

## NOTICE OF PASSING

### INTERIM CONTROL BY-LAW

**AREA SUBJECT TO THE BY-LAW:** This By-Law affects areas near the Magnetawan River and some of its tributaries and in particular the lands that have been designated and coloured black on Schedule A to the By-Law. A full copy of the By-Law is attached to this notice including Schedule A. Provisions of this By-Law do not affect other areas of the Township.

**DURATION OF INTERIM CONTROLS:** The Corporation of the Township of Ryerson Council passed the Ryerson Proposed Magnetawan Floodplain Interim Control By-Law No. 6-10 on February 2, 2010. The By-Law will be in effect for one year and Council may extend that period by up to one further year for a total period of two years. The By-Law can be repealed earlier. It may also be replaced by a new permanent zoning By-Law. If such a new zoning By-Law passed by Council is delayed in coming into effect by an appeal to the Ontario Municipal Board this interim control By-Law may also continue in effect during such appeal.

**EXPLANATION OF PURPOSE AND EFFECT:** The Interim Control By-Law temporarily prohibits development that would change the "actual use" on the day of its passage of property subject to it, even if such change or development would have been permitted under the Township's General Standards Zoning By-Law. It prohibits the placing of fill on any land subject to it without a permit. It will generally prohibit the issue of new building permits. Where building permits were issued before February 2, 2010, the work authorized may be completed so long as the permit remains in force. New Building Permits for certain minor extensions and work on existing buildings and for certain agricultural and commercial buildings may be issued. The purpose of the By-Law is to control new development in the area it affects while the Township studies what permanent planning policies and controls should be in effect and enacts zoning By-Laws implementing them.

**RIGHT TO APPEAL:** This notice is directed to any owner of land subject to the By-Law or located within 120 meters of lands subject to the By-Law. Any individual, corporation or public body entitled to notice of the passage of this By-Law has the right to file a Notice of Appeal of the Interim Control By-Law. Only individuals, corporations and public bodies may appeal an Interim Control By-Law to the Ontario Municipal Board. A Notice of Appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be

filed in the name of an individual who is a member of the association or group on its behalf. The last date for filing the Notice of Appeal of this interim Control By-Law is Tuesday, April 6, 2010. The Notice of Appeal must be filed with the Clerk of the Township of Ryerson; must set out the reasons for the appeal, and must be accompanied by the fee required by the Ontario Municipal Board.

DATED February 8, 2010

Judy Kosowan, Clerk-Treasurer  
Township of Ryerson

THE CORPORATION OF THE TOWNSHIP OF RYERSON

BY-LAW NO. 6-10

BEING A BY-LAW TO IMPOSE INTERIM CONTROLS ON  
DEVELOPMENT AND CHANGES OF USE DURING A STUDY  
OF THE USES TO BE PERMITTED AND ZONING AND OTHER  
REGULATIONS WHICH SHOULD BE IN EFFECT IN THE  
PROPOSED MAGNETAWAN RIVER FLOOD PLAIN AREA

WHEREAS The Municipality has authority under Section 38 (1), of the Planning Act to impose interim controls on land use during the term of a review or study of what permanent zoning and other land use controls should be in place in a defined part of the Municipality and such study has been authorized by a separate by-law;

AND WHEREAS The Municipality has authority to prohibit and regulate the placing of fill and alteration of the grade of land under Section 142 of the Municipal Act;

NOW THEREFORE the Council of the Corporation of the Township of Ryerson enacts as follows:

- CITATION AND SCHEDULES: This By-Law shall be cited as the "Ryerson Proposed Magnetawan Floodplain Interim Control By-Law". Schedules A, B and C are annexed to and form part of this by-law.
- DEFINITIONS: In this by-law, the following words and phrases have the meaning defined in this section:
  - "Actual Use" means any use of a property, building or structure which was both legally permitted and being exercised by the owner on the date this by-law is passed. A use shall be deemed to have been "exercised" on the date this by-law

was passed if it was in fact exercised at any time within the two years immediately preceding that date, proof of such fact being the responsibility of the owner.

- “Area subject to this By-law” means the proposed Magnetawan River Floodplain defined as the Floodplain on map Schedule A, attached to and forming part of this by-law save and except any specific properties exempted therefrom by inclusion of their legal descriptions in Schedule C, attached to and forming part of this by-law.
- “Fill” means any natural or man-made material placed on property for the purpose or having the effect of raising the level of such land to a higher level above sea level than that land was on the date this by-law was passed.
  
- PROHIBITIONS: No person shall use or change the Actual Use of any land, building or structure within the Area subject to this by-law unless expressly permitted herein. No person shall erect or alter any structure as defined by The Ontario Building Code on any land within the Area subject to this by-law unless expressly permitted herein. No person shall place fill on land or alter the grade of land within the Area subject to this by-law unless expressly permitted herein.
  
- EXEMPTIONS: The provisions of this by-law do not apply to prohibit of the following:
  - The continuation of any Actual Use as defined herein being made of the subject property on the date this by-law was passed or any alteration, maintenance or repair of a building which does not require a building permit under the Ontario Building Code.
  - Any use or act on any property described in Schedule C, annexed to and forming part of this by-law, or for with respect to which a site specific zoning by-law is passed after the date of this by-law. Council shall have regard to the policies enunciated in Schedule B annexed to and forming part of this by-law before taking such action and shall not do so until Site Plan controls are in place.
  - The erection or completion of any structure or building, or the placement of any fill at the direction of the Chief Building Official (“CBO”) of the Township, in connection with a subsisting building permit issued by the CBO prior to the date on which this by-law was passed; PROVIDED THAT this paragraph does not authorize the extension of any expired or expiring building permit or other alteration of any existing permit by the CBO except as expressly permitted in Schedule B.
  - The erection or completion of any structure or building, or the placement of any fill at the direction of the Chief Building Official (“CBO”) of the Township, in connection with a new building permit issued by the CBO after the date on which this by-law was passed with the specific authorization of Council. Such authorization shall only be given on the recommendation of the CBO including his opinion that the proposed work fits within the policies enunciated in Schedule B annexed to and forming part of this by-law and a site plan agreement may be required if at the time the municipality has authority to enter into such agreement.
  - The placing of any fill or the erection of any building or structure by the Municipality, its employees or any person or contractor under their direction for a municipal purpose.

- **NOTICE AND EXPIRY:** This by-law shall expire and be of no further force and effect one year less a day after it is passed unless it is extended by Council pursuant to Section 38 (2) of the Planning Act. The Clerk is directed to give notice of the passage of this by-law and any extension thereof in accordance with Section 38(3) of the Planning Act.
  
- **PERMITS FOR PLACING FILL OR ALTERING THE GRADE OF LAND:** A building permit issued by the Chief Building Official (CBO) before or after the passage of this by-law and which has not expired that requires the placing of fill or altering of the grade of land under or immediately adjacent to a building site shall be deemed to be a permit for the placing of fill or alteration of grade within the meaning of S.142 of the Municipal Act. No permit is required under this by-law for the placing of fill or the alteration of grade outside of the Area subject to this by-law.
  
- **OFFENSES:**
  - Every person who uses or changes the use of any land, building or structure within the Area subject to this by-law unless expressly permitted herein, or who authorizes or permits such to occur is guilty of an offense.
  - Every person who erects or alters any structure as defined by The Ontario Building Code or places any fill on any land within the Area subject to this by-law unless expressly permitted herein, or who authorizes or permits such to occur is guilty of an offense.
  - Every person who places any fill or otherwise alters the grade of land within the Area subject to this by-law unless expressly permitted herein, or who authorizes or permits such to occur is guilty of an offense.
  
- **PUNISHMENT:** Upon conviction of any Offense created by this by-law under the Provincial Offenses Act or any successor thereto, every person including a corporation shall be liable to pay a fine of not less than \$500 and not more than \$100,000. Every occurrence of an action prohibited by Section Two of this by-law shall be a separate offense.

READ A FIRST, SECOND, THIRD TIME AND FINALLY PASSED THIS 2<sup>ND</sup> DAY OF FEBRUARY, 2010.

(SEAL)

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REEVE

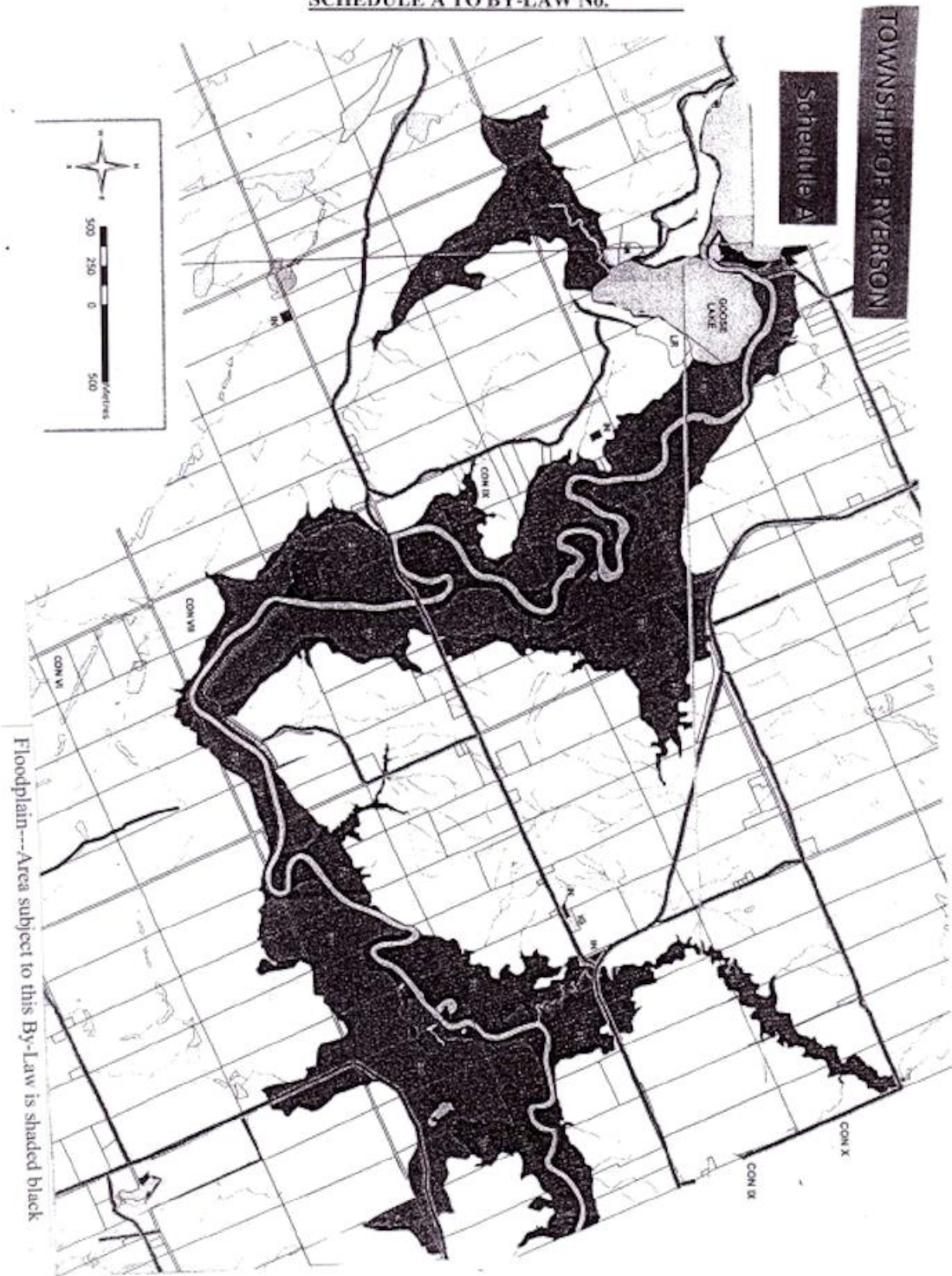
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CLERK

SCHEDULE A TO BY-LAW No. 6-10

See attached map/plan showing the Proposed Magnetawan River Floodplain which defines the Area subject to this by-law.

SCHEDULE A TO BY-LAW No.



Floodplain---Area subject to this By-Law is shaded black

## SCHEDULE B TO BY-LAW No. 6-10

The following policies will govern the granting of exemptions; passing site specific zoning by-laws; and authorizing the issue of building permits during the time this interim control by-law is in force. The goal of the municipality is generally to prohibit new development during the interim control period; but not to interfere with the continuation and minor expansion of existing Actual Uses.

In these policies, the Designated Date means the date this by-law was first passed and "existing" includes any building or structure which has been authorized under a valid and subsisting building permit on the Designated Date so long as that permit does not expire, even if construction has not been commenced or completed.

- Existing Residences: During the Interim Control period the following shall be considered NOT to alter the existing use of residential or seasonal residential property:
  - The continued use, maintenance, repair or improvement of an Existing Residence within its footprint as that footprint existed on the Designated Date for any use permitted on the Designated Date.
  - The replacement of an Existing Residence on its original footprint when destroyed by fire, natural forces or under the authority of a demolition permit provided that the CBO may require additional flood attenuation measures.
  - The expansion of the original footprint of an Existing Residence beyond its size on the Designated Date by a factor of not more than ten percent.
  - The continued use, maintenance, repair, improvement or new construction of Accessory Structures within the Existing Residence Envelope, defined by a line which surrounds an Existing Residence and is the closer of 30 metres or the boundary of the owner's land to the walls of such Existing Residence subject to yard setbacks.
  - The use, maintenance, repair or construction of an access driveway so long as its surface is not raised more than 20 centimetres above the existing land level.
  - The installation of a septic system authorized by the appropriate authority.
  
- Existing Tourist Commercial Property: During the Interim Control period the following shall be considered NOT to alter the existing use of existing tourist commercial property.
  - The continued use, maintenance, repair or improvement of any existing commercial structure for any use permitted on the Designated Date.
  - The replacement, expansion or construction of new commercial structures used on a seasonal basis.
  - The continued use, maintenance, repair and the creation of new seasonal campsites or sites for the seasonal location of Recreational Vehicles and trailers where all such

- sites will be vacant during the winter and spring flood seasons.
- The installation and maintenance of infrastructure such as private roads (so long as the surface is not raised more than 20 centimetres above the existing land level), water and electric services, toilets and septic systems.
  - Existing Agricultural Lands: During the Interim Control period the following shall be considered NOT to alter the existing use of existing tourist agricultural property:
    - The continued use of any Existing Agricultural Land for any agricultural purpose for which it was lawfully used on or within the five years previous to the Designated Date.
    - The continued use, maintenance, repair, improvement, replacement or new construction of barns and other agricultural structures on Existing Agricultural Land.
  - Sugarbush and Woodlots: During the Interim Control period the following shall be considered NOT to alter the existing use of sugarbush, forest or woodlot property:
    - The continued use or maintenance of any Sugarbush or the continued use, maintenance, replacement or new construction of any structure located within or adjacent to a sugarbush primarily for the production of maple syrup/sugar.
    - The exercise of prudent forestry practices (not including a clearcut) within any Sugarbush or Woodlot including removal of dead or diseased vegetation; and selective harvesting of trees for lumber or firewood.

#### SCHEDULE TO BY-LAW No. 6-10

List of properties by legal description which have been exempted from this by-law by an amending by-law, if any.