

**The Corporation of the
Township of Selwyn**

By-law Number 2022-009

**Being a By-law to Adopt Housekeeping Amendments to the
Township of Selwyn Zoning By-law**

Whereas the Corporation of the Township of Selwyn completed a comprehensive update to the Township of Selwyn Comprehensive Zoning By-law with the passage of By-law No. 2009-021;

And whereas the Corporation of the Township of Selwyn has identified certain inconsistencies in the text of the updated By-law;

And whereas the Council of the Corporation of the Township of Selwyn deems it desirable to further amend By-law No. 2009-021, as amended in order to rectify those inconsistencies;

And whereas the Ontario Municipal Act, 2001, S.O. 2001, c.25, Section 5.3, as amended, states that a municipal power shall be exercised by By-law unless the municipality is specifically authorized to do otherwise;

Now therefore, the Council of the Corporation of the Township of Selwyn hereby enacts By-law No. 2022-009 as set out herein.

1. **Section 1 – Administration** of By-law 2009-021, as amended, is hereby further amended by the addition of a new subsection to Section 1.2 Zoning Administration namely Subsection 1.2 a) which shall read as follows:
 - a) “In the development of this by-law, every effort is made to ensure clarity and accuracy. This By-law is a complex and detailed document, and inadvertent inconsistencies and errors may have occurred in its development. Notwithstanding any other provisions of this By-law, corrections of technical errors (as defined in Section 2 of this by-law) may be made to this By-law without formal amendment under the Planning Act and will not require public notification”
2. **Section 2 – Definitions** of By-law No. 2009-021, as amended, is hereby further amended with the addition, in alphabetical order, of a definition of “**Boat Shed**” which shall read as follows:

“**Boat Shed**” shall mean a detached accessory building or structure, which is exclusively designed and intended to only be used for the sheltering of non-motorized watercraft, and may include the storage of equipment strictly accessory and incidental to the use, repair and maintenance of such transportation, and may include the storage of household equipment incidental to the residential use permitted on the lot, but shall not include any areas for sleeping, cooking, plumbing, sanitary facilities or human habitation.”
3. **Section 2 – Definitions** of By-law No. 2009-021, as amended, is hereby further amended by deleting the definition of “**Carport**” and replacing it with the following:

“**Carport** shall mean an unenclosed building, attached or detached structure used for the parking or storage of private passenger vehicles or commercial vehicles of less than one tonne capacity.”
4. **Section 2 – Definitions** of By-law No. 2009-021, as amended, is hereby further amended by deleting the definition of “**Deck, Non-structurally Permanent**” and replacing it with the following:

“Deck, Non-structurally Permanent” shall mean an open platform structure, without walls or a roof system, which may or may not be attached to a building. A deck, non-structurally permanent shall not be enclosed by a wall or enclosure if it is located in the required water setback.”

5. **Section 2 – Definitions** of By-law No. 2009-021, as amended, is hereby further amended with the addition of “d) in the case of a domed roof, highest point of the roof surface”, following clause c) in the definition of **“Height of Building”**.

6. **Section 2 – Definitions** of By-law No. 2009-021, as amended, is hereby further amended with the addition of “, or water” following the words “... two opposite sides by streets” of the definition of **“Lot, Through”** and shall read as follows:

“Lot, Through” shall mean a lot bounded on two opposite sides by streets, or water.”

7. **Section 2 – Definitions** of By-law No. 2009-021, as amended, is hereby further amended with the addition, in alphabetical order, of a definition of **“Porch”** which shall read as follows:

“Porch” shall mean a roofed structure projecting from the exterior wall of a building for the purpose of providing a covered shelter for an entrance to a building and does not have an exterior wall.”

8. **Section 2 – Definitions** of By-law No. 2009-021, as amended, is hereby further amended with the addition, in alphabetical order, of a definition of **“Quonset Hut”** which shall read as follows:

“Quonset Hut” shall mean an accessory structure that is of a semi-cylindrical design made of corrugated steel sheet and end walls; and is intended to be utilized for storage. “

9. **Section 2 – Definitions** of By-law No. 2009-021, as amended, is hereby further amended with the addition, in alphabetical order, of a definition of **“Technical Errors”** which shall read as follows:

“Technical Errors shall mean typographical, grammatical, spelling, section numbering, section headings, metric conversions, transposition errors and minor mapping irregularities.”

10. **Section 2 – Definitions** of By-law No. 2009-021, as amended, is hereby further amended with the addition, in alphabetical order, of a definition of **“Temporary Car Shelter”** which shall read as follows:

“Temporary Car Shelter” shall mean a prefabricated temporary structure usually constructed with a metal, wood or plastic frame and covered with a tarpaulin or other similar type of fabric or plastic cover used primarily for the storage of a motor vehicle or other equipment and is designed to be dismantled or removed.

11. **Section 3 – General Provisions** of By-law No. 2009-021, as amended, is hereby further amended with the addition of a new sub-section to Section 3.1.1 namely sub-section 3.1.1 c) which shall read as follows:

c) “No more than 3 accessory buildings or structures are permitted in any Residential Zone unless otherwise permitted by this By-law.”

12. **Section 3 – General Provisions** of By-law No. 2009-021, as amended, is hereby further amended by deleting Section 3.1.5 Accessory Structure Encroachments, and subsections 3.1.5.2 Fire Escapes, 3.1.5.5 Ornamental Structures and 3.1.7 Unenclosed porches, balconies, steps and patios and replacing them with the following:

“3.1.5 Projection into Required Yards

No part of any required yard shall be obstructed by any building or structure or part thereof except one or more of the following:

- a) accessory buildings or structures specifically permitted in a required yard elsewhere in this By-Law;
- b) awnings, canopies, cornices, coves, belt courses, eaves, gutters, parapets, pilasters, sills, or weather-shielding structures are permitted to encroach into any required yard by no more than 0.6 metres;
- c) non-walk in bay, box out and bow windows, without foundations, with a maximum width of 3.0 metres and a maximum height of one storey are permitted to encroach into any required yard by no more than 0.6 metres;
- d) chimneys and gas fireplace projections and chases with a maximum width of 1.8 metres are permitted to encroach into any required yard by no more than 0.6 metres;
- e) roofless functional and ornamental structures including, but not necessarily restricted to, drop awnings, clothes poles, ornamental fountains, statues, monuments, picnic tables, benches, cenotaphs, memorials, planters, garden trellises, fences, boundary and retaining walls, hedgerows and legal signs;
- f) stoops, decks, porches, patios, verandahs, balconies on top of porches or verandahs, uncovered terraces and exterior steps providing access between finished grade and either the basement or the first storey of a building, where such structures project no more than 1.5 metres into a required front yard, a required rear yard or a required exterior side yard provided that no part of the structure be closer than 1.2 metres to any lot line;
- g) fire escapes are permitted to encroach into any required yard by no more than 1.5 metres;
- h) balconies projecting not more than 1.5 metres into any required yard and which do not project into any sight triangle;
- i) air conditioners and heat pumps are permitted in the required interior side, exterior side and rear yards, provided they are no closer than 0.6 metres from the interior side and rear lot lines and no closer than 1.5 metres from the exterior side lot line; and,
- j) underground service structures such as sewage systems and firefighting tank reservoirs which do not project more than 2.0 metres into a required interior side yard or rear yard, and which do not project more than 3.0 m into a required front yard or exterior side yard.”

13. **Section 3 – General Provisions** of By-law No. 2009-021, as amended, is hereby further amended with the addition of the words “and Carports” following the words “3.1.5.3 Garage” and with the addition of the words “or carports” following the words, “...interior side or rear yard provided...”, and shall read as follows:

“3.1.5.3 Garages and Carports

Notwithstanding any other provisions of the By-law to the contrary, an attached or detached private garage or carport may be erected and used in a front, exterior side, interior side or rear yard provided that:”

14. **Section 3 – General Provisions** of By-law No. 2009-021, as amended, is hereby further amended by deleting sub-section **3.1.5.1 Boathouses and Pump Houses** in its entirety and replacing it with a new sub-section, namely 3.1.6, which shall read as follows:

“3.1.6 Boat Houses, Boat Sheds and Pump Houses

- a) A maximum of one (1) boathouse and one (1) boat shed or pump house may be permitted on a lot.
- b) A boat house, boat shed or pump house shall not have any facilities for the preparation of meals on the premises, nor shall it have any sleeping or sanitary facilities.
- c) A boat house or boat shed shall only feature a pitched roof design. No portion of the roof shall be of a flat roof design.
- d) There shall be no decks, patios, balconies or similar components attached to the structure.

3.1.6.1 Boat Houses

- a) Notwithstanding any other provision of this By-law to the contrary, a boathouse may be erected and used to the high watermark, except that such boat house may not be located closer than 5 metres to the exterior or interior side lot line.
- b) The maximum height of a boathouse shall be 5.0 metres (one storey) which shall be measured from the grade adjacent to the building elevation which is facing the water to the average point between the eaves and the peak.
- c) The total building area of a boat house shall not exceed 85 square metres; nor shall the width of the structure parallel to the shore exceed 10 metres or 25% of the shoreline frontage, whichever is less.

3.1.6.2 Boat Sheds and Pump Houses

- a) Notwithstanding any other provision of this By-law to the contrary, such accessory structure may be erected and used to the high watermark, except that such boat house may not be located closer than 1.2 metres to the interior side lot line. Where such accessory structure is located within the exterior side yard, such accessory structure shall not be located any closer to the lot line, than the required exterior side yard setback set forth under the respective zone.
- b) The maximum height of a boat shed or pump house shall be 4 metres (one storey) which shall be measured from the grade adjacent to the building elevation which is facing the water to the average point between the eaves and the peak.
- c) The total building area of a boat shed or pump house shall not exceed 11.5 square metres.”

15. Section 3 – General Provisions of By-law No. 2009-021, as amended is hereby further amended by replacing section 3.9 with the following:

3.9 Flooding Hazard, Lands Prone To

Development, as defined by the Provincial Policy Statement, is not generally permitted within any lands prone to flooding adjacent to any river, stream or lake within the Township of Selwyn.

16. **Section 3 – General Provisions** of By-law No. 2009-021, as amended, is hereby further amended by the addition of the following phrase to sub-section 3.29.g) “and not more than 50% or 6 metres, whichever is greater, of the front yard shall be occupied by parking spaces aisles or driveway”, which shall read as follows:

- “g) In a residential zone, not more than 50% of the aggregate area of the side yards and rear yard shall be occupied by parking spaces, aisles or driveway; and not more than 50% or 6 metres, whichever is greater, of the front yard shall be occupied by parking spaces, aisles or driveway.

17. **Section 3 – General Provisions** of By-law No. 2009-021, as amended, is hereby further amended by the addition of a new sub-section to Section 3.29, namely sub-section 3.29 i), which shall read as follows:

“i) The parking requirements referred to herein shall not apply to any building in existence at the date of enactment of this By-law so long as the gross floor area as it existed at that date is not increased. If an addition is made then additional parking spaces shall be provided up to the number required for such addition in accordance with sub-section 3.29.3 of this By-law.”

17. **Section 4.7 – Agriculture (A) Zone** of By-law No. 2009-021, as amended, is hereby further amended by adding a new sub-section 4.7.5.3, which shall read as follows:

“4.7.5.3 Zoning for Lot Creation

Where a consent has been granted by the approval authority:

- a) to create a residential lot outside of a settlement area, such lot shall be deemed to be zoned Rural Residential (RR) Zone on Schedule ‘A’ provided such lot complies with the requirements of Section 4.12; or
- b) to create a waterfront residential lot outside of a settlement area, such lot shall be deemed to be zoned Lakeshore Residential (LR) Zone on Schedule ‘A’ provided such lot complies with the requirements of Section 4.13.”

18. **Section 4.8 – Rural (RU) Zone** of By-law No. 2009-021, as amended, is hereby further amended by adding a new sub-section 4.8.5.3, which shall read as follows:

“4.8.5.3 Zoning for Lot Creation

Where a consent has been granted by the approval authority:

- a) to create a residential lot outside of a settlement area, such lot shall be deemed to be zoned Rural Residential (RR) Zone on Schedule ‘A’ provided such lot complies with the requirements of Section 4.12; or
- b) to create a waterfront residential lot outside of a settlement area, such lot shall be deemed to be zoned Lakeshore Residential (LR) Zone on Schedule ‘A’ provided such lot complies with the requirements of Section 4.13.”

19. **Section 4.14 Recreational Commercial (RC) Zone** of By-law No. 2009-021, as amended, is hereby further amended by deleting sub-section 4.14.6.1 vi) Recreational Trailer Dwelling Area (Maximum).

20. **Section 3 – General Provisions** of By-law No. 2009-021, as amended, is hereby further amended by the addition of a new sub-section Section 3.50, which shall read as follows:

“3.50 Lot Additions

Where additional land is added to an existing lot (such as through the closure of a shore road allowance or lot addition consent):

- a) unless otherwise stipulated through amendment to this By-law, the zone of the existing benefitting lot shall apply to the additional land;
- b) the new lot configuration may be deemed to comply with this By-law in accordance with Section 3.27.2 (Existing undersized lots), if necessary;
- c) unless otherwise stipulated through amendment to this By-law, any existing buildings or structures on the new lot configuration of the benefitting lands for the lot addition shall be deemed to be existing non-complying in accordance with Section 3.27.1; and

- d) clause b) and c) may be applied, with modifications, to the retained parcel from a lot addition consent.
- e) Notwithstanding clause a) to d) above, Council may require a zoning by-law amendment be obtained by the landowner for a lot addition consent.”

Read a first, second, and third time and finally passed this 8th day of February A.D., 2022.

Mayor, Andy Mitchell

Clerk, Angela Chittick

Corporate Seal