

**THE CORPORATION OF THE MUNICIPALITY OF POWASSAN**  
**BY-LAW NO. 2010-45**

Being a By-law to amend By-law No. 2003-38, as amended, the Zoning By-law for the Municipality of Powassan with respect to lands located in Part of Lot 21, Concession 16 (South Himsworth) in the Municipality of Powassan.

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WHEREAS the Council of the Corporation of the Municipality of Powassan is empowered to pass By-laws to regulate the use of land pursuant to Section 34 of the Planning Act, 1990;

AND WHEREAS the owners of the subject lands have filed an application with the Municipality of Powassan to amend By-law No. 2003-38, as amended;

AND WHEREAS the Council of the Corporation of the Municipality of Powassan deems it advisable to amend By-Law 2003-38, as amended;

NOW THEREFORE the Council of the Corporation of the Municipality of Powassan enacts as follows:

1. Schedule 'A', to Zoning By-law No. 2003-38 as amended, is further amended by zoning lands located in Part of Lot 21, Concession 16, (South Himsworth) in the Municipality of Powassan from the Rural (RU) Zone to the Commercial Tourist Exception (CT-1)(H) Holding Zone as shown on Schedule 'A-1' attached hereto and forming part of this By-law.
2. And Further, Zoning By-law 2003-38 as amended, is further amended by adding the following new sub-section after Section 4.9.4:

**4.9.4.1 Part Lot 21, Concession 16 (Campbell Nature Retreat)**

Notwithstanding the permitted uses and regulations of the Commercial Tourist (CT) Zone, on lands located in Part of Lot 21, Concession 16 and located in the CT-1 Zone, the following uses shall be permitted:

- a) A cottage establishment including a central lodge and bunkies;
- b) A single detached dwelling for an owner or caretaker;
- c) Passive non-motorized recreational trails, except for maintenance; and,
- d) Conservation and resource uses and activities.

In addition, for the purposes of the CT-1 Zone, the following provisions shall replace the provisions listed under Section 4.9.3 of By-law 2003-38:

- a) Maximum number of cottages - 10
- b) Maximum total floor area of a cottage - 150 m<sup>2</sup>
- c) Maximum area of disturbance for a cottage - 2 acres

AGENDA ITEM NO. 8.3

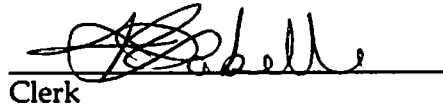
DATE: OCT. 5/10

3. Lands located within the CT-1 Zone shall be subject to a Holding (H) Provision. The Holding Provision may be removed by Council subject to the submission of a site plan prepared to Council's satisfaction and the Owner entering into a site plan agreement with the Municipality.
4. In all other respects, the provisions of By-law 2003-38 shall apply.

This By-law shall come into effect upon the date of passage hereof, subject to the provisions of Section 34 (30) and (31) of the Planning Act (Ontario).

Adopted October 5, 2010.

  
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Mayor

  
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Clerk



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Memo

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To: Council  
From: Nicky Kunkel, Deputy Clerk  
Date: September 15, 2010  
RE: Campbell Rezoning

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1. The rezoning application of the Campbell property was submitted in July of 2009. The purpose of the Zoning Amendment application is to allow a commercial tourist cabin development.
2. There have been two public meetings to review the application and receive comment.

At Council on January 12, 2009 and August 18, 2009.

- i. Comments received at those meetings were:
  1. M. Kunkel concerned about property lines and development of each cabin inside property. After explaining which property the development was on (corner of Stillaway Line and Maplehill Road) he was satisfied.
  2. Roger George commented that the Campbell's had attended a MoPED meeting to discuss their concepts and were in support of development.
3. Several meetings have occurred between municipal staff and the Owners. The by-law proposed is the accumulations of those meetings. The passing of this by-law will rezone the property, with the exception of the Environmentally Protected zoned portions, as Commercial Tourist. Once the development is complete the owners would like the property not within the radius of a cabin to remain as Rural Zone.

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### Background

The applicant is applying to rezone the property to allow for construction and operation of a tourist rental cabins. The cabins will each be situated on at least two (2) acres with its own private well and septic system.

Therefore, the applicant has submitted the rezoning for a radius rezoning where the two areas around each proposed cabin will be zoned Commercial Tourist. This will maintain the natural environment and limit the growth of the property. Future development will be requested for rezoning applicants as they become planned.

### Recommendation

The proposed development requires a rezoning application creating the Commercial Tourist zone on the property and removing the Rural Zone. The development complies with the Official Plan and the Provincial Policy Statement.

It is recommended that the property be rezoned based on a two acre radius from the centre of each cabin constructed.

### Compliance

#### 1. Official Plan

The property is designated as Rural and Open Space. The Open Space in the area surrounding the South River that travels through the property. The identified Environmental Features as listed in Schedule B of the Official Plan (OP) are Bedrock Resources and Flood Plain and Rural

Section 4.1 of the OP states that areas having high mineral potential are identified as Bedrock Resources and shall be protected for long term use for resource extraction. The proposed development is not within the designated Bedrock area, future consideration will be necessary for any future development within that boundary.

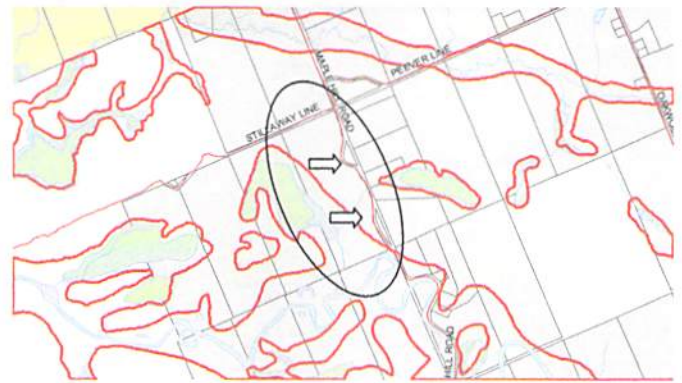


Section 5.7 regarding Rural designation permit tourist establishments. Therefore this proposed development complies with the Municipal Official Plan.

## 2. Zoning By-law

The property is Zoned Rural and Environmentally Protected. The Environmentally Protected lands will be protected and not impacted with the development as outlined by the applicant.

The Rural Zone permits lodging or boarding house facilities but this development does not comply with the definitions and therefore must be rezoned. The proposed rezoning is Commercial Tourist which permits a cabin/cottage establishment. The required setbacks are;



Setback	Required
Lot Area	4 acres
Lot Frontage	400 ft
Front Yard	100 ft
Interior Side	50 ft
Front on water	20 ft/unit
Maximum Density	4 units/acre

Cabin/Cottage Specific	
Min. Site area	1600 sq ft
Max lot -Acc	5% of park
Min amenity	10% of park
Min Open space	50% of park

The development will be expanded in the future with additional applications for radius rezoning of two (2) acres around each cabin constructed. The property meets the requirements of the zoning by-law for Commercial Tourist.

Both proposed cabins will have access off Maplehill Road which is a year round municipally maintained road. There will be parking available at each cabin site. Each site will have its own private services eliminating negative impacts.

## 3. Provincial Policy Statement

Section 1.1.4 discusses Rural Area in Municipalities permitting uses and activities related to management or use of resources, and/or resources based recreational activities which this proposal is in line with. The PPS encourages development that is compatible with the rural landscape which the radius rezoning will support. The development is in compliance with the PPS.