is hereby further amended by deleting in its entirety and replacing iv) of Section 5.7.1 under Section 5.7.1 entitled “Lands Zoned Environmental Protection” as follows:

“iv) The erection of new buildings or structures or the removal or placing of fill within the Environmental Protection (EP) Zone shall not be permitted without the prior approval of the appropriate authority. Prior to issuing a building permit for any building or structure within the Environmental Protection Zone, the Municipality should be satisfied that no physical hazard exists which would cause harm to life or property. The municipality may require technical reports to be submitted in support of any development (i.e. drainage reports, slope stability reports, environmental reports).”

d) That Section 5, as amended, is hereby further amended by deleting in its entirety and replacing iii) of Section 5.7.2 under Section 5.7.2 entitled “Lands Zoned Environmental Protection Wetland (EPW)” as follows:

“iii) Development and/or site alteration shall not be permitted in lands zoned Environmental Protection Wetland (EPW), except buildings, structures or works associated with public education, flood or erosion control, watercourse protection or bank stabilization permitted by the local Conservation Authority and/or the Ministry of Natural Resources and Forestry.”

e) That Section 5, as amended, is hereby further amended by deleting in its entirety and replacing Section 5.8 entitled “Environmentally Sensitive Lands” as follows:

“5.8 Environmentally Sensitive Lands

Environmentally Sensitive Lands are those lands identified as natural heritage areas and systems having significant biological, geological, zoological or other unique natural features such as wildlife habitat, areas of natural and scientific interest, habitat of threatened or endangered species, woodlands and valley lands.

Environmentally Sensitive Lands are shown on Schedule OP-B ‘Natural Heritage Features and Areas’ of the Official Plan, as amended from time to time.

Development within a deer concentration area (deer yard) shall be permitted within 100 metres (328 ft.) of a public road. Development within these areas beyond 100 metres of a public road may be permitted where the landowner has entered into an agreement with the Municipality in consultation with the Ministry of Northern Development, Mines, Natural Resources and Forestry.”

- f) That Section 5, as amended, is hereby further amended by deleting in its entirety and replacing Section 5.9.4 as follows:

“**5.9.4** Development that is proposed on lands adjacent to Environmentally Sensitive Lands shall be permitted provided that a satisfactorily completed Environmental Impact Statement, prepared in accordance with Section 7.8.6 of the Official Plan is submitted and approved by the Municipality in consultation with the Ministry of Northern Development, Mines, Natural Resources and Forestry, the Ministry of Environment, Conservation and Parks, Conservation Authority and or other appropriate authority. The following measures of adjacency shall be used:

Habitat of endangered and threatened species	120 metres (393.7 ft.)
Significant wetlands and significant coastal wetlands	120 metres (393.7 ft.)
Significant woodlands	120 metres (393.7 ft.)
Significant valleylands	120 metres (393.7 ft.)
Significant wildlife habitat	120 metres (393.7 ft.)
Significant areas of natural and scientific interest – life science	120 metres (393.7 ft.)
Significant areas of natural and scientific interest – earth science	50 metres (164.0 ft.)
Inland Lake Trout Lakes (at capacity) on the Canadian Shield	300 metres (984.2 ft.)
Fish Habitat	120 metres (393.7 ft.)”

- g) That Section 5, as amended, is hereby further amended by deleting in its entirety and replacing Section 5.9.5 as follows:

“**5.9.5** Development that is proposed on lands adjacent to Provincially Significant Wetlands (and beyond the minimum 30 metre (98.4 ft.) ‘no development’ area outlined in Section 5.9.2 iii) but within 120 metres (393.7 ft.) of the wetland) may be permitted, provided that it has been demonstrated through an approved Environmental Impact Statement (EIS) that there will be

no negative impacts on the wetland feature or its associated ecological function.”

- h) That Section 5, as amended, is hereby further amended by deleting in its entirety and replacing Section 5.9.6 as follows:

“5.9.6 Development proposals for Official Plan Amendments, Zoning Bylaw Amendments, Plans of Subdivision and/or consents to sever lands lying within 300 metres of the following “at capacity” cold water lake trout lakes should be accompanied by a cold water Lake Capacity Study prepared in accordance with Section 7.8.7 of the Official Plan and should be reviewed by the appropriate authority prior to approval. The following are “at-capacity” cold water lake trout lakes within the Municipality of Hastings Highlands:

- i) Baptiste Lake (west basin – west of Lot 16)
 - ii) Big Mink Lake
 - iii) Buck Lake
 - iv) Diamond Lake
 - v) Kamaniskeg Lake (north of Ski Island)
 - vi) Lake St Peter
 - vii) Purdy Lake”
- i) That Section 5, as amended, is hereby further amended by deleting in its entirety and replacing Section 5.29.2 entitled “Additional Provisions for Type ‘B’ Home Occupations” as follows:

“Additional Provisions for Type ‘B’ Home Occupations

Type ‘B’ home occupations may be conducted entirely within the principal residence or in an accessory structure and shall be limited to personal service and medical occupations such as arts and crafts shop, hairdressers, day nurseries limited to six (6) children or less, doctors’ and dentists’ offices.”

- j) That Section 5, as amended, is hereby further amended by deleting in its entirety and replacing Section 5.29.3 entitled “Additional Provisions for Bed and Breakfast as a Home Occupation” as follows:

“Additional Provisions for Bed and Breakfast as a Home Occupation

Where a bed and breakfast establishment is established as a home occupation,

- i) no more than three (3) guest rooms shall be maintained for the accommodation of the public;

- ii) the minimum parking requirement of one (1) parking space per quest room and dwelling unit; and
 - iii) verification by a qualified person and applicable approval authority of adequate supply of water and septic capacity.”
- k) That Section 5, as amended, is hereby further amended by adding viii) to Section 5.30 entitled “Home Industry” as follows:

“viii) home industries are prohibited on waterfront lots.”

- l) That Section 5, as amended, is hereby further amended by adding (y) to Section 5.31.1 entitled “Minimum Parking Space Requirements” as follows:

(y) **Cannabis Production and Processing** – One (1) space for every thirty-seven (37) square metres (398.3 sq. ft.) of gross floor area.

- m) That Section 5, as amended, is hereby further amended by deleting in its entirety and replacing vi) and vii) in Section 5.33 entitled “Garden Suites” as follows:

“vi) the owner/occupant of the detached dwelling and occupant of the garden suite upon which lot the garden suite is situated enter into an agreement with the Municipality pursuant to the *Municipal Act* stating the occupant of the garden suite, that no other individual(s) will occupy the garden suite, and that the garden suite will be removed when it is no longer needed;

vii) Garden suites shall only be permitted on lands which have direct access from a year-round maintained publicly-owned road, or private road within an approved plan of condominium. Access from a public road to a garden suite shall be obtained by the driveway serving the principal dwelling on the lot;”

- n) That Section 5, as amended, is hereby further amended by deleting in its entirety and replacing Section 5.31.3 entitled “Special Needs Parking” with Section 5.31.3 to be entitled “Accessible Parking” as follows:

Section 5.31.3 Accessible Parking

- i) In any zone, the required number of parking spaces shall include the provision of accessible parking spaces in the minimum quantity specified below:
 - a) **Residential:** Accessible parking spaces are provided at a rate of 4% of the required parking spaces; Accessible parking is not required for single detached, semi-detached, duplexes, triplexes and row houses (townhouses) that do not have a shared parking arrangement;
 - b) **Commercial:** Accessible parking spaces are provided at a rate of 4% of the required parking spaces;

- c) **Industrial:** Accessible parking spaces are provided at a rate of 4% for the first 200 required parking spaces and 3% for the additional required parking spaces, including a minimum of one Type A (Van accessible) required accessible space, rounded up to the nearest whole number. Equal numbers of Type A (Van accessible) and Type B are required. If an odd number is required, the additional space may be either type;
 - d) **Institutional:** Accessible parking spaces are provided at a rate of 10% of the required parking spaces;
 - e) **All other uses:** Accessible parking spaces are provided at a rate of 4% of the required parking spaces;
 - f) When determining the required number of parking spaces in accordance with the above provisions, any fraction derived from the calculation shall be rounded up to the nearest whole number;
 - g) Where an even number of parking spaces for the use of persons with disabilities are provided in accordance with the requirements of the zoning bylaw, an equal number of parking spaces that meet the requirements of Type A Parking space and Type B parking space must be provided; and
 - h) Where an odd number of parking spaces for the use of persons with disabilities are provided in accordance with the zoning bylaw, the number of parking spaces must be divided equally between parking spaces that meet the requirements of a Type A parking space and a Type B parking space, but the additional parking space, the odd numbered space, may be a Type B parking space.
- ii) The following regulations shall apply to accessible parking spaces:
- a) Type A (Van accessible) spaces shall have minimum rectangular dimensions of 3.4 metres width by 6.0 metres length and must have signage specifying that they are van-accessible;
 - b) Type B spaces shall have minimum rectangular dimensions of 2.4 metres width by 6.0 metres length;
 - c) An access aisle with a minimum rectangular dimensions of 1.5 metres in width and 6.0 metres in length and marked with a high tonal contrast diagonal lines is required adjacent to Type A and Type B accessible parking spaces. The access aisle may be shared between spaces;
 - d) All accessible parking spaces shall be marked by an identifying marker on the pavement consisting of the international symbol of access as a 1.5 metre by 1.5 metre white border and a symbol with a blue background field colour centred on the parking stall;

- e) All accessible parking spaces shall be appropriately signed in accordance with provincial regulation;
 - f) A minimum vertical clearance of 2.1 metres shall be provided at accessible parking spaces, passenger loading zones and along routes to accessible parking spaces;
 - g) Maximum gradient for a barrier free vehicle parking space shall be five (5) percent;
 - h) Accessible parking spaces shall be located and distributed in a manner that provides substantially equivalent or greater accessibility in terms of distance from an entrance or user convenience; and
 - i) Curb ramps, where required shall be provided to permit access from the parking area to a sidewalk.”
- o) That Section 5, as amended, is hereby further amended by deleting in its entirety and replacing Section 5.34 entitled “Areas of Influence” as follows:

“Section 5.34 Areas of Influence”

- i) No person shall erect any residential structure in any zone within 500 metres (1,640.4 ft.) of lands zoned MX - Mineral Extractive (quarry) and 300 metres (984.25 ft.) of lands zoned MX - Mineral Extractive (pit) without the consultation of the Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNR), the Ministry of Conservation and Parks (MECP), and the County of Hastings, as may be required; upon successful application for a minor variance; and provided the residential use is a permitted use on the adjacent lands within the area of influence.
- ii) No person shall erect any residential structure within the area outlined on Schedule OP-C “Aggregate and Mineral Reserves” of the County of Hastings Official Plan as being an Area of Extractive Reserve without the consultation of the Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNR), the Ministry of Conservation and Parks (MECP), and the County of Hastings, as may be required; upon successful application for a minor variance; and provided the residential use is a permitted use on the adjacent lands within the area of influence.
- iii) No person shall erect a residential structure in any zone within 500 metres (1,640.4 ft.) of lands zoned WD - Waste Disposal without the consultation of the Ministry of the Environment, Conservation and Parks (MECP); upon successful application for a minor variance; and provided the residential use is a permitted use on the adjacent lands within the area of influence.”

- p) That Section 5, as amended, is hereby further amended by deleting in its entirety and replacing Section 5.35 entitled “Agriculture – Minimum Distance Separation” as follows:

“5.35 Agriculture – Minimum Distance Separation (MDS)”

5.35.1 MDS I and MDS II

- i) Unless otherwise specified and notwithstanding any other yard or setback provisions of this Bylaw to the contrary, no residential, institutional, commercial, industrial, or recreation use located on a separate lot and otherwise permitted by this Bylaw, shall be established and no building or structure for such use shall be erected or altered unless it complies with the Minimum Distance Separation (MDS I) requirements applied in accordance with the MDS I Implementation Guidelines;
- ii) Notwithstanding any other yard or setback provisions of this Bylaw, to the contrary, no livestock facility or manure storage facility shall be erected or expanded unless it complies with the Minimum Distance Separation (MDS II) requirements applied in accordance with the MDS II Implementation Guidelines; and
- iii) Notwithstanding the above noted provisions, where an existing use that was in compliance with the MDS provisions is changed, the new use shall also be subject to MDS I or MDS II provisions, whichever is applicable. For the purposes of this subsection, a change in the type of livestock use housed is considered to be a change of use.

5.35.2 MDS I and MDS II Exceptions

- i) Notwithstanding any provisions of this Bylaw to the contrary where an existing building is destroyed in full or in part by a catastrophe and is being reconstructed in the same location and same dimensions, then the building or structure is exempt from MDS I or MDS II, whichever would be applicable;
- ii) Notwithstanding any provisions of this Bylaw to the contrary an empty livestock facility can be excluded from MDS II calculations for expanding livestock facilities if a building permit is required for altering the facilities so they are no longer capable of housing livestock or manure;
- iii) Existing lots of record with a lot area less than 1 hectare in area are exempt from MDS 1; and
- iv) Lots within the Urban and Hamlet areas as defined in the Hastings County Official Plan are exempt from MDS I.”

- q) That Section 5, as amended, is hereby further amended by deleting in its entirety and replacing v) in Section 5.49 entitled “Minimum Gross Floor Area in a Dwelling Unit” as follows:

“v) An additional dwelling unit shall have a minimum gross floor area allowed pursuant to the Ontario Building Code.”

- r) That Section 5, as amended, is hereby further amended by deleting in its entirety Section 5.50 entitled “Second “Dwelling” Units” by replacing it with Section 5.50 to be entitled “Additional Dwelling Units” as follows:

“5.50 Additional Dwelling Units

5.50.1 An additional dwelling unit shall only be permitted:

- i) In the Marginal Agriculture (MA), Rural Residential (RR), Residential First Density (R1), Residential Second Density (R2), and Multiple Residential (MR) Zones;
- ii) Within a single detached dwelling, semi-detached dwelling, or rowhouse dwelling where such use is listed as a permitted use within the Zone; or
- iii) Within a building or structure accessory to a single detached dwelling, semi-detached dwelling, or rowhouse dwelling where such use is listed as a permitted use within the Zone and located on the same lot.
- iv) For clarity, where an additional dwelling unit is permitted, the additional dwelling unit may exist within the principal structure, within an accessory structure, or both.

5.50.2 An additional dwelling unit shall not be located on a lot abutting any lake identified as “at-capacity” cold water lake trout lake as identified by Section 4.2.5 of the Official Plan.

5.50.3 The following provisions shall apply to regulate and govern the use of an additional dwelling unit:

- i) An additional dwelling unit shall not be permitted upon an existing undersized lot or upon a lot with deficient frontage or upon a lot in the Waterfront Residential (WR) Zone;
- ii) An additional dwelling unit shall only be permitted on a lot benefitting from frontage upon a “Public Road”.
- iii) An additional dwelling unit shall not be permitted within the regulated floodplain area;

- iv) Where an additional dwelling unit is situated in an accessory structure, said structure shall comply with the requirements of a principal structure in the applicable zone;
 - v) Notwithstanding subsection iv), above, where an additional dwelling unit is situated in an accessory structure, the “Maximum Lot Coverage” of all “Accessory Building(s)” upon the lot shall be ten (10) percent;
 - vi) An additional dwelling unit shall not be permitted where three (3) or more dwelling units exist upon a lot;
 - vii) Three (3) dwelling units shall not be permitted within one (1) structure.
 - viii) A minimum of one (1) parking space shall be provided for the exclusive use of the occupier(s) of each the additional dwelling unit; and
 - ix) All other provisions of this Bylaw shall apply.”
- s) That Section 5, as amended, is hereby further amended by adding Section 5.51 entitled “Cannabis” following Section 5.50 as follows:

“5.51 Cannabis

5.51.1 Cannabis Production and Processing Facility

- i) No lands, building, structure or portion thereof used for Cannabis Production and Processing purposes that is equipped with air treatment control situated in the Urban Industrial (UI) Zone or the Rural Industrial (RI) Zone shall be located closer than 70 metres to any Zone permitting a residential use, Institutional Zone, or Open Space Zone;
- ii) No lands, building, structure, or portion thereof used for Cannabis Production and Processing purposes that is equipped with air treatment control situated in the Urban Industrial (UI) Zone or the Rural Industrial (RI) Zone shall be located closer than 70 metres to any dwelling, public school, private school, place of worship, or day care nursery;
- iii) A Cannabis Production and Processing Facility shall only be located wholly within an enclosed building or structure;
- iv) An accessory building or structure used for security purposes for Cannabis Production and Processing Facility may be located in the required yard and does not have to comply with the required minimum setbacks;

- v) Outdoor storage of goods, materials and matters composed of cannabis or cannabis by-product is prohibited on the property in which the Cannabis Production and Processing Facility is located and adjacent lands;
 - vi) That appropriate private water and septic systems are in place, before a site-specific zoning bylaw amendment, in accordance with approved hydrogeological or water quality assessments. A County of Hastings peer review of the hydrogeological study will be conducted.
 - vii) Cannabis Production and Processing Facility shall only be permitted within the zones as explicitly indicated in a site-specific zoning bylaw amendment; and
 - viii) All development in relation to the establishment of or expansion of Cannabis Production and Processing Facility shall be subject to Site Plan Control.”
- t) That Section 5, as amended, is hereby further amended by adding Section 5.52 entitled “Group Home” following Section 5.51 as follows:

“Section 5.52 Group Home

Notwithstanding any provision to the contrary a group home is permitted in all zones that permit a single detached dwelling accessed and serviced by a year round publicly maintained road.”

- u) That Section 5, as amended, is hereby further amended by adding Section 5.53 entitled “Abandoned Mines” following Section 5.52 as follows:

“5.53 Abandoned Mines

- i) Where the location and extent of an abandoned mine site can be confirmed in consultation with the Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNR), such lands may be denoted within an appropriate hazard zoning to prohibit development and be maintained on such lands until rehabilitation of such lands is approved by the Ministry of Northern Development;
- ii) Development on, abutting or adjacent to lands affected by mine hazards or former mineral mining operations shall be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are underway or have been completed to the satisfaction of the Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNR).”

3. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by adding xxviii) to Section 6.2 entitled “Permitted Uses” in the Marginal Agriculture (MR) Zone following “outdoor furnaces” with the following:

“xxviii) agricultural-related uses.”

4. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by deleting in its entirety and replacing i) in Section 6.3 c) entitled “For Hunt Camps” in the Marginal Agriculture (MR) Zone with the following:

“i) Lot Area (Minimum) – 20 hectares (50 acres)”

5. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by adding e) to Section 6.3 entitled “Zone Regulations” in the Marginal Agriculture (MR) Zone with the following:

“e) For Agriculture-Related Uses

Notwithstanding other provisions of this Bylaw, agriculture-related uses shall be subject to the following special provisions in addition to all other applicable provisions of this Bylaw:

- i) An approved agricultural impact assessment that summarizes all potential impacts to surrounding agricultural operations and appropriate mitigation measures is prepared, if required;
- ii) The completion and review of a hydrogeological or water quality assessment, if required, to determine the impact of the proposed use on ground and surface water, including the disposal of any related wastes;
- iii) A stormwater management report detailing the drainage requirements of the area, if required;
- iv) Site plan approval and a site plan agreement, if required. On-site parking, outside storage of goods or materials, lighting, signage and the buffering and landscaping of the site should be provided to minimize the impact of such uses from the adjacent road and properties;
- v) Where possible these uses should be located on areas exhibiting poorer quality soils and conditions for farm purposes.”

6. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by deleting in its entirety and replacing i) in Section 8.3 a) entitled “For the Principal Building” in the Limited Service Residential (LSR) Zone with the following:

“i) Lot Area (Minimum) – 0.8 hectare (2 acres) for waterfront properties and 0.4 hectare (1 acre) for properties not on a waterfront.”

7. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by deleting in its entirety v) in Section 10.2 entitled “Permitted Uses” in the Waterfront Residential (WR) Zone.

8. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by deleting in its entirety and replacing i) in Section 10.3 a) entitled “For the Principal Building” in the Waterfront Residential (WR) Zone with the following:

“i) Lot Area (Minimum) – 0.8 hectare (2 acres).”

9. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by adding iv) in Section 17.3 f) entitled “Additional Zone Regulations for Hotels, Lodges, Housekeeping cottages and Tourist Cabins” in the Recreational/Resort Commercial (RRC) Zone with the following:

“iv) Minimum Density – 1 unit/4000 sq. metres of lot area (43,057.1 sq. ft.), subject to the approval of the sewage disposal systems by the appropriate authority.”

10. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by deleting in its entirety and replacing ii) in Section 20.2 entitled “Permitted Uses” in the Mineral Extractive (MX) Zone as follows:

“ii) Open space, conservation, forestry, and agriculture uses, excluding any building or structure;”

11. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by adding viii) in Section 20.2 entitled “Permitted Uses” in the Mineral Extractive (MX) Zone as follows:

“viii) Accessory aggregate recycling facilities”

12. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by deleting in its entirety and replacing Section 26.2 entitled “Permitted Uses” in the Environmental Protection (EP) Zone with the following:

“26.2 Permitted Uses

- i) conservation uses, including forestry, reforestation and other activities connected with the conservation of soil and wildlife, excluding any buildings or structures;
- ii) existing agricultural uses, excluding any buildings or structures;
- iii) a conservation area, excluding any buildings or structures;
- iv) a use that was in existence on or before the date of passage of this Bylaw,
- v) a building or structure required by a public authority for flood or erosion control, watercourse protection, bank stabilization or for conservation or wildlife management purposes;
- vi) passive outdoor recreational uses;
- vii) public and private parks, excluding any buildings or structures;
- viii) an accessory use to the above uses, excluding any buildings or structures, subject to the approval of Council in consultation with the Conservation Authority, the Ministry of Northern Development, Mines, Natural Resources and Forestry, and any other appropriate authority.”

Coming Into Force

13. **That** this bylaw shall come into force and take effect pursuant to the provisions of and the regulations made under the *Planning Act*, R. S. O., 1990, c.P.13, as amended.

Read a first time this 1st day of December, 2021

Read a second time this ___ day of _____, 2022

Read a third time, **Enacted** and **Passed** in Council this ___ day of _____, 2022.

Tracy Hagar, Mayor

Suzanne Huschilt, Municipal Clerk

DRAFT