

THE CORPORATION OF THE MUNICIPALITY OF POWASSAN

**Housekeeping Amendment
BY-LAW NO. 2019-19**

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 all lands in the Municipality

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 Council of the Corporation of the Municipality of Powassan approved By-law 2003-38 on November 13, 2003 being the Comprehensive Zoning By-law for the Municipality of Powassan;

AND WHEREAS the Council of the Corporation of the Municipality of Powassan has undertaken and completed a work program to consolidate, housekeep and update By-law 2003-38 that has precipitated a number of changes to the Comprehensive Zoning By-law;

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

1. Zoning By-law 2003-38 as amended, is hereby further amended as follows:

1. Section 1.2 is amended by adding the following after "Powassan", "**Including Crown lands and lands covered by water and the surface of waterbodies.**"

2. Section 1 is amended by adding the following new sub-sections after Section 1.9:

1.10 Minor Variances

Where a minor variance has been granted from any of the former Zoning By-laws, such prior variance is deemed to be in force and effect despite Section 1.6.

1.11 Crown Land

The provisions of this By-law shall be binding upon individuals using Crown lands, but shall not be binding on the Crown or its agents.

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3. Section 2.1 is amended by deleting **RMH – Residential Mobile Home**
4. Section 2.2 is amended by deleting "Schedule A" and replacing it with "**Schedules A, B and C**".
5. Section 2.3 is amended by deleting sub-section e).
6. Section 3.1 a) Permitted Uses is amended by deleting "is already in existence" and adding "**or use has already been legally established**" after "principal building or structure".
7. Section 3.1 b) is amended by adding the following after the first paragraph. "**All detached structures shall maintain a minimum physical separation of 1.2 metres from any other detached structure.**"
8. Section 3.1 c) is amended by adding the following after the first paragraph "**For the purpose of this provision, building height shall be measured from finished grade to the highest point of the roof.**"
9. Section 3.1 f), first paragraph is amended by deleting the words "an attached or".
10. Section 3.1 f) iii) is amended by deleting the subtitle "**Commercial and Industrial Uses**" and replacing it with "**Special Provisions**".
11. Section 3.1 f) is further amended by adding the following
"iv) **Habitable Space**
Detached garages and accessory buildings may be utilized for habitable purposes in accordance with Section 3.36."
12. Section 3.1 is amended by adding the following subsection
"i) **Sea Containers**
Sea containers shall be a permitted accessory structure in the RU, BP, M1, M2 or MX Zones provided the sea container maintains a minimum 30 metre setback from the front lot line, is compliant with the rear and side yard setbacks for the respective zone and is located behind the rear wall of the principle dwelling or structure. Furthermore sea containers shall not be stacked. A sea container is not permitted on a vacant lot. Further, only one (1) sea container will be permitted on any lot in the RU zone.
13. Section 3.4 Construction Uses is amended by adding the following after "construction trailer," "**sea container**".
14. Section 3.8 is amended by deleting sub-section b).

15. Section 3.8 is further amended by deleting sub-section c) and replacing it with the following new subsection:
- c) Frontage on a Private Road or Seasonal Road**
- Notwithstanding the provisions of Section 3.8 a), where an existing lot fronts upon a private road or private right-of way, a dwelling unit shall be permitted on such lot provided the existing lot has a legal, registered right to use the road and provided the dwelling is compliant with all other provisions of this By-law. Where an existing lot fronts upon a public road which is only maintained on a seasonal basis, a dwelling may be permitted provided the owner of the lot has entered into an agreement with the Municipality.**
16. Section 3.13. Minimum Distance Separation is amended by deleting the words "in the rural and agricultural zone" in the first paragraph and by adding the words **"with the exception that existing vacant lots of record may be utilized for uses permitted by this Zoning By-law and are not required to be compliant with MDS1 separation distances."**
17. Section 3.13 is further amended by deleting the remainder of paragraph after the (new) words "MDS1 separation distances."
18. Section 3.13 is further amended by deleting the last two paragraphs in this section.
19. Section 3.15 is amended by adding **"Modular Homes"** in the heading.
20. Section 3.15 a) is amended by deleting "Z241" and replacing it with **"A-277"**.
21. Section 3.15 c) is amended by deleting "at least 5.5 metres wide".
22. Section 3.15 is amended by deleting subsection g) in its entirety.
23. Section 3.18 c) is amended by adding the following at the end of the paragraph **"Notwithstanding, this provision shall not permit the use of any lot for residential purposes with a lot area less than 464.5 square metres (5,000 square feet) unless it is connected to a municipal water and sanitary sewer system."**
24. Section 3.19 a) is amended by deleting the last sentence in the paragraph.
25. Section 3.20 Outdoor Storage is amended by adding a new subsection as item a) and renumbering the remaining items accordingly:
- "a) the lot is located in an industrial or commercial zone;"**
26. Table 1: Parking Space Requirement Table is amended by adding:
- | | |
|--|---|
| "Multi-Residential (apartments) | 1 parking space per dwelling unit plus 1 visitor space for every two dwellings." |
|--|---|
27. Section 3.22 is amended by adding the following at the end of the paragraph. **"and/or by Ministry license"**
28. A new sub-section 3.23 has been added as follows. All remaining sub-sections have been renumbered accordingly.

“3.23 Prohibited Uses

The following uses are prohibited by this Zoning By-law:

- a) The use of any trailer for human habitation, except where such trailer is located in a zone authorizing the use of such trailer.
- b) The use of any motor vehicle for human habitation.
- d) The use of a truck, bus or coach body for human habitation.
- e) The storage of disused rail cars, streetcars, truck bodies or trailers except where legally permitted by this zoning by-law.
- f) The outdoor storage of partially dismantled motor vehicles or trailers or motor vehicle or trailer parts except where legally permitted by this zoning by-law.
- g) Obnoxious uses – a use which, from its nature or operation, creates a nuisance or is liable to become a nuisance or be offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust or objectionable odour, or by reason of the matter, waste, or other material generated by the use, and without limiting the generality of the foregoing, shall include any uses which may be declared to be a noxious or offensive trade or business.
- h) The manufacturing, refining, rendering or distillation of acid, ammonia, chlorine, coal, creosote, explosives, fireworks, glue, petroleum or tar.
- i) The bulk storage of industrial chemicals, hazardous waste or liquid industrial waste as defined under the Environmental Protection Act, as amended.
- J) Outdoor wood furnaces on lands located in the RV1 and RV2 Zones”

29. Section 3.24 Reduction of Requirements is amended by deleting the word “lands” and replacing it with the word “lot”.

30. Section 3.31 Temporary Housing is amended by adding the following after “dwelling is destroyed” “or damaged”, and adding the following after “a Building Permit for “repair”

31. Section 3. has been amended by adding two new subsections at the end of the section as follows:

“3.35 Secondary Dwelling Unit Accessory to a Single Detached Dwelling

Notwithstanding any other provisions of this By-law, one secondary dwelling unit is permitted in a detached dwelling in the RU, RV1 or RV2 Zones provided:

- a) the principle detached dwelling has a minimum ground floor area of 65 square metres and is otherwise compliant with the provisions of this By-law;
- b) the floor area of the secondary dwelling unit is no greater than 50 square metres;
- c) a minimum of three parking spaces are provided on the lot;
- d) the resultant two-unit dwelling is compliant with the Ontario Building Code Act;
- e) where applicable, both dwellings units are connected to the same septic system which is capable of sustaining both the principle dwelling and the secondary dwelling unit, confirmed by the issuance of a permit from the septic approval authority; and,
- f) where required, a window opening in the secondary dwelling unit having an area of 0.30 square metres is located above grade.”

“3.36 Secondary Dwelling Unit Accessory to a Detached Private Garage

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Notwithstanding any other provisions of this By-law, one secondary dwelling unit is permitted in a detached garage in the RU Zone provided:

- a) the detached garage is otherwise compliant with the provisions of this By-law;
- b) the floor area of the secondary dwelling unit is no greater than 50% of the ground floor area of the detached garage to a maximum of 50 square metres and is located entirely above grade;
- c) the garage shall not be utilized for a home industry;
- d) a minimum of three parking spaces are provided on the lot;
- e) the resultant structure is compliant with the Ontario Building Code Act;
- f) both dwelling units are connected to the same septic system which is capable of sustaining both the principle dwelling and the secondary dwelling unit, confirmed by the issuance of a permit from the septic approval authority; and,
- g) no accessory structures or uses shall be permitted in conjunction with the secondary dwelling unit.

"3.37 Hazard Overlay

Lands shown on the attached schedules to this By-law as Hazard Overlay may be susceptible to flooding. The construction of buildings and structures is discouraged in these areas, but may be permitted subject to confirmation that the location proposed for development has no history of flooding. Lands located in the Hazard Overlay Zone shall be subject to the use permissions and regulations of the underlying zone category."

32. Section 4.1.2 has further been amended by adding the following:

"4.1.2 a) All residential uses located in the RV1 Zone shall be connected to the municipal water and sanitary sewer system where such services are available to a lot."

33. Section 4.1.3 Exceptions has been amended by adding the following Exception Zones:

**"4.1.3.2 Village Residential Exception Two (RV1-2) Zone
(2011-33)**

Notwithstanding the provisions of the Village Residential (RV1) Zone, on lands described as Concession 13, Part Lot 15 (Himsworth), described legally as Part 1, Plan 42R-18947 and Part 4, 42R-2587, PCL 12514, and zoned Village Residential Exception Two (RV1-2) Zone, the following provision shall apply:

- a) Minimum lot area – 525 square metres."

**"4.1.3.3 Village Residential Exception Three (RV1-3) Zone
(2010-30)**

Notwithstanding the provisions of the Village Residential (RV1) Zone, to the contrary, no person shall within any Village Residential Exception Three (RV1-3) Zone use any land, or erect, alter or use any building or structure except in accordance with the following:

- i) Minimum front yard 3.3 metres;"

"4.1.3.4 Village Residential Exception (RV1-4) Zone

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Source Water Protection (2015-28)

Lands located in the RV1-4 Zone form part of the Source Water Wellhead Protection Areas as identified by the North Bay-Mattawa Source Protection Plan and notwithstanding the permitted uses or provisions of the RV1 Zone, the following uses shall be prohibited:

- i) gas bar, marina, automobile service station, cardlock/keylock facility, private outlet, farm, refinery, bulk plant and any commercial or industrial land use involving the handling and storage of fuel other than for heating;
- ii) pesticide storage, that involves the storage of pesticides including the retail sale, manufacturing, processing, and wholesaling thereof;
- iii) a road salt storage facility greater than 5,000 tonnes;
- iv) storage of agricultural source material;
- v) handling and storage of non-agricultural source material;
- vi) handling and storage of commercial fertilizer;
- vii) keeping, confining and/or pasturing of livestock;
- viii) storage of road salt and as a snow storage facility or snow dump (areas where snow is likely to be transported from offsite)
- ix) storage of tailings from mines or a mine tailings pond;
- x) storage or injection of liquid industrial waste;
- xi) land farming of petroleum refining waste;
- xii) land filling of hazardous or municipal waste; and,
- xiii) land filling of solid non-hazardous industrial or commercial waste.”

**“4.1.3.5 Village Residential Exception Five (RV1-5) Zone
(2010-24)**

Notwithstanding the provisions of the Village Residential (RV-1) Zone, to the contrary, no person shall within the Village Residential Exception Five (RV1-5) Zone use any land, or erect, alter or use any building or structure except in accordance with the following:

- a) Minimum lot area – 469.0 m²

In all other respects, the provisions of this By-law shall apply.”

**“4.1.3.6 Village Residential Exception Six (RV1-6) Zone
(2010-24)**

Notwithstanding the provisions of the Village Residential (RV-1) Zone, to the contrary, no person shall within any Village Residential Exception Six (RV1-6) Zone use any land, erect, alter or use any building or structure except in accordance with the following:

- a) Minimum lot area – 376 m²
- b) Maximum lot coverage – Legally existing as of July 7, 2010

34. Section 4.2.2 iii) Minimum Front Yard has been amended by deleting “15” (metric) 50 (imperial)” and replacing them with “7.5 m (metric) 25 ft (imperial).

35. Section 4.2.3 Exceptions has been amended by adding the following Exception Zones:

“4.2.3.1 Village Residential Exception One (RV2-1) Zone

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(2018-05)

Notwithstanding Section 4.2.2 of the Village Residential (RV2) Zone, on lands located in Part Lot 26, Concession (South Himsworth) and legally described as Part 2, Plan 42R-20979 and located in the RV2-1 Zone, the following provisions shall apply:

- a) Minimum lot area: 2,000 m²
- b) Minimum rear yard for a detached storage building: 0.6 metres"

**"4.2.3.2 Village Residential Exception Two (RV2-2) Zone
(2018-05)**

Notwithstanding Section 4.2.2 of the Village Residential (RV2) Zone, on lands located in Part Lot 26, Concession 2 (South Himsworth) and legally described as Part 2, Plan 42R-5279, together with Part 1, Plan 42R-20979 and located in the RV2-2 Zone, the following provisions shall apply:

- a) Minimum Front Yard: 7.5 metres"

- 36. Section 4.3.1 has been amended by deleting "iv, v, vi, vii and viii" and renumbering "ix" townhouse" to "**iv) townhouse dwelling**"
- 37. Section 4.3.1 has been further amended by adding "**v) multi-unit dwelling**".
- 38. Section 4.3.2 i) has been amended by deleting "plus 0.1 ha per unit over 2 units" and replacing it with "**plus 0.01 ha per unit over 2 units.**"
- 39. Section 4.3.2 ii) has been amended by deleting "plus 0.1 ha per unit over 2 units"
- 40. Section 4.3.3 has been deleted in its entirety.
- 41. Section 4.3.4 has been deleted in its entirety.
- 42. Section 4.3.5 has been renumbered to 4.3.3 and by adding 4.3.3.3 through to 4.3.3.11 as exceptions as follows:

**"4.3.3.3 Multiple Residential Exception Three (RM-3) Zone –
(2016-38)**

Notwithstanding the permitted uses under Section 4.3.1 of the Residential Multiple (RM) Zone, to the contrary, the following provisions shall apply to lands legally described as Parts 1 and 2, Parcel 7820 N/S, located in Part Lot 15, Concession 13 and located within the RM-3 Zone:

- i) Minimum Lot Area 0.11 ha
- ii) Maximum Ground Floor Area of Apartment Building 266 m²
- iii) Maximum Number of Apartment Dwelling Units 9
- iv) Minimum Lot Frontage (Valley View West Drive) 75 metres
- v) Minimum Lot Frontage (Main Street) 75 metres
- vi) Minimum Interior Side Yard 3 metres
- vii) Minimum Setback from Valley View West Drive 4.4 metres

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viii)	Minimum Setback from Main Street	4.5 metres
ix)	Maximum Lot Coverage	26%
x)	Maximum Setback of a Balcony from Valley View West Drive	1.5 metres
xi)	Maximum Floor Area of a Balcony	9 m ²
xii)	Maximum Number of Balconies	5
xiii)	Maximum Encroachment of a Stairway into the Main Street Front Yard	2 metres

For the purpose of the RM-3 Zone, a balcony shall be defined as an unenclosed platform with a roof attached to or extending horizontally from the exterior wall above the first floor or walkout of a residential building. Also, for the purpose of the RM-3 Zone, the maximum ground floor area shall not include balconies or external stairs and landings.

Furthermore, notwithstanding Table 1 of Section 3.21 of By-law 2003-38, as amended, the provision of on-site parking for residential apartment in the RM-3 Zone shall require a minimum of 12 spaces.

In all other cases the provisions of By-law 2003-38 as amended shall apply.”

4.3.3.4 Multiple Residential Exception Four (RM-4) Zone (2011-34)

Notwithstanding the provisions of the Multiple Residential (RM) Zone to the contrary, the following provisions shall apply to lands legally located within the RM-4 Zone:

i)	Minimum Frontage	24 m
ii)	Minimum front yard	0 m
iii)	Minimum rear yard	25 m
iv)	Minimum side yard one side	2 m
v)	Minimum side yard other side	5 m

4.3.3.5 Reserved

4.3.3.6 Multiple Residential Exception Six (RM-6) Zone (2014-18A)

Notwithstanding the permitted uses and provisions of the Multiple Residential (RM) Zone, to the contrary, on lands legally described as Block 6, Lot 15 and Part Lots 16, 17 and 18, Plan 57, located in Part of Lot 16, Concession 12, and located within the RM-6 Zone, a multi-residential building comprising up to 6 dwelling units shall be permitted subject to the following provisions:

i)	Minimum lot area	0.19 ha
ii)	Minimum lot frontage	30 m
iii)	Minimum interior side yard (south side)	7.5 m/
a.	5.0 metres for decks	
iv)	Minimum interior side yard (north side)	7.5 m
v)	Minimum front yard – 6.0 metres or compatible to the existing streetscape whichever is greater	
vi)	Maximum number of dwelling units	6
vii)	Parking spaces required per dwelling unit	1.5

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- viii) Maximum number of parking spaces 9
- ix) No parking spaces shall be permitted in the front yard

4.3.3.7 Multiple Residential Exception Seven (RM-7) Zone

Notwithstanding the permitted uses and provisions of the Multiple Residential (RM) Zone to the contrary, on lands legally described as Pcl. 4441 NS, located in Part of Lot 15, Concession 13, and located within the RM-7 Zone, a multi-residential building comprising up to 7 dwelling units shall be permitted subject to the following provisions:

i)	Minimum Lot Area	0.18 hectares
ii)	Minimum Lot Frontage	30 metres
iii)	Minimum Interior Side Yard (east side)	15 metres
iv)	Minimum Interior Side Yard (west side)	4 metres
v)	Minimum Front Yard (to the exterior of the front wall)	15 metres
vi)	Minimum Front Yard (to the front porch)	13 metres
vii)	Minimum Rear Yard	8 metres
viii)	Maximum Number of Dwelling Units	7
ix)	Maximum Ground Floor Area (multi-residential building)	
		301 m ²
x)	Maximum Total Floor Area -	600 m ²
xi)	Maximum Lot Coverage	20%
xii)	Maximum Height	8 metres
xiii)	Minimum Number of Parking Spaces	10
xiv)	Maximum Number of Parking Spaces permitted within 20 metres of the Front Lot Line	

In the RM-7 Zone, access to dwelling units shall be permitted only from the east side or front of the multi-residential dwelling. In addition, the calculation of lot coverage shall include any external roofed area, such as a porch, and furthermore no porch, balcony, patio, landing, deck or like feature shall be permitted along the west exterior wall of the building.

In all other respects the provisions of Comprehensive Zoning By-law 2003-38, as amended shall apply.

Lands located in the RM-7 Zone shall be subject to a Holding provision. The Holding provision shall not be removed until the following have been provided to Council:

- i) A site plan agreement prepared by the Municipality and signed by the Owner.
- ii) Any security required by the site plan agreement.
- iii) Municipal costs incurred in the review and preparation of items a) and b) have been reimbursed to the Municipality."

4.3.3.8 Reserved

4.3.3.9 Multiple Residential Exception Nine (RM-9) Zone (2018-39)

Notwithstanding the permitted uses and regulations of the Multiple Residential (RM) Zone, to the contrary, on lands described legally as Part 1, Plan 42R-21025, located in Part Lot 15, Registrar's Compiled Plan 318 (Himsworth) and located in the RM-9 Zone,

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multi-residential housing in the form of apartment buildings and/or townhouse units shall be permitted uses subject to the following regulations:

a)	Minimum Lot Area	1.8 hectares
b)	Minimum Frontage on Big Bend Avenue	60 metres
c)	Minimum Setback from any lot line	7.5 metres
d)	Minimum Parking Spaces per dwelling	1.75
e)	Maximum Height	10.5 metres
f)	Maximum Lot Coverage	30 %

The Holding symbol applicable to lands located in the RM-9 (H) zone shall not be removed until a site plan agreement has been prepared to the satisfaction of Council and CN Rail.'

4.3.3.10 Multiple Residential Exception Ten (RM-10) Zone (2008-06)

Notwithstanding the provisions of the Multiple Residential (RM) Zone, to the contrary, lands located in the RM-10 Zone may be used for up to two residential apartments and the following provisions shall apply:

i)	Minimum Lot Area	0.10 acres
ii)	Minimum front yard	3 m
iii)	Minimum lot frontage	10 m
iv)	Minimum interior side yard	0.60 m

In all other respects, the provisions of this By-law shall apply."

4.3.3.11 Multiple Residential Exception Eleven (RM-11) Zone (2010-26)

Notwithstanding the provisions of the Multiple Residential (RM) Zone, to the contrary, on lands described legally as Plan 44, PT Lot 14/15, Bik J and located in the RM-11 Zone the following provisions shall apply:

i)	Minimum rear yard setback	7 m
ii)	Minimum front yard setbacks	13 m"

43. Section 4.4 **RESIDENTIAL MOBILE HOME (RMH) ZONE** has been deleted in its entirety.

44. Section 4.5 **RURAL (RU) ZONE** has been renumbered to 4.4 and 4.4.1 Column A iv), vii), x) have been deleted in their entirety.

45. Section 4.4.1 Column B vii) cemetery has been deleted and replaced with "**hobby farm**"

46. Section 4.4.2 has been amended by adding:

"x)	Minimum Lot Area for a hobby farm	2.0 ha"
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47. Section 4.4.3 Specialized Farm has been deleted in its entirety.

48. Section 4.4.4 – Exceptions has been renumbered to 4.4.3 and has been amended by adding Exceptions 4.4.3.2 through to 4.4.3.9 as follows:

**“4.4.3.2 Rural Exception Two (RU-2) Zone
(2011-29)**

Notwithstanding the permitted uses and regulations of the Rural (RU) Zone, on lands located in Part of Lot 27, Concession 10 and located in the RU-2 Zone, only the following uses shall be permitted:

- i) A single detached recreational dwelling together with accessory uses as regulated in accordance with Section 3.1 of By-law 2003-38:**

In addition, for the purposes of the RU-2 Zone, the following provisions shall apply

- i) Minimum setback from the 265.76 metre elevation G.S.C. 29 m**
- ii) Minimum setback from the southern interior lot line - 3.8 m**

Lands located within the RU-2 Zone shall be subject to a Holding (H) Provision. The purpose of the Hold is to identify lands that do not abut or have frontage on an assumed road maintained year round by the Municipality and therefore may only be used in accordance with Section 3.8 (b) of By-law 2003-38, as amended. The Hold may be removed by Council when Park Street has been assumed by the Municipality up to and abutting the lands located within the RU-2 Zone.

**4.4.3.3 Rural Exception Three (RU-3) Zone
(2016-28)**

On lands located in Part of Lot 15, Concession 6 (Himsworth), in the Municipality of Powassan and located in the RU-3 Zone, a poultry processing facility shall be a permitted accessory use to a residential use and agricultural use. A poultry processing facility shall have a maximum floor area of 167.22 m² (1,800 ft²) and shall be constructed and operated in accordance with The Food Safety and Quality Act (2001) and Ontario Regulation 31/05 or the successors to these documents.”

**4.4.3.4 Rural Exception Four (RU-4) Zone
(2013-19)**

Notwithstanding the permitted uses and regulations of the Rural (RU) Zone, on lands legally described as Part 3, Pcl 8538 NS, Plan PSR-550, located in Part of Lot 27, Concession 10 and located in the RU-4 Zone, only the following uses shall be permitted:

- i) A single detached recreational dwelling together with accessory uses as regulated in accordance with Section 3.1 of By-law 2003-38.**

In addition, for the purposes of the RU-4 Zone, the following provisions shall apply:

Minimum setback from front lot line (one corner of dwelling)	20 m
Minimum setback from front lot line (other corner of dwelling)	25 m
Minimum setback from the southern interior lot line	12 m
Minimum setback for septic filter bed	70 m
Maximum ground floor area of dwelling	75 m²

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Maximum area of attached deck

68 m²

Lands located within the RU-4 Zone shall be subject to a Holding (H) Provision. The purpose of the Hold is to identify lands that do not abut or have frontage on an assumed road maintained year round by the Municipality and therefore may only be used in accordance with Section 3.8 (b) of By-law 2003-38, as amended. The Hold may be removed by Council when Park Street has been assumed by the Municipality up to and abutting the lands located within the RU-4 Zone."

**4.4.3.5 Rural Exception Five (RU-5) Zone
(2013-37)**

On lands located in the remainder of Part of Lot 25, Concession 13, excluding Part 1, Plan PSR-1920 and Parts 1 and 2, Plan 42R-19997 in the Municipality of Powassan and located in the RU-5 Zone, any agricultural building or structure in existence on the day this By-law comes into effect shall not be used for the keeping of animals. In addition, any new dwelling or detached accessory buildings shall maintain a minimum 15 metre setback from the rear lot line of Part 1, Plan PSR-1920 and Parts 1 and 2, Plan 42R-19997. Furthermore, the minimum lot area for any lot in the RU-5 Zone shall be 39.2 hectares and the minimum frontage along the southern lot line of Lot 25 shall be 200 metres which may exist as a dual or split frontage.

**4.4.3.6 Rural Exception Six (RU-6) Zone
(2013-37)**

On lands legally described as Parts 1 and 2, Plan 42R-19997 located in Part of Lot 25, Concession 13 in the Municipality of Powassan and located in the RU-6 Zone, the minimum lot area shall be 4,000 m² and the minimum lot frontage shall be 63 metres and the only permitted use shall be a detached residential dwelling and accessory uses as permitted under Section 3.1 of Zoning By-law 2003-38, as amended.

**4.4.3.7 Rural Exception (RU-7) Zone
Source Water Protection (2015-28)**

Lands located in the RU-7 Zone form part of the Source Water Callander Issue Contributing Area as identified by the North Bay-Mattawa Source Protection Plan and notwithstanding the permitted uses and provisions of the RU Zone, the storage of tailings from a mine or a mine tailings pond shall be prohibited.

**4.4.3.8 Rural Exception (RU-8) Zone
Source Water Protection (2015-28)**

Lands located in the RU-8 Zone form part of the Source Water Wellhead Protection Areas as identified by the North Bay-Mattawa Source Protection Plan and notwithstanding the permitted uses and provisions of the RU Zone, the following uses shall be prohibited:

- i) gas bar, marina, automobile service station, cardlock/keylock facility, private outlet, farm, refinery, bulk plant and any commercial or industrial land use involving the handling and storage of fuel other than for heating;
- ii) pesticide storage, that involves the storage of pesticides including the retail sale, manufacturing, processing, and wholesaling thereof;
- iii) a road salt storage facility greater than 5,000 tonnes;

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- iv) storage of agricultural source material;
- v) handling and storage of non-agricultural source material;
- vi) handling and storage of commercial fertilizer;
- vii) keeping, confining and/or pasturing of livestock;
- viii) storage of road salt and as a snow storage facility or snow dump (areas where snow is likely to be transported from offsite)
- ix) storage of tailings from mines or a mine tailings pond;
- x) storage or injection of liquid industrial waste;
- xi) land farming of petroleum refining waste;
- xii) land filling of hazardous or municipal waste; and,
- xiii) land filling of solid non-hazardous industrial or commercial waste.

**4.4.3.9 Rural Exception Nine (RU-9) Zone
(2010-10)**

Notwithstanding the permitted uses and provisions of the Rural (RU) Zone, on lands located on Lot 1, Concession 10 Plan 42R18715 pt parcel 2000, the following uses shall be permitted:

- i) a single detached dwelling for an owner or caretaker
- ii) a small scale commercial building to provide storage, service shop and light duty repairs."

**4.4.3.10 Rural Exception Ten (RU-10) Zone
(2018-35)**

Notwithstanding the permitted uses and provisions of the Rural (RU) Zone, on lands located on Reg. Plan 323, Lot 8, and zoned RU-10, permitted uses shall be limited to the following uses operating singularly or in conjunction with each other:

- i) a Bed & Breakfast
- ii) a Home Occupation
- iii) a Detached Dwelling
- iv) a secondary dwelling to the above uses.

For the purposes of the RU-10 Zone, the following regulations shall apply:

- i) Minimum Lot Area - 0.44 hectares
- ii) Minimum Lot Frontage (Highway 524) - 88 metres
- iii) Minimum Front Yard Setback - 9 metres
- iv) Minimum Rear Yard Setback - 9 metres
- v) Notwithstanding the definition of Bed and Breakfast, in the RU-10 Zone, a Bed and Breakfast may have up to 5 rooms.
- vi) In the RU-10 Zone, subsection 3.11 d) shall not apply and a home occupation shall be permitted to utilize one full storey/floor of the dwelling; and
- vii) Notwithstanding Section 3.8, lands located in the RU-10 Zone shall obtain access from a private right-of-way from Fairview Lane.

**4.4.3.11 Rural Exception Eleven (RU-11) Zone
(2017-32)**

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Notwithstanding Section 3.1 of Zoning By-law 2003-38, on lands located in Part Lot 16, Concession 10 and located in the RU-11 Zone, a storage building having a maximum floor area of 111.48 m² (1,200 ft²) shall be a permitted use provided such storage building is used exclusively for private/personal storage and is not used for commercial or industrial purposes, nor shall it be used for the keeping of livestock or animals. The RU-11 Zone shall permit the construction of a dwelling, upon which time the storage building will be considered to be an accessory structure to such dwelling. The RU-11 Zone does not authorize or permit any open storage of trailers or construction equipment.

4.4.3.12 Rural Exception Eleven (RU-12) Zone (Butler Subdivision)

Notwithstanding Section 4.4.1 and 4.4.2 of Zoning By-law 2003-38, on lands located in Part Lot 21, Concession 13, described legally as Lots 1 to 12, Plan M471, and zoned RU-12, the permitted uses and regulations of the RV2 Zone shall apply.

- 49. Section 4.6 – **HIGHWAY COMMERCIAL (CH) ZONE** has been renumbered to 4.5.
- 50. Section 4.5.3 – Setbacks from Residential Lots – has been amended by replacing “10 metres with “2 metres.”
- 51. Section 4.5.4 has been amended by adding 4.5.4.2 at the end of the subsection as follows:

“4.5.4.2 Highway Commercial Exception Two (CH-2) Zone (2010-25)

Notwithstanding the provisions of the Highway Commercial (CH) Zone, to the contrary, the following additional uses shall be permitted within the Highway Commercial Exception Two (CH-2) Zone:

- i) **Manufacturing, processing, assembly and/or fabricating plant, limited to boats and marine structures and accessories.”**
- 52. Section 4.7 – **VILLAGE COMMERCIAL (CV1) ZONE – SERVICED** has been renumbered to 4.6.
- 53. Section 4.6.3 has been deleted in its entirety.
- 54. Section 4.6.4 has been renumbered to 4.6.3 and has been amended by adding the following exceptions:

.6.3.1 Village Commercial Exception One (CV1-1) Zone (2011-34)

In addition to the permitted uses and notwithstanding the provisions of the Village Commercial (CV1) Zone, to the contrary, in the CV1-1 Zone, a single detached dwelling shall be a permitted use and the following provisions shall apply to lands legally described as and located within the CV1-1 Zone and used for a single detached dwelling:

- i) **Minimum frontage** **24 m**

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ii)	Minimum Front Yard	36 m
iii)	Minimum Rear Yard	2.5 m
iv)	Minimum interior side yard one side	0.5 m
v)	Minimum interior side yard other side	7.5 m
iv)	Maximum Lot Area	0.11 ha

Where lands within the CV-1 Zone are to be used for any other use within the CV1 Zone, the provisions of the CV1 Zone and appurtenant provisions of Zoning By-law 2003-38 shall apply.

4.6.3.2 Village Commercial Exception Two (CV1-2) Zone (2006-08)

Notwithstanding the permitted uses of the CV1 Zone, on lands described legally as being Part of the Station Grounds, Plan 44, Part 1, Plan 42R-13899 (East end of King Street) and zoned CV1-2, a funeral home and crematorium shall be the only permitted uses, together with related accessory uses.

4.6.3.3 Village Commercial Exception (CV1-3) (H) Zone (2018-40)

Notwithstanding the permitted uses and regulations of the CV1 Zone, on lands described legally as Plan 4, Block E, Lots 8 and 9, Part Lot 7, Station Grounds, Plan 42R-19599, Parts 2, 5 and 6 and located in the Village Commercial Exception (CV1-3) Zone, the only permitted use shall be an Adult Residential Home. For the purpose of the CV1-3 Zone, an Adult Residential Home shall be defined as a residential facility authorized or licensed by the Ministry of Health and Long Term Care that provides accommodation, meals and other support services to adult residents who require housing and support.

- a. Minimum Frontage on Catherine Street - 7 metres
- b. Maximum Floor Area of Adult Residential Home - 1,115m²
- c. Minimum Parking Spaces - 26
- d. Maximum Number of Beds for Residents - 40
- e. Maximum Number of Accessory Apartment Units - 6
- f. Minimum setback from any lot line – 5 m or as authorized by CN

4.6.3.4 Village Commercial Exception Four (CV1-4) Zone (2013-29)

Notwithstanding Section 4.7.1 (xxii), a residential apartment dwelling unit shall be permitted to be located on the main floor and at the front of a commercial building, provided such apartment dwelling unit complies with the following regulations:

- i) Maximum Floor Area of Main Floor Apartment Dwelling Unit 35.3 m²
- ii) Maximum Building Frontage (along Main Street) that may be utilized for an Apartment Dwelling Unit 5.5 metres
- iii) Minimum number of parking spaces required in the CV1-4 Zone for 4 apartment dwelling units and a commercial use shall be 14 spaces.

55. Section 4.8 – **VILLAGE COMMERCIAL (CV2) ZONE UNSERVICED** is renumbered to 4.7 and Section 4.7.3 is amended by replacing “10 metres” with “2 metres”.

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56. Section 4.7.4 Exceptions is amended by adding the following:

**“4.7.4.1 Village Commercial Exception One (CV2-1) Zone
(2015-27)**

In addition to all other uses permitted in the CV2-1 Zone, lands located in the Village Commercial (CV2-1) Zone are permitted to be used for a retail store specializing in animal feeds and related merchandise, together with gasoline sales, which may include a propane exchange, and an internal accessory dwelling unit.

For the purpose of the CV2-1 Zone, a maximum of 3 storage trailers are permitted to be used in conjunction with the feed business provided they are not located in the front yard and provided the following items are not stored in the containers:

- i) Bulk fuel and compressed gases;**
- ii) Industrial chemicals, hazardous waste or liquid or solid industrial waste;**
- iii) Bulk fertilizer;**
- iv) Used tires;**
- v) Used batteries;**
- vi) Fireworks, ammunition or explosives; or,**
- vii) Livestock or animals.**

Lands located in the CV2-1 Zone shall be subject to a Holding (H) provision. The purpose of the Holding provision is to require the owner to enter into a site plan agreement, which shall be required prior to obtaining a building permit for any expansion to an existing building or construction of a new commercial building on lands located in the CV2-1 Zone.”

57. Section 4.9 – **TOURIST COMMERCIAL (CT) ZONE** has been renumbered to 4.8

58. Section 4.8.4.1 Exceptions is amended by adding the following exception:

**“4.8.4.1 Commercial Tourist Exception One (CT-1) Zone
(2010-45)**

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 are 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 resources uses and activities.**

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

- a) Maximum number of cottages – 10**

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- b) Maximum total floor area of a cottage – 150 m²
- c) Maximum area of disturbance for a cottage – 2 acres

Lands located in 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."

59. Section 4.10 – **BUSINESS PARK (BP) ZONE** has been renumbered to 4.9

60. Section 4.9.3 Exceptions is amended by adding the following exceptions:

**"4.9.3.1 Business Park Exception One (BP-1) Zone
(2005-16)**

On lands located in Part of Lot 11, Concession 16 and zoned BP-1, the only permitted uses shall be a self-storage facility." And, that this rezoning be subject to having a site plan control agreement executed between the land owner and the Municipality of Powassan."

**4.9.3.2 Business Park Exception Two (BP-2) Zone
(2018-46)**

Notwithstanding the permitted uses and provisions of the Business Park (BP) Zone, on lands described legally as Parts 5 and 8, Plan 42R-12152, located in Part of Lot 18, Concession 12 and zoned BP-2, permitted uses shall be limited to the following uses operating singularly or in conjunction with each other:

- i) a motor vehicle fuel bar or services station;
- ii) a convenience store;
- iii) restaurants and takeout food service, including drive-throughs;
- iv) a hotel or motel

Lands located in the BP2 Zone are subject to a Holding (H) provision. The Hold shall be removed in whole or in part by Council upon fulfillment of the following:

- a) Issuance of a building and land use permit by the Ministry of Transportation (MTO) which will require the completion of a traffic impact study, illumination plan, storm water management report and, if required, entry into an agreement with the MTO; and
- b) Execution of a site plan agreement with the Municipality of Powassan, which shall include a site plan, a storm water management plan, a servicing plan and if required, the posting of any securities.

61. Section 4.11 – **GENERAL INDUSTRIAL (M1) ZONE** has been renumbered to 4.10

62. Section 4.10.4 Exceptions is amended by adding the following exceptions at the end of the section:

**4.10.4.5 General Industrial Exception Five (M1-5) Zone
(2009-44)**

On lands located in Part Lot 19,20 Concession 13 and located in the M1-5 Zone, the following uses shall be permitted:

- i) Contractor's Yard
- ii) Lumber Yard
- iii) Retail outlet or wholesale outlet or business office accessory to a permitted use provided that it does not exceed 25% of the gross floor area of the principle use
- iv) Warehouse
- v) Wood products or planning mill
- vi) Workshop
- vii) Accessory single detached dwelling
- viii) Open storage of goods or materials if accessory to a permitted use

**4.10.4.6 General Industrial Exception Six (M1-6) Zone
(2013-21)**

Notwithstanding the permitted uses and provisions of the General Industrial (M1) Zone, to the contrary, on lands located within the M1-6 Zone the only permissible use shall be a tri-plex, subject to the following provisions:

- i) Maximum Number of Residential Dwelling Units – 3
- ii) Minimum Number of Parking Spaces - 6
- iii) Minimum Front Yard 15 metres
- iv) Minimum Interior Side Yard 7 metres
- v) Maximum Height 10 metres

**4.10.4.7 General Industrial Exception Seven (M1-7) Zone
(2014-13)**

Notwithstanding the permitted uses and provisions of the General Industrial (M1) Zone, to the contrary, on lands legally described as Lot 16, Registrar's Compiled Plan 320 together with Part 1, Plan 42R-20106 and located within the M1-7 Zone, the only permissible use shall be a contractor's yard, truck terminal, bulk fuel depot, manufacturing plant, warehouse, workshop and accessory retail uses subject to the following provisions:

- i) Minimum Lot Area 0.36 hectares
- ii) Minimum Lot Frontage 60 metres
- iii) Minimum Interior Side Yard (one side) 1.8 metres
- iv) Minimum Rear Yard 9.0 metres
- v) Minimum Front Yard 14.5 metres

Lands located in the M1-7 Zone shall be subject to a Holding provision. The Holding symbol shall not permit any change in use, building expansion, renovation or site alteration to lands located in the M1-7 Zone until the provisions of the site plan agreement registered on title to the lands in the M1-7 Zone have been fulfilled to Council's satisfaction.

4.10.4.8 General Industrial Exception Eight (M1-8) Zone

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(2014-13)

Notwithstanding the permitted uses and provisions of the General Industrial (M1) Zone, to the contrary, on lands legally described as Lot 17, Registrar's Compiled Plan 320 and located within the M1-8 Zone, an existing detached dwelling shall be an additional permitted use, and the following regulations shall apply:

- | | | |
|------|---------------------------------------|---------------|
| i) | Minimum Interior Side Yard (one side) | 4.5 metres |
| ii) | Minimum Front Yard | 12.5 metres |
| iii) | Minimum Lot Area | 0.28 hectares |
| iv) | Minimum Lot Frontage | 22 metres |

4.10.4.9 **General Industrial Exception Nine (M1-9) Zone
Source Water Protection (2015-28)**

Lands located in the M1-9 Zone form part of the Source Water Callander Issue Contributing Area as identified by the North Bay-Mattawa Source Protection Plan and notwithstanding the permitted uses and provisions of the M1 Zone, the storage of tailings from a mine or a mine tailings pond shall be prohibited."

- 63. Section 4.12 – EXTRACTIVE INDUSTRIAL (MX) ZONE has been renumbered to 4.11
- 64. Section 4.11.1 i) is amended by adding the word "existing" after "pits and".
- 65. Section 4.11.5 Exceptions is amended by adding the following:

"4.11.5.1 **Extractive Industrial Exception One (MX-1) Zone
(2014-31)**

- a) Notwithstanding the permitted uses listed in Section 4.12.1 and notwithstanding the permitted accessory uses listed in Section 3.1,
 - i) The only permitted use in the MX-1 Zone shall be a quarry that is above the water table; and
 - ii) The only permitted accessory uses shall be storage buildings and structures, weigh scales and the processing of stone, including screening, sorting, washing and crushing.
- b) In addition to the foregoing permitted uses and permitted accessory uses, where the operator of the quarry has entered into a contract with a public authority or the contractor for a public authority concerning a short term construction project conducted by or on behalf of the public authority, the storage and processing of recycled aggregate materials and the placement and use of a portable asphalt plant and/or portable concrete batching plant necessary in connection with such construction project shall be permitted during the term of said construction project.
- c) Notwithstanding Section 4.12.2, the minimum required yard from any lot line shall be 30 metres for any building or structure.
- d) Notwithstanding Section 3.8, a quarry within the MX-1 Zone may be established and operated where the lands upon which the quarry is located fronts on an unopened road allowance provided the owner has entered into a license agreement with the Municipality concerning the use and maintenance of the unopened road allowance.

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**4.11.5.1 Extractive Industrial Exception Two (MX-2) Zone
(2018-32)**

Notwithstanding the permitted uses and provisions of the General Industrial (MX) Zone, on lands located in the North Part of Lot 15, Concession 15 and located in the MX-2 Zone, the only permissible use shall be a quarry and/or a gravel pit located above the water table. Accessory uses may include storage buildings and structures, weigh scales and the processing of stone including screening, sorting, washing and crushing. In addition, the storage and processing of recycled aggregate materials shall be permitted on a temporary basis. In addition, a temporary cement or asphalt plant may also be permitted provided such facility is utilized only to serve a short-term construction project for a public agency.

Furthermore, Section 4.12.3 of Zoning By-law 2003-38, as amended, shall not apply to lands located in the MX-2 Zone.

66. Section 4.13 – **DISPOSAL INDUSTRIAL (MD) ZONE** has been renumbered to 4.12.

67. Section 4.14 – **INSTITUTIONAL (I) ZONE** has been renumbered to 4.11

68. Section 4.13.3 has been deleted in its entirety.

69. Section 4.13.3 Exceptions is amended by adding Section 4.13.3.2 as follows:

**“4.14.4.2 Institutional Exception Two (I-2) Zone
(Source Water Protection (2015-18)**

Lands located in the I-2 Zone form part of the Source Water Wellhead Protection Areas as identified by the North Bay-Mattawa Source Protection Plan and notwithstanding the permitted uses and provisions of the I Zone, the following uses shall be prohibited:

- i) gas bar, marina, automobile service station, cardlock/keylock facility, private outlet, farm, refinery, bulk plant and any commercial or industrial land use involving the handling and storage of fuel other than for heating;**
- ii) pesticide storage, that involves the storage of pesticides including the retail sale, manufacturing, processing, and wholesaling thereof;**
- iii) a road salt storage facility greater than 5,000 tonnes;**
- iv) storage of agricultural source material;**
- v) handling and storage of non-agricultural source material;**
- vi) handling and storage of commercial fertilizer;**
- vii) keeping, confining and/or pasturing of livestock;**
- viii) storage of road salt and as a snow storage facility or snow dump (areas where snow is likely to be transported from offsite);**
- ix) storage of tailings from mines or a mine tailings pond;**
- x) storage or injection of liquid industrial waste;**
- xi) land farming of petroleum refining waste;**
- xii) land filling of hazardous or municipal waste; and,**
- xiii) land filling of solid non-hazardous industrial or commercial waste.”**

70. Section 4.15 – **OPEN SPACE (OS) ZONE** has been renumbered to 4.14

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71. Section 4.16 – ENVIRONMENTAL PROTECTION (EP) ZONE has been renumbered to 4.15

72. Section 4.15.4 Exceptions is amended by adding the following exceptions:

**“4.15.4.1 Environmental Protection Exception One (EP-1) Zone
Source Water Protection (2015-28)**

Lands located in the EP-1 Zone form part of the Source Water Callander Issue Contributing Area as identified by the North Bay-Mattawa Source Protection Plan and notwithstanding the permitted uses or provisions of the EP Zone the storage of tailings from a mine or a mine tailings pond shall be prohibited.

**4.15.4.2 Environmental Protection Exception Two (EP-2) Zone
Source Water Protection (2015-28)**

Lands located in the EP-2 Zone form part of the Source Water Wellhead Protection Areas as identified by the North Bay-Mattawa Source Protection Plan and notwithstanding the permitted uses or provisions of the EP Zone, the following uses shall be prohibited:

- i. gas bar, marina, automobile service station, cardlock/keylock facility, private outlet, farm, refinery, bulk plant and any commercial or industrial land use involving the handling and storage of fuel other than for heating;
- ii. pesticide storage, that involves the storage of pesticides including the retail sale, manufacturing, processing, and wholesaling thereof;
- iii. a road salt storage facility greater than 5,000 tonnes;
- iv. storage of agricultural source material;
- v. handling and storage of non-agricultural source material;
- vi. handling and storage of commercial fertilizer;
- vii. livestock grazing or pasturing land, an outdoor livestock confinement area or farm-animal yard;
- viii. storage of road salt and as a snow storage facility or snow dump (areas where snow is likely to be transported from offsite)
- ix. storage of tailings from mines or a mine tailings pond;
- x. storage or injection of liquid industrial waste;
- xi. land farming of petroleum refining waste;
- xii. land filling of hazardous or municipal waste; and,
- xiii. land filling of solid non-hazardous industrial or commercial waste.

**4.15.4.3 Environmental Protection Exception Three (EP-3) Zone
Source Water Protection (2015-28)**

Lands located in the EP-3 Zone form part of the Source Water Wellhead Protection Areas as identified by the North Bay-Mattawa Source Protection Plan and further to the permitted uses and provisions of the EP Zone, the following uses shall be prohibited:

- i) storage or injection of liquid industrial waste;
- ii) land filling of municipal waste; and,
- iii) land filling of solid non-hazardous industrial or commercial waste.”

73. Section 5 has been amended by adding the following definitions:

“5.5.1 AGRICULTURAL SOURCE MATERIAL

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Material used for land application of nutrients that originate from agricultural activities such as livestock operations. May include manure, livestock bedding, runoff water from animal yards or manure storage and compost.

"5.13 a BALCONY

A partially enclosed or roofed platform attached to or extended horizontally from one or more of the main walls above the first floor of a building."

74. Section 5.18 has been deleted in its entirety and replaced with the following:

"5.18 BOATHOUSE

A single-storey detached accessory building located in the shoreline setback or over the water or partially on-land and over water, the primary purpose of which is to store one or more vessel and is designed to have a prominent lake-facing door to permit easy ingress and egress of a vessel. A boathouse shall not include habitable space nor any accessory deck, dock, balcony or rooftop patio."

75. Section 5.19 has been deleted in its entirety and remaining definitions renumbered accordingly.

76. A new section 5.22 Bulk Water Extraction Facility has been added as follows:

"5.22 BULK WATER EXTRACTION FACILITY

An industrial use which extracts surface or ground water as a commodity to be processed on-site or transported off-site to a processing or distribution facility."

77. Section 5.27 has been amended by deleting "and licensed under the Tourism Act."

78. Section 5.28 has been amended by adding the following at the end of the paragraph **"as authorized under the Funeral Burial and Cremation Services Act.**

79. Section 5.44 has been amended by adding the following at the end of the paragraph **"and shall include a mobile home or modular home as defined and regulated in this By-law."**

80. Section 5.49 has been amended by removing 'a' and adding "there is one" before kitchen.

81. Section 5.50 has been amended by deleting the entire sub-section and replacing it with the following new sub-section:

5.50 DWELLING UNIT, SECONDARY

Means an independent dwelling unit located within another dwelling or within a detached garage.

82. Section 5.52 has been amended as follows:

Any farming or agriculture use and includes apiaries; berry or bush crops; breeding, raising, training or boarding of horses or cattle; farms devoted to the hatching, raising and marketing

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of chickens, turkeys, or other fowl or game birds, animals, fish or frogs; farms for grazing; flower gardening; field crops; goat or cattle dairies; growing, raising, picking of vegetables or fruit produce produced on the premises; riding stables; the raising of sheep or goats; the raising of swine; tree crops, market gardening, bee keeping; wood lots; such uses or enterprises as are customarily carried on in the field of general agriculture. "Farm" includes a single-family dwelling house, and such principal or main buildings and structures as a barn or silo, as well as accessory buildings and structures, which are incidental to the operation of the farm and/or any farm business that meets the requirement for the Farm Class Designation of the Ministry of Agriculture, **however a marijuana facility is not a farm.**

83. Section 5.66a **Hobby Farm** has been added as a new definition as follows:

5.66a HOBBY FARM

An accessory use to a residential dwelling involving the keeping of no more than three large livestock such as horses, sheep, cattle, swine or goats or no more than 10 small livestock such as poultry, fowl or rabbits."

84. Section 5.67 has been amended by deleting "Homes for the Aged and Rest Homes Act R.S.O 1990, c.H.13 and replace with "**Long Term Care Homes Act 2007**".

85. Section 5.73 has been amended by deleting "a building or structure where" and replacing it with "**the keeping of**".

86. Section 5.73 has been further amended by deleting "domestic household pets are kept, raised and/or boarded for commercial purposes" and replaced it with "**dogs or 10 or more cats**".

87. Section 5.73.1 **Landfarming** has been added as a new definition as follows:

5.73.1 LANDFARMING

Means the biodegradation of petroleum refining wastes by naturally occurring soil bacteria by means of controlled application of the wastes to land followed by periodic tilling.

88. Section 5.93 **Marine Facility** has been added as a new definition as follows:

5.93 MARINE FACILITY

An accessory structure without a roof, which is used to take a boat into or out of a navigable waterway, or to moor a boat. This definition includes a launching ramp, boat lift, or dock but does not include any building or boathouse or any boat servicing, repair, or sales facility.

89. Section 5.94 a) **Marijuana Facility** has been added as a new definition as follows:

5.94a MARIJUANA (CANNABIS) FACILITY

A facility utilizing land and/or structures for the purpose of growing, cultivating, propagating, processing, extracting, destroying, storing, retailing and/or distributing

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marijuana used in accordance with Federal law and regulation and shall include industrial hemp and shall include outdoor and indoor grow facilities.

90. Section 5.96 is amended by deleting "or 241" and adding the following after "travel trailer", "park model trailer".

91. Section 5.9a **Modular Home** has been added as a new definition as follows:

5.97a MODULAR HOME

Any dwelling that is substantially constructed off-site in accordance with CSA Standard A-277, and is transported to the building site in two or more pieces to be assembled onto a permanent foundation.

92. Section 5.106a **Non-Agricultural Source Material** has been added as a new definition as follows:

5.106a NON-AGRICULTURAL SOURCE MATERIAL

Means materials applied to land as nutrients that do not originate from agricultural activities. Includes pulp and paper biosolids, sewage biosolids, non-agricultural compost and any other material capable of being applied to land as a nutrient that is not from an agricultural source.

93. Section 5.113a **Paintball Facility** has been added as a new definition as follows:

5.113a PAINTBALL FACILITY

A commercial business that provides the premises, facilities and accessories for participants to engage in recreational games of combat using paintball pellets ejected from air rifles or pistols.

94. Section 5.118 has been amended by deleting "so constructed that is suitable for being" and replaced by "**constructed to CSA Standard Z-241 and designed to be**"

95. Section 5.132a **Raft** has been added as a new definition as follows:

5.132a RAFT

A non-roofed structure used for recreational purposes on a lake which is attached to or rests upon land below the high water mark. For the purpose of this By-law, a raft shall not have a floor area greater than 10 m².

96. Section 5.134 has been deleted in its entirety.

97. Schedules A, B and the rural area zoning schedule are hereby repealed from By-law 2003-38 and replaced with the following Schedules A, B, and attached hereto to form part of this By-law.

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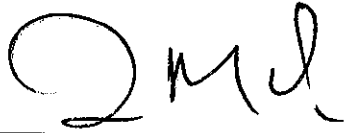
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2. This By-law shall come into effect upon the date of passage hereof, subject to the provisions of Section 34 (30) and (31) of the Planning Act (Ontario).

NOW THEREFORE the Council of The Corporatio of the Municipality of Powassan hereby enacts as follows:

READ a FIRST and SECOND TIME on the 18th day of June, 2019.

READ a THIRD and FINAL time and considered passed as such in open Council this 2nd day of July, 2019.



Mayor



CAO/Clerk-Treasurer

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