

# The Corporation of The Municipality of Hastings Highlands

## Bylaw 2024-027

### **A Bylaw to Amend Comprehensive Zoning Bylaw No. 2004-035, as Amended, of The Corporation of The Municipality of Hastings Highlands, Being Bylaws to Regulate The Use of Land and The Height, Bulk, Location, Spacing, Character And Use of Buildings**

**Whereas** Bylaw No. 2004-035, as amended, is the Comprehensive Zoning Bylaw governing the lands located within the Corporation of the Municipality of Hastings Highlands;

**And Whereas** the Council of the Corporation of the Municipality of Hastings Highlands has resolved to amend Bylaw No. 2004-035, as amended, with the proposed changes;

**And Whereas** authority is granted under Section 34 of the *Planning Act*, R. S. O. 1990, c.P.13, as amended;

### **Now Therefore, The Council Of The Corporation Of The Municipality Of Hastings Highlands Enacts As Follows:**

1. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by adding “or place” after “or part of a building” and before “where second-hand goods” in the definition for “flea market” in Section 3.97 under Section 3 “Definitions.”
2. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by deleting “but shall not include any other establishment otherwise defined or classified herein” in its entirety after “to the general public” in the definition for “flea market” in Section 3.97 under Section 3 “Definitions.”
3. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by adding “or place” after “or part of a building” and before “wherein food and other household” in the definition for “food market” in Section 3.102 under Section 3 “Definitions.”
4. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by adding Section 3.162.1 in Section 3 “Definitions” with the following:

“3.162.1 **“mobile food vendor”** shall mean a vendor operating an outdoor wheeled contrivance not permanently affixed to the ground and capable of being moved, from which food intended for immediate consumption is provided for sale or sold, and includes a motorized, self-propelled vehicle (e.g. a food truck), a vehicle that is not self-propelled, but that can be easily towed (e.g. a food trailer) and a vehicle moved by human exertion (e.g. a food cart). A mobile food vendor includes, but is not limited to, a portable canteen, a chip wagon, food truck, mobile food preparation vehicle, hot dog cart, or refreshment vehicle.”

5. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by adding Section 3.201.1 in Section 3 “Definitions” with the following:

“3.201.1 **“public market”** shall mean a building or place where a group of persons, merchants, vendors, or participants gather to offer handcrafts, produce and vegetables, food, new and used goods, wares or merchandise for sale. A public market includes a food market and flea market.”

6. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by adding Section 3.258.2 in Section 3 “Definitions” with the following:

“3.258.2 **“vendor”** shall mean any person who sets up a temporary business to sell handicrafts, produce and vegetables, food, new and used goods, wares or merchandise for sale.”

7. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by adding z) to Section 5.31.1 with the following:

“z) **Mobile Food Vendor and Vendor** – Three (3) spaces for every mobile food vendor or vendor.

aa) **Public Market** – Five (5) spaces for every public market.”

8. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by adding Section 5.54 entitled “Mobile Food Vendor and Public Market” with the following:

**“5.54 Mobile Food Vendor, Vendor, and Public Market**

5.54.1 Notwithstanding anything in this Bylaw, mobile food vendors and vendors are permitted to operate in the Urban Commercial (UC), Rural Commercial (RC), Recreational/Resort Commercial (RRC), Urban Industrial (UI), and Rural Industrial (RI) Zones, subject to the following:

- i) Any person operating a mobile food vendor shall adhere with any applicable business licensing bylaw or other regulation of the Municipality;
- ii) A mobile food vendor shall maintain a minimum setback of 3 metres (9.8 ft.) from all lot lines; and
- iii) A mobile food vendor shall maintain a minimum setback of 3 metres (9.8 ft.) from any structure.

5.54.2 Notwithstanding Section 5.54.1 and Section 23, the following uses are permitted at the following municipal lands:

- a) A mobile food vendor is permitted on Part of Lot 11, Concession 10, being Part 2 on HSR-153, in the Geographic Township of McClure (being the outdoor space at the Lake St. Peter Community Centre locally known as 5 Boulter Lake Road);
- b) A mobile food vendor or vendor is permitted on Part of Lot 2, Concession 3, being Part 1 on 21R-3646, in the Geographic Township of Herschel and Part of Lots 1 and 2, Concession 3, being Parts 2 and 3 on 21R-3646, in the Geographic Township of Herschel (being the outdoor space at the Birds Creek Community Centre locally known as 160 South Baptiste Lake Road); and

- c) A mobile food vendor, vendor, or public market on Lot 59, Plan 522 in the Geographic Township of Monteagle (being the outdoor space at the former Maynooth Community Centre locally known as 33090 Highway 62).”

- 9. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by adding “a public market, including” before “a food market including a butcher shop” in Section 15.2 vi) in the Permitted Uses in the Urban Commercial (UC) Zone.
- 10. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by adding Section 15.3 h) in the Zone Regulations in the Urban Commercial (UC) Zone entitled “For Public Markets” with the following:

**“h) For Public Markets**

Notwithstanding anything in this Bylaw, a public market shall maintain a minimum setback of 3 metres (9.8 ft.) to all property lot lines and to any other structure.”

- 11. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by adding “a public market, including” before “a food market including a butcher shop” in Section 16.2 iii) in the Permitted Uses in the Rural Commercial (RC) Zone.
- 12. **That** Comprehensive Zoning Bylaw No. 2004-035, as amended, is hereby amended by adding Section 16.3 e) in the Zone Regulations in the Rural Commercial (RC) Zone entitled “For Public Markets” with the following:

**“e) For Public Markets**

Notwithstanding anything in this Bylaw, a public market shall maintain a minimum setback of 3 metres (9.8 ft.) to all property lot lines and to any other structure.”

**Coming Into Force**

- 13. **That** this bylaw shall come into force and take effect pursuant to the provisions of and the regulations made under the *Planning Act*, R. S. O., 1990, c.P.13, as amended.

**Enacted and Passed** in Council this 1<sup>st</sup> day of May, 2024.

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Tony Fitzgerald, Mayor

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Suzanne Huschilt, Municipal Clerk