

Appendix 'C' Table of further adjustments identified to October 10, 2017

Section	Description	Note
2 Definitions	Landscaped Open Space – add “Trees”	Opportunity for existing forested area to function as landscaped open space
Add	<u>‘Agriculture Lot’</u> means a lot in the RU1 General Rural Zone that is greater than 4.0 hectares (10 acres) in size	Companion to ‘Non-farm lot’ and corresponds to RU1 zone permitted uses and provisions.
Amend	<u>“Assembly Hall”</u> means a building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, political, <u>religious</u> , or social purposes and may include functions involving the consumption of food and drink.	Function of hall is similar to place of worship which is not defined in new by-law.
Delete	‘Automobile Car Wash’	2 definitions almost identical; Automobile Car Wash – closed loop corresponds to an OMB decision and should be retained.
Add	<u>“Automobile Gas Bar”</u> means a lot containing not more than eight fuel/propane pumps and may include a structure of not greater than 18.5 square metres (199 square feet) used for the sale of fuel and for sundry items incidental to the operation of a motor vehicle but shall not include any other automobile use defined in this By-Law unless otherwise permitted.	Confirm definition is in final by-law text.
Add	<u>“LAUNDROMAT”</u> means a building or structure where articles or goods of fabric are received, or where coin-operated laundry machines are made available to the public, for the purpose of laundry cleaning using only water, detergents and additives.	Merge laundromat and coin-operated laundromat definitions and focus on fabrics using water, detergents, and additives (vs dry cleaning or other chemical processes)
Add	<u>“Museum”</u> means a building, room, vessel (including a boat or ship), or other site intended for the preservation and exhibition of artistic, historical, or scientific objects.	Definition in current by-law 2002-54 refers to repealed legislation.
Add	<u>“One Hundred Year Flood Elevation”</u> definition referring to elevations outlined in MNRF Flooding Hazards report	

Section	Description	Note
Add	<p><u>"PARK, PRIVATE"</u> means an area of land not owned by a public authority which may contain playground or play fields, swimming pools, wading pools, greenhouses, bandstands, skating rinks, tennis or badminton courts, bowling greens, fairgrounds or similar uses.</p>	Permitted use but not currently defined in proposed by-law.
Add	<p><u>"PRINTING ESTABLISHMENT"</u> means a business that furnishes a service of printing or publication of periodical or other written or visual material.</p>	Permitted use but not currently defined in proposed by-law.
	<p><u>"Recreation Centre"</u> means the use of land, buildings or structures for the purpose of active leisure activities and shall include an arena, swimming pool, community centre, curling rink, outdoor ice rink, and other such similar uses.</p>	
ADD	<p><u>"WILDLIFE SANCTUARY"</u> means land used or intended to be used for the preservation of wildlife and plant life.</p>	Retain from current by-law, related to Open Space provisions.
AMEND	<p>"Seasonal Dwelling"</p> <p><u>"Dwelling, Seasonal"</u> means a dwelling that is located on an Island that is not attached to the mainland <u>or does not have frontage or access on a class '1' street</u> and notwithstanding that it may be designed and/or constructed for year round or permanent human habitation is used only for seasonal occupancy.</p> <p>Related: Amend R2 zone permitted uses (Section 9.2) to read:</p> <ul style="list-style-type: none"> • Dwelling, Single Detached <u>for lots fronting on a Class 1 Street</u> • Dwelling, Seasonal <u>for lots fronting on a Class 2 Street</u> 	<p>Current permitted residential use in R2 zone is "cottage dwelling"</p> <p><i><u>"COTTAGE DWELLING" means a detached building, which may be occupied on a seasonal basis, used for and containing only one dwelling unit, which is designed and/or constructed for year round human habitation.</u></i></p> <p>This definition does not indicate any responsibility on the part of Municipality to maintain a road other than seasonally, as year-round occupancy is not permitted.</p> <p>The new by-law replaces the form of dwelling permitted in R2 zone with "Dwelling, Single Detached" regardless of the type of 'street' access (Class 1,2, private).</p>

Section	Description	Note
		While provisions require limited services agreements prior to new permits on seasonally maintained or private roads not all properties have such agreements registered on title. Staff recommends that 'Seasonal Dwelling' be included in list of uses for R2 zone and definition of Seasonal Dwelling include dwellings on a lot that does not have frontage or access to a Class '1' Street. This is essentially the same as the current by-law except for lots which front onto year-round municipal roads.
3.3	Buffer on Lands adjoining Industrial or Residential Uses/Zones Consider additional uses from ACM/ RCM zones	Allow setback requirements for industrial uses to be increased where there are nearby dwellings and reduced where there is lower potential for conflict
3.6.3.1	Replace (iii) with Add: Detached garages or any part thereof, may be located in front of the principle structure provided it complies with the minimum front yard setback requirements and minimum side yard requirements.	Permit garages between dwelling and street as per current by-law.
3.6.3.2	Note that 0 side yard setback for accessory buildings is subject to buffering requirements of 3.15	Currently could be misleading.
3.6.3.3	Correct bracketed reference to [RU1]	Clerical error
3.6.4 Accessory Building height	Increase for CLI, RCM, ACM from 8 metres to 10 metres	Increase flexibility; same or less than current by-law 2002-54
3.6.5	move 5% provision into table	apply to R1,R2,R3,HR,PD,C1 only.
3.24.2	Review opportunity to increase clarity in provisions.	
3.26.1 Required # of Spaces Per Use – ADD	Laundromat - 1 space for each four coin-operated machines, or 1 space for each 20 m ² (215 ft ²) of gross floor area, whichever is greater	Address permitted use.
3.26.3.2	Parking Space Length-Parallel	Based on further consultations

Section	Description	Note
	Reduce from 6.7 to 6.5m	
3.26.5.2	Add “except where provided as noted in Section 3.26..5.3 or 3.26.5.4”	
3.26.8 Driveways	ADD: Parking areas and associated driveway systems servicing any use other than a cottage dwelling, duplex dwellings, triplex dwellings, fourplex dwellings, detached dwellings and road townhouses and semi-detached dwellings shall be designed in such a manner that any vehicle entering or leaving a road or public lane need not travel in a backwards motion.	In current by-law.
3.28	Delete provisions for Existing Mobile Home outside trailer park.	This was a new provision. However Mobile homes have not been permitted at least since current by-law came into effect (2002) – any placed since then (in contravention of by-law) should not be recognized.
3.31 Drainage	Revise to read: In all Residential, Commercial, Industrial, or Institutional Zones, all lands, buildings and structures shall provide adequate drainage so as to prevent the flow of surface water onto adjoining lots.	
3.39 (ii) prohibited uses in all zones	Delete blanket prohibition	Provisions established in Section 3.6.10
4.7.3 Zoning Over Water Bodies	Replace “high water mark” with “100-year flood elevation” of 177.6/177.7/177.8m A.S.L	Match MNRF 100-year flood elevation locations.
5.2 Minimum Lot Size – Livestock	Replace “their” with “the”	
5.3 Watercourse etc setbacks	Amend to: No person shall erect any ‘Livestock Facility’ or ‘Manure or Material Storage’ unless in compliance with the setbacks calculated in Appendix ‘A’ <i>and no such facility shall be located in an ‘EH - Environmental Hazard’ zone.</i>	Improve clarity.
6.2 RU1 General Rural	Correct Minimum Floor Area requirements from 70 / 90 square metres (floor area) to 70 square metres (gross)	Missed in earlier revision see discussion item 3 above.

Section	Description	Note
6.2 RU1 General Rural	Revise Maximum Height for 'Agriculture Lot' to 'the lesser of the smallest yard setback provided or 15 metres.'	
6.4 RU1 Special Provisions	Bring in RU1-21-2015	
7.3 R1 / R3 Zone Provisions	Clarify 'Footnotes' to Single-detached dwelling provisions' and 'Footnotes to Semi-detached dwelling provisions' Revise minimum lot area – advanced sewage disposal system (no municipal services) to 7400 square metres. Revise footnote (d) to semi-detached/ duplex provisions to replace "single detached dwelling" with "semi-detached/duplex dwelling"	
8.3 Hamlet Residential Zone Provisions	Zone Provisions – HR Hamlet Residential Zone Add 'private guest cabin' and 'secondary suite' as permitted uses. Delete Provisions and Refer to Section 7 (R1) zone.	Avoid new lots requiring sewage disposal systems with advanced treatment units. Apply same requirements for systems as R1 zone.
8.3		
8.3 Hamlet Residential Zone Provisions 9.3 R2 Zone Provisions	Correct Minimum Floor Area requirements from 50 square metres (net) to 70 square metres (gross) (new lot, existing lot for HR) (new lot for R2)	Missed in earlier revision
9.3 R2 Zone Provisions	Amend (a) as follows: (a) Existing Lot of record: In accordance with Section 7.3 R1 Zone Provisions	
9.4.1	Replace "High Water Mark" with "100-year flood elevation"	
9.5 R2 Special Provisions: R2-2013	R2 Special Provisions –Lakewood	Confirm with owner that lot area is appropriate for this draft-approved subdivision
9.5 Special Provisions: R2-2002-43, EH-2002-43	Greenough Harbour – check references to Greenough Harbour <u>Subdivision</u> (versus "Road")	Check minimum dwelling size against subdivision agreement.

Section	Description	Note		
Section 10 General Provisions for Commercial and Industrial Zones	Amend brackets in title to include HC Hamlet Commercial C1 Downtown and Harbour Commercial	These provisions are appropriate to these zones.		
10.9 Multiple Buildings On a Lot	Consider whether existing provisions permitting more than one building only for Motel, Lodge, or Tourist Cottage Rental Establishment should be maintained.	Other uses may benefit from increased flexibility, however existing provision also seems to work.		
11.1 Hamlet Commercial Scope, 11.6, 12	Check Section References (10 vs 11, 11 vs 12, etc).	error		
Add 10.14	Lighting – Lighting shall be in accordance with Section 3.30	Provisions also in current by-law.		
11.7 Hamlet Commercial - Special Provisions	Add provision and schedule reference for: Concession 2 EBR Part Lot 25; RP3R1296 PART 1, RP3R6584 PART 1 (Eastnor) 2845 Highway 6, (Myles OMB PL021153) i. HC Permitted Uses plus a “Car Wash, Closed Loop”	Special Provision not yet consolidated into proposed by-law.		
12.2 Resort Commercial	Add to beginning of 12.2 (a) <u>One ‘Dwelling, Accessory Apartment’ in accordance with Section 3.8.1 OR ...</u>	Current by-law 2002-54 permits accessory dwelling unit; proposed by-law permits detached dwelling. Either is fine but not both.		
12.3 Resort Commercial	Specify ‘ <table border="1" data-bbox="466 1057 1409 1114"> <tr> <td>maximum floor area for retail purposes</td> <td>200 m² (2152.8ft²)</td> </tr> </table>	maximum floor area for retail purposes	200 m ² (2152.8ft ²)	Maintain from current by-law 2002-54.
maximum floor area for retail purposes	200 m ² (2152.8ft ²)			
12.5 Marina Development	Delete reference to Septic System Location from this section.	location regulated by OBC.		
12.6 Farmers Market	Establish same provisions as noted above.	Could be consolidated under Section 10.		
12.7 Resort Commercial Special Provisions	Carry forward RC-a from current zoning by-law. Carry forward RC-25-2016a and RC-25-2016b from current by-law	Site-specific provisions in effect, should be included in new by-law.		

Section	Description	Note
13.2 TTP permitted uses	Add to beginning of 13.2 (a) <u>One 'Dwelling, Accessory Apartment' in accordance with Section 3.8.1 OR ...</u>	Current by-law 2002-54 permits accessory dwelling unit; proposed by-law permits detached dwelling. Either is fine but not both.
13.2 TTP Permitted Uses	Include 'Eating Establishment'	'Restaurant' permitted in current by-law 2002-54
13.3 TTP Zone Provisions	Increase setback for all uses to all lot lines from 7.5m to 15m	Maintain provision from current by-law 2002-54
13.4 Additional Provisions	Add to .4 as follows: <u>An area of Natural Forest vegetation having a width no less than 4 metres, or</u> A planting area having a minimum width of 1.0 metre (3.3 ft.) and consisting of a dense screen of shrubs and evergreen trees, minimum 1.5 metres (5 ft.) high when planted shall be planted and maintained along the side and rear of each 'Campsite' or 'Tourist Cabin' except for pull-through sites.	Provide opportunity for tree retention as an alternative to tree cutting and replanting.
13.5 Travel Trailer Park Special Provisions	Millers Family Camp	Correct error in special provisions from meeting with owner
13.5 Travel Trailer Park Special Provisions	ADD C4-lms 2016-27 (Part Lot 40, Concession 12 EBR (Lindsay) (Parker c/o Davidson Z-29-15.66) i. Maximum number of campsites: 86 ii. Notwithstanding Section 20.3 , Four (4) cabins existing as of the date of passage of this by-law are recognized and shall have a minimum size of 30.6 square metres, 36.7 square metres, 28.6 square metres, and 29.9 square metres, respectively. Expansion, alteration or replacement is permitted in but shall not further contravene the provisions of Section 20.3. iii. Notwithstanding Section 21.2 eight existing campsites are permitted to have a reduced buffer area to the north lot line which	Site specific provisions not yet consolidated into by-law.

Section	Description	Note
	<p>shall be a minimum of 1.5 metres. The entire buffer area shall conform to the Planting Area requirements of Section 6.22.3.</p> <p>C4-2016-48 Pt Lot 48 Concession 1WBR (St Edmunds) (Tobermory Camp c/o Klein, Z-22-16.68)</p> <p>Notwithstanding Section 21, those lands delineated as ‘C4-2016-48’ on Schedule “A” to this By-law may be used in compliance with the C4 zoning provisions contained in this By-law excepting however that:</p> <p>The minimum side yard setback for the structure existing on June 27, 2016 shall be 4.6 m (15 ft). All future development shall comply with the provisions of the zoning by-law.</p>	
14.1 Scope 14.2 Provisions	Amend to read Provisions of “Downtown and Harbour Commercial” zone not “Central Business District” zone	
14.2 C1 Downtown and Harbour Zone Permitted Uses	Add Bus depot, Commercial college, laundromat (municipal sewer only), marina, printing establishments, private parks, wholesale establishment, specialty shop, and ‘Tourist Home’ in an <u>existing</u> dwelling	Appropriate Currently permitted uses or analogues.
14.3 (b)	Under footnotes, replace “C1 zone” with “commercial permitted use” and add “to a maximum of 3 metres” to second paragraph which refers to setbacks from a commercial permitted use to a primary residential use in the C1 zone.	Apply same setback as would apply for a residential dwelling.
15.2 CLI Permitted Uses	Add “Highway” as in “Highway Commercial and Industrial Zone” Add Gas Bar, Bus Depot; Delete Contractor’s Yard, add ‘closed loop’ after ‘Automobile Car Wash’	Appropriate uses for CLI zone. ‘Automobile Car Wash’ definition recommended to be deleted as the ‘Automobile Car Wash, Closed loop’ is better for areas with no sewer services.
15.2 / 15.3 CLI Permitted Uses/Provisions	Delete footnote re: Tourist Home, renumber footnotes in table. Round lot areas to 4000 sq m / 2000 sq. m.	Redundant as 4 guest rooms required by definition.

Section	Description	Note
15.5 CLI special provisions`	Request by owner to change from Fish Net Construction and Repair to Parking Lot and Storage Building	Zoning limited to one use which has ceased.
17.2 ACM Uses Permitted	Move “accessory” to before “buildings and structures as per section 3.6” Add ‘Greenhouse’ (can then be removed from ‘ACM’ permitted uses	Correct error. Greenhouse may be typically associated with ‘nursery’ which is a permitted use.
17.3 ACM provisions	Reduce Sideyard to 5m	Maintain existing sideyard. Note setbacks for industrial uses to adjacent residential uses
17.3, 18.3,	Add reference to Section 3.3 ‘Buffer on Lands Adjoining Residential Uses and Zones’	
17.5 ACM Uses Permitted	Include trades person shop (landscaping yard) at 14 Budvet Road	Existing use permitted in RCM zone, add to ACM zone in this location.
18.4 Rural Commercial and Industrial Zone Special Provisions	Roxy’s Gas Bar – Special Provisions – Permit ‘Automobile Gas Bar,’ ‘Convenience Store,’ ‘Shower facility’	Waiting for information from owner regarding recognition of additional existing non-conforming uses including camping cabins and tent campsites.
19.1	Note that aggregate extraction uses are subject to the Aggregate Resources Act.	
18.4 Rural Commercial and Industrial Zone Special Provisions	Bring in RCM-21-2015 Special Provisions	Site-specific by-law in effect but not yet consolidated
20.1 Institutional Zone Scope	Add area of application for INR zone	
20.3 Institutional Zone Provisions	Revise table for front, exterior side, and rear yard setbacks to 7.6m for facilities with Municipal Water or Municipal Sewer. Apply 15% lot coverage where no services are available, to be consistent with commercial zones on private services.	Maintain existing provision; Be consistent for lot coverage with commercial zones on private services.

Section	Description	Note
20.4 Institutional Rural Special Provisions	INR-b replace "Place of Worship" with "Assembly Hall"	Place of Worship is covered under assembly hall definition in proposed by-law
21.2 Open Space Urban and Rural Permitted Uses	ADD "Private Parks" and "Wildlife Sanctuary" to urban and rural open space uses	Private parks in current by-law 2002-54 provisions, wildlife sanctuary appropriate permitted use with definition in current by-law 2002-54
21.5 Special Provisions – OSR	Add Special Provisions for OSR to indicate that such lands are held by Government Organizations (OSR-gov) and lands held by Conservation Organizations (OSR-ngo) for conservation purposes.	
21.5 Special Provisions – OSR	Delete duplicate site-specific provision	
24.5	EH – Special Provisions Update replace 2 occurrences of "EH-a" with "EH-PSW"	Re-named for clarity
25.1 Future Development Scope	Amend "Planned Development" to "Future Development"	Correspond to name of zone.
25.2	Include Text for Site-Specific by-law 63-2015 (FD zoned lot) in Tobermory	Not consolidated in Sept 1 draft
Various	Include Other recent amendments to 2002-54	Final review to include all amendments recently passed, including some in process
3.20.5	Lakes Provision – clarify no new dwelling within 15m	Included in draft re-posted Sept 6
Schedule	Maintain EX Extractive Industrial Zoning on old Dyers Bay Gravel Pit	Schedule showed change to HR. Council has indicated that rezoning of this property should be established through a separate site-specific process.
Schedule	Replace OS zone with Unopened Road Allowance between Resort Commercial Lots owned by Millers Family Camp	Maintain per current by-law
Map 37-Tobermory	Request by owner to Change 52 Elgin Street to C1A,	Correspond to LOP designation. Recommend consultation with

Section	Description	Note
		neighbours. Note no services available.
All Schedules	Amend Legend to read: FD Future Development (formerly PD Planned Development) ACM Agricultural Commercial and Industrial (formerly within RCM Rural Commercial and Industrial)	Additional clarity
Map 20	Lots on Joseph Street and w/s Moore St to R1A (exempt from Section 3.20 setbacks to lakes rivers and drains)	Front yard had been zoned EH related to roadside ditch.
Map 22	RU1-20-2015 (2x) should be RU1-21-2015 and RCM-21-2015	Adjust special identifies to match by-law #
Map 32	Relocate RCM zone out of PSW to correspond to area where sawmill is located	Mapped incorrectly in current by-law 2002-54, working with owner.
Map 34	55 Big Tub Road (2 back lots) – R1-g - Permitted uses limited to tradespersons shop	Recognize existing use.
Map 34	Maintain current zoning on lots fronting on Highway 6 between Cape Hurd Road and sewage lagoon	MTO objection blanket CLI zoning without traffic impact review.
Throughout	Replace 'Advanced Sewage Disposal System' with 'Sewage Disposal System – advanced treatment unit	Match definition in by-law
Various special provisions	Replace "Contractor's Yard" with "Trades Persons Shop"	Different definition in new by-law
Various special provisions	Replace "Restaurant" with "Eating Establishment"	

Change to Tobermory Official Plan Schedule

Local Official Plan Schedule - Tobermory	60 Elgin Street – include the 'Lands End' development within Commercial Designation	LOP only shows East half of lot within the Commercial Designation. Existing development is on west half of lot.
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