

# **THE CORPORATION OF THE MUNICIPALITY OF POWASSAN**

## **BY-LAW NO. 2015-28**

**(Source Protection Plan Implementation - September 29, 2015)**

Being a By-law to amend By-law No. 2003-38, as amended, the Zoning By-law for the Municipality of Powassan with respect to lands located in Part of Lots 1 and 2, Concessions 16 and 17 (Himsworth), and lands located in Part of Lot 1 of Concessions 12 (Himsworth), and lands located in Part Lots 16 and 17, Concessions 12 and 13, (Himsworth) in the Municipality of Powassan.

WHEREAS the Council of the Corporation of the Municipality of Powassan is empowered to pass By-laws to regulate the use of land pursuant to Section 34 of the Planning Act, 1990;

AND WHEREAS the Ministry of Environment and Climate Change approved the Source Protection Plan for the North Bay-Mattawa Source Protection Area with the effective date for the Plan being July 1, 2015;

AND WHEREAS the Council of the Corporation of the Municipality of Powassan adopted Official Plan Amendment 2 on August 18, 2015, being an amendment to add Source Water Protection policies and related spatial information to the Municipality's Official Plan;

AND WHEREAS the Council of the Corporation of the Municipality of Powassan now deems it advisable to amend By-Law 2003-38, as amended for the purpose of implementing Official Plan Amendment 2;

NOW THEREFORE the Council of the Corporation of the Municipality of Powassan enacts as follows:

1. The primary land use schedule to Zoning By-law No. 2003-38 as amended, is further amended by zoning lands located in Part of Lots 1 and 2, Concessions 16 and 17 (Himsworth) in the Municipality of Powassan from the Rural (RU) and Environmental Protection (EP) Zones to the Environmental Protection Exception (EP-1) and the Rural Exception (RU-7) Zones, as shown on Schedule A-1 attached hereto.
2. The primary land use schedule to Zoning By-law No. 2003-38 as amended, is further amended by zoning lands located in Part of Lot 1, Concession 12 (Himsworth) in the Municipality of Powassan from the Rural (RU) Zone to the Rural Exception (RU-7) Zone and from the General Industrial (M1) Zone to the General Industrial Exception (M1-9) Zone, as shown on Schedule A-2 attached hereto.

3. The primary land use schedule and Schedule A to Zoning By-law No. 2003-38 as amended, is further amended by zoning lands located in Part Lots 16, 17, and 18 Concessions 12 and 13, from the Environmental Protection (EP), Rural (RU), Institutional (I), and Village Residential (RV1) Zones to the Environmental Protection Exception (EP-2) and Environmental Protection Exception (EP-3) Zones, the Rural Exception (RU-8) Zone, the Institutional Exception (I-2) Zone, and the Village Residential Exception (RV1-2) Zone, as shown on Schedule A-3 attached hereto.
4. And Further, Zoning By-law 2003-38 as amended, is further amended by adding the following new sub-sections after Section 4.16.4:

**4.16.4.1 Environmental Protection Exception (EP-1) Zone**

Lands located in the EP-1 Zone form part of the Source Water Callander Issue Contributing Area as identified by the North Bay-Mattawa Source Protection Plan and notwithstanding the permitted uses or provisions of the EP Zone the storage of tailings from a mine or a mine tailings pond shall be prohibited.

**4.16.4.2 Environmental Protection Exception (EP-2) Zone**

Lands located in the EP-2 Zone form part of the Source Water Wellhead Protection Areas as identified by the North Bay-Mattawa Source Protection Plan and notwithstanding the permitted uses or provisions of the EP Zone, the following uses shall be prohibited:

- a) gas bar, marina, automobile service station, cardlock/keylock facility, private outlet, farm, refinery, bulk plant and any commercial or industrial land use involving the handling and storage of fuel other than for heating;
- b) pesticide storage, that involves the storage of pesticides including the retail sale, manufacturing, processing, and wholesaling thereof;
- c) a road salt storage facility greater than 5,000 tonnes;
- d) storage of agricultural source material;
- e) handling and storage of non-agricultural source material;
- f) handling and storage of commercial fertilizer;
- g) livestock grazing or pasturing land, an outdoor livestock confinement area or farm- animal yard;
- h) storage of road salt and as a snow storage facility or snow dump (areas where snow is likely to be transported from offsite)
- i) storage of tailings from mines or a mine tailings pond;
- j) storage or injection of liquid industrial waste;
- k) land farming of petroleum refining waste;
- l) land filling of hazardous or municipal waste; and,
- m) land filling of solid non-hazardous industrial or commercial waste.

**4.16.4.3 Environmental Protection Exception (EP-3) Zone**

Lands located in the EP-3 Zone form part of the Source Water Wellhead Protection Areas as identified by the North Bay-Mattawa Source Protection Plan and further to the permitted uses and provisions of the EP Zone, the following uses shall be prohibited:

- a) storage or injection of liquid industrial waste;

- b) land filling of municipal waste; and,
  - c) land filling of solid non-hazardous industrial or commercial waste
5. And Further, Zoning By-law 2003-38 as amended, is further amended by adding the following new sub-sections after Section 4.5.4.6:

**4.5.4.7 Rural Exception (RU-7) Zone**

Lands located in the RU-7 Zone form part of the Source Water Callander Issue Contributing Area as identified by the North Bay-Mattawa Source Protection Plan and notwithstanding the permitted uses and provisions of the RU Zone, the storage of tailings from a mine or a mine tailings pond shall be prohibited.

**4.5.4.8 Rural Exception (RU-8) Zone**

Lands located in the RU-8 Zone form part of the Source Water Wellhead Protection Areas as identified by the North Bay-Mattawa Source Protection Plan and notwithstanding the permitted uses and provisions of the RU Zone, the following uses shall be prohibited:

- a) gas bar, marina, automobile service station, cardlock/keylock facility, private outlet, farm, refinery, bulk plant and any commercial or industrial land use involving the handling and storage of fuel other than for heating;
  - b) pesticide storage, that involves the storage of pesticides including the retail sale, manufacturing, processing, and wholesaling thereof;
  - c) a road salt storage facility greater than 5,000 tonnes;
  - d) storage of agricultural source material;
  - e) handling and storage of non-agricultural source material;
  - f) handling and storage of commercial fertilizer;
  - g) keeping, confining and/or pasturing of livestock;
  - h) storage of road salt and as a snow storage facility or snow dump (areas where snow is likely to be transported from offsite)
  - i) storage of tailings from mines or a mine tailings pond;
  - j) storage or injection of liquid industrial waste;
  - k) land farming of petroleum refining waste;
  - l) land filling of hazardous or municipal waste; and,
  - m) land filling of solid non-hazardous industrial or commercial waste.
6. And Further, Zoning By-law 2003-38 as amended, is further amended by adding the following new sub-section after Section 4.14.4.1:

**4.14.4.2 Institutional Exception (I-2) Zone**

Lands located in the I-2 Zone form part of the Source Water Wellhead Protection Areas as identified by the North Bay-Mattawa Source Protection Plan and notwithstanding the permitted uses and provisions of the I Zone, the following uses shall be prohibited:

- a) gas bar, marina, automobile service station, cardlock/keylock facility, private outlet, farm, refinery, bulk plant and any commercial or industrial land use involving the handling and storage of fuel other than for heating;
- b) pesticide storage, that involves the storage of pesticides including the retail sale, manufacturing, processing, and wholesaling thereof;

- c) a road salt storage facility greater than 5,000 tonnes;
- d) storage of agricultural source material;
- e) handling and storage of non-agricultural source material;
- f) handling and storage of commercial fertilizer;
- n) keeping, confining and/or pasturing of livestock;
- g) storage of road salt and as a snow storage facility or snow dump (areas where snow is likely to be transported from offsite);
- h) storage of tailings from mines or a mine tailings pond;
- i) storage or injection of liquid industrial waste;
- j) land farming of petroleum refining waste;
- k) land filling of hazardous or municipal waste; and,
- l) land filling of solid non-hazardous industrial or commercial waste.

7. And Further, Zoning By-law 2003-38 as amended, is further amended by adding the following new sub-section after Section 4.1.3.1:

#### **4.1.3.2 Village Residential Exception (RV1-2) Zone**

Lands located in the RV1-2 Zone form part of the Source Water Wellhead Protection Areas as identified by the North Bay-Mattawa Source Protection Plan and notwithstanding the permitted uses or provisions of the RV1 Zone, the following uses shall be prohibited:

- a) gas bar, marina, automobile service station, cardlock/keylock facility, private outlet, farm, refinery, bulk plant and any commercial or industrial land use involving the handling and storage of fuel other than for heating;
- b) pesticide storage, that involves the storage of pesticides including the retail sale, manufacturing, processing, and wholesaling thereof;
- c) a road salt storage facility greater than 5,000 tonnes;
- d) storage of agricultural source material;
- e) handling and storage of non-agricultural source material;
- f) handling and storage of commercial fertilizer;
- g) keeping, confining and/or pasturing of livestock;
- h) storage of road salt and as a snow storage facility or snow dump (areas where snow is likely to be transported from offsite)
- i) storage of tailings from mines or a mine tailings pond;
- j) storage or injection of liquid industrial waste;
- k) land farming of petroleum refining waste;
- l) land filling of hazardous or municipal waste; and,
- m) land filling of solid non-hazardous industrial or commercial waste.

8. And Further, Zoning By-law 2003-38 as amended, is further amended by adding the following new sub-sections after Section 4.11.4.8:

#### **4.11.4.9 General Industrial Exception (M1-9) Zone**

Lands located in the M1-9 Zone form part of the Source Water Callander Issue Contributing Area as identified by the North Bay-Mattawa Source Protection Plan and notwithstanding the permitted uses and provisions of the M1 Zone, the storage of tailings from a mine or a mine tailings pond shall be prohibited.

9. And Furthermore, Section 5, Definitions shall be amended by adding the following new definition after sub-section 5.5

**5.5.1 Agricultural Source Material**

*Material used for land application of nutrients that originate from agricultural activities such as livestock operations. May include manure, livestock bedding, runoff water from animal yards or manure storage and compost.*

10. And furthermore, Section 5, Definitions shall be amended by adding the following new definition after sub-section 5.73

**5.73.1 Landfarming**

*Means the biodegradation of petroleum refining wastes by naturally occurring soil bacteria by means of controlled application of the wastes to land followed by periodic tilling.*

11. And furthermore, Section 5, Definitions shall be amended by adding the following new definition after sub-section 5.106

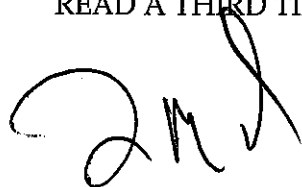
**5.106.1 Non-Agricultural Source Material**

*Means materials applied to land as nutrients that do not originate from agricultural activities. Includes pulp and paper biosolids, sewage biosolids, non-agricultural compost and any other material capable of being applied to land as a nutrient that is not from an agricultural source*

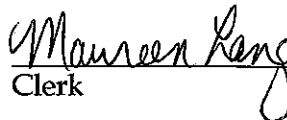
12. This By-law shall come into effect upon the date of passage hereof, subject to the provisions of Section 34 (30) and (31) of the Planning Act (Ontario).

READ A FIRST AND SECOND TIME on the 20th day of October, 2015.

READ A THIRD TIME and finally passed this 3rd day of November, 2015.

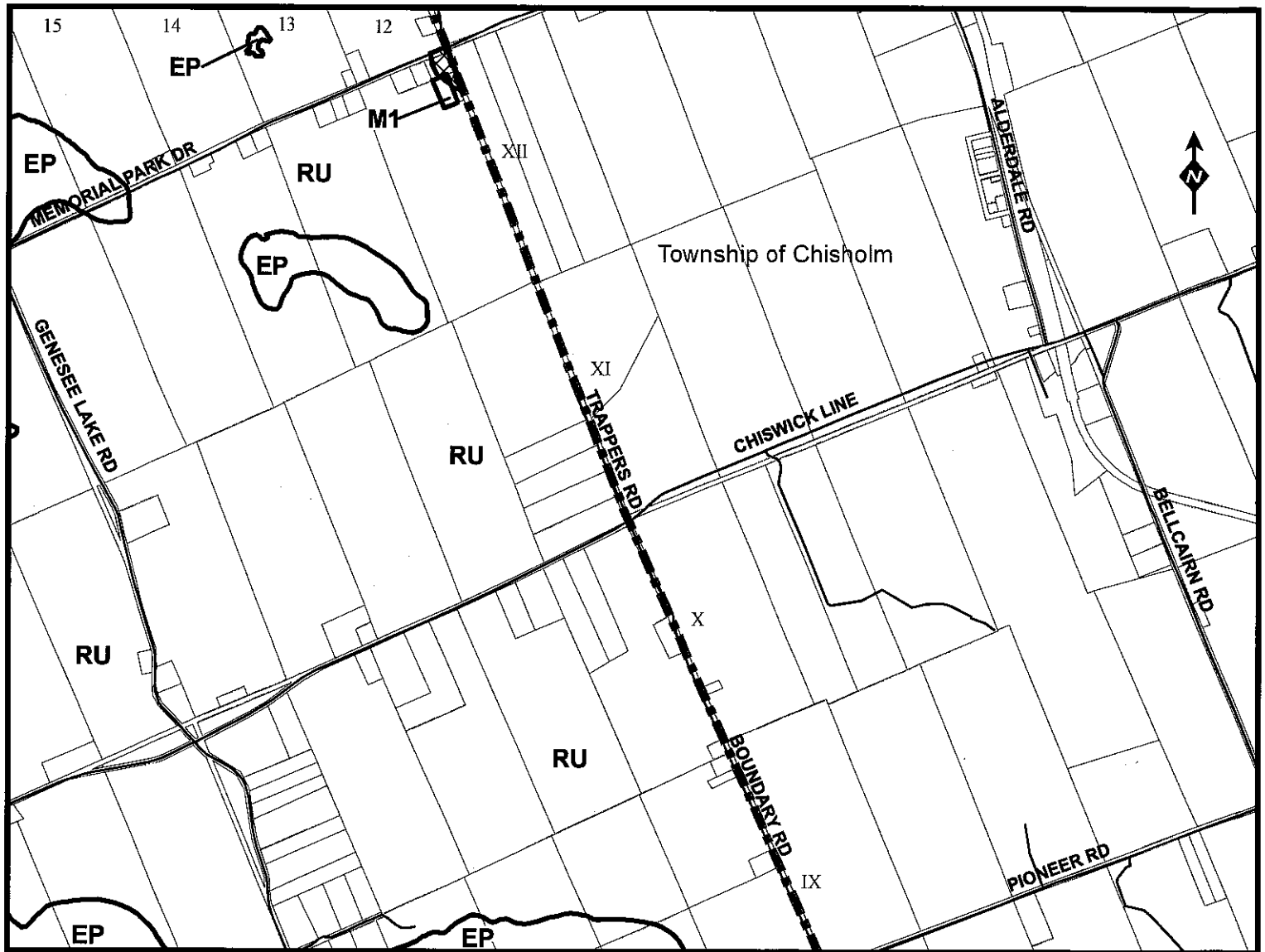


Mayor

  
Clerk

**SCHEDULE 'A-2' TO  
ZONING BY-LAW 2015-            
LOT 12, CONCESSIONS 9, 10 & 12**

**Geographic Township of Himsworth  
Municipality of Powassan  
District of Parry Sound**



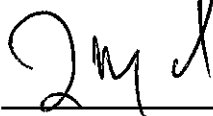
Lands to be rezoned from the Rural (RU) Zone  
to the Rural Exception (RU-7) Zone.



Lands to be rezoned from the General Industrial (M1) Zone  
to the General Industrial Exception (M1-7) Zone.

This is Schedule 'A-2' to Zoning By-law 2015- 28

Passed this 3rd day of November, 2015.

  
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Mayor

  
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Clerk