

**CORPORATION OF THE
TOWNSHIP OF WAINFLEET
BY-LAW NO. 023-2024**

Being a by-law pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 to amend Zoning By-law No. 034-2014 of the Corporation of the Township of Wainfleet with respect to all lands within the Township of Wainfleet.

WHEREAS the Corporation of the Township of Wainfleet has reviewed Zoning By-law No. 034-2014 and deems it advisable to amend same:

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

1. **THAT** Zoning By-law 581-78, adopted in 1979, be repealed.
2. **THAT** Section 3 (Definitions) be amended as shown below with strikeout text to be deleted and underlined text to be added:

Height

means, with reference to a *building*, the vertical distance measured from the *average finished grade level* ~~at the front elevation~~ of such *building* to:

- a) in the case of a flat roof, the highest point of the roof surface, or the parapet, whichever is the greater, and
- b) in the case of a pitched roof, ~~a point midway between the eaves and the ridge~~ the top of the ridge,

but in calculating the *height* of a *building*, any construction *used* as ornament or for the mechanical operation of the *building*, such as a mechanical penthouse, or a chimney, tower, cupola or steeple, is not to be included.

Lot Coverage

means:

- a) that percentage of the *lot area* covered by all *buildings* above ground level, but
- b) does not include that portion of the *lot area* which is occupied by a *building* or portion thereof which is completely below ground level, uncovered decks, uncovered porches, pergolas, ornamental structures such as mailboxes or birdhouses and outdoor swimming pools;
- c) the *lot coverage* in each zone applies and shall be deemed to apply to only that portion of such *lot* that is located within said zone; and
- d) the portion of a *lot* in a Hazard Overlay Zone shall be included in the calculation of *lot coverage*. However, in the case of a lot abutting Lake Erie, regardless of the location of any Hazard Overlay Zone, the *lot area* used in the calculation of the *lot coverage* shall be exclusive of any portion of the *lot*

on the waterside of any shorewall, or alternately where no shorewall exists, of the dynamic beach hazard.

Resort

means a commercial establishment that operates throughout all or part of the year, that has facilities for serving meals including indoor/outdoor dining facilities and may include overnight accommodation in guest rooms or guest suites for the travelling public and may include facilities such as conference facilities and meeting rooms, swimming pools, saunas, spas, tennis courts and other similar recreational activities.

Temporary Tent

Means a collapsible shelter of fabric (such as nylon or canvas) stretched and sustained by poles and used as a temporary building.

3. **THAT** Section 4.3 (Temporary Uses) be amended by adding the following subsection:
- c) Nothing in this By-law shall prevent the use of a *temporary tent* for a private special event in any zone provided that:
- i) a building permit is obtained from the Township, where applicable;
 - ii) the duration of the use and installation of the *temporary tent* is not more than 7 consecutive days; and
 - iii) the *temporary tent* location does not interfere with any sightlines or daylight triangles for any adjacent *streets*.
4. **THAT** Section 4.15 (Supplementary Setbacks from Any Drainage Works) be amended as shown below with strikeout text to be deleted and underlined text to be added:

Notwithstanding any other provisions of this By-law, a minimum setback of ~~44~~ 15 metres shall be provided from any *drainage works* to permit the maintenance of said *drainage works*.

5. **THAT** Section 4.20 (Secondary Suites) be amended as shown below with strikeout text to be deleted and underlined text to be added:

A secondary suite shall be permitted within a *single detached* or *semi-detached dwelling* or within an *accessory building* on a *lot* containing a *single detached* or *semi-detached dwelling* in any zone where *single detached* and *semi-detached dwellings* are permitted provided that the other requirements of the applicable zone are adhered to and subject to the following:

- a) Only one *secondary suite* per *single detached dwelling* or *semi-detached dwelling* is permitted;
 - b) The unit is clearly subordinate to the primary *residential* unit in the *dwellings*;
 - c) ~~The exterior appearance of the *dwelling* is unaltered to accommodate the unit;~~
- and

- d) c) All relevant requirements of the Ontario Building Code and Fire Code are complied with.
- d) The secondary suite shall have a maximum of 3 bedrooms;
- e) Where a secondary suite is within a single detached dwelling or semi-detached dwelling, the secondary suite shall not exceed 40% of the gross floor area of the primary residential unit in the dwelling;
- f) Where a secondary suite is within an accessory building and is located entirely on the ground floor of an accessory building, the secondary suite shall not exceed 40% of the ground floor area of the accessory building;
- g) Where a secondary suite is within an accessory building and is located entirely on the second storey of an accessory building, the secondary suite shall not exceed 100% of the ground floor area of the accessory building, exclusive of any stairway servicing the secondary suite;
- h) Access to the secondary suite shall be provided from the same driveway that provides access to the primary dwelling on the lot.

6. **THAT** Section 4.21 (Accessory Building), Subsection h) be deleted.

7. **THAT** Table 2 (Accessory Building Requirements) be amended by:

- a. Amending the maximum lot coverage and maximum height requirements as shown below with strikeout text to be deleted and underlined text to be added:

Zone	Max. Lot Coverage⁽¹⁾	Maximum Height
Agricultural and Rural Zones (A1, A2, A3, A4)	5% for lots greater than 1ha in size For lots less than 1ha in size, the lesser of 2.5% or 100m² , provided total lot coverage is no more than 7% <u>4%</u>	5m. 8m.
Residential Hamlet (RH)	The lesser of 2.5% or 100m² <u>4%</u>	5m. <u>6.5m.⁽²⁾</u>
Residential Lakeshore (RLS)	The lesser of 2.5% or 100m² <u>4%</u>	5m. <u>6.5m.⁽²⁾</u>
Commercial Zones (C1, C2, C3)	The lesser of 5% or 100m² <u>5%</u>	5m. <u>8m.</u>

- b. Amending the following text at the end of Table 2 with underlined text to be added:

“(1) The lot coverage for the accessory building and other buildings must also conform to the overall lot coverage requirements for the respective zone, as identified in Table 6, Table 10, Table 14 and Table 18.”

“(2) Where a secondary suite is located on the second storey of an accessory building within the Residential Hamlet (RH) and Residential Lakeshore (RLS) zones, the maximum height shall be 8m.”

c. Adding the following row:

Zone	Max. Lot Coverage	Min. Setback from Front Lot Line	Min. Setback from Exterior Side Lot Line	Min. Setback from Interior Side Lot Line	Min. Setback from Rear Lot Line	Max. Height
Industrial Zones (M1, M2)	5%	Greater than the front yard setback of the principal building on a lot	6m.	0.6m. or 3m. abutting a Residential Zone	0.6m. or 3m. abutting a Residential Zone	8m.

8. **THAT** Table 3 (Parking Requirements) be amended by adding the following:

Use	Requirement
Municipal office, municipal operations centres, fire halls, libraries	Sufficient number to accommodate the employees of and the visitors to such use.

9. **THAT** Table 4 (Loading Requirements) as shown below with ~~strikeout~~ text to be deleted and underlined text to be added:

Gross floor area	Minimum Requirement
Institutional Uses <u>Industrial Uses</u>	
<500 square metres	<u>No loading spaces</u> required
500-2,500 square metres	<u>1 loading space</u> required
2,500-10,000 square metres	<u>2 loading spaces</u>
>10,000 square metres	<u>2 loading spaces</u> plus 1 additional <u>loading space</u> for each 10,000 square metres of total <u>gross floor area</u> or part thereof in excess of 10,000 square metres
Industrial Uses	
≤200 square metres	No loading spaces required
201-1,000 square metres	1 loading space
>1,000 square metres	2 loading spaces plus 1 additional <u>loading space</u> for each 1,400 square metres or part thereof in excess of 1,000 square metres

10. **THAT** Table 5 (Permitted Uses in the Agricultural and Rural Zones) be amended as shown below with ~~strikeout~~ text to be deleted and underlined text to be added:

Permitted Uses	A1	A2	A3	A4
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<i>Single detached dwelling as a principal use on any new lot</i>	Q5 ✓	Q5 ✓	Q5 ✓	Q3 ✓
<i>Garden suite</i>	Q6	Q6	Q6	Q6

Q5 Permitted as a surplus farm dwelling, where the dwelling existed prior to the creation of the new lot.

Q6 Permitted only through a temporary use by-law.

11. **THAT** Table 6 (Regulations Applying to Agricultural & Rural Zones) be amended as shown below with strikeout text to be deleted and underlined text to be added:

Uses	Max. Lot Coverage	Max. Height
<i>Single detached dwelling as a principal use on a lot</i>	7% <u>10%</u>	9m <u>12m</u>

12. **THAT** Section 6.2.2 (Additional Provisions) be amended by adding the following:

6.2.2.8 For *garden suites*:

- a) Initial permissions for a *garden suite* shall be for no longer than ten (10) years, calculated from the date of the passing of the temporary use by-law, with extensions permitted on a five (5) year basis to a maximum of twenty (20) years;
- b) Where a *garden suite* is to be permitted, an implementing development agreement is required dealing with such matters as the installation, maintenance and removal of the *garden suite*;
- c) A *garden suite* shall be accessory to and located on the same *lot* used for a *single detached dwelling* where permitted by the applicable zone;
- d) A maximum of one (1) *garden suite* shall be permitted on a *lot*;
- e) Access to the *garden suite* shall be provided from the same driveway that provides access to the *single detached dwelling* on the lot;
- f) A *garden suite* shall comply with the Minimum Distance Separation (M.D.S.) formulae.

13. **THAT** Table 10 (Regulations Applying to Residential Zones) be amended as shown below with strikeout text to be deleted and underlined text to be added:

Uses	Max. Height
All uses permitted in an RLS Zone	9m <u>12m</u>
All uses permitted in an RLS Zone where the an existing lot of record is less than 4,000m ²	9m <u>12m</u>
All uses permitted in an RH Zone	9m <u>12m</u>

14. **THAT** Table 14 (Regulations Applying to Commercial Zones) be amended as shown below with ~~strikeout~~ text to be deleted and underlined text to be added:

Uses	Max. Height
Uses permitted in the C1 Zone, not otherwise listed below	10.5m <u>13m</u>
Uses permitted in the C2 Zone, not otherwise listed below	10.5m <u>13m</u>
Uses permitted in the C3 Zone, not otherwise listed below	10.5m <u>13m</u>
Automotive service stations/gas bars	10.5m <u>13m</u>
Seasonal trailer parks	4.5m <u>6m</u>

15. **THAT** Table 18 (Regulations Applying to Industrial Zones) be amended as shown below with ~~strikeout~~ text to be deleted and underlined text to be added:

Uses	Max. Height
Uses permitted in the M1 Zone, not otherwise listed below	10.5m <u>17m</u>
Kennels	10.5m <u>13m</u>

16. **THAT** Table 21 (Permitted Uses in the Institutional Zone) be amended by adding the following:

Use	I
Municipal Arena	✓
Municipal community centre	✓
Municipal operations centre	✓

17. **THAT** Table 30 (Regulations Applying to the Mobile Home Park Zone) be amended by adding the following:

Uses	Min. Lot Area	Max. Lot Coverage	Min. Lot Frontage	Min. Front Yard	Min. Exterior Side Yard	Min. Interior Side Yard	Min. Rear Yard	Min. Floor Area
Convenience retail store	2 hectares	5%	60m	15m	15m	7.5m except 15, adjacent to a Residential Zone	7.5m except 15, adjacent to a Residential Zone	NA

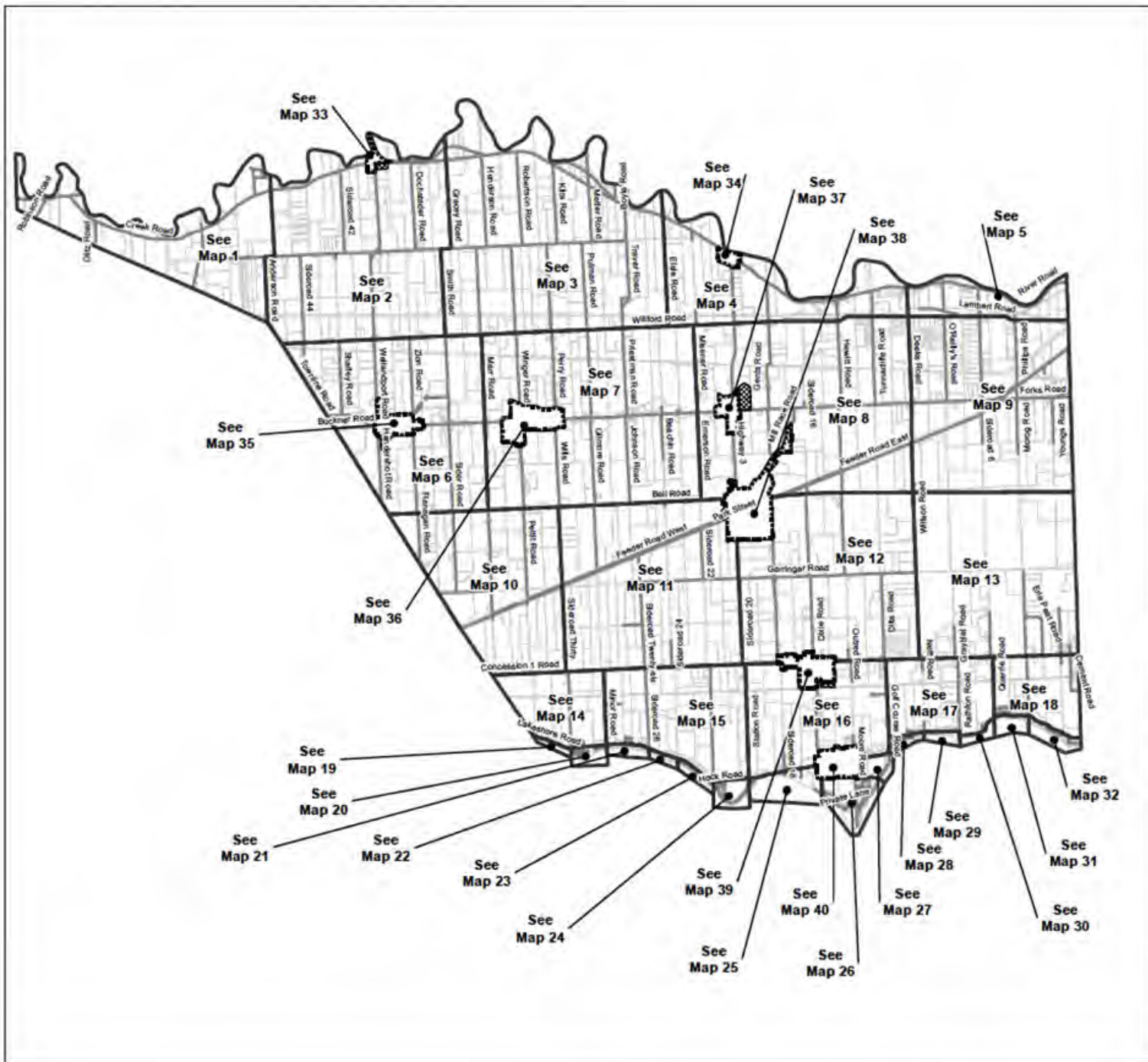
18. **THAT** the Key Map in Section 15 (Maps) be amended by revising the hamlet boundaries for Wellandport, Chambers Corners, and Ostryhon Corners, as depicted on Schedule A1, and further detailed on Schedule A2, A3, and A4.
19. **THAT** Map 2 in Section 15 (Maps) be amended by revising the Wellandport hamlet boundary and the zone in the southeast corner of the hamlet, as depicted on Schedule A2.
20. **THAT** Map 8 in Section 15 (Maps) be amended by revising the Chambers Corners hamlet boundary and the zone in the northeast corner of the hamlet, as depicted on Schedule A3.
21. **THAT** Map 16 in Section 15 (Maps) be amended by revising the Ostryhon Corners hamlet boundary and the zone in the southeast corner of the hamlet, as depicted on Schedule A4.
22. **THAT** Section 15 (Maps) be amended by adding Schedule A5, as Map 33, to illustrate zoning in the hamlet of Wellandport.
23. **THAT** Section 15 (Maps) be amended by adding Scheduled A6, as Map 34, to illustrate zoning in the hamlet of Becketts Bridge.
24. **THAT** Section 15 (Maps) be amended by adding Schedule A7, as Map 35, to illustrate zoning in the hamlet of Hendershot Corners.
25. **THAT** Section 15 (Maps) be amended by adding Schedule A8, as Map 36, to illustrate zoning in the hamlet of Winger.
26. **THAT** Section 15 (Maps) be amended by adding Schedule A9, as Map 37, to illustrate zoning in the hamlet of Chambers Corners.
27. **THAT** Section 15 (Maps) be amended by adding Schedule A10, as Map 38, to illustrate zoning in the hamlet of Wainfleet Village.
28. **THAT** Section 15 (Maps) be amended by adding Schedule A11, as Map 39, to illustrate zoning in the hamlet of Ostryhon Corners.
29. **THAT** Section 15 (Maps) be amended by adding Schedule A12, as Map 40, to illustrate zoning in the hamlet of Burnaby.
30. **THAT** pursuant to Section 34(17) of the Planning Act, as amended, no further public meeting is required.
31. **THAT** this By-law shall come into force, take effect and be passed on the final reading hereof subject to the provisions of Section 34 of the Planning Act.




BY-LAW READ AND PASSED THIS 21ST DAY OF MAY, 2024.

B. Grant, MAYOR

A. Chrastina, DEPUTY CLERK

Schedule A1 to By-law 023-2024

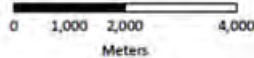


-  Changes from 2014 Map
-  Roads
-  Lot Lines

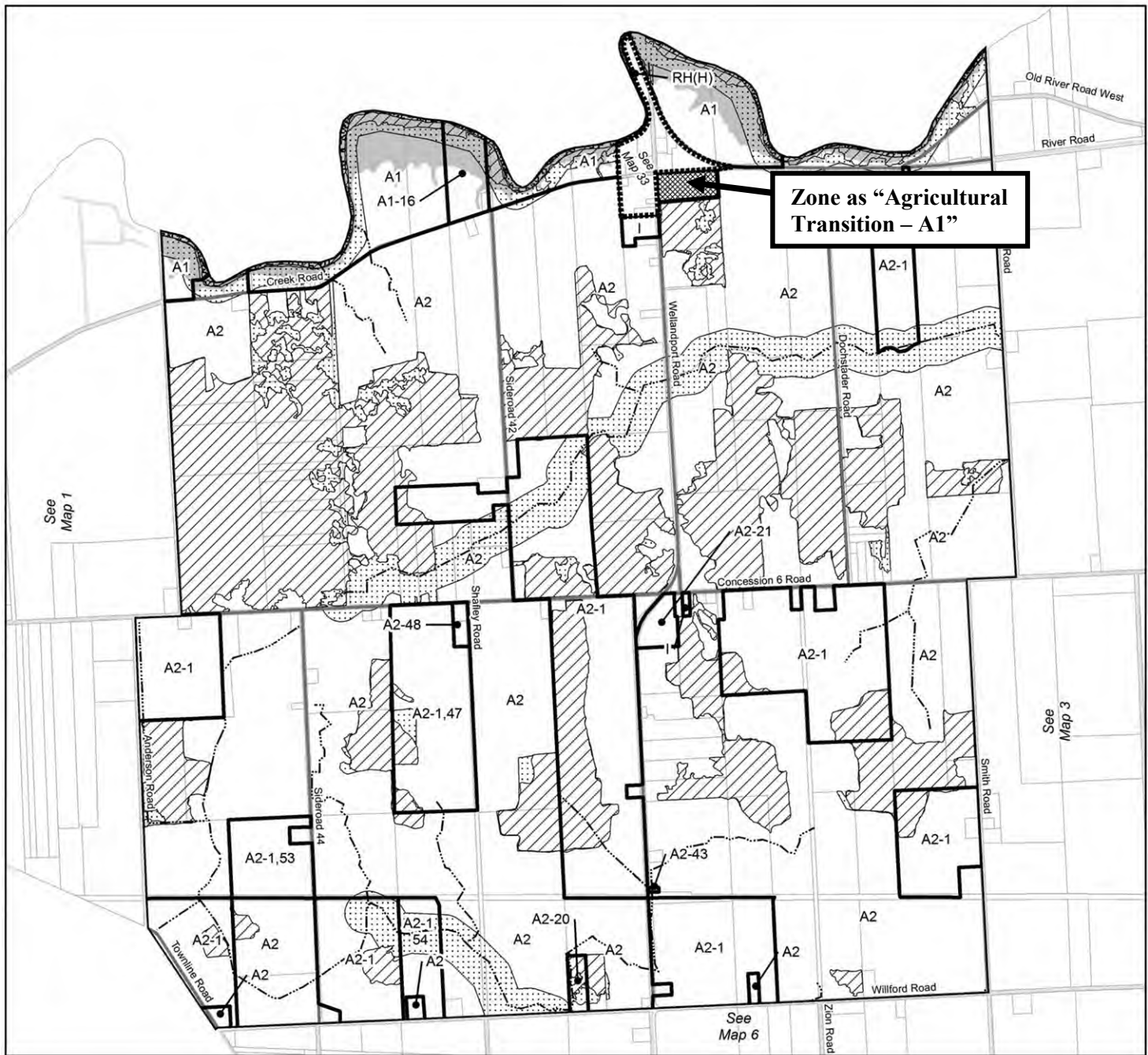


KEY MAP
Zoning Map
 May 2024

Township of Wainfleet
 Zoning By-law



Schedule A2 to By-law 023-2024



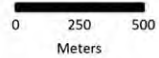
Legend

- Zone Boundary
- Hamlet Boundary
- Environmental Protection Overlay
- Environmental Conservation Overlay
- Hazard Overlay
- Fish Habitat Overlay
- Roads
- Lot Lines

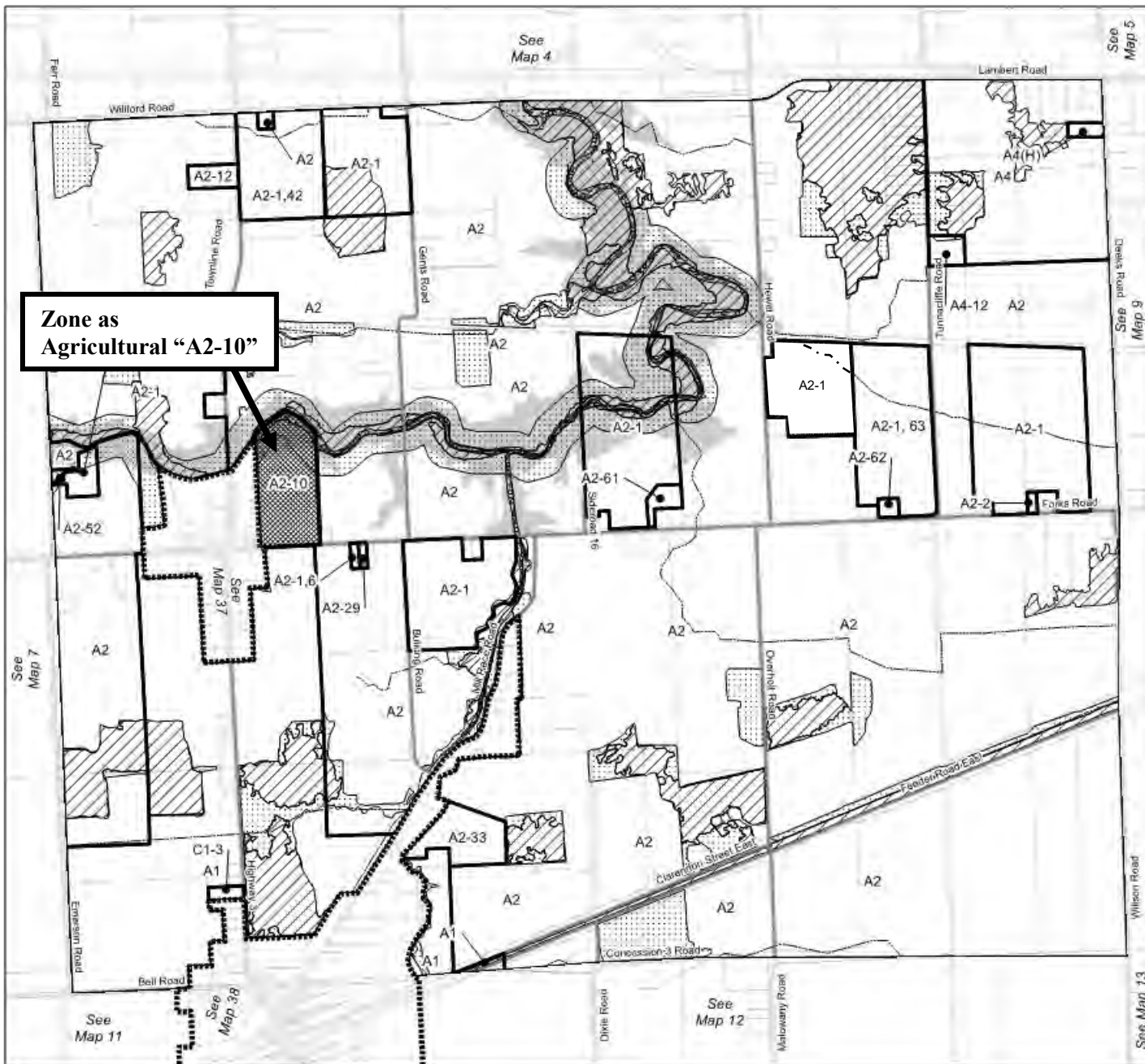


MAP 2
Zoning Map
May 2024

Township of Wainfleet
Zoning By-law



Schedule A3 to By-law 023-2024



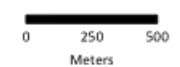
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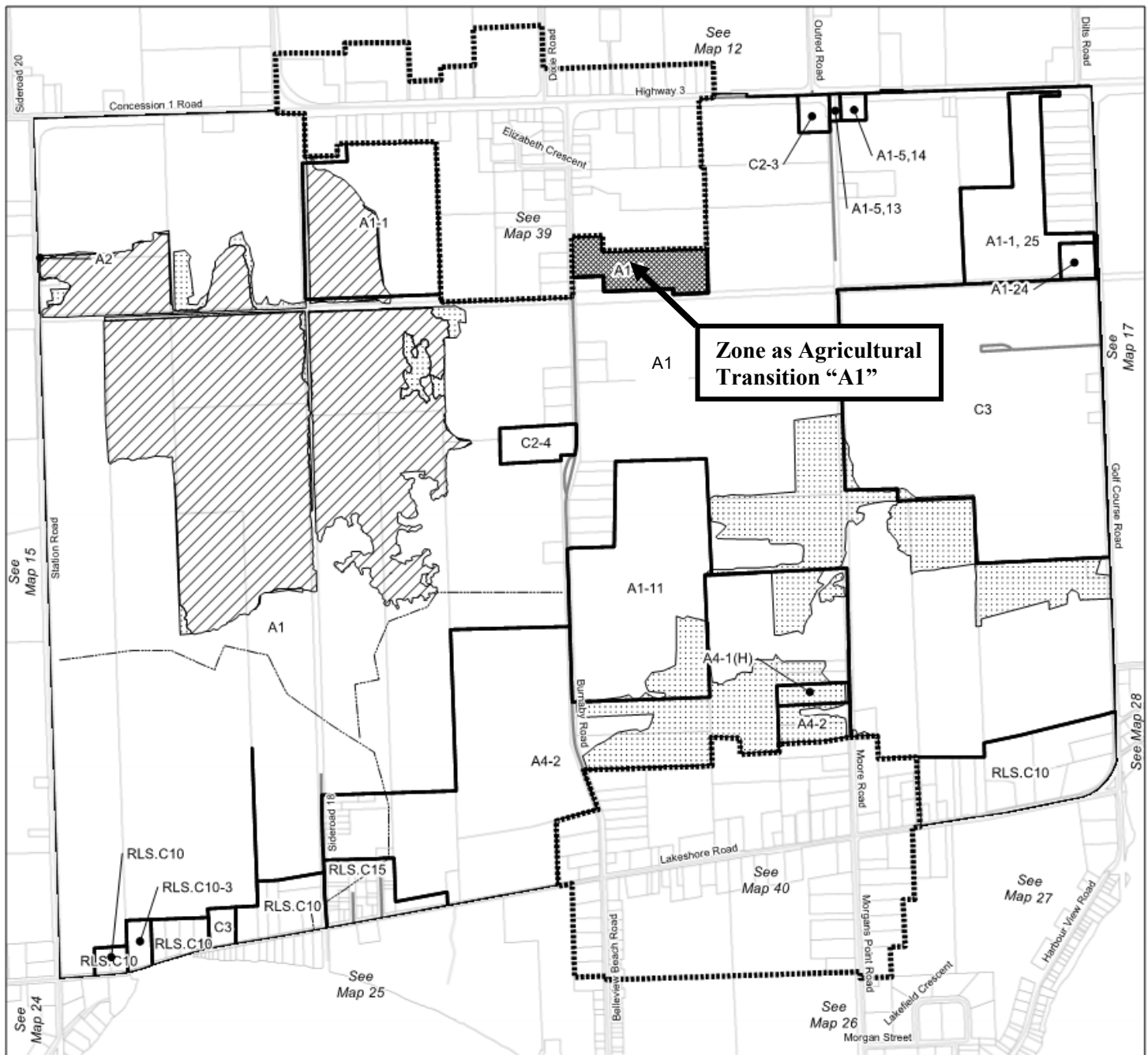


MAP 8
Zoning Map
 May 2024

Township of Wainfleet
Zoning By-law



Schedule A4 to By-law 023-2024



Legend

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- Hamlet Boundary
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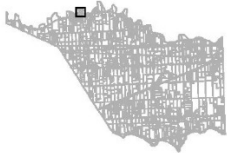
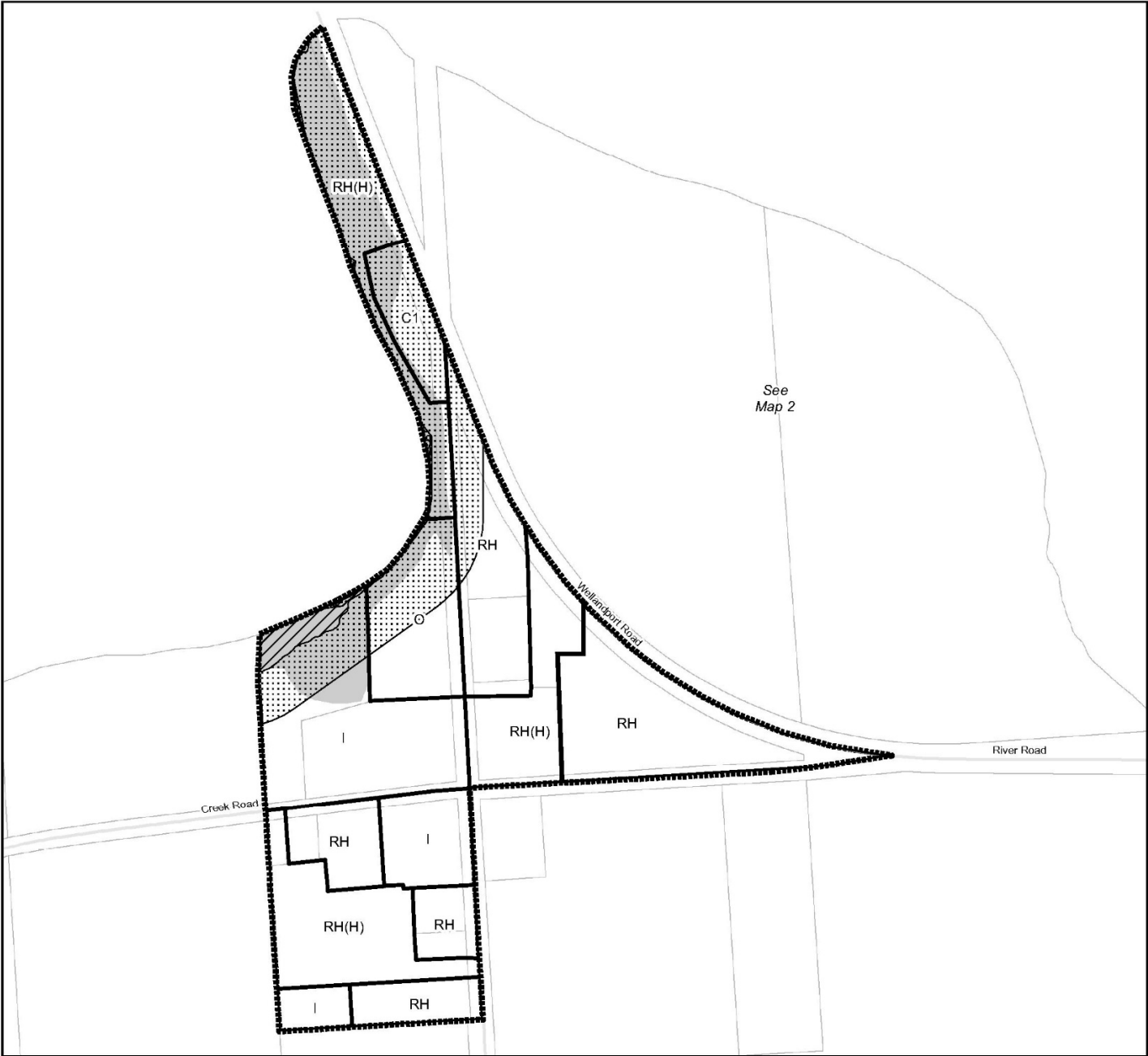


MAP 16
Zoning Map
 May 2024

Township of Wainfleet
Zoning By-law



Schedule A5 to By-law 023-2024



Legend

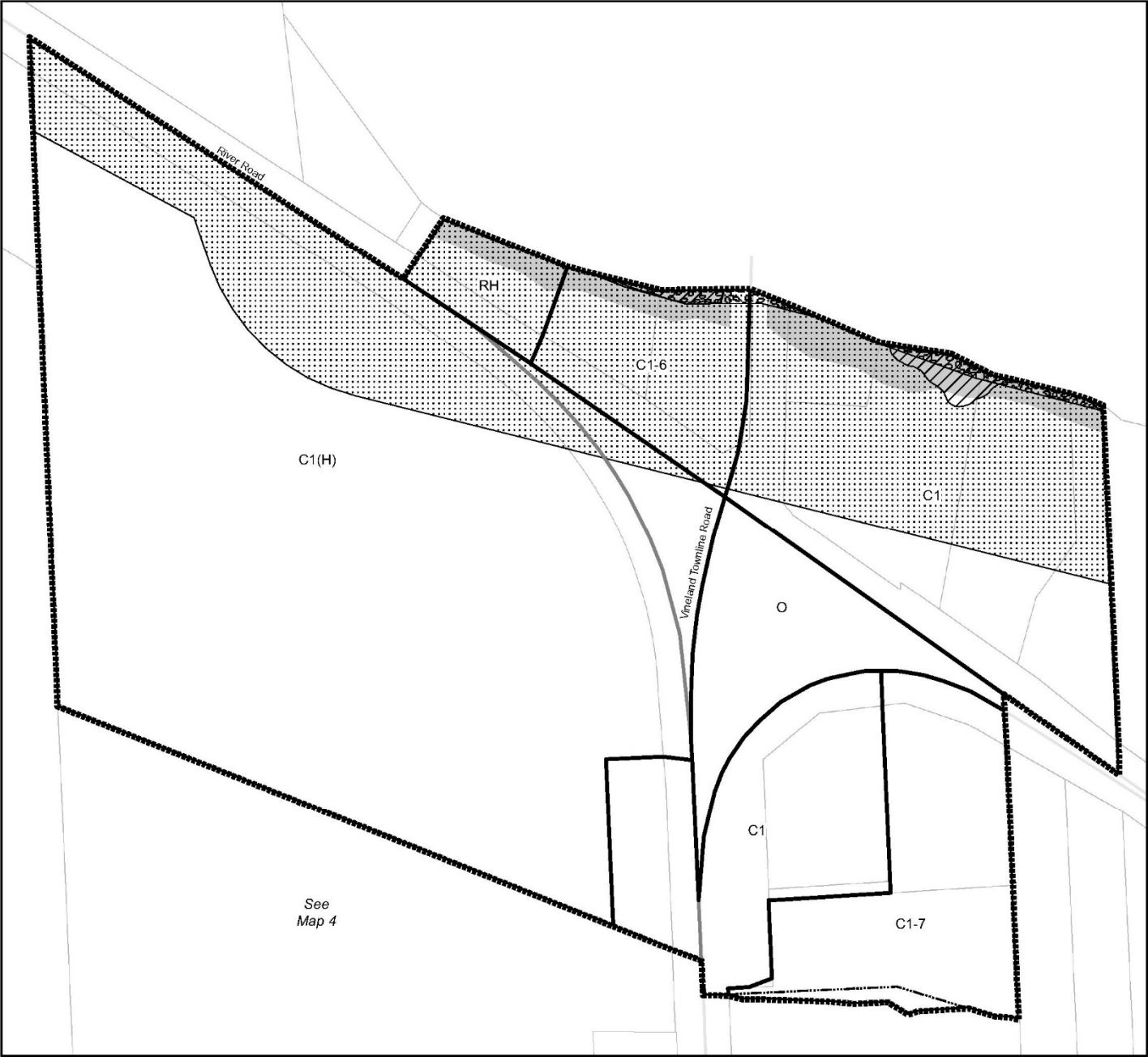
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- Environmental Protection Overlay
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- Roads
- Lot Lines



MAP 33
Zoning Map

Township of Wainfleet
Zoning By-law

Schedule A6 to By-law 023-2024



Legend

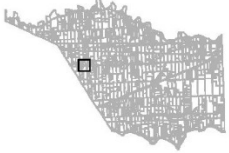
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MAP 34
Zoning Map

Township of Wainfleet
Zoning By-law

Schedule A7 to By-law 023-2024



Legend

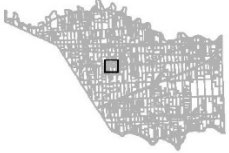
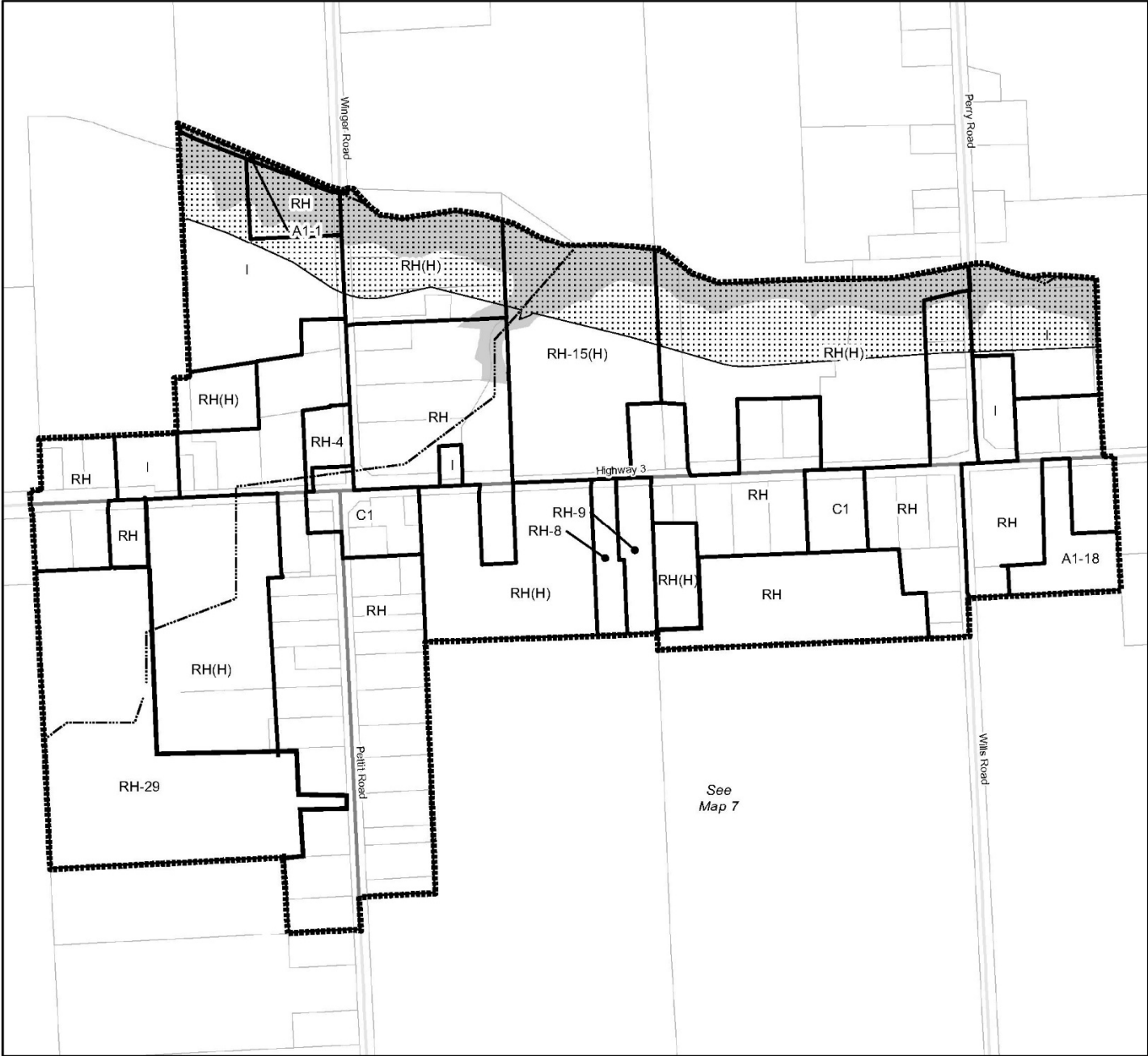
- Zone Boundary
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- Environmental Protection Overlay
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- Lot Lines



MAP 35
Zoning Map

Township of Wainfleet
Zoning By-law

Schedule A8 to By-law 023-2024



Legend

- Zone Boundary
- Hamlet Boundary
- Environmental Protection Overlay
- Environmental Conservation Overlay
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- Fish Habitat Overlay
- Roads
- Lot Lines



MAP 36
Zoning Map

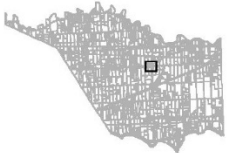
Township of Wainfleet
Zoning By-law

See
Map 7

Schedule A9 to By-law 023-2024



See Map 8



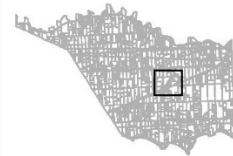
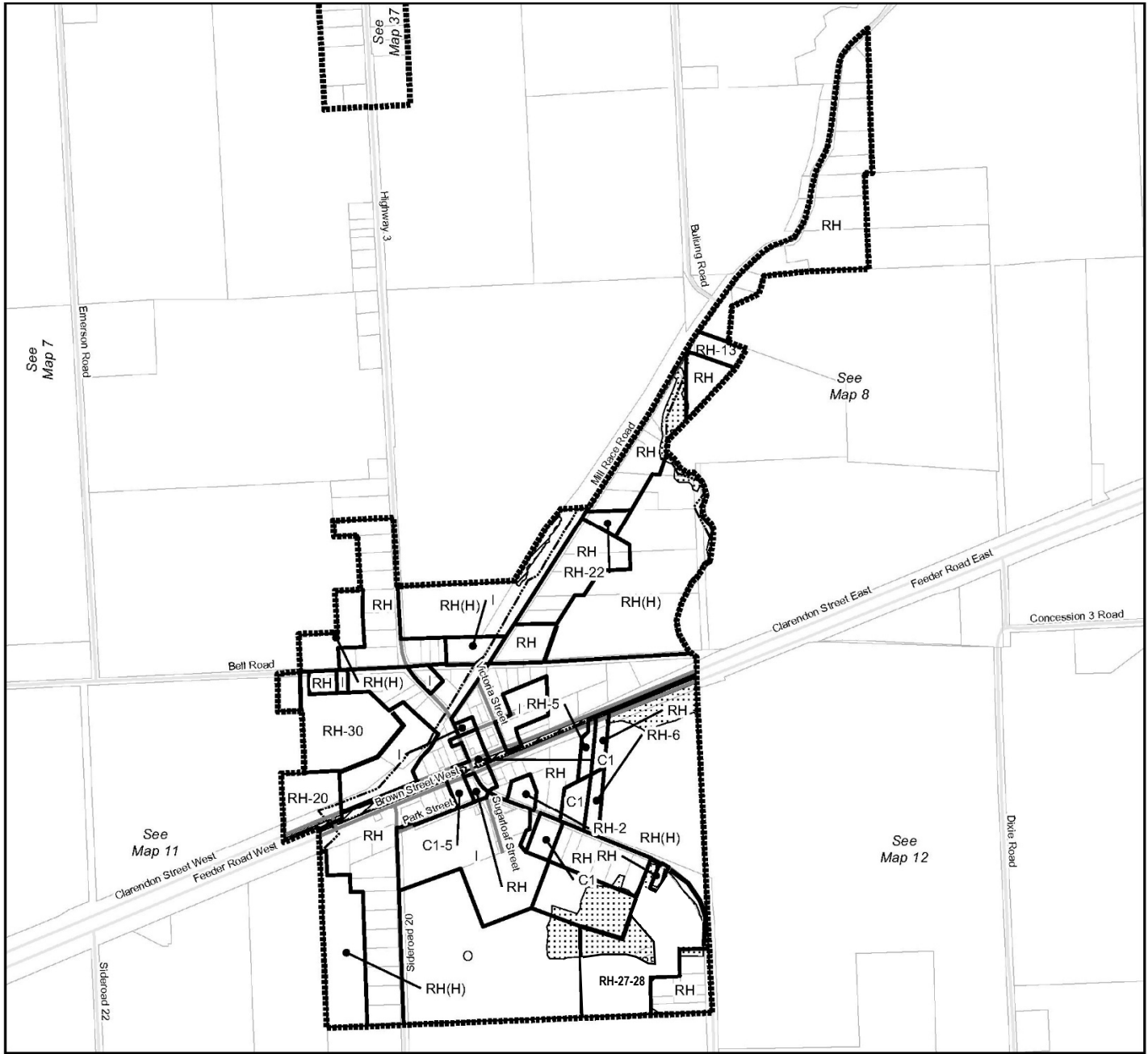
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- Zone Boundary
- Hamlet Boundary
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- Roads
- Lot Lines

MAP 37
Zoning Map

Township of Wainfleet
Zoning By-law

Schedule A10 to By-law 023-2024



Legend

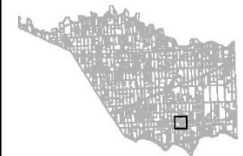
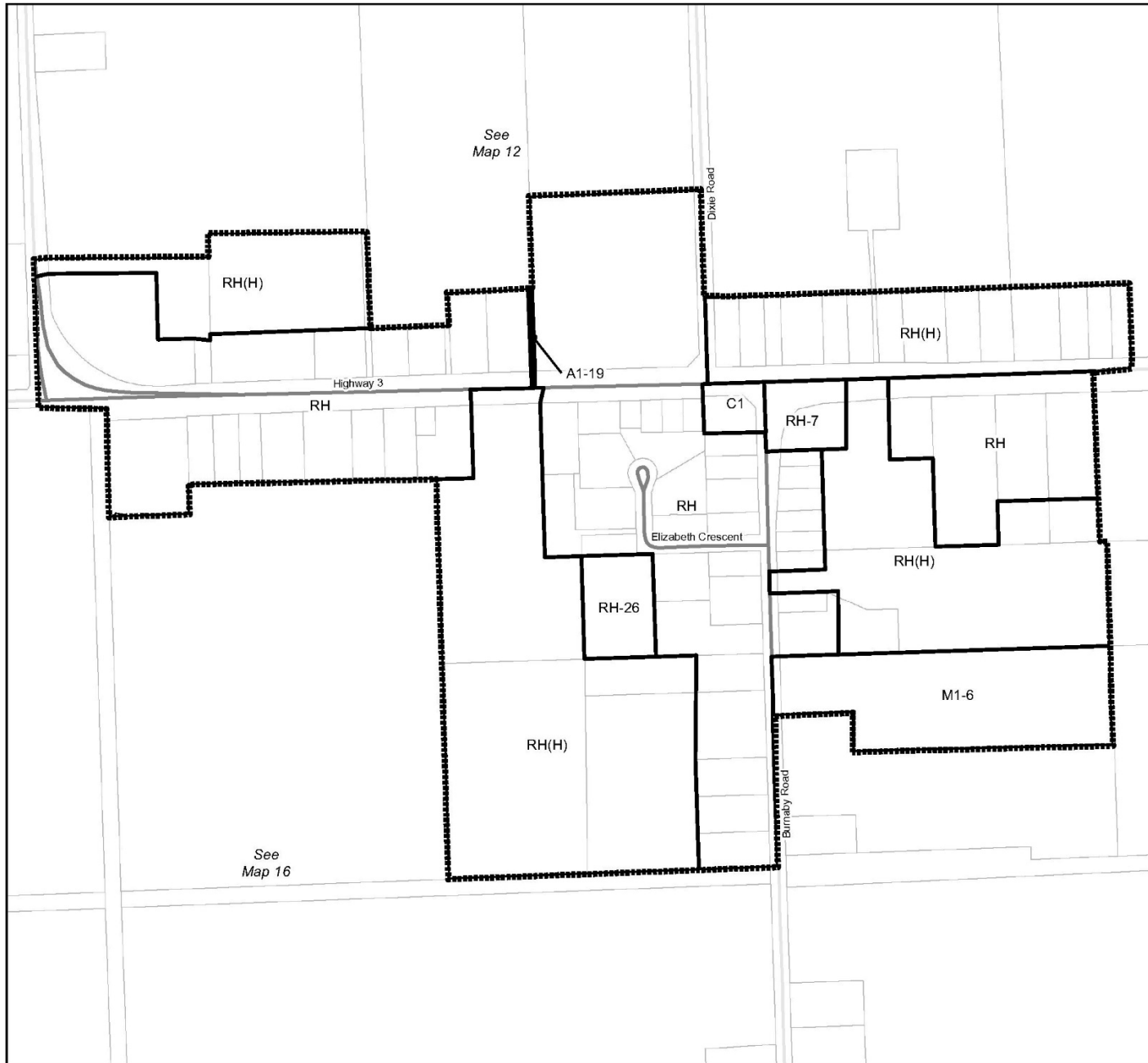
- Zone Boundary
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MAP 38 Zoning Map

Township of Wainfleet
Zoning By-law

Schedule A11 to By-law 023-2024



Legend

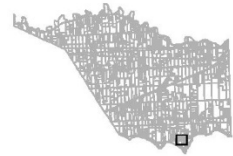
- Zone Boundary
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- Lot Lines



MAP 39 Zoning Map

Township of Wainfleet
Zoning By-law

Schedule A12 to By-law 023-2024



Legend

- Zone Boundary
- Hamlet Boundary
- Environmental Protection Overlay
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- Hazard Overlay
- Fish Habitat Overlay
- Roads
- Lot Lines



MAP 40 Zoning Map

Township of Wainfleet
Zoning By-law

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 024-2024

Being a by-law to adopt, ratify and confirm the proceedings of the Council of the Corporation of the Township of Wainfleet its Regular Meeting of Council held May 21, 2024

WHEREAS Subsection 5 (1) of the *Municipal Act, 2001*, S.O. 2001, Chapter M.25, as amended, provides that the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS section 5 (3) of the *Municipal Act 2001*, S.O. 2001, Chapter M.25, as amended, provides that, except if otherwise authorized, the powers of Council shall be exercised by by-law;

AND WHEREAS it is deemed desirable and expedient that the actions of the Council as herein set forth be adopted, ratified and confirmed by by-law;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

1. (a) The actions of the Council at its Regular Meeting of Council held May 21, 2024 including all resolutions or motions approved, are hereby adopted, ratified and confirmed as if they were expressly embodied in this by-law.
 - (b) The above-mentioned actions shall not include:
 - (i) any actions required by law to be taken by resolution, or
 - (ii) any actions for which prior Ontario Municipal Board approval is required, until such approval is obtained.
2. The Mayor and proper officials of the Corporation of the Township of Wainfleet are hereby authorized and directed to do all things necessary to give effect to the above-mentioned actions and to obtain approvals where required.
3. Unless otherwise provided, the Mayor and Clerk are hereby authorized and directed to execute and the Clerk to affix the seal of the corporation of the Township of Wainfleet to all documents necessary to give effect to the above-mentioned actions.
4. This by-law shall come into force on the day upon which it is passed.

BY-LAW READ AND PASSED THIS 21ST DAY OF MAY, 2024

B. Grant, MAYOR

A. Chrastina, DEPUTY CLERK