

The Corporation of The Municipality of Hastings Highlands

Bylaw 2022-005

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 the addition of the following to Section 3 entitled "Definitions":

- a) That Section 3, as amended, is hereby further amended by adding Section 3.232.1 for the definition of “site alteration” following the definition for “sight triangle” as follows:

“site alteration” shall mean any change in land including, but not limited to:

- a) The placing or dumping of fill;
- b) The removal of topsoil;
- c) Placing, dumping, removal or blasting of rock;
- d) Any other action that alters the grade of land including the altering in any way of a natural drainage course on a site; or
- e) Any combination of the above activities.”

- b) That Section 3, as amended, is hereby further amended by adding Section 3.233.1 for the definition of “steep and/or unstable slope” following the definition for “solar collector” as follows:

“steep and/or unstable slope” shall mean any change in elevation resulting in a slope greater than 3:1 (horizontal:vertical) or greater than 18 degrees.”

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

- a) “5.9.2 Notwithstanding anything in this Bylaw, no development, site alteration or septic tank installation including the weeping tile field shall be located or occur:

- i) within 30 metres (98.4 ft.) of the high water mark of a waterbody or watercourse, notwithstanding that such waterbody or watercourse is not shown on any Schedule forming part of this Bylaw; and
- ii) within 30 metres (98.4 ft.) of the toe and top of shoreline or non-shoreline cliff, bluff or bank that is a steep and/or unstable slope; and
- iii) within 30 metres (98.4 ft.) of an Environmental Protection Wetland (EPW) Zone.”

- b) “5.9.3 Shoreline Activity and Waterfront Use

- i) The provisions in subsections 5.9.1 and 5.9.2 shall not apply to buildings, structures and services requiring direct access to the water as an operational necessity such as a marina, marine facility, or other similar structure.

- ii) Notwithstanding subsection 5.9.1 and 5.9.2, the following shoreline uses will be permitted within 30 metres (98.4 ft.) of the high water mark or floodplain subject to all applicable provisions of this Bylaw:
 - a) Dock;
 - b) Boathouse; and
 - c) Boat launch.
- iii) It is prohibited to alter or remove the natural vegetation within the 30 metre (98.4 ft.) vegetative buffer to any shoreline of a waterbody or watercourse, except:
 - a) 25% of the shoreline frontage or up to 23 metres (75 feet), whichever is the lesser, for linear shoreline residential development;
 - b) 35% of the shoreline frontage for tourist commercial and institutional accommodation, waterfront contracting operations and waterfront landings;
 - c) 50% of the shoreline frontage for marinas; and
 - d) Where b) and c) are present on a lot adjacent to a waterbody or watercourse, the aggregate percentage of the shoreline devoted to those uses shall be a maximum of 50% of the shoreline frontage.”

3. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by deleting in its entirety and replacing i) in Section 8.3 c) entitled “Vegetative Buffer Adjacent to the Shoreline” in the Limited Service Residential (LSR) Zone with the following:

“i) a natural vegetative buffer strip 30 metres (98.4 ft.) in width shall be maintained.”

4. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by deleting in its entirety and replacing i) in Section 9.3 c) entitled “Vegetative Buffer Adjacent to the Shoreline” in the Limited Service Residential Island (LSRI) Zone with the following:

“i) a natural vegetative buffer strip 30 metres (98.4 ft.) in width shall be maintained.”

5. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by deleting in its entirety and replacing i) in Section 10.3 c) entitled “Vegetative Buffer Adjacent to the Shoreline” in the Waterfront Residential (WR) Zone with the following:

“i) a natural vegetative buffer strip 30 metres (98.4 ft.) in width shall be maintained.”

6. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by deleting in its entirety and replacing xi) in Section 17.3 e) entitled “Additional Zone Regulations For a Tent and/or Travel Trailer Park” in the Recreational/Resort Commercial (RRC) Zone with the following:

“xi) No campsite, building, structure, septic tank or tile field, except a marine facility for launching and/or servicing of boats or a water pump house, shall be permitted within 30 metres (98.4 ft.) of the high water mark of any waterbody or watercourse, with the exception of at capacity lake trout lakes where Section 5.9 applies. All docking and boat launching structures/facilities shall require the approval of the appropriate federal, provincial or public agencies.”

7. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by adding xiii) in Section 17.3 e) entitled “Additional Zone Regulations For a Tent and/or Travel Trailer Park” in the Recreational/Resort Commercial (RRC) Zone with the following:

“xiii) Travel Trailer Park Usable Waterfront (Maximum) – 35% of the water frontage where the remaining 65% of the shoreline shall be maintained in an undisturbed natural state.”

8. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by deleting in its entirety and replacing iii) 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:

“iii) No campsite, building, structure, septic tank or tile field, except a marine facility for launching and/or servicing of boats or a water pump house shall be permitted within 30 metres (98.4 ft.) of the high water mark of any waterbody or watercourse, with the exception of “at capacity” lake trout lakes where Section 5.9 applies.”

Coming Into Force

9. **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 X^{XX} day of XXXXXXXX, 2022

Read a third time, **Enacted** and **Passed** in Council this X^{XX} day of XXXXXXXX, 2022.

Tracy Hagar, Mayor

Suzanne Huschilt, Municipal Clerk