



Municipality of Bayham

By-Law No. 2026-047

BEING A BY-LAW PASSED PURSUANT TO THE PROVISIONS OF SECTION 38 OF THE PLANNING ACT, R.S.O. 1990, C. P 13, AS AMENDED TO ESTABLISH INTERIM CONTROL PROVISIONS FOR THE SETTLEMENT AREAS IN THE MUNICIPALITY OF BAYHAM AS A MORATORIUM TO PAUSE DEVELOPMENT FOR A PERIOD OF TWELVE (12) MONTHS IN ORDER TO ALLOW FOR THE APPROPRIATE COMPLETION OF FURTHER STUDY AND FACILITY UPGRADES.

WHEREAS, Section 38 of the Planning Act, R.S.O. 1990, c. P.13., as amended, authorizes the Council of a local municipality to pass an interim control by-law, which prohibits the use of land, buildings or structures within the municipality or within any defined area thereof for such purposes as set out in the by-law, if the Council has directed that a review or study be undertaken in respect of land use planning policies in the municipality, or in any defined area or areas thereof;

AND WHEREAS the Council of the Corporation of the Municipality of Bayham at its August 20, 2026 meeting resolved:

THAT the Council of the Municipality of Bayham directs staff to initiate a land use study (the "Study") that will:

1. Assess the existing WWTP capacity and opportunities for improvements or repairs of existing infrastructure to reduce current utilization and optimize wastewater reserve capacity in the existing system and/or construction of a new system (WWTP Utilization and Optimization Study);
2. Examine the Municipality's planning structure, land use mix and land use planning policies, inclusive of its official plan and zoning by-law, mapping and regulatory framework as a result of the WWTP Utilization and Optimization Study for the

settlement areas of the Municipality of Bayham, being the Hamlet of Eden, the Village of Straffordville, the Village of Vienna, and the Village of Port Burwell (the “Settlement Areas”).

3. Update the Official Plan and Zoning By-Law regulations, as needed for those lands in the Settlement Areas;

AND WHEREAS the Council of the Corporation of the Municipality of Bayham deems it necessary and expedient to pass an interim control by-law to give effect to a moratorium on development, with respect to all land, buildings and structures within the Settlement Areas of the Municipality of Bayham, being the Hamlet of Eden, the Village of Straffordville, the Village of Vienna, and the Village of Port Burwell, that are serviced, or proposed to be serviced, by the municipal sanitary sewage system connected to the Bayham Wastewater Treatment Plant, as a defined area while a study is being completed, subject to the provisions contained herein.

THEREFORE, it is enacted as a by-law of the Corporation of the Municipality of Bayham by the Council thereof as follows:

1. This by-law applies to all lands within the defined settlement areas in the Municipality of Bayham, being the Hamlet of Eden, the Village of Straffordville, the Village of Vienna, and the Village of Port Burwell, that are serviced, or proposed to be serviced, by the municipal sanitary sewage system connected to the Bayham Wastewater Treatment Plant (WWTP), hereinafter referred to as the “Study Area”.
2. Subject to the exceptions set out in sections 4 and 5, and notwithstanding any other by-law to the contrary, no person shall, for the lands within the Study Area:
 - a. Use any land, buildings or structures for any purpose whatsoever except for a use that lawfully existed on the date of the passage of this by-law as long as it continues to be used for such purposes.
 - b. Be permitted to construct, alter, or expand any building or structure on a lot, save and except where such construction, alteration or expansion is for a deck, accessory structure, or alteration to a building or structure legally existing as of the date of passing of this by-law, as defined within Zoning By-Law Z456-2003, provided such construction, alteration, or expansion does not increase the number of bedrooms, dwelling units, or commercial, industrial or institutional floor area of any structure or property.

3. No development application authorized pursuant to the *Planning Act* over which the Municipality has jurisdiction or permit for construction authorized by the *Building Code Act* requiring allocation of capacity from the Bayham Wastewater Treatment Plant shall be deemed complete by the Municipality during the period this By-law is in effect, except as otherwise permitted by this By-law.
4. Notwithstanding any other provision of this by-law:
 - a. A building permit may be issued to permit the construction of a building or structure in accordance with a building permit application received by the Municipality of Bayham on or before the passing of this by-law or for construction, renovation or alteration that does not require Bayham WWTP services, and
 - b. This by-law shall not apply to prevent the erection or use of any building or structure for which a permit has been issued under subsection 8(1) of the Building Code Act, 1992, prior to the day of the passing of the by-law, so long as the building or structure, when erected, is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under subsection 8(10) of the Building Code Act, 1992.
5. Lands that are the subject of a development application authorized by the *Planning Act*, including but not limited to an application for an Official Plan Amendment, Zoning By-law Amendment, plan of subdivision, consent, or site plan approval, and over which the Municipality or, where applicable, the Approval Authority as defined in the *Planning Act* has jurisdiction, and which has been deemed complete, or has obtained provisional consent, draft plan approval, final plan approval, or other applicable approval from the Municipality or the Approval Authority, as of the date of the passing of this By-law, shall be exempt from the restrictions set out in Section 2 of this By-law.
6. Where a conflict exists between the provisions of this by-law and any other by-law of the Municipality of Bayham, this by-law shall prevail.
7. This by-law shall come into force and take effect immediately upon the final passing thereof and shall be in effect for one (1) year from the date of passing of this by-law unless otherwise extended in accordance with the provision of the Planning Act.

8. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law in accordance with the Planning Act and the regulations thereunder.

READ a first and second time this 20th day of August 2026.

READ a third time and finally passed this 20th day of August 2026.

Ed Ketchabaw, Mayor

Cindy Howard, Interim Chief Administrative Officer