



THE CORPORATION OF THE TOWN OF ERIN

By-Law # 20-06

A By-law to amend By-law 07-67, being a By-law to regulate the use of lands and the character, location and use of buildings and to prohibit certain buildings and structures in various defined areas of the Corporation of the Town of Erin

Whereas the Council of the Corporation of the Town of Erin deems it desirable to amend By-law 07-67 as amended, pursuant to Section 34 of the Planning Act, R.S.O. 1990 as amended;

Now therefore the Council for the Corporation of the Town of Erin hereby enacts as follows:

1. That **SECTION 2 – DEFINITIONS** is amended by deleting the following definitions in their entirety and replacing with the following:

Bed and Breakfast (B & B) Establishment - Class 1 and 2

shall mean a single detached dwelling or part thereof in which the proprietor resides and supplies accommodation and meals to overnight guests on a temporary basis for monetary gain. A bed and breakfast does not mean a boarding house or rooming house, a group home, a hotel, a restaurant or a motel in accordance with this By-law. A Class 1 B & B may contain up to 2 guest rooms and a Class 2 B & B may contain up to 3 guest rooms. All B & B establishments must comply with the Ontario Building Code Act and Building Code, the Fire Protection and Prevention Act and Ontario Fire Code.

Building Height

shall mean the vertical distance between the finished grade of the building, and;

- .1 in the case of a flat roof, the highest point of the roof's surface or parapet, whichever is highest;
- .2 in the case of a mansard roof, the deck roof line;
- .3 in the case of gable, hip, or gambrel roof, the vertical mean distance of the highest roof between the bottom edge of the eaves and the highest point of the ridge exclusive of any accessory roof construction such as a chimney, tower or steeple;
- .4 to the highest point of a structure without a roof.

Commercial Vehicle

shall mean any vehicle having permanently or temporarily attached thereto a truck box or any other form of delivery body, tow trucks, tilt/n/load trucks, buses exceeding 7 m in length and 4,000 kg in gross vehicle weight, and shall include, for example, tractor trailers or semi-trailers and any component thereof, or other like or similar vehicle, but excludes major recreational equipment and industrial equipment as otherwise defined and regulated.

Hotel or Motel

shall mean a building, floor areas, a floor area or part of a floor area that contains four or more suites and that provides sleeping accommodation for the travelling public or for recreational purposes.

A Hotel or Motel may also include accessory uses such as a restaurant, lounge, convenience store, gift store, and a recreation facility.

Lot, Lot Frontage

shall mean the horizontal distance between the side lot lines, such distance being measured perpendicular to a line joining the middle of the front lot line with either the middle of the rear lot line or the apex of the triangle formed by the side lot.

Motor Vehicle

shall mean an automobile, truck, motorcycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include commercial vehicles, the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machines.

Storey

shall mean that part of a building between a floor and the floor, ceiling or roof next above it.

Transport or Distribution Operation

shall mean the use of land and/or buildings for the purpose of loading and/or unloading of commercial vehicles, trucks or transport trailers, or where such vehicles, buses or other fleet vehicles are stored, serviced or dispatched as common carriers.

2. That **SECTION 2 – DEFINITIONS** is amended by adding the following definitions:

Crawl Space

shall mean an enclosed space between the underside a floor assembly and the ground cover directly below, with a clearance less than 1.8m (5'-10").

Garbage

shall mean household and commercial waste as outlined and defined in the Corporation of the County of Wellington "Curbside Collection of Waste and Recyclables By-law".

Hobby Farm Definition

shall mean a small-scale agricultural use that is not a farm, and that is accessory to a single detached dwelling.

Medical Cannabis Production Facility

shall mean premises used for the growing, producing, processing, testing, destroying, packaging and/or shipping of medical cannabis authorized by a license issued by the federal Minister of Health, pursuant to the Marihuana for Medical Purposes Regulations, under the Controlled Drugs and Substances Act, as amended from time to time, or any successors thereto.

3. That **SECTION 4 – GENERAL PROVISIONS** is amended as follows:

Accessory Dwelling Unit

Article 4.1.1 is amended by deleting in its entirety and replacing with:

.1 **Accessory Dwelling Units** shall not be permitted on lots located within the boundary of the Natural Heritage System (NHS) within the Greenbelt Plan. Within the boundary of the Protected Countryside, but outside of the NHS, accessory dwelling units may only be permitted within existing structures that were legally constructed prior to December 16, 2004. Where permitted by this Bylaw, one accessory dwelling unit is permitted per lot by way of issuance of a change of use permit and subject to the following:

- .1 Each dwelling unit shall comply with the Ontario Building Code in regard to, but not limited to fire separation, provision of potable water, provision of adequate waste water disposal.
- .2 Each dwelling unit shall have a separate private entrance with a visible house number followed by an "A" denoting the accessory dwelling unit entrance.
- .3 Stairways or stairwells providing entrance to a dwelling unit above or below the main floor shall be enclosed from the elements.
- .4 The maximum floor area shall not exceed the lessor of 45 percent of the floor area of the principal dwelling unit or 92.9 m² (1000 ft²).
- .5 All other requirements of this By-law including parking and amenity area, shall be complied with.

Accessory Uses, Building or Structures

Sentence 4.2.1.2 is amended by deleting in its entirety and replacing with:

- .2 An accessory dwelling unit is not permitted in an accessory structure except where permitted by Special Zoning Provision and by Section 4.1

Article 4.2.4 is amended by deleting in its entirety and replacing with:

.4 Lot Coverage

The total lot coverage of all accessory buildings on a lot shall not exceed 10% of the lot area. The area of an open swimming pool shall not be calculated in determining lot coverage.

Provided the maximum lot coverage is not exceeded for accessory buildings or structures, the maximum ground floor area permitted for an accessory building or structure located on a lot is as follows:

- .1 On a lot 0.8 ha (2 ac) in size or less the maximum ground floor area for an accessory building or structure is 116 m² (1,250 ft²);

- .2 On a lot 2 ha (5 ac) in size or less and larger than 0.8 ha (2 ac) in size the maximum ground floor area for an accessory building or structure is 185.8 m² (2,000 ft²); and
- .3 On a lot larger than 2 ha (5 ac) in size the maximum ground floor area for an accessory building or structure is 464.5 m² (5,000 ft²).

Article 4.3.1 is amended by deleting in its entirety and replacing with:

- .1 No more than 2 guests rooms shall be provided within a Class 1 B&B and not more than 3 guests rooms shall be provided within a Class 2 B&B

Subsection 4.12 is amended by deleting in its entirety and replacing with:

4.12 Garbage Storage Areas

- .1 A garbage storage area shall be located within either a building, or a garbage enclosure in the following zones or where the following uses are being undertaken:
Any commercial zone;
Any industrial zone;
Any institutional zone;
Any open space zone;
Any mixed use zone
Any lot containing a commercial use; or
Any lot containing an apartment dwelling.
- .2 No garbage or refuse shall be stored on any lot in any zone except within the main building or any accessory building or structure on such lot or in a container in the side yard or rear yard of such lot;
- .3 All garbage storage areas, including any garbage loading or unloading areas, which are visible from an adjoining site in a residential, commercial, institutional or open space zone, or from a public street, shall have an opaque fence or structure that is a minimum of 2.0 m (6.5 ft) in height;
- .4 All garbage containers shall be regulated in the same manner as an accessory building or structure in the zone in which it is located; and;
- .5 An approved garbage enclosure or a building used for garbage containment shall be located in accordance with an approved site plan.

Article 4.13.2 is amended by deleting in its entirety and replacing with:

- .2 The siting of a garden suite shall be in accordance with the provisions for accessory uses of subsection 4.2 and shall be located to the rear of the front of the main building.

Article 4.20.1 Medical Cannabis Production Facility is added:

- a) A building or structure or portion thereof used for a Medical Cannabis Production Facility situated in the Light Industrial Zone (M1) and General Industrial Zone (M2) must be 70 metres from:
 - i. A Residential Zone or Use,
 - ii. An Institutional Zone, or
 - iii. An Open Space Zone.
- b) A building or structure or portion thereof used for a Medical Cannabis Production Facility situated in the Agricultural Zone (A) and Rural Industrial Zone (M3) must be 150 metres from:
 - i. A Residential Zone or Use,
 - ii. An Institutional Zone, or
 - iii. An Open Space Zone.
- c) The facility operations, including loading spaces and storage, must be located within a wholly enclosing building.
- d) Outdoor storage is prohibited on a property where a Medical Cannabis Production Facility is located.
- e) Medical Cannabis Production Facility shall only be permitted within zones as explicitly indicated in this Zoning By-law.

- f) All development in relation to the establishment of or expansion to a Medical Cannabis Production Facility shall be subject to Site Plan Control.
- g) A building or structure used exclusively for security guard(s) for a Medical Cannabis Production Facility may be located in the front yard, side yard and rear yard building setbacks.
- h) No minor variance for regulations to the Medical Cannabis Production Facility shall be permitted by Committee of Adjustment and shall only be dealt with by a Zoning By-law Amendment.
- i) A Medical Cannabis Production Facility shall only be permitted in the following zones:
 - i. Agricultural Zone (A)
 - ii. Light Industrial Zone (M1)
 - iii. General Industrial Zone (M2)
 - iv. Rural Industrial Zone (M3)

Article 4.45.2 is amended by deleting in its entirety and replacing with:

.2 The use of any land for the installation, operation or maintenance of any well, waterman, sanitary sewer main, storm sewer main, pumping station, gas main, pipeline, storm water management facility, water treatment facility, waste water treatment facility, lighting fixture, overhead or underground electrical service, cable television, telegraph or telephone line or associated tower or transformer, together with any installations or structures appurtenant thereto.

4. That **SECTION 8 – REQUIREMENTS FOR MIXED USE ZONE** is amended as follows:

Article 8.1.1 is amended by deleting in its entirety and replacing with:

.1 Permitted Uses

- Antique shop
- Any use permitted in the R1 or R2 zones, subject to the provisions of the applicable residential zone
- Bed and breakfast (Class 2)
- Business or professional office
- Commercial school
- Craft shop
- Day nursery
- Existing commercial uses
- Institutional uses
- Medical clinic
- Nursing home
- Personal service shop
- Public building or use
- Religious institution
- Studio
- Uses accessory to a permitted use

5. That **SECTION 12 – REQUIREMENTS FOR ENVIRONMENTAL PROTECTION ZONES** is amended as follows:

Article 12.2.1 is amended by deleting in its entirety and replacing with:

.1 Permitted Uses

- Uses, buildings and structures existing as of the date of passing of this by-law.
- Agricultural uses
- Conservation and resource management
- Forestry
- Passive recreation
- Buildings and structures accessory to the foregoing and with the prior written approval of the Conservation Authority having jurisdiction in the area

6. That **SECTION 14 – SPECIAL PROVISIONS** is amended by adding the following:

<p>A-150 By-law 19-19 Chapman Pt Lot 7, Con 1</p>	<p>a) Notwithstanding Section 4.2.3 and 4.2.4.3 or any other provisions in By-law 07-67 to the contrary, the land zoned A-150 on Schedule 'A' the existing building (drive shed) may have a maximum floor area of 697.7 m² (7200 ft²)</p>
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<p>5154 First Line Roll #01-03300</p>	<p>and a maximum building height of 7 m (23 ft) subject to the following conditions:</p> <ol style="list-style-type: none"> i) Enlargement of this building is not permitted; ii) That the accessory structure cannot be used for business purposes except in accordance with the provisions of Section 4.17 of this Bylaw; iii) That the accessory building cannot be used for human habitation; iv) Removal of the existing building shall void this provision. <p>b) Notwithstanding any other provision of this by-law, on land zoned A-150, the maximum permitted Nutrient Units shall be five (5) subject to the following conditions:</p> <ol style="list-style-type: none"> i) Enlargement of the barn is not permitted ii) Removal of the existing barn shall void this provision. <p>All other provisions of By-law 07-67 shall apply as applicable.</p>
<p>A-210 (Temp) Expires August 14th, 2021 By-law 18-45 Savage 5025 Fourth Line W Pt Lot 4, Con 5 Roll # 02-00150</p>	<p>Notwithstanding the provisions of the Agricultural (A) Zone or any other provisions in By-law 07-67 to the contrary, the land zoned A-210(T) on Schedule 'A' may also be permitted one garden suite subject to the following special provisions:</p> <ol style="list-style-type: none"> a) The garden suite shall be constructed to the rear of the required front yard and shall be located a minimum of 3.0 m from the interior side or rear lot line. b) That pursuant to Section 39(3) of the Planning Act, R.S.O. 1990, c.P.13 as amended, the garden suite is permitted until August 14th, 2021. <p>All other provisions of By-law 07-67 shall apply as applicable.</p>
<p>A-149 (Temp) Expires April 24, 2038 By-law 18-26 Mastracci and Rea 4987 Fourth Line Pt Lot 3, Con 5 Roll # 02-00135</p>	<p>Notwithstanding the provisions of the Agricultural (A) Zone or any other provisions in By-law 07-67 to the contrary, the land zoned A-149(T) on Schedule 'A' may also be permitted one garden suite subject to the following special provisions:</p> <ol style="list-style-type: none"> a) The floor area of the garden suite is not to exceed 116 m² (1,249 ft²) b) That pursuant to Section 39(3) of the Planning Act, R.S.O. 1990, c.P.13 as amended, the garden suite is permitted until April 24, 2038 <p>All other provisions of By-law 07-67 shall apply as applicable.</p>
<p>A-147 By-law 18-37 Ospringle Subdivision Thomasfield Homes Ltd. 8895 & 8871 Wellington RD 124 Pt Lot 13, Con 2 Roll #05-05700</p>	<p>Notwithstanding the provisions of the Agricultural (A) Zone or any other provisions in By-law 07-67 to the contrary, for the land zoned A-147 on Schedule 'A' hereto, the following special provisions shall apply:</p> <ol style="list-style-type: none"> a) Permitted Uses: <ul style="list-style-type: none"> • agricultural uses • single detached dwelling • one accessory apartment within one detached dwelling on a lot • Bed and Breakfast (B & B) Establishment (Class 1 & 2) in accordance with Section 4.3 • home industry in accordance with Section 4.17 • home occupation in accordance with Section 4.18 • uses accessory to any permitted use b) Regulations: <ol style="list-style-type: none"> i) Minimum Lot Area: 2.2 ha ii) Minimum Lot Frontage: 8.0 m <p>All other provisions of By-law 07-67 shall apply as applicable.</p>
<p>R3-116 By-law 18-37 Ospringle Subdivision Thomasfield Homes Ltd. 8895 & 8871 Wellington RD 124 Pt Lot 13, Con 2 Roll #05-05700</p>	<p>Notwithstanding the provisions of the Residential Three (R3) Zone or any other provisions in By-law 07-67 to the contrary, for the land zoned R3-116 on Schedule 'A' hereto, the following special provision shall apply:</p> <ol style="list-style-type: none"> i) Minimum Lot Frontage: 24 m <p>All other provisions of By-law 07-67 shall apply as applicable.</p>

<p>R3-117 By-law 18-37 Ospringe Subdivision Thomasfield Homes Ltd. 8895 & 8871 Wellington RD 124 Pt Lot 13, Con 2 Roll #05-05700</p>	<p>Notwithstanding the provisions of the Residential Three (R3) Zone or any other provisions in By-law 07-67 to the contrary, for the land zoned R3-117 on Schedule 'A' hereto, the following special provisions shall apply:</p> <p style="padding-left: 40px;">i) Minimum Lot Area: 1,858 m² ii) Minimum Lot Frontage: 24 m</p> <p>All other provisions of By-law 07-67 shall apply as applicable.</p>
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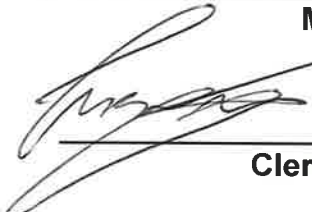
7. That **Schedules A to F 14 – Maps** be amended by amending the following:

<p>By-law 18-46 Countoures Pt Lot 18, Con 9</p>	<p>That Schedule 'A' of By-law 07-67, the Comprehensive Zoning By-law, is amended by rezoning Part of Lot 18, Concession 9, Town of Erin, from the current Future Development 'FD' Zone to the INDUSTRIAL 'M1' Zone, as more specifically illustrated on Schedule "A" of this By-law.</p> <p>All other provisions of By-law 07-67 shall apply as applicable.</p>
<p>By-law 18-25 Collins 9656 Dundas St. East Pt Lot 16, Con 10</p>	<p>That Schedule 'A' of By-law 07-67, the Comprehensive Zoning By-law, is amended by rezoning Part of Lot 16, Concession 10, Town of Erin, from the current Future Development 'FD' Zone to the RESIDENTIAL 'R1' Zone, as more specifically illustrated on Schedule "A" of this By-law.</p> <p>All other provisions of By-law 07-67 shall apply as applicable.</p>
<p>By-law 17-61 Dorman 5354 Ninth Line Pt Lot 12 Con 9</p>	<p>That Schedule 'A' of By-law 07-67, the Comprehensive Zoning By-law, is amended by rezoning Part Lot 12, Concession 9, Town of Erin, from the current Future Development 'FD' Zone to the RURAL RESIDENTIAL 'R3' Zone, as more specifically illustrated on Schedule "A" of this By-law.</p> <p>All other provisions of By-law 07-67 shall apply as applicable.</p>
<p>By-law 18-20 Derrydale 5650 Eighth Line Pt Lot 19 & 20 Con 8</p>	<p>That Schedule 'A' of By-law 07-67, the Comprehensive Zoning By-law, is amended by rezoning a portion of Part Lot 19 & 20, Concession 8, Town of Erin, from the current Open Space Recreation Special Provision (OS1-105) Zone to AGRICULTURAL (A) and from the current Open Space Recreation Special Provision (OS1-106) Zone to RURAL ENVIRONMENTAL PROTECTION (EP2) ZONE.</p> <p>All other provisions of By-law 07-67 shall apply as applicable.</p>
<p>By-law 18-47 Tugman 8970 Sideroad 17 Pt Lot 18, Con 3</p>	<p>That Schedule 'A' of By-law 07-67, the Comprehensive Zoning By-law, is amended by rezoning Part Lot 18, Concession 3, Town of Erin, from the current Agricultural Site Specific 'A-108' Zone to AGRICULTURAL 'A' Zone, as more specifically illustrated on Schedule "A" of this By-law.</p> <p>All other provisions of By-law 07-67 shall apply as applicable.</p>

Passed in Open Council on March 3, 2020.



Mayor, Allan Alls



Clerk, Lisa Campion