



**THE CORPORATION OF THE UNITED TOWNSHIPS OF  
HEAD, CLARA & MARIA**

**BY-LAW NUMBER 2011- 17**

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A By-law to amend By-law Number 2004-12, being the Comprehensive Zoning By-law of the Corporation of the Townships of Head, Clara & Maria, as amended.

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PURSUANT TO SECTION 34 OF THE PLANNING ACT, 1990, THE TOWNSHIPS OF HEAD, CLARA & MARIA HEREBY ENACTS AS FOLLOWS:

1. **THAT** By-law Number 2004-12, as amended, is hereby further amended as follows:

(a) By adding a new subsection 2.18 FARM, to SECTION 2.0 - DEFINITIONS, immediately following subsection 2.17 EXISTING, and renumbering subsequent subsections, accordingly:

**“2.18 FARM**

means land used for the tillage of soil; the growing and harvesting of field crops, vegetables, fruits, horticultural crops and trees; the grazing, breeding, raising, boarding or training of livestock and horses; dairying; beekeeping, fish farming; and other operation that is normal farming practice; and includes one farm dwelling as well as barns, sheds and other accessory structures.”

(b) By adding new subsections 2.28 HOME INDUSTRY and 2.29 HOME OCCUPATION to SECTION 2.0 - DEFINITIONS, immediately following subsection 2.27 HIGH WATER MARK, and renumbering subsequent subsections, accordingly:

**“2.28 HOME INDUSTRY**

means a legal and gainful occupation including carpentry, electrical, furniture refinishing, woodworking, window framing, welding, plumbing, machine, or automotive repair, riding stables, small engine repair, appliance repair; or a storage building for school buses, boats, or snowmobiles, and conducted in whole or in part in an accessory building to a single detached dwelling.

**2.29 HOME OCCUPATION**

means any occupation for gain or support which is carried on as an accessory use either within a dwelling or dwelling unit and operated by members of the one family residing in dwelling or dwelling unit. Such home occupation uses may include a day nursery, small appliance repair shop; a hairdresser; esthetician; caterer; the office or consulting room of a doctor, dentist, chiropractor, drug-less practitioner, lawyer, real estate agent, insurance agent, planner, architect, photographer, teacher, music or dance instructor or engineer, but does not include a clinic, a hospital, a nursing home, a tea room, kennel, or a small internal combustion engine repair shop.”

(c) By adding the following a new section 3.2 PERMITTED USES to SECTION 3.0 - GENERAL PROVISIONS, immediately following the section 3.1 and renumbering subsequent sections, accordingly:

### **“3.2 PERMITTED USES**

No person shall use land or erect or use a building or structure except for:

- a) Dwelling
- b) Cottage
- c) Farm
- d) Home Industry
- e) Home Occupation
- f) Hunt/Fishing Camp”

- (d) By adding the following new sections 3.5 HOME INDUSTRY and 3.6 HOME OCCUPATIONS to SECTION 3.0 – GENERAL PROVISIONS, immediately following renumbered section 3.4 ATTACHED GARAGE SIDE YARD and renumbering subsequent sections, accordingly:

### **“3.5 HOME INDUSTRY**

Where a home industry is a permitted use, such home industry shall conform to the following provisions:

- a) No more than two persons, other than a person(s) residing on the premises, shall be employed in the home industry.
- b) There shall be no external display or advertising other than a non-illuminated sign not more than 0.5 square metres in area.
- c) Such home industry shall not be a hazardous or obnoxious trade, and shall not create or become a public nuisance.
- d) Such home industry is clearly secondary to the main use and does not change the residential character of any dwelling, or the agricultural character of any farm unit.
- e) No goods, wares or merchandise shall be offered or exposed for sale or rent on the premises unless such goods, wares and merchandise are either:
  - (i) incidental to the home industry; or
  - (ii) arts and crafts produced on the premises; or
  - (iii) farm produce resulting from the main use.
- f) Not more than 10.0 percent of the gross floor area of the dwelling unit shall be dedicated to the home industry.

### **3.6 HOME OCCUPATIONS**

A home occupation shall be permitted in any Zone provided such home occupation conforms to the following provisions:

- a) The use shall be conducted entirely within the dwelling unit and carried on by person(s) residing in the dwelling unit. One employee, other than a resident of the premises, will be permitted to be employed.
- b) There shall be no external display or advertising other than a non-illuminated sign not more than 0.3 of a square metre in

area, to indicate to persons outside that any part of the dwelling unit or lot is being used for a purpose other than residential.

- c) Not more than 25% of the dwelling unit area shall be used for the purpose of home occupation uses.
  - d) Such home occupation shall be clearly secondary to the main residential use and there shall be no change to the outside appearance of the dwelling unit or premises or any visible evidence of the conduct of a home occupation.
  - e) There shall be no storage of equipment, vehicles, or supplies associated with the home occupation outside the dwelling.
  - f) The use shall not generate additional pedestrian or vehicular traffic beyond that normal to the neighbourhood in which it is located.
  - g) No equipment or process shall be used in a home occupation which creates excessive noise, vibration, glare, fumes, or odour detrimental to the health, safety, and general welfare of persons residing in the neighbourhood.
  - h) Where instruction is carried on, no more than six pupils are in attendance at any one time.”
- (e) By amending the renumbered Section 3.8 DWELLINGS PER LOT, by deleting the following:
- “a) Notwithstanding section 3.5, a Cottage Establishment is permitted.”
- (f) By amending the renumbered Section 3.19 SETBACKS, by adding the following subsection, immediately after subsection e) Highly Sensitive Lakes:
- “f) TransCanada Pipeline
- Notwithstanding any other provisions of the By-law to the contrary, no permanent building or structure shall be permitted within 7 metres of the pipeline right-of-way and no accessory structure shall be permitted within 3 metres of the pipeline right-of-way.”
2. **THAT** save as aforesaid all other provisions of By-law 2004-12 amended, shall be complied with.
3. **THAT** this By-law shall come into force and take effect on the day of final passing thereof.

**READ** a 1<sup>st</sup> time short and passed this 15<sup>th</sup> day of July 2011.

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TAMMY LEA STEWART, REEVE

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MELINDA REITH, CLERK