

**THE CORPORATION OF THE MUNICIPALITY
OF HASTINGS HIGHLANDS**

BY-LAW 2014-087

Being a By-Law to amend Comprehensive Zoning By-Law Number 2004-035, as amended, being a by-law to regulate the use of land and the height, bulk, location, spacing, character and use of buildings

**THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF HASTINGS
HIGHLANDS ENACTS AS FOLLOWS:**

1. By-Law number 2004-035 is hereby amended as follows:

Add the following to Section 3 DEFINITIONS:

3.2.1 **“ACCESS CORRIDOR”** shall mean that part or parts of a *lot* having a cumulative width not greater than 20 metres (65.6 ft.) passing through a *vegetative buffer* that provides access between the permitted uses of the *lot* and the abutting *waterbody*.

3.228.1 **“SHORELINE ACTIVITY AREA”** shall mean an area located on a *shoreline* and within an *access corridor* or the extension of the *access corridor* into the *waterbody* that is designed and used for one or a combination of the following: a *boathouse, private*; boat launch; *dock*; *marine facility*; a float plane hangar; or a beach.

3.249.1 **“TREE”** shall mean a plant of any species of woody perennial including its root system.

3.253.1 **“VEGETATIVE BUFFER”** shall mean an area consisting of *trees*, shrubs, ground cover or other form of vegetation located within 15 metres (49.2 ft.) from the *high water mark* of a *waterbody*, but which does not include land located within an *access corridor* or *shoreline activity area*.

Delete 3.184 “PERSON(S)” entirely and **replace** it with the following:

3.184 **“PERSON”** shall include an individual, association, firm, partnership, corporation, trust, organization, trustee or agent and the heirs, successors, executors or legal representatives of a person.

2. By-Law number 2004-035 is hereby amended as follows:

Delete Section 4.5 VIOLATIONS AND PENALTIES entirely and **replace** it with the following:

4.5 VIOLATIONS AND PENALTIES

Every *person* who contravenes any of the provisions of this By-law and, if the *person* is a corporation, every director or officer who knowingly concurs in the contravention, shall be guilty of an offence and, on conviction, shall be liable to the penalties provided in the *Planning Act*, R.S.O. 1990, CHAPTER P.13, as amended, or any successor thereto.

3. By-Law number 2004-035 is hereby amended as follows:

Add the following to **Section 5.10 NON-CONFORMING USES**:

5.10.1.2 Continuation of Existing Uses Within Section 6 Marginal Agriculture Zone, Section 8 Limited Service Residential Zone, Section 9 Limited Service Residential Island Zone and Section 10 Waterfront Residential Zone

For greater clarity, no provision within Section 6 Marginal Agriculture Zone, Section 8 Limited Service Residential Zone, Section 9 Limited Service Residential Island Zone and Section 10 Waterfront Residential Zone, respectively, shall be interpreted so as to prohibit the continued existence of any building or use of land where, at the time this by-law was passed, the building existed or the land was used for *recreational use, passive outdoor*, which shall include beaches, lawns, flower beds, decorative pools, patios, chairs, decks and private playgrounds.

4. By-Law number 2004-035 is hereby amended as follows:

Delete Section 8.3(c) (i) within **Section 8 LIMITED SERVICE RESIDENTIAL ZONE** and **replace** it with the following:

8.3 (c) Vegetative Buffer Adjacent To The Shoreline

(i) No *person* shall carry out or conduct *development* or permit another *person* to carry out or conduct *development* within a *vegetative buffer*.

5. By-Law number 2004-035 is hereby amended as follows:

Add the following to **Section 8.3(c)** within **Section 8 LIMITED SERVICE RESIDENTIAL ZONE**:

8.3(c)(ii) No *person* shall injure, damage or destroy any *tree*, shrub, ground cover, or other forms of vegetation located within a *vegetative buffer*.

8.3(c)(iii) Section 8.3(c)(ii) shall not apply with respect to the minimal pruning of any *tree*, shrub, ground cover or other forms of vegetation or the removal of any hazardous, dead or diseased *tree* and/or noxious vegetation. For the purposes of this subsection, “pruning” shall mean the cutting away of parts of a *tree* for reasons including but not limited to safety concerns, maintenance of legislated clearances, *tree* health and vitality, disease control, and the removal of deadwood or crown thinning for *tree* health.

8.3(c)(iv) No *person* shall construct or install an *access corridor* in a manner which results in the erosion of soil, ground, gravel, rock or sand into a *waterbody*.

8.3(c)(v) Despite the definition of *vegetative buffer* provided in section 3.253.1, the Municipality may require that a *vegetative buffer* of more than 15 metres from the *high water mark* of a *waterbody* be established or maintained if required by any legislation or by-law.

6. By-Law number 2004-035 is hereby amended as follows:

Add the following to Section 8.3 LIMITED SERVICE RESIDENTIAL ZONE:

8.3(e) Shoreline Activity Area

8.3(e)(i) No *shoreline activity area* shall be located within 3 metres of any *side lot line* or the extension of the *side lot line* into the *waterbody*.

8.3(e)(ii) No *shoreline activity area* shall exceed the width of an *access corridor*. A *shoreline activity area* may, however, be divided where more than one *access corridor* is developed or constructed provided that the cumulative width does not exceed 20 metres (65.6 ft.).

8.3(e)(iii) A *boathouse*, *private*, boat launch, *dock*, *marine facility* and a float plane hangar shall only be located within a *shoreline activity area*.

7. By-Law number 2004-035 is hereby amended as follows:

Delete Section 9.3(c)(i) within Section 9 LIMITED SERVICE RESIDENTIAL ISLAND ZONE and replace it with the following:

9.3(c) Vegetative Buffer Adjacent To The Shoreline

(i) No *person* shall carry out or conduct *development* or permit another *person* to carry out or conduct *development* within a *vegetative buffer*.

8. By-Law number 2004-035 is hereby amended as follows:

Add the following to Section 9.3(c) within Section 9 LIMITED SERVICE RESIDENTIAL ISLAND ZONE:

9.3(c)(ii) No *person* shall injure, damage or destroy any *tree*, shrub, ground cover, or other forms of vegetation located within a *vegetative buffer*.

9.3(c)(iii) Section 9.3(c)(ii) shall not apply with respect to the minimal pruning of any *tree*, shrub, ground cover or other forms of vegetation or the removal of any hazardous, dead or diseased *tree* and/or noxious vegetation. For the purposes of this subsection, “pruning” shall mean the cutting away of parts of a *tree* for reasons including but not limited to safety concerns, maintenance of legislated clearances, *tree* health and vitality, disease control, and the removal of deadwood or crown thinning for *tree* health.

9.3(c)(iv) No *person* shall construct or install an *access corridor* in a manner which results in the erosion of soil, ground, gravel, rock or sand into a *waterbody*.

9.3(c)(v) Despite the definition of *vegetative buffer* provided in section 3.253.1, the Municipality may require that a *vegetative buffer* of more than 15 metres from the *high water mark* of a *waterbody* be established or maintained if required by any legislation or by-law.

9. By-Law number 2004-035 is hereby amended as follows:

Add the following to Section 9.3 LIMITED SERVICE RESIDENTIAL ISLAND ZONE:

9.3(e) Shoreline Activity Area

9.3(e)(i) No *shoreline activity area* shall be located within 3 metres of any *side lot line* or the extension of the *side lot line* into the *waterbody*.

9.3(e)(ii) No *shoreline activity area* shall exceed the width of an *access corridor*. A *shoreline activity area* may, however, be divided where more than one *access corridor* is developed or constructed provided that the cumulative width does not exceed 20 metres (65.6 ft.).

9.3(e)(iii) A *boathouse*, *private*, boat launch, *dock*, *marine facility* and a float plane hangar shall only be located within a *shoreline activity area*.

10. By-Law number 2004-035 is hereby amended as follows:

Delete Section 10.3(c)(i) within Section 10 WATERFRONT RESIDENTIAL ZONE and replace it with the following:

10.3(c) Vegetative Buffer Adjacent To The Shoreline

(i) No *person* shall carry out or conduct *development* or permit another *person* to carry out or conduct *development* within a *vegetative buffer*.

11. By-Law number 2004-035 is hereby amended as follows:

Add the following to **Section 10.3(c)** within **Section 10 WATERFRONT RESIDENTIAL ZONE**:

10.3(c)(ii) No *person* shall injure, damage or destroy any *tree*, shrub, ground cover, or other forms of vegetation located within a *vegetative buffer*.

10.3(c)(iii) Section 10.3(c)(ii) shall not apply with respect to the minimal pruning of any *tree*, shrub, ground cover or other forms of vegetation or the removal of any hazardous, dead or diseased *tree* and/or noxious vegetation. For the purposes of this subsection, “pruning” shall mean the cutting away of parts of a *tree* for reasons including but not limited to safety concerns, maintenance of legislated clearances, *tree* health and vitality, disease control, and the removal of deadwood or crown thinning for *tree* health.

10.3(c)(iv) No *person* shall construct or install an *access corridor* in a manner which results in the erosion of soil, ground, gravel, rock or sand into a *waterbody*.

10.3(c)(v) Despite the definition of *vegetative buffer* provided in section 3.253.1, the Municipality may require that a *vegetative buffer* of more than 15 metres from the *high water mark* of a *waterbody* be established or maintained if required by any legislation or by-law.

12. By-Law number 2004-035 is hereby amended as follows:

Add the following to **Section 10.3 WATERFRONT RESIDENTIAL ZONE**:

10.3(e) Shoreline Activity Area

10.3(e)(i) No *shoreline activity area* shall be located within 3 metres of any *side lot line* or the extension of the *side lot line* into the *waterbody*.

10.3(e)(ii) No *shoreline activity area* shall exceed the width of an *access corridor*. A *shoreline activity area* may, however, be divided where more than one *access corridor* is developed or constructed provided that the cumulative width does not exceed 20 metres (65.6 ft.).

10.3(e)(iii) A *boathouse*, *private*, boat launch, *dock*, *marine facility* and a float plane hangar shall only be located within a *shoreline activity area*.

13. By-Law number 2004-035 is hereby amended as follows:

Add the following to Section 6 – MA – MARGINAL AGRICULTURE ZONE

6.3 (e) Vegetative Buffer Adjacent To The Shoreline

(i) No *person* shall carry out or conduct *development* or permit another *person* to carry out or conduct *development* within a *vegetative buffer*.

(ii) No *person* shall injure, damage or destroy any *tree*, shrub, ground cover, or other forms of vegetation located within a *vegetative buffer*.

(iii) Section 6.3(e)(ii) shall not apply with respect to the minimal pruning of any *tree*, shrub, ground cover or other forms of vegetation or the removal of any hazardous, dead or diseased *tree* and/or noxious vegetation. For the purposes of this subsection, “pruning” shall mean the cutting away of parts of a *tree* for reasons including but not limited to safety concerns, maintenance of legislated clearances, *tree* health and vitality, disease control, and the removal of deadwood or crown thinning for *tree* health.

(iv) No *person* shall construct or install an *access corridor* in a manner which results in the erosion of soil, ground, gravel, rock or sand into a *waterbody*.

(v) Despite the definition of *vegetative buffer* provided in section 3.253.1, the Municipality may require that a *vegetative buffer* of more than 15 metres from the *high water mark* of a *waterbody* be established or maintained if required by any legislation or by-law.

6.3 (f) Shoreline Activity Area

(i) No *shoreline activity area* shall be located within 3 metres of any *side lot line* or the extension of the *side lot line* into the *waterbody*.

(ii) No *shoreline activity area* shall exceed the width of an *access corridor*. A *shoreline activity area* may, however, be divided where more than one *access corridor* is developed or constructed provided that the cumulative width does not exceed 20 metres (65.6 ft.).

(iii) A *boathouse*, *private*, boat launch, *dock*, *marine facility* and a float plane hangar shall only be located within a *shoreline activity area*.

COMING INTO FORCE

That this By-Law shall come into force and take effect in accordance with the provisions of the *Planning Act*, as amended.

Read a FIRST time on the 19th day of November, 2014.
Read a SECOND time on the 4th day of February, 2015.
Read a THIRD time on the 6th day of May, 2015.

Vivian Bloom, Mayor

Robyn Rogers, Clerk