

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

**BY-LAW NUMBER 2007- 15**

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

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Pursuant to section 34 of *The Planning Act*, The Township 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 amending subsection 2.11 Dwelling- Limited Service to add the words “single detached” immediately following the word “a” and adding the word “unit” immediately following the word “dwelling”:

“2.11 DWELLING – LIMITED SERVICE means a single detached dwelling unit that:
    - (i) does not front on a municipally maintained street;
    - (ii) does not receive municipal street services such as snow clearing road maintenance and ensuring that the road condition is adequate for access by emergency vehicles including fire, ambulance and police; and
    - (iii) the means of access to the lot is not part of the municipal street network.”
  - (b) By amending subsection 2.12 Dwelling-Limited Service Seasonal by adding the word “unit” immediately following the word “Dwelling”:

“2.12 DWELLING – LIMITED SERVICE SEASONAL means a limited service single detached dwelling unit that is used occasionally for recreation, rest or relaxation, but not occupied continuously or used as a year-round permanent dwelling.”
  - (c) By adding the following new subsection 2.13 Dwelling Single Detached, immediately following subsection 2.12 Dwelling – Limited Service Seasonal, and renumbering subsequent sections accordingly:

“2.13 DWELLING SINGLE DETACHED means a single dwelling unit which is freestanding, separate and detached from other main buildings or main structures and includes a prefabricated single dwelling unit but does not include a mobile home.”
  - (d) By adding the following new subsection 2.27 Hunting & Fishing Camp, immediately following subsection 2.26 High Water Mark, and renumbering subsequent sections accordingly:

“2.27 HUNTING & FISHING CAMP means a building or structure intended to provide basic shelter and accommodation on an occasional basis for a person or group of persons

engaged in hunting or fishing activities. Such structure may be described as being of light frame construction without any interior finish on its walls.

- (e) By adding the following new subsection 2.33 Lot Line Front, immediately following subsection 2.32 Lot Line, and renumbering subsequent subsections accordingly:

“2.33 LOT LINE, FRONT means the lot line that divides the lot from the street or street allowance or private road with the following clarifications:

- (a) in the case of a corner lot, the shorter lot line that abuts the street shall be deemed the front lot line and the longer lot line that abuts the street shall be deemed the side lot line;
- (b) in the case of a corner lot with two street lines of equal lengths, the lot line that abuts the wider street or abuts a Provincial Highway shall be deemed to be the front lot line, and in the case of both streets being under the same jurisdiction, or of the same width, the lot line where the principal access to the lot is approved shall be deemed to be the front lot line;
- (c) in the case of a corner lot abutting a .3 metre reserve the lot line so abutting the .3 metre reserve shall be deemed an exterior side lot line and the other line abutting the street shall be deemed the front lot line;
- (d) in the case of a through lot, the longer boundary dividing the lot from the street shall be deemed to be the front line and the opposite shorter boundary shall be deemed to be the rear lot line. In case each of such lot lines should be of equal length the lot line where the principal access to the lot is approved shall be deemed to be the front lot line.”

- (f) By amending subsection 2.42 Private Road by changing the word “services” to the word “serve”;
- (g) By adding a new subsection 2.51 Water Taking – Commercial, immediately following renumbered subsection 2.50 Water Setback and renumbering subsequent subsections accordingly:

“2.51 WATER TAKING – COMMERCIAL means the taking of water for commercial sale or purposes.”

- (h) By amending Section 3.2 b) by adding the words “minimum required” immediately following the word “front”:

“3.2 b) The accessory building or structure shall not be located within any minimum required front yard or within any exterior side yard except in accordance with specific exterior side yard requirement established by the By-law.”

- (i) By deleting section 3.2 b) i)
- (j) By deleting the word “except” from subsection 3.5 Dwellings Per Lot

- (k) By deleting section 3.5 (a) and replacing it with the following subsection 3.5 (a)

“3.5 (a) Notwithstanding section 3.5, a Cottage Establishment is permitted.”

- (l) By amending the table under subsection 3.6 Encroachments on required minimum yards by removing all references to “hedges”, “shrubs”, and “trees.”

- (m) By amending the subsection 3.8 j) by changing the referenced subsection number from “3.14 d)” to “3.16 d)”

- (n) By deleting subsection 3.9 Lots to Front on Streets in its entirety and replace it with the following new subsection 3.9 Lots to Front on Streets:

**“3.9 LOTS TO FRONT ON STREETS**

No person shall erect or use any building, or structure on a lot unless the lot has direct access to an improved street being a Provincial Highway or Township Road.

i) Limited Service Dwelling

Notwithstanding section 3.9, a limited service dwelling is permitted on a lot that has direct access to a private road which the subject lot and use are legally entitled to use for access.

ii) Limited Service Seasonal Dwelling

Notwithstanding section 3.9, a limited service seasonal dwelling is permitted on a lot that fronts on a minimum maintenance Township Road.

iii) Hunting and Fishing Camp

A hunting and/or fishing camp shall not be required to meet the provisions of section 3.9.”

- (o) By amending subsection 3.10 b) Existing buildings with inadequate lot or yard size, by adding the words “and/or water setback” immediately following the words “and/or rear yard”;

“3.10 b) Existing buildings with inadequate lot or yard size  
Where a building has been erected prior to the date of passing of this by-law on a lot having less than the minimum frontage and/or areas, or having less than the minimum setback and/or side yard and/or rear yard and/or water setback required in the by-law, said building may be enlarged, reconstructed, repaired or renovated provided that:

i) the enlargement, reconstruction, or repair does not further reduce a setback required by this By-law;  
and

ii) all other applicable provisions of this by-law are complied with.”

- (p) By deleting subsection 3.14 Ottawa River Floodplain and replacing it with the following subsection 3.14 Ottawa River Floodplain:

**“3.14 OTTAWA RIVER FLOODPLAIN**

a) For lands affected by the floodplain of the Ottawa River between the Rolph/Head Township boundary and including Bissett Creek, the following provisions shall apply:

- i) No buildings or structures shall be constructed or erected, including additions or enlargements to existing buildings within the floodplain of the Ottawa River unless floodproofed to the floodplain design elevation of 154.7 metres G.S.C. (Geographic Survey of Canada). An elevation survey prepared by an Ontario Land Surveyor shall accompany all applications for building permits. All floodproofing methods shall be consistent with accepted engineering techniques and resource management practices;
- ii) No buildings or structures, with the exception of boat docking and launching facilities, shall be permitted on lands below the floodway elevation of 154 metres (G.S.C.)

b) For lands affected by the floodplain of the Ottawa River above Bissett Creek and up to the Clara Township/Nipissing District boundary the following provisions shall apply:

- i) The floodplain may be determined by a one-in-one hundred year flood elevation study;
- ii) No buildings or structures shall be constructed or erected within the floodplain;
- iii) Notwithstanding subsection 3.14 (b) ii) existing buildings and structures within the floodplain may be expanded if the building permit is accompanied by an elevation survey and all floodproofing methods are consistent with accepted engineering techniques and resource management practices;
- iv) Notwithstanding subsection 3.14 (b) ii) boat docking and launching facilities are permitted.

(q) By deleting subsection 3.16 d) Water Setback, and replacing it with the following subsection 3.16 d) Water Setback:

“3.16 d) Water Setback

A minimum water setback of 15 metres is required for all buildings and structures, including private sewage disposal systems. Accessory boat docking and boat launching facilities are not required to meet the water setback.”

(r) By adding the following subsection 3.16 e) Highly Sensitive Lakes, immediately following subsection 3.16 d) Water Setback:

“3.16 e) Highly Sensitive Lakes

Notwithstanding any other provisions of this by-law to the contrary, the following provisions shall apply to all lands bordering and adjacent to Wendigo Lake;

- i) One single detached dwelling shall be permitted on existing lots of record;
- ii) A minimum water setback of 30 metres for all buildings, and structures, including private sewage disposal systems;
- iii) Boat docks or boat launching facilities are not required to meet the provisions of this subsection.”

(s) By deleting subsection 3.18 Water Taking, and replacing it with the following subsection 3.18 Water Taking Commercial:

**“3.18 WATER TAKING COMMERCIAL**

No building, structure, or lot may be used for taking water for the purpose of commercial sale or distribution.”

(t) By adding the following definition “2.44 Private Sewage Disposal System” immediately following “2.43 Private Road” and renumbering the subsequent subsections accordingly:

**“2.44 Private Sewage Disposal System** means a sewage disposal system, that is owned, operated and managed by the owner of the property upon which the system is located”

(u) By correcting various typographical errors in the following subsections: 1.5; 2.7; 2.17; 2.21; 2.22; 2.23; 2.24; 2.26; 2.28; 2.39; 2.43; 2.44; 2.46; 2.47; 2.54; 3.2 (e); 3.8; 3.10

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> and 2<sup>nd</sup> time this 27<sup>th</sup> day of July 2007.

**READ** a 3<sup>rd</sup> time short and finally passed this 27<sup>th</sup> day of July 2007.

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TAMMY SONNENBURG, REEVE

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MELINDA REITH, CLERK