

ZONING BY-LAW NO. 2020-05

Amending Zoning By-Law No. 2016-10

The Corporation of the City of Clarence-Rockland

prepared by

City of Clarence-Rockland
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THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND

BY-LAW NO. 2020-05

BEING A BY-LAW TO AMEND ZONING BY-LAW NO. 2016-10;

WHEREAS Zoning By-Law no. 2016-10 regulates the use of land, and the use and erection of buildings and structures in the City of Clarence-Rockland; and

WHEREAS the Council of the Corporation of the City of Clarence-Rockland considers appropriate to amend Zoning By-Law No. 2016-10, as described;

NOW THEREFORE, the Council of the Corporation of the City of Clarence-Rockland enacts as follows:

Section 1: Part 1 Administration: Section 1.8.2 (c), change the words "landscaped open spaces" to "*landscaping*".

Section 2: Part 3 Definitions: To modify the definition of "Agriculture" to remove the words "(includes value-added facilities, agri-tourism uses, agriculture-related uses, and on-farm diversified uses)" from the heading in the left column.

Section 3: Part 3 Definitions: To modify the definition of "Agriculture" to remove subsections (g) and (h) and replace with the following: "(g) Cannabis cultivation under a standard cultivation, micro-cultivation or nursery license from Health Canada, including all related activities such as soil preparation, soil conditioning, planting, spraying, harvesting and drying."

Section 4: Part 3 Definitions: To modify the definition of "Agriculture" to remove the words "but does not include a *medical marijuana production facility*." at the end of the definition.

Section 5: Part 3 Definitions: To add, after the definition of "Agriculture", the following definition:

"Agriculture-related uses: means farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity and may include a *retail store, outdoor farmer's market, food production, heavy equipment and vehicle sales, rental and servicing* limited to farm equipment, or a *cannabis production facility*."

Section 6: Part 3 Definitions: The definition "Ecotourism Facility" to be deleted and replaced with the following :

"means a building, structure or premises where facilities are provided for the preservation of natural resources or the natural environment in association with education, business promotion, community event, development and/or tourism. This definition may include an educational and/or research facility, community centre, ecology centre, entrepreneurship centre, tourist establishment or similar use operated for gain or profit. Accessory uses include but are not limited to an eating establishment, retail store, office, and workshop."

Section 7: Part 3 Definitions: Delete the definition for a "Hotel".

Section 8: Part 3 Definitions: To modify the definition of "Landscape Buffer" to read as follows: "means an area which shall include a planting screen, fence, wall, or landscaped earth berm, or a combination of these features, and may include grass, ornamental shrubs, flowering shrubs, flower beds, and trees, and may be traversed by walkways."

Section 9: Part 3 Definitions: To modify the definition of "Landscaping" to read as follows: "means an outdoor area on a lot comprised of living trees, plants, permeable surfaces, fences and walls, or any combination thereof, without access by motor vehicles (except emergency access by vehicles such as fire trucks or ambulances), and may include a landscape buffer."

Section 10: Part 3 Definitions: to add after the definition of "Shoreline Activity Area", the following definition:

"Short-term rental: means all or part of a dwelling unit used to provide sleeping accommodation for any rental period that is less than 28 consecutive days in exchange for payment, which includes existing bed and breakfasts."

Section 11: Part 3 Definitions: To add, after the definition of "Temporary tent or Stage", the following definition:

"Tourist Establishment: means premises or buildings to be used for the purpose of sleeping accommodation on a temporary basis by tourists or vacationers, including a hotel, motel, lodge, and rental cottage, yurt or cabin where more than 3 such rental units occupy the same property, including accessory uses such as dining, meeting and beverage rooms and similar uses"

Section 12: Part 4 General Provisions. Section 4.1 Accessory Uses, Buildings and Structures. Section 4.1 e) is deleted and replaced with the following:

e) In a Residential Zone or on a lot in another zone used primarily for residential purposes, the following provisions will apply for buildings and structures which are accessory to the residential use:

- i. *accessory buildings or structures, including residential wind turbines, shall not be located within any minimum front yard, except as specifically permitted in this By-law;*
- ii. *accessory buildings or structures of more than 10 m² other than accessory residential wind turbines, shall not be located closer than 1.2 meter to any interior side lot line, exterior side lot line, rear lot line or main building, shall not exceed 3.8 meters in height in urban residential zones, 5.0 meters in community residential zones and shall not exceed 6.0 meters in height in rural and agricultural zones;*
- iii. *Notwithstanding 4.e)ii) above, detached garages and carports with direct vehicular access from that street, shall not be located within any minimum exterior side yard, except as specifically permitted in this By-law;*
- iv. *accessory residential wind turbines shall not exceed 15.0 metres in height, exclusive of the blades, and shall not be located closer to any interior side lot line, rear lot line or exterior side lot line than a distance equal to the height of the structure;*
- v. *accessory buildings or structures shall not occupy more than 8% of the total lot area, excluding hobby farms, swimming pools, temporary shelters ("tempo"), and uncovered platforms (decks) nor shall it exceed the lot coverage of the dwelling on the lot whichever is the lesser. Such accessory buildings or structures shall be included as part of the total lot coverage permitted in the zone requirements;*
- vi. *Notwithstanding 4.1 e) v. in a Rural Zone, Agricultural Zone, Restricted Agricultural Zone, or Conservation Zone, accessory buildings or structures can exceed the lot coverage of the dwelling on the lot;*
- vii. *an accessory private garage which gets its access from a lane shall be setback 1.0 metre from the lot line abutting that lane;*
- viii. *temporary structures (Tempo Garages) may be permitted pursuant to By-Law No. 2009-138, as amended.*

Section 13: Part 4 General Provisions. Section 4.1 Accessory Uses, Buildings and Structures. Section 4.1 h) is amended by adding the following at the end: ",except as otherwise indicated under Section 4.45.1".

Section 14: Part 4 General Provisions. Section 4.4 Amenity Area. Modify Section 4.4 (d) to change the words "landscaped buffer" to "landscape buffer".

Section 15: Part 4 General Provisions. Section 4.8 Cannabis Production Facility. Modify subsection 4.8 (a) iv. to read as follows: "Must be setback a minimum of 150 metres from a dwelling in General Agricultural, Restricted Agricultural, and Rural zones and must be setback a minimum of 150 metres from a lot line abutting a lot zoned or used for residential purposes, daycare, community centre, school, religious institution, public park or playground in any other zone."

Section 16: Part 4 General Provisions. Section 4.17 Hazardous Land. Modify Section 4.17.1 by replacing the words "the 1:100 year flood" in the last sentence of the first paragraph to "the flood protection".

Section 17: Part 4 General Provisions. Section 4.17 Hazardous Land. Modify Section 4.17.1 d) to add the following after the first paragraph: "A second unit or a short-term rental is not permitted under a Hazardous land."

Section 18: Part 4 General Provisions. Section 4.24 Legal Non-Complying / Legal Non-Conformity. Delete Section 4.24.1 a) ii.

Section 19: Part 4 General Provisions. Section 4.33 Outside Storage. Modify Section 4.33 (a) by replacing iv. and v. with the following: "iv. A *landscape buffer* with a minimum width of 3.0 metres shall be maintained around all outside storage areas and shall include an opaque screen with a minimum height of 1.8m."

Section 20: Part 4 General Provisions. Section 4.36 Permitted Projections into Required Yards. Modify Table 4.36 (5)(b)i) to add item 3 as follows: "in the case of separation distance between buildings on the same lot: no closer than 1 meter to the other building."

Section 21: Part 4 General Provisions. Section 4.36 Permitted Projections into Required Yards. Modify Table 4.36 (8) as follows: "0.6 m, but not closer to a lot line than 0.3 m, and may not project into a required front yard."

Section 22: Part 4 :General Provisions. Section 4.42 Separation Distances. Remove the last three bullet points and replace with the following :

- Within 20 metres of the lot line of a lot used for a Class I industrial use
- Within 70 metres of the lot line of a lot used for a Class II industrial use
- Within 300 metres of the lot line of a lot used for a Class III industrial use
- Within 150 metres of a *cannabis production facility*

Section 23:Part 4. General Provisions. Section 4.45 Shipping Containers. Section 4.45 is deleted and replaced with the following:

"4.45 Shipping Containers

4.45.1 Shipping Containers in Residential Zones or on a lot used for residential purposes

The parking or storing of a shipping container in a Residential Zone or on a lot used for residential purposes is only permitted in accordance with the following provisions:

- a) Shipping containers shall not be permitted except on a temporary basis for moving purposes for a period not to exceed 14 days, in which case the shipping container shall be located on the driveway, at least 2 metres from the edge of asphalt.
- b) Notwithstanding subsection a) above, a shipping container used for temporary storage because of construction, renovation or damage mitigation, shall only be permitted for a period not to exceed 6 months and shall be removed from the lot upon the completion of construction, renovation and damage mitigation.
- c) A shipping container shall not exceed a maximum height of 3 metres and a maximum length of 6 metres.
- d) A shipping container permitted under subsection a, b and c above shall not be used for human habitation.

4.45.2 Shipping Containers in all other Zones not used for residential purposes

The parking or storing of a shipping container in all other Zones not used for residential purpose is only permitted in accordance with the following provisions:

- a) Shipping containers shall not be located within a front yard;
- b) Shipping containers shall be located at a minimum distance of 6 metres from any exterior side lot line and at a minimum distance of 1.2 metres from any interior side and rear lot line;
- c) Notwithstanding subsection b), shipping containers shall not be permitted within 5 metres of a lot containing a residential use or zoned for residential purposes.
- d) The maximum lot coverage shall be equal to or less than 5% or limited to a maximum of 4 shipping containers, whichever is less;
- e) The issuance of a building permit is required as per the Building Code Act.
- f) The stacking of shipping containers is prohibited;
- g) Shipping containers shall not be permitted in a required parking area.

h) Shipping containers shall be screened by a landscape buffer from the street frontage and buildings on abutting lots.”

Section 24: Part 4 General Provisions. Add new section 4.55 Agriculture-Related Uses and On-farm Diversified Uses:

“4.55 Agriculture-Related Uses and On-farm Diversified Uses

Where there is doubt as to the compatibility of a proposed on-farm diversified use or agriculture-related use, or where there is doubt as to if a proposed use fits the definition and criteria of an on-farm diversified use or an agriculture-related use, application may be made to the Committee of Adjustment to determine whether or not the proposed use is appropriate. In such cases, the Committee of Adjustment shall consider how the proposed use meets the criteria contained in the *Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas*.

4.55.1 On-farm diversified uses

- (a) All on-farm diversified uses shall be considered accessory uses to a primary agricultural use. On-farm diversified uses must be compatible with, and shall not hinder, surrounding agricultural operations.
- (b) The following uses shall be considered on-farm diversified uses when located in an agricultural zone:
 - i. uses of a farm-tourism nature that are secondary to and subordinate to the agricultural use such as seasonal or occasional festivals or events, recreational activities, or educational displays
 - ii. food production that uses inputs from local farms, including vineyards and micro-breweries
 - iii. eating establishment “Country Style Dining” for transient guests and where the primary attraction consist in serving meals which are prepared with homegrown produce and livestock for gastronomic purposes.
 - iv. *Home-based businesses and home industries*
 - v. *Home-based private home day care*
 - vi. *Bed and breakfast*
 - vii. *Outdoor farmer’s market*
 - viii. *Boarding kennel*
 - ix. *Retail store or food store* selling value-added products from local farms
 - x. *Veterinary clinic* limited to providing services to livestock and horses.
- (c) The cumulative total area occupied by all *on-farm diversified uses* on a lot producing a harvestable crop may not exceed 2% of the total area of the lot on which they are located, to a maximum of one hectare or 10,000m². This includes all area of new buildings or structures, including setbacks, outside storage, landscaped areas, berms, well and septic systems, laneways, parking, etc. that may be associated with the on-farm diversified use(s). In addition, the buildings must not occupy more than 30 per cent of the 2% lot coverage cap. Where the use is located within an existing

building the area of the use is reduced by 50% (i.e. converted barn, within a dwelling); this reduction does not apply to parking or outside storage areas.

- (d) Despite subsection (c) above, uses that are intermittent, such as special events, may occupy a larger area, provided they are located on lands that are also used for the production of a harvestable crop.

4.55.2 Agriculture-Related Uses

- (a) Uses that fit the definition of *Agriculture-related uses* and that are located in an agricultural zone shall not be considered *on-farm diversified uses* regardless of whether they are located on the same lot as a farm or on a separate lot.
- (b) Agricultural related commercial or agricultural related industrial uses that have a large number of employees or attract a large number of customers may not be compatible in the prime agricultural area. *Agriculture-related uses* and *on-farm diversified uses* should:
- Have little to no impact on surrounding agricultural operations;
 - Ensure appropriate rural services and infrastructure are available;
 - Maintain the agricultural/rural character of an area or region;
 - Meet all applicable environmental standards; and,
 - Ensure cumulative impacts of multiple uses in prime agricultural areas are limited and do not undermine the overall agricultural nature of the area. "

Section 25: Part 5 Parking, Stacking, Loading and Landscaping Provisions. Modify Table 5.3.1 to add the word "required" after "Total Number of Parking Spaces" in the left title box.

Section 26: Part 5 Parking, Stacking, Loading and Landscaping Provisions. Modify section 5.5.1 (b) to read as follows: "b) Despite subsection a) above, the minimum setback for any point of a *drive-through facility* may be reduced to 3.0 metres if a *landscape buffer* in accordance with section 5.9 is provided."

Section 27: Part 5 Parking, Stacking, Loading and Landscaping Provisions. Modify section 5.8 to remove the following from the first paragraph: "in any Residential or Village Mixed Use Zone".

Section 28: Part 5 Parking, Stacking, Loading and Landscaping Provisions. Modify section 5.9 to read as follows:

"5.9 Landscaping and Landscape Buffer

a) In any zone, any portion of any *yard* which is not used for any other permitted use shall be devoted to *landscaping*.

b) Any land used as *landscaping* may form part of any required *landscaping* and any required *yard*, and shall be included in the

calculations of the *lot area*, *yard area* and *yard setback* requirements as set forth in this By-law.

c) An *aisle*, *driveway*, *lane*, pathways or walkway may cross a required area of *landscaping*, but that area shall not count towards the calculation of required *landscape coverage*.

d) *Landscaping* provided on the roof of a building shall be included in the calculation of required *landscape coverage* on the *lot*.

e) A *landscape buffer* required by this By-law shall be used for the erection of a fence at least 1.5 metres in height or the planting of a continuous row of natural evergreens or natural shrubs, not less than 1.00 metres in height at planting and maintained at a minimum height of 1.52 metres at maturity, immediately adjacent to the lot line or portion thereof along which such *landscape buffer* is required by this By-law; the remainder of the *landscape buffer* shall be landscaped and planted with grass, ornamental shrubs, flowering shrubs, flower beds, trees or a combination thereof.

f) Required *landscaping* and *landscape buffer* shall be located on the same *lot* for which it is required.

g) Where a conflict exists between two different landscaping requirements in this By-law, the provision requiring the greater amount of landscaping shall apply."

Section 29: Part 5 Parking, Stacking, Loading and Landscaping Provisions. Modify section 5.9.1 to read as follows:

"5.9.1 Required Widths of Landscaping

a) Where, in a yard in any zone, a parking area providing more than 4 parking spaces is closer than 3.0 metres from a lot used for *detached dwelling*, *semi-detached dwelling*, *duplex dwelling*, *linked dwelling*, *seasonal dwelling*, *three unit dwelling*, *townhouse dwelling*, and *back-to-back townhouse dwelling* or any R1, R1S, R2, RV1 or RV2 zone, then a *landscape buffer* of at least 1.5 metres in width shall be maintained.

b) An area of *landscaping* of at least 1.0 metre shall be maintained between any *aisle*, *driveway*, or *lane* and any *side lot line* or *rear lot line*.

c) The minimum width of *landscaping* between two surface *parking areas* is not required where there is a shared driveway / parking agreement in place.

d) In addition to the *landscape buffer*, in all zones except an industrial zone, a minimum of 15% of the area of any surface parking area, whether a principal or an *accessory use*, must be provided and shall be comprised of one or both the following:

i. A landscape buffer must be provided between the perimeter of a surface parking area and a *lot* line in accordance with section 5.9.1 (a), (b), and (c).

ii. interior landscaping may be provided including various landscaped islands, landscaped medians, pedestrian pathways or public plazas to meet the minimum 15% requirement.

e) A *landscape buffer* with a minimum width of 3.0 metres shall be maintained around all *outside storage* areas and shall include an opaque screen with a minimum height of 1.8m.

f) A *landscape buffer* with a minimum width of 3.0 metres shall be maintained along the lot line of a lot used for any industrial use."

Section 30: Part 5 Parking, Stacking, Loading and Landscaping Provisions. Modify section 5.9.2 to remove the words "contained within a parking area" from the first line.

Section 31: Replace the word "Hotel" for "Tourist Establishment" throughout the document when referring to a permitted hospitality use.

Section 32: To add the use "Short-term rental" as an accessory residential use in the following zones:

- Urban Residential First Density – General (R1) Zone
- Urban Residential First Density – Special (R1S) Zone
- Urban Residential Second Density (R2) Zone
- Urban Residential Third Density (R3) Zone
- Village Residential First Density (RV1) Zone
- Village Residential Second Density (RV2) Zone
- Village Mixed-Use (VM) Zone
- Rural Residential (RR) Zone
- Country Lot Residential (RCL) Zone
- General Agricultural (AG) Zone
- Restricted Agricultural (AR) Zone
- Rural (RU) Zone

Section 33: Part 6 Residential Zones. Section 6.4 Urban Residential Third Density (R3) Zone. Modify Section 6.4.3(rr) to read as follows:

"(rr) R3-44, 2500 Albert Street

Notwithstanding the provisions of this By-law to the contrary, the lands zoned R3-44 shall be deemed to be one lot regardless of ownership."

Section 34: Part 6 Residential Zones. Section 6.5 Village Residential First Density (RV1) Zone. Modify Section 6.5.3 (e) to read as follows:

“(e) RV1-5 Lots 22, 23, 24, 25 and 26 of Plan 50M-342

Notwithstanding the provisions of this By-law to the contrary, the lands zoned RV1-5 shall be used in accordance with the following provision(s):

(i) No building or structures is allowed within this zone”

Section 35: Part 10 Industrial Zones. Section 10.1 General Industrial (MG) Zone. Modify Section 10.1.1 Permitted Uses to remove the use “Day care, accessory (1)” from the Institutional and Community Uses.

Section 36: Part 12 Agricultural Zones. Section 12.1 General Agricultural (AG) Zone. Modify 12.1.1 Permitted Uses to add “On-farm diversified uses” and “Agriculture-related uses” to the list of permitted uses under the heading “Employment Uses”.

Section 37: Part 12 Agricultural Zones. Section 12.1 General Agricultural (AG) Zone. Modify 12.1.1 Permitted Uses- Additional Regulations for Permitted Uses to remove the following from subsection (5) : “A hobby farm is not permitted on an Agricultural Exception Zone created for a residence surplus to a farming operation as a result of a farm consolidation.”

Section 38: Part 12 Agricultural Zones. Section 12.1 General Agricultural (AG) Zone. Modify 12.1.1 Permitted Uses – Additional Regulations for Permitted Uses to remove subsection (8).

Section 39: Part 12 Agricultural Zones. Section 12.1 General Agricultural (AG) Zone. Modify 12.1.1 Permitted Uses – Additional Regulations for Permitted Uses to remove subsection (9)d.

Section 40: Part 12 Agricultural Zones. Table 12.1.2b is amended by changing the row “Minimum lot frontage” to “Minimum *lot frontage* on private services”.

Section 41: Part 12 Agricultural Zones. Table 12.1.2b is amended by adding a row below the row “Minimum *lot frontage* on private services” to read as follows:

Minimum <i>lot frontage</i> on partial services (water)	30.0 m
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Section 42: Part 12 Agricultural Zones. Section 12.2 Restricted Agricultural (AR) Zone. Modify 12.2.1 Permitted Uses to add “On-farm diversified uses” and “Agriculture-related uses” to the list of permitted uses under the heading “Employment Uses”.

Section 43: Part 12 Agricultural Zones. Section 12.2 Restricted Agricultural (AR) Zone. Modify 12.2.1 Permitted Uses to add the following after the use Agriculture(8): “, not including an intensive livestock operation”.

Section 44: Part 12 Agricultural Zones. Section 12.2 Restricted Agricultural (AR) Zone. Modify 12.2.1 Permitted Uses- Additional Regulations for Permitted Uses to remove the following from subsection (5) : « A hobby farm is not permitted on an Agricultural Exception Zone created for a residence surplus to a farming operation as a result of a farm consolidation. »

Section 45: Part 13 Rural Zones. Section 13.1 Rural (RU) Zone. Modify 13.1.1 Permitted Uses to add “On-farm diversified uses” and “Agriculture-related uses” to the list of permitted uses under the heading “Employment Uses”.

Section 46: Part 13 Rural Zones. Table 13.1.2 is amended by changing the row “Minimum lot frontage” to “Minimum *lot frontage* on private services”.

Section 47: Part 13 Rural Zones. Table 13.1.2 is amended by adding a row below the row “Minimum *lot frontage* on private services” to read as follows:

Minimum <i>lot frontage</i> on partial services (water)	30.0 m	n.a.	n.a.
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Section 48 :Part 16 Conservation Zone. Section 16.1.3 Special Exception. Delete (a) CON-1 and (b) CON-2.

Section 49: Part 16 Conservation. Section 16.1.3 Special Exception. Modify subsection (c) to add “Tourist establishment”, “Retail store”, “Community Center” and “Accessory buildings and structures (including shipping containers)” to the list of permitted uses (additional).

Section 50: Repeal and replace the following Zoning Maps: Zoning Map A, Zoning Map B, Zoning Map C and Zoning Map E.

Section 51:Subject to the giving of notice of passing of this by-law, in accordance with Section 34(18) of the *Planning Act*, R.S.O. 1990 as amended, this by-law shall come into force on the date of passing by the Council of the Corporation of the City of Clarence-Rockland where no notice of appeal or objection is received, pursuant to Section 34(21) of the *Planning Act*, R.S.O. 1990 as amended.

DATED AND PASSED IN OPEN COUNCIL, THIS 3rd DAY OF FEBRUARY 2020.

Guy Desjardins, Mayor

Monique Ouellet, Clerk

EXPLANATORY NOTE

Purpose and Effect of By-Law

The City of Clarence-Rockland had completed a comprehensive review and update of the municipality's Zoning By-law in May 2016. This review process was intended to implement the Official Plan of the Urban Area of the City of Clarence-Rockland, the Bourget Official Plan, the United Counties of Prescott and Russell Official Plan, as well as update the zoning regulations to meet current trends in planning.

The Department brought forward two reports recommending corrections to the Zoning By-law, 2016-10, which were mostly technical in nature under By-law 2017-53 and 2019-02. The purpose of the current by-law is to correct certain technical problems in the application or enforcement of the Zoning By-law as well as identify certain areas that require minor revisions since the last update.

For further information concerning this amendment to Zoning By-Law No. 2016-10, you can contact the Infrastructure and Planning Department at the Clarence-Rockland Town Hall, 1560 Laurier Street or by telephone at (613) 446-6022.

ANNEXE « A » / SCHEDULE "A"

No maps as it applies to the entire City of Clarence-Rockland