

**The Corporation of the Township of  
Selwyn**

**By-law Number 2023-xxx**

**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 irregularities 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 irregularities;

**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 2 – Definitions** of By-law 2009-021, as amended, is hereby further amended by adding a definition for “Refreshment Vehicle” in alphabetical order as follows:

“**Refreshment Vehicle**” shall mean a vehicle or other itinerant food premises from which food prepared therein is offered for sale to the public and includes refreshments such as, but not limited to, french fries, hot dogs, hamburgers, sausage, fish, ice cream, beverages and similar items are sold or offered for sale, or a chip wagon, hot dog cart, ice cream cart or any other food trailer, including a mobile barbeque facility.

2. **Section 3.0 – General Provisions** of By-law 2009-021, as amended, is hereby further amended adding a new section **3.51 – Refreshment Vehicles** as follows:

**3.51 – Refreshment Vehicles**

Refreshment Vehicles shall be located and operated in accordance the Township’s Refreshment Vehicle Licencing By-law 2011-17, as amended.

3. **Section 2 – Definitions** of By-law 2009-021, as amended, is hereby further amended by repealing and replacing the definition of “Height of Building” as follows:

“**Height of Building**” shall mean the vertical distance between the highest finished grade level at the perimeter of the building and the uppermost point of the building. Antennae, chimneys, decorative cupolas or other similar features shall be disregarded in calculating building height.

4. **Section 3.1.4 – General Provisions – Lot Coverage and Height** of By-law No. 2009-021, as amended, is hereby further amended by replacing the first paragraph of Section 3.1.4 with the following:

The total lot coverage of all accessory buildings and structures, except swimming pools, shall not exceed 5% of the lot area nor shall the height of any accessory building or structure exceed 6 metres.

5. **Section 2 – Definitions** of By-law No. 2009-021, as amended, is hereby further amended by deleting the definition of “**Storey, One Half**”.

6. **Section 3.1.6.3 – General Provisions – Utility Sheds** of By-law No. 2009-021, as amended, is hereby further amended by deleting “11.5 sq. m.” and inserting “15 sq. m. and shall not exceed one storey.” in Section 3.1.6.3. Section 3.1.6.3 is further amended by adding a new sentence after the first sentence which shall read:

Notwithstanding the provisions of the Township’s Zoning By-law 2009-021, as amended, to the contrary, on a waterfront lot within the Lakeshore Residential (LR) Zone, a utility shed may be located within any yard provided that such accessory building complies with all other requirements applicable to the (LR) Zone.

7. **Section 3.1.8 - Compliance With Other Laws** of By-law 2009-021, as amended, is hereby further amended by moving this regulation to a new Interpretation Section 1.10.9
8. **Section 3.1.8** is further amended by inserting new regulations regarding shipping containers as follows:

### **3.1.8 Shipping Containers**

#### **3.1.8.1. Residential Zones**

Shipping containers may be used as an accessory structure for storage purposes in Residential Zones subject to the following regulations:

- a) Shipping containers are permitted in a Residential Zone as a utility shed in the rear yard with the exception of waterfront properties in the Lakeshore Residential (LR) Zone where a shipping container shall be located in the front yard.
- b) A shipping container is permitted on a temporary basis for moving purposes for a period not to exceed 30 days in which case the shipping container must be located on the driveway;
- c) A shipping container is also permitted in a Residential Zone for the storage of materials during construction, for a period not to exceed 6 months and must be removed from the property upon the completion of construction which will be deemed to be the date of the issuance of an occupancy permit;
- d) A shipping container used for storage in a Residential Zone shall not exceed a maximum height of 3 metres, a maximum length of 6.1 metres and a maximum area of than 15 m<sup>2</sup>;
- e) A maximum of one shipping container is permitted on a lot zoned (LR), (RR), (R1), (R2) or (R3);
- f) Shipping containers shall be maintained in good condition; free from rust; painted to remove markings and/or labels; and in keeping with the principal use of the property;
- g) Shipping containers shall not be used for human habitation, unless specifically permitted by an amendment to this By-law.

#### **3.1.8.2 Agricultural, Rural, Commercial and Industrial Zones**

Shipping containers may be used as an accessory structure for storage purposes, unless otherwise legally existing on the date of the passing of By-law 2023-xxx, in the Agricultural (A), Rural (RU), Highway Commercial (C1), Local Commercial (C2), and Recreational Commercial (RC) and Industrial Zones subject to the following regulations.

- a) Shipping containers shall only be permitted in a rear yard and shall not be permitted in a required parking area.
- b) Shipping containers are only permitted in a Commercial or Industrial Zone where outdoor storage is also permitted.
- c) Shipping containers in a Commercial or Industrial Zone shall be screened from the road frontage and buildings on abutting lots.

- d) Shipping containers are not permitted any closer than 12 metres to properties containing residential uses or zoned for residential use.
- e) The minimum lot area shall be 0.4 hectares.
- f) A maximum of one shipping container is permitted per 0.4 hectares of lot area to a maximum of four containers on any one lot.
- g) Shipping containers shall be maintained in good condition; free from rust; painted to remove markings and/or labels; and in keeping with the principal use of the property;
- h) The maximum shipping container area shall be 31 m<sup>2</sup>.
- i) Shipping containers shall not be used for human habitation, unless specifically permitted by an amendment to this By-law.

9. **Section 3.29 – General Provisions – Off-Street Parking Requirements** of By-law No. 2009-021, as amended, is hereby further amended with the addition of a new subsection bb) following aa) under Section 3.29 which shall read:

bb) Self-storage Facility            1 space for every 750 sq. m of gross floor area to a maximum of 8 spaces

10. **Section 3.29(vii) – General Provisions – Off-Street Parking Requirements**, as amended, is hereby further amended by deleting and replacing the regulation with wording as follows:

In a Residential Type 1 (R1), Residential Type 2 (R2) and Multiple Residential (R3) Zone, not more that 50% of the aggregate area of the side yards and rear yard shall be occupied by parking spaces, aisles or driveways; and not more than 50% to a maximum of 6 metres of the front yard shall be occupied by driveways.

11. **Section 3.29.2 – Accessible Parking** of By-law No. 2009-021, as amended, is hereby further amended by deleting and replacing the regulation with wording as follows:

Accessible parking will be provided at the rate and design requirements prescribed by Ontario Regulation 191/11, as amended, made pursuant to the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11, as amended. Unless otherwise stipulated by Ontario Regulation 191/11, as amended, the length of special needs parking spaces shall be in accordance with Section 3.29.1 – Parking Area Design Area Requirements of the Township's Zoning By-law 2009-021, as amended.

12. **Section 3.42 Shipping Containers, Truck, Bus and Coach Bodies** of By-law No. 2009-021, as amended, is hereby further amended by deleting the term “Shipping Containers” where it appears in the title and paragraph of this section.
13. **Section 2 – Definitions** of By-law No. 2009-021, as amended, is hereby further amended by deleting the phrase “and which is not a one-half storey” from the definition of attic which shall now read as follows:

**“Attic”** Shall mean the portion of a building situated wholly, or in part, within the roof.
14. **Section 4.9.3.1 – Residential Type One (R1) Zone – Interior Side Yard** of By-law No. 2009-021, as amended, is hereby further amended by deleting and replacing the text which shall now read:

The minimum interior setback shall be 4.8 m on one side and 1.2 m on the other side unless a garage or carport is attached to or is within the main dwelling in which case the minimum interior side yard setback shall be 1.2 m for both interior side yards.
15. **Section 4.7.3 – Agricultural (A) Zone – Zone Regulations for Residential Uses** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 10 m and replacing the maximum building height with 11 m in Section 4.7.3(iii).
16. **Section 4.7.4 – Agricultural (A) Zone – Regulations for Non-Residential Uses** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 12 m and replacing the maximum building height with 13 m in Section 4.7.4(iii).
17. **Section 4.8.3 – Rural (RU) Zone – Zone Regulations for Residential Uses** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 10 m and replacing the maximum building height with 11 m in Section 4.8.3(iii).
18. **Section 4.8.4 – Rural (RU) Zone – Regulations for Non- Residential Uses** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 12 m and replacing the maximum building height with 13 m in Section 4.8.4(iii).
19. **Section 4.9.3 – Residential Type One (R1) Zone – Zone Regulations - Single Detached Dwelling Serviced By Municipal Water Supply & Sanitary Sewers** of By-law No. 2009-021, as amended, is hereby further

amended by deleting the maximum building height of 10 m and replacing the maximum building height with 11 m in Section 4.9.3(iii).

20. **Section 4.9.4 – Residential Type One (R1) Zone Zone Regulations - Single Detached Dwelling Serviced By Municipal Water Supply Or Private Wells & Private Sewage Treatment Facilities** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 10 m and replacing the maximum building height with 11 m in Section 4.9.4(iv).
21. **Section 4.10.3.1 – Residential Type Two (R2) Zone – Zone Regulations – Semi-Detached Dwelling** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 10 m and replacing the maximum building height with 11 m in Section 4.10.3.1(iii).
22. **Section 4.10.3.2 – Residential Type Two (R2) Zone – Zone Regulations – Duplex Dwelling** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 10 m and replacing the maximum building height with 11 m in Section 4.10.3.2(iii).
23. **Section 4.11.3.1 – Multiple Residential (R3) Zone – Zone Regulations – Triplex and Fourplex Dwellings** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 10 m and replacing the maximum building height with 11 m in Section 4.11.3.1(iii).
24. **Section 4.11.3.2 – Multiple Residential (R3) Zone – Zone Regulations – Townhouse Dwellings** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 10 m and replacing the maximum building height with 11 m in Section 4.11.3.2(ii).
25. **Section 4.11.3.3 – Multiple Residential (R3) Zone – Zone Regulations – Streetfront Townhouse Dwelling** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 10 m and replacing the maximum building height with 11 m in Section 4.11.3.3(iii).
26. **Section 4.11.3.4 – Multiple Residential (R3) Zone – Zone Regulations – Regulations for Apartment Dwellings** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building

height of 10 m and replacing the maximum building height with 11 m in Section 4.11.3.4(iii).

27. **Section 4.12.3 – Rural Residential (RR) Zone – Zone Regulations** – of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 10 m and replacing the maximum building height with 11 m in Section 4.12.3(iii).
28. **Section 4.13.3– Lakeshore Residential (LR) Zone – Zone Regulations** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 10 m and replacing the maximum building height with 11 m in Section 4.13.3(iv).
29. **Section 4.13.4 – Lakeshore Residential (LR) Zone – Zone Regulations for Island Lots** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 10 m and replacing the maximum building height with 11 m in Section 4.13.4(iii).
30. **Section 4.13.5– Lakeshore Residential (LR) Zone – Zone Regulations for Sleeping Cabins (Bunkies)** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 4 m and replacing the maximum building height with 6 m in Section 4.13.5(iv).
31. **Section 4.14.3.1 – Recreational Commercial (RC) Zone – Zone Regulations for Residential Uses – Single Detached Dwelling** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 10 m and replacing the maximum building height with 11 m in Section 4.14.3.1(i).
32. **Section 4.14.4 – Recreational Commercial (RC) Zone – Zone Regulations - Primary Use, Group “A”** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 10 m and replacing the maximum building height with 11 m in Section 4.14.4(iii).
33. **Section 4.14.5 – Recreational Commercial (RC) Zone – Zone Regulations - Primary Use, Group “B”** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 10 m and replacing the maximum building height with 11 m in Section 4.14.5 (iii).

34. **Section 4.14.6– Recreational Commercial (RC) Zone – Zone Regulations For Non-Residential Uses – Ancillary to a Permitted Use** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 10 m and replacing the maximum building height with 11 m in Section 4.14.6(i).
35. **Section 4.15.3– Highway Commercial (C1) Zone – Zone Regulations for Residential Uses – Single Detached Dwelling** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 10 m and replacing the maximum building height with 11 m in Section 4.15.3.1(i).
36. **Section 4.15.4 – Highway Commercial (C1) Zone – Zone Regulations for Regulations for Non-Residential Uses Excluding Retail Gasoline Establishments** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 10 m and replacing the maximum building height with 11 m in Section 4.15.4(iii).
37. **Section 4.15.5 – Highway Commercial (C1) Zone – Zone Regulations for Regulations for Retail Gasoline Establishments** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 10 m and replacing the maximum building height with 11 m in Section 4.15.5(iii).
38. **Section 4.16.4 – Local Commercial (C2) Zone – Zone Regulations for Regulations for Non-Residential Uses Excluding Retail Gasoline Establishments** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 10 m and replacing the maximum building height with 11 m in Section 4.16.4(iii).
39. **Section 4.16.5 – Local Commercial (C2) Zone – Zone Regulations for Regulations for Retail Gasoline Establishments** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 10 m and replacing the maximum building height with 11 m in Section 4.16.5(iii).
40. **Section 4.17.3 – Rural Industrial (M1) – Zone Regulations for Residential Uses** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 10 m and replacing the maximum building height with 11 m in Section 4.17.3(i).
41. **Section 4.17.5 – Rural Industrial (M1) – Zone Regulations for Retail Gas Establishments** of By-law No. 2009-021, as amended, is hereby



further amended by deleting the maximum building height of 10 m and replacing the maximum building height with 11 m in Section 4.17.5(iii).

42. **Section 4.18.3 – General Industrial (M2) – Zone Regulations for Residential Uses** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 10 m and replacing the maximum building height with 11 m in Section 4.18.3(i).
43. **Section 4.18.5 – General Industrial (M2) – Zone Regulations for Retail Gas Establishments** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 10 m and replacing the maximum building height with 11 m in Section 4.18.5(iii).
44. **Section 4.22.3 – Recreational Open Space (RE) Zone – Zone Regulations for Residential Uses** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 10 m and replacing the maximum building height with 11 m in Section 4.22.3.1(iii).
45. **Section 4.22.4 – Recreational Open Space (RE) Zone – Zone Regulations for Non-Residential Uses** of By-law No. 2009-021, as amended, is hereby further amended by deleting the maximum building height of 10 m and replacing the maximum building height with 11 m in Section 4.22.4(i).

Read a first, second, and third time and finally passed this <sup>th</sup> day of *month* A.D., 2023.

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Mayor, Sherry Senis

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Clerk, Angela Chittick

Corporate Seal