

**TOWNSHIPS OF  
HEAD, CLARA & MARIA**

**COMPREHENSIVE ZONING BY-LAW**

**2004-12**

Consolidated: September 13, 2007

JAN 03 2005

**TOWNSHIPS OF HEAD, CLARA & MARIA**

**NOTICE OF PASSING OF A ZONING BY-LAW**

**TAKE NOTICE** that the Council of the Corporation of the Townships of Head, Clara & Maria passed By-law 2004-12 on the 7th day of December 2004, under Section 34 of the Planning Act, 1990.

**AND TAKE NOTICE** that any person or agency may appeal to the Ontario Municipal Board in respect of the By-law by filing with the Clerk of the Corporation of the Townships of Head, Clara & Maria, a notice of appeal setting out the objection to the By-law and the reasons in support of the objection. The notice of appeal must be accompanied by the fee required by the Ontario Municipal Board (\$125.00).

Only individuals, corporations and public bodies may appeal a zoning by-law to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

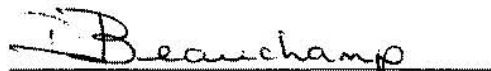
The last date for filing an appeal is January 10, 2005.

**PURPOSE AND EFFECT**

The Zoning By-law regulates the use of land and the erection, location and use of buildings and structures within the entire Townships of Head, Clara & Maria. The By-law represents an updating of several sections of the Township's previous Zoning By-laws (Nos. 88-6 and 90-06). After the By-law is in force, no land shall be used and no building or structure shall be erected, altered or used in any manner except in conformity with the provisions of the By-law. All previous Zoning By-laws for the Townships of Head, Clara & Maria are repealed by the new By-law. Zoning By-law 2004-12 will implement the policies of the applicable Official Plan and provides for specific provisions respecting all development in the municipality.

As the By-law effects all lands within the Townships of Head, Clara & Maria, a Key Map has not been provided.

DATED at the Townships of Head, Clara & Maria this 20th day of December, 2004.

  
Diane Beauchamp, CAO/Clerk  
Townships of Head, Clara & Maria  
15 Township Hall Road  
STONECLIFFE, ON K0J 2K0

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

**By-Law No. 2004-12**

Being a By-law to regulate the use of lands, the character, location and use of buildings and structures within the United Townships of Head, Clara & Maria pursuant to section 34 of the Planning Act RSO 1990, chapter P.13.

WHEREAS section 34 of the Planning Act RSO 1990, Chapter P.13 provides that the Council of a local municipality may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

AND WHEREAS the Council of the Corporation of the United Townships of Head, Clara & Maria has deemed it to be in the public interest that such a by-law be enacted;

NOW THEREFORE the council of the Corporation of the United Townships of Head, Clara & Maria enacts as follows:

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## **SECTION 1 – AUTHORIZATION AND USAGE**

### **1.1 TITLE**

This by-law shall be known and may be cited as the “Zoning By-Law” of the Corporation of the United Townships of Head, Clara & Maria.

### **1.2 SCOPE**

#### **(a) Application of By-Law**

The provisions of this By-Law shall apply to all lands within the Corporation of the United Townships of Head, Clara & Maria.

#### **(b) Conformity with By-Law**

No building or structure shall hereafter be erected or altered, nor shall the use of any building, structure or lot hereafter be changed in whole or in part, except in conformity with the provisions of this By-Law.

#### **(c) Changes Causing Contravention of By-Law**

No person shall change the purpose of which any lot, building or structure is used, or erect any new building or structure or alter any existing building or structure, or sever any lands from any existing lot, if the effect of such action is to cause the original, adjoining, remaining or new building, structure or lot to be in contravention of this By-Law.

#### **(d) Other Restrictions**

This By-Law shall not be used or have the effect to reduce or mitigate any other restrictions by any authority having lawful jurisdiction to make such restrictions.

#### **(e) Permits and Licenses**

No Municipal permit, certificate or licence shall be issued for a proposed use of land, including any establishment, enlargement, alteration or change in use of any building or structure that contravenes any provision of this By-Law.

### **1.3 ADMINISTRATION**

#### **(a) Administrator**

This By-Law shall be administered by the Chief Building Official or by a Zoning Administrator appointed by council, or by such other person as Council may designate from time to time for such purpose.

(b) Inspection

The Zoning Administrator, Chief Building Official or any officer or employee of the Corporation assigned the responsibility for enforcing this By-Law may at all reasonable times and upon producing proper identification, enter and inspect any property on or in respect of which he believes a contravention is occurring. However, such officer shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, except under the authority of a search warrant as set out in Section 49 of the Planning act.

(c) Violations and Penalties

Every person who contravenes any provision of this By-Law on conviction is liable:

- i) on a first conviction to fine of not more than \$20,000.00; and
- ii) on a subsequent conviction to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which he was first convicted.

Every corporation which contravenes any provision of this By-Law on conviction is liable:

- i) on a first conviction to a fine of not more than \$50,000.00 and
- ii) on a subsequent conviction a fine of not more than \$25,000.00 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.
- iii) Every such penalty described herein is subject to the provision of the Planning Act RSO 1990, and will change from time to time in accordance with the said Act.

(d) Remedies

Where a building or structure is or is proposed to be erected, altered or enlarged, or a building structure or lot is or is proposed to be used in contravention of any provision of this By-Law, such contravention may be restrained by action at the insistence of any ratepayer or of the Corporation.

(e) Plans to Accompany Application

In addition to all of the requirements of the Building Code and this By-Law or any other By-Law of the Corporation, every application for a building permit shall be accompanied by a plan drawn to scale and showing:

- i) the true dimensions of the lot to be built upon or otherwise used;
- ii) the location of all existing buildings, structures or uses on the lot;

- iii) the proposed location, height and dimensions of any building structures or use proposed for such lot;
- iv) the proposed locations and dimensions of yards required by this By-Law.

#### **1.4 VALIDATION**

(a) Effective Date

This By-Law shall come into effect from the date of its passing by Council and shall come into force in accordance with Section 34 of the Planning ACT 1990

(b) Validity

A decision of a competent court that one or more of the provisions of this By-Law are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or part of provisions of this By-Law.

#### **1.5 INTERPRETATIONS**

- (a) For the purposes of this By-Law, words used in the present tense include the future; words in the singular number include the plural and words in the plural include the singular number; the word “shall” is mandatory; the word “used” shall also mean “designed to be used”; and the word “occupied” shall also mean “designed to be occupied”.

## **SECTION 2.0 – DEFINITIONS**

For the purpose of this By-Law the definitions and interpretations of this section shall apply.

### **2.1 ABANDONED**

means the failure, in the opinion of the Zoning Administrator, to proceed expeditiously with construction work during any continuous 12 month period.

### **2.2 ACCESSORY**

when used to describe a use, building or structure, means a use, or a detached building or structure, that is naturally and normally incidental, subordinate and exclusively devoted to supporting the principle use, building or structure and located on the same lot therewith. This does not include an accessory residence unless otherwise specified.

### **2.3 ALTER**

means any alteration in a bearing wall or partition or column, beam, girder or other supporting member of a building or structure or any increase in area or volume of a building or structure. When used in reference to a lot, the word alter means to decrease the width, depth or area of any required yard, setback, landscaped open space or parking area, or to change the location of any boundary of such lot with respect to a street or lane. The words “altered” and “alteration” shall have a corresponding meaning.

### **2.4 ATTACHED**

shall mean a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with adjacent building or buildings.

### **2.5 BUILDING**

means any structure used or designed to be used for shelter, accommodation or enclosure of persons, animals or chattels.

### **2.6 BUILDING ENVELOPE**

means the building area on a lot, defined by the minimum front yard depth, rear yard depth and side yard width requirements and maximum height requirements, within which a building can be erected.

### **2.7 CORPORATION**

means the Corporation of the United Townships of Head, Clara & Maria.

### **2.8 COTTAGE UNIT**

means a building to accommodate one or more guests for temporary occupancy,

- i) that contains at least two rooms;
- ii) that is at least partially furnished; and



- iii) in which the guest may be permitted to prepare and cook food; and
- iv) cabin shall have a corresponding meaning.

**2.9 COTTAGE UNIT AREA**

means the aggregate floor area of all habitable rooms, hallways and lobbies within a cottage unit, excluding the thickness of any exterior walls.

**2.10 COTTAGE ESTABLISHMENT**

means a commercial establishment designed for the accommodation of the travelling or vacationing public, and comprising two or more cottages owned or leased by the same person. Cabin establishment shall have a corresponding meaning.

**\*(By-Law #2007-15)\***

**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.

**\*(By-Law #2007-15)\***

**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.

**\*(By-Law #2007-15)\***

**\*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.\***

**2.14 DWELLING UNIT means a suite of habitable rooms which:**

- (i) is located in a building
- (ii) is used or intended to be used in common by one or more persons as a single, independent and separate housekeeping establishment;
- (iii) contains food preparation and sanitary facilities provided for the exclusive common use of the occupants thereof; and
- (iv) has a private entrance directly from outside the building or from a common hallway or stairway inside the building.

**2.15 DWELLING UNIT AREA**

means the aggregate of the floor area of all habitable rooms, hallways and lobbies within a dwelling unit, excluding the thickness of any exterior walls.

**2.16 ERECT**

means build, construct, reconstruct, alter, enlarge or relocate and without limiting the generality of the foregoing, shall include any preliminary physical operations such as cutting, grading, excavating, berming, piling, cribbing, filling or drainage, or any altering of any existing building by an addition, deletion, enlargement, extension or other structural change.

**2.17 EXISTING**

shall mean existing as of the date of final passage of this By-Law.

**2.18 FLOOD**

means a temporary rise in the water level resulting in the inundation of areas adjacent to a watercourse not ordinarily covered by water.

**2.19 FLOOD FRINGE**

means those lands being part of the flood plain between the floodway elevation and the flood plain design elevation.

**2.20 FLOOD PLAIN**

means the area of land within a watershed which is subject to inundation during a flooding event. This area shall be calculated as being the area that would be flooded with an expected average frequency of once in a hundred years. Land subject to flooding shall have a corresponding meaning.

**2.21 FLOOD PLAIN DESIGN ELEVATION**

means the elevations established under this by-law below which all building must be flood proofed. These elevations shall be calculated based on the flood plain determined for a watershed.

**2.22 FLOOD PROOFED**

refers to the measures taken to ensure that a structure or building is safe from the effects of flooding. No building openings of any kind including windows, doors, vents, etc, shall be permitted below the flood plain design elevation. Incoming power service metering equipment, electrical appliances, etc., shall not be erected below the flood design elevation. This restriction does not apply to electrical wall outlets equipped with ground fault plugs, nor does it apply to heating, air conditioning, ventilation, plumbing, sanitary and water systems that consider flood vulnerability in their design. Sanitary sewer and storm drainage systems that have openings below the flood plain shall be provided with automatic backflow preventers. Water supply systems shall be designed to prevent possible contamination from flood water. Gas or oil fired furnaces shall be provided with float operated automatic control valves to shut off fuel in the

event of flooding. Sanitary sewer or septic systems shall be designed to prevent sewage discharge and resultant health hazards, etc. Furthermore, where necessary, basements shall be reinforced in accordance with CMHC guidelines to prevent cracking or caving in from outside water pressure. Access roads, driveways and parking areas shall be raised to within a minimum of 0.6 meters above the floodplain design elevation.

### **2.23 FLOODWAY**

means the channel of a watercourse and that inner portion of the flood plain where flood depths and velocities are generally higher than those experienced in the flood fringe. The floodway represents that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage.

### **2.24 GARAGE - PRIVATE**

means an enclosed or partially enclosed structure in which no business, occupation or service is conducted for profit and which structure is used primarily for the storage of one or more vehicles and storage of household equipment incidental to the residential occupancy. Carport shall have a corresponding meaning.

### **2.25 HEIGHT**

means when used with reference to a building the vertical distance between the average elevations of the finished surface of the ground at the front of the building and;

- i) in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is the greater,
- ii) in the case of a mansard roof, the deck roof line, and
- iii) in the case of a gable, hip or gambrel roof, the mean height between the eaves and the ridge.

### **2.26 HIGH WATER MARK**

means the mark made by the action of water under natural conditions on the shore or bank of water, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.

**\*(By-Law #2007-15)\***

**\*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.\*

## **2.28 LOT**

means a parcel or tract of land:

- i) which is a whole lot as shown on a Registered Plan of Subdivision, but a Registered Plan of Subdivision for the purposes of this paragraph does not include a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a By-law passed pursuant to Section 49 of the Planning Act.
- ii) which is a separate parcel of land the owner of which does not retain the fee or equity of redemption in, or a power or right to grant, assign, or exercise a power of appointment with respect to any abutting land, or
- iii) the description of which is the same as in a deed which has been given consent pursuant to the Planning Act.

## **2.29 LOT AREA**

means the total horizontal area within the lot lines of a lot. In the case of a corner lot having street lines rounding at the corner with a radius of six (6) metres, or less, the lot area of such land shall be calculated as if the lot lines were produced to their point of intersection.

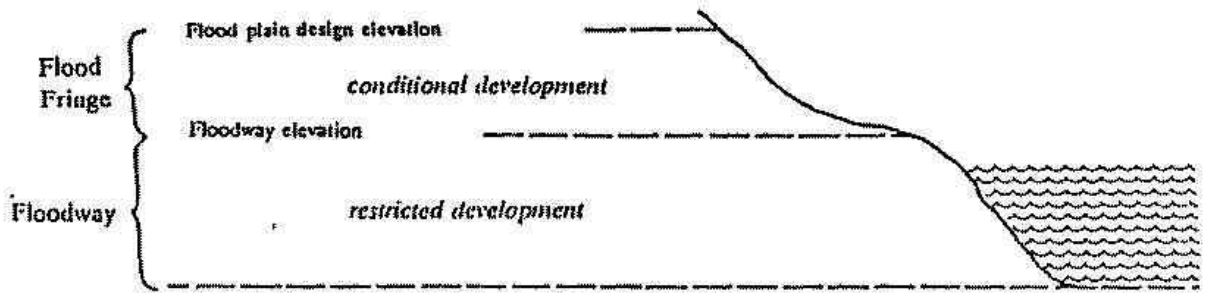
## **2.30 LOT CORNER**

means a lot situated at the intersection of two streets, of which two adjacent sides, that abut the intersecting streets, contain an angle of not more than 135 degrees; where such adjacent sides are curved, the angle of intersection of the adjacent sides shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the interior lot lines, provided that, in the latter case, the corner of the lot shall be deemed to be that point on the street lines nearest to the point of intersection of the said tangents.

## **2.31 LOT FRONTAGE**

means the horizontal distance between the side lot lines measured along the front lot line. Where the front lot line is not a straight line, or where the side lot lines are not parallel, the lot frontage shall be measured along a line seven and one-half (7.5) metres back from and parallel to the street line

## ILLUSTRATION OF TWO-ZONE FLOOD PLAIN



NOTE: The above illustration is for clarification and convenience only and does not form part of this By-law.

**2.32 LOT, INTERIOR**

means a lot situated between adjacent lots and having access to one street.

**2.33 LOT LINE**

means any boundary of a lot or a vertical projection thereof.

**\*(By-Law #2007-15)\***

**\*2.34 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.\*

**2.35 LOT LINE, REAR**

means the lot line opposite the front lot line.

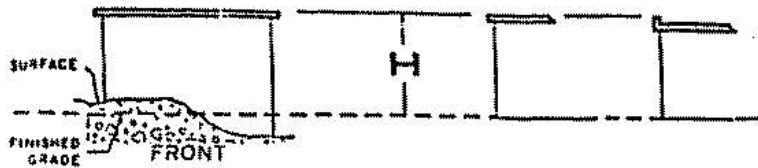
**2.36 LOT LINE, SIDE**

means a lot line other than a front or rear lot line.

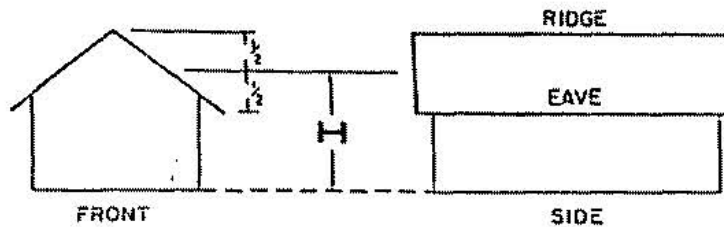
**2.37 LOT, THROUGH**

means a lot bounded on two opposite sides by a street. If any lot qualifies as being both a “lot, corner” and a “Lot, through” as hereinbefore defined, such lot shall be deemed a “lot, corner” for the purpose of this By-Law.

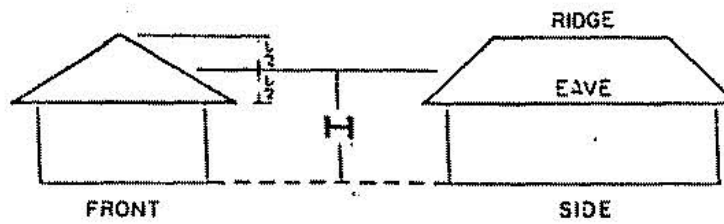
# ILLUSTRATION OF BUILDING HEIGHT DEFINITIONS



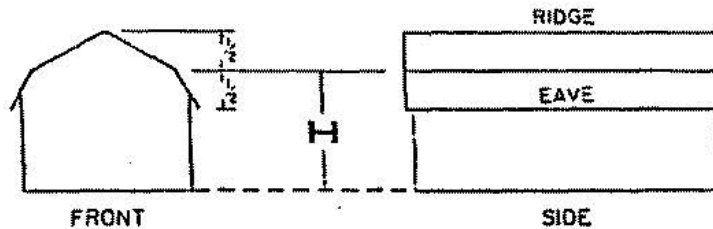
**FLAT ROOF:**



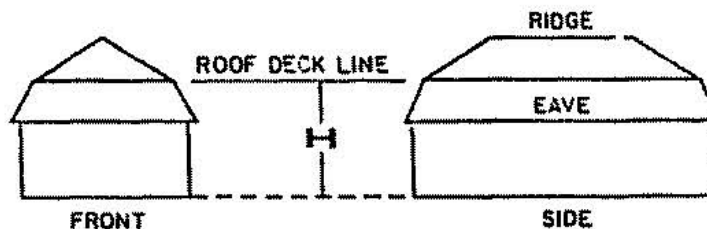
**GABLE ROOF**



**HIP ROOF**



**GAMBREL ROOF**



**MANSARD ROOF**

**H** - HEIGHT OF BUILDING

**NOTE:** THE ABOVE ILLUSTRATIONS ARE FOR CLARIFICATION AND CONVENIENCE ONLY AND DO NOT FORM PART OF THIS BY-LAW

**2.38 MAIN BUILDING**

means a building in which the principal use is conducted on the lot on which the building is located. In the residential zone the dwelling is the main building.

**2.39 MOBILE HOME**

means any dwelling that is designed to be made mobile and constructed or manufactured to be used in like manner as a single detached dwelling for the permanent accommodation of one or more persons, notwithstanding that the running gear is or may be removed, or that such dwelling is or may be fixed on a finished and permanent foundation or has become in any other manner so adapted and affixed to the land upon which it is situated that it is, or has become, an immobile and permanent structure, and includes any mobile home as defined in the Planning Act.

**2.40 MOTOR VEHICLE**

means a wheeled self propelling mode of transportation for passengers or goods and without limiting the generality of the foregoing includes automobiles, motorcycles, trucks, buses, ambulances, hearses, tractors and other self-propelled farm machinery.

**2.41 NON-CONFORMING**

means that which does not conform, comply or agree with the regulations of this By-Law as of the date of final passing thereof.

**2.42 PERSON**

includes an individual, an association, a chartered organization, a firm, a partnership or a corporation.

**\*(By-Law #2007-15)\***

**2.43 PRIVATE ROAD**

means a registered right-of-way not dedicated and accepted as, or otherwise deemed at law to be a public highway, that *\*serves\** as a privately maintained motor vehicle access-route to one or more abutting, legally conveyable parcels of land.

**\*(By-Law #2007-15)\***

**\*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.\*

**2.45 PUBLIC UTILITY**

means a waterworks, a water supply system, sewage works, electrical power or energy generating, transmission or distribution system, street lighting system, natural or artificial gas works or supply system or a telephone system and includes any lands, buildings or equipment required for the administration or operation of any such system.



**2.46 RECREATIONAL VEHICLE**

means a structure or vehicle designed, intended and used as accommodation exclusively for travel recreation and vacation and which is either capable of being drawn by a passenger vehicle or is self-propelled and shall include travel trailers, tent trailers, vans, motor homes, and similar transportable accommodation excepting a mobile home.

**2.47 REQUIRED**

means required by this By-Law.

**2.48 STREET**

means a public highway or public road under the jurisdiction of either the Corporation, or the Province of Ontario, and includes any highway as defined in the Municipal Act, but does not include a lane, a driveway or a private road.

- a) STREET ALLOWANCE means land held under public ownership for the purpose of providing a street.
- b) IMPROVED STREET means a public road which has been constructed in such a manner so as to permit its use by normal vehicular traffic on a year-round basis.

**2.49 STREET LINE**

means the limit of the road or street allowance and is the dividing line between a lot and a street.

**2.50 STRUCTURE**

means anything constructed or erected, the use of which requires location on or in the ground or attached to something having location on or in the ground.

**2.51 TOWNSHIP**

means the Corporation of the United Townships of Head, Clara & Maria, or land included within the United Townships of Head, Clara & Maria as appropriate.

**2.52 WATER SETBACK**

means the straight line horizontal distance from the high water mark of a watercourse, bay or lake to the nearest part of any excavation, building, structure or open storage use on the lot.

**\*(By-Law #2007-15)\***

**\*2.53\* WATER TAKING – COMMERCIAL** means the taking of water for commercial sale or purposes.\*

## **2.54 YARD**

means an open space on the same lot with a building or structure or excavation, unoccupied and unobstructed except as for such accessory buildings, structures or uses specifically permitted in this By-Law.

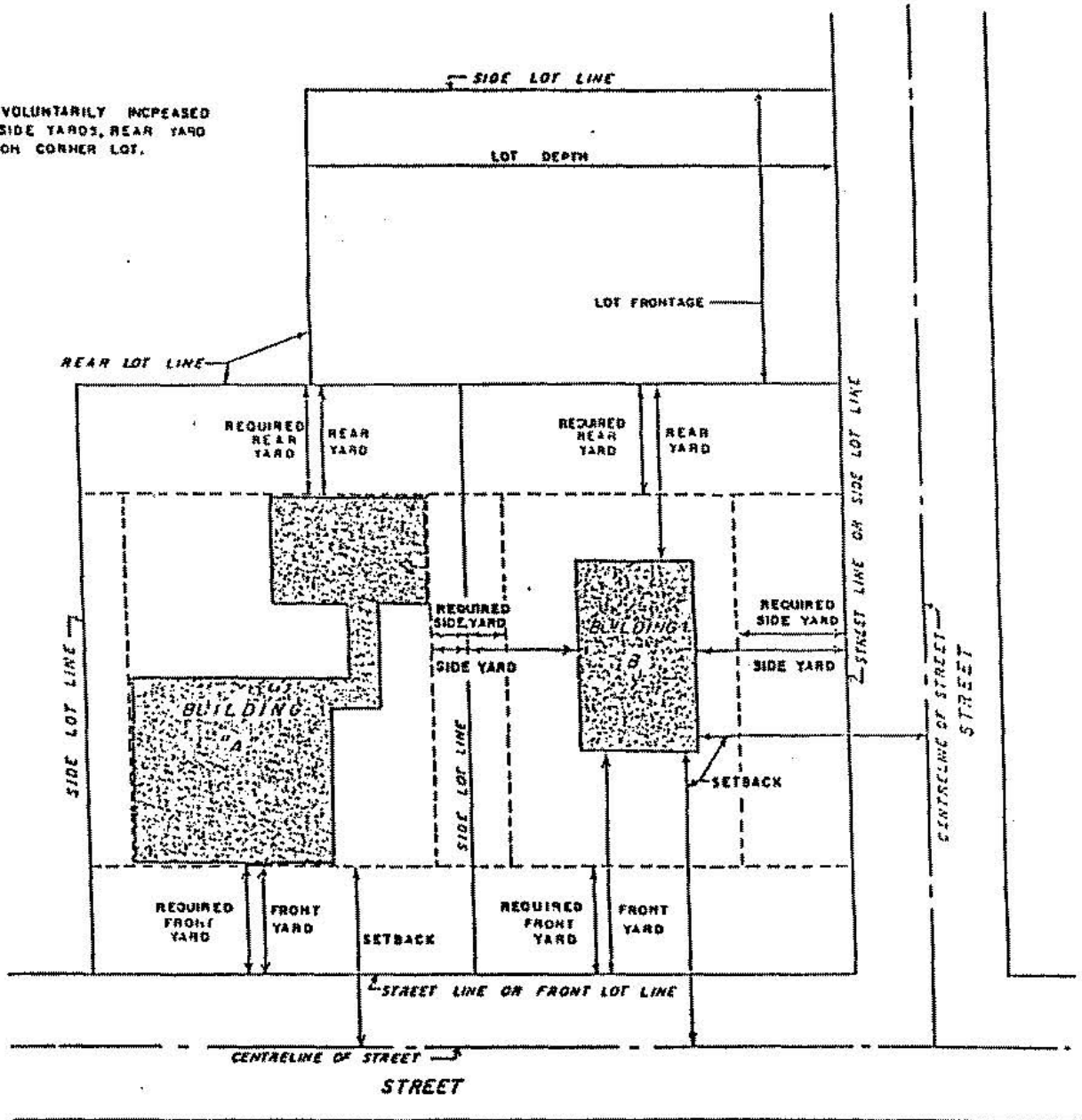
- a) FRONT YARD means a yard extending across the full width of a lot between the front lot line and the nearest point of any main building or excavation on the lot;
- b) FRONT YARD DEPTH means the shortest horizontal dimension between the front lot line of the lot and the nearest part of any building, structure or excavation on the lot.
- c) REAR YARD means a yard extending across the full width of a lot between the rear lot line and the nearest wall of the main building or structure on the lot;
- d) REAR YARD DEPTH means the shortest horizontal dimension between the rear lot line of the lot and the nearest part of any building, structure or excavation on the lot.
- e) SIDE YARD means a yard between the side wall of the main building or structure on the lot and the side lot line and extending from the front yard (or front lot line if no front yard is required) to the rear yard (or rear lot line if no rear yard is required).
- f) EXTERIOR SIDE YEAD means a side yard immediately adjoining a street or abutting a reserve on the opposite side of which is located a street.
- g) INTERIOR SIDE YARD means a side yard other than an exterior side yard.
- h) REQUIRED YARD means a yard with the minimum front yard depth, rear yard depth or side yard width required by the provisions of this By-Law. A required side yard shall extend from the required front yard to the required rear yard.

## **2.55 ZONING ADMINISTRATOR**

means the officer or employee of the Corporation charged with the duty of enforcing the provisions of this By-Law.

## ILLUSTRATION OF YARD DEFINITIONS

BUILDING "B" VOLUNTARILY INCREASED FRONT YARD, SIDE YARDS, REAR YARD AND SETBACK ON CORNER LOT.



**NOTE:** The above illustrations are for clarification and convenience only and does not form part

## **SECTION 3.0 – GENERAL PROVISIONS**

### **3.1 APPLICATION**

The requirements contained in the General Provisions shall apply to all lands within the Townships, except as otherwise indicated.

### **3.2 ACCESSORY USES, BUILDINGS AND STRUCTURES**

- a) No accessory building or structure shall be used for human habitation

#### **\*(By-Law #2007-15)\***

- 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.  
\*\*
- c) No accessory building, structure or use shall be located closer than one (1.0) metre to any lot line except:
- i) that common semi-detached garages may be centred on the natural side lot line;
  - ii) that boat houses and boat docks may be built to the lot line where such line corresponds to the high water mark; and
  - iii) that prescribed uses and structures may be permitted in accordance with the provisions of the By-Law for Encroachments on minimum yards.
- d) The coverage of the lot by accessory buildings and structures shall not exceed ten (10.0) percent of the total lot area, but a private garage, carport or swimming pool shall be excluded from these calculations.
- e) No accessory building or structure shall be built within two (2.0) metres of the main building, unless the accessory building is constructed of incombustible materials.
- f) Buildings and structures shall not be considered accessory if attached to the main building in any way.
- g) Accessory buildings and structures shall not be constructed on lands subject to flooding, with the exception of docks, boat houses, and those buildings and structures otherwise specifically permitted on such lands by this By-Law.

### **3.3 ATTACHED GARAGE SIDE YARD**

On any lot where a private garage is attached to a single detached dwelling, the following minimum yard requirements shall apply:

- a) On the side where the garage is located, the minimum side yard shall be one (1.0) metre.
- b) On the other side, the minimum side yard shall be the distance required in Section 3.8(d) of this By-Law.

### **3.4 CROWN LANDS**

Crown lands are not subject to the provisions of this By-Law.

### **3.5 DWELLINGS PER LOT**

**\*(By-Law #2007-15)\***

No more than one (1) building used as a dwelling containing one or more dwelling units shall be erected on any lot.\*\*

- a) \*Notwithstanding section 3.5, a Cottage Establishment is permitted.\*

### 3.6 ENCROACHMENTS ON REQUIRED MINIMUM YARDS

\*(By-Law #2007-15)\*

Every part of any minimum required yard shall be open and unobstructed from the ground to the sky by any structure other than an accessory building permitted elsewhere in this By-Law provided however, that those structures and items listed in the following table shall be permitted to project in to the minimum required yards indicated, for the distances specified:

<u>Structure</u>	<u>Yards in which encroachment is permitted</u>	<u>Maximum projection permitted into minimum required yard</u>
Sills, belt courses, eaves, gutters, chimneys, bay windows, solar collectors, heat pumps, ventilators, shutters, cornices, parapets, pilasters or other ornamental structures	All	0.50
Fire escapes, exterior stair cases	Side and Rear only	1.5 metres
Balconies, steps, open roofed porches, sundecks, attached solarium	Front and Rear only	2 metres
Uncovered paved patios	All	2.5 metres front yard; other yards unlimited
Fences,** freestanding walls, flagpoles, light standards, garden trellises, clothes poles and similar structures and appurtenances	All	Unlimited

### 3.7 EXCEPTIONS TO HEIGHT LIMITATIONS

The height limitations of this By-Law shall not apply to chimneys, churches, spires, public buildings, water tanks, elevator enclosures, flag poles, television or radio antennae, electrical transmission facilities, ventilators and skylights.

### 3.8 LOT REQUIREMENTS

#### \*(By-Law #2007-15)\*

No person shall use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

a) lot area (minimum)	2025 square metres
b) lot frontage (minimum)	30 metres
c) front yard depth (minimum)	7.5 metres
d) side yard width (minimum)	3 metres
e) rear yard depth (minimum)	3 metres
f) dwelling unit area (minimum)	55 square metres
g) cottage unit area (minimum)	29 square metres
h) Lot coverage (maximum)	35%
i) building height (maximum)	10.5 metres
j) water setback:	A water setback shall be provided in accordance with Section *3.16 d)* of this By-Law.

#### \*(By-Law #2007-15)\* \*\*

### \*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.\*

### 3.10 NON-CONFORMING USES

a) Enlargements of existing undersized lots

An undersized lot that was held in separate ownership from adjoining parcels on the date of passage of this By-Law or that was created by expropriation subsequent to the passage of this By-Law shall retain its legal non-conforming status if an addition or enlargement to the lot does not result in a lot that meets the minimum frontage and/or area required by this By-Law. Nothing in this By-Law shall prevent such a lot from being used provided that:

- i) where the development is on private services, the lot is of an adequate size for water supply and sewage disposal systems approved by the septic approval authority; and
- ii) all other applicable provisions of this By-Law are complied with.

**\*(By-Law #2007-15)\***

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.

c) Undersized Vacant Lots

Where a vacant lot with less than the minimum frontage or lot area required by this By-Law was held in separate ownership from adjoining parcels on the date of passage of this By-Law, or where a vacant lot was created by expropriation subsequent to the date of passage, such undersized, vacant lot may be used provided that:

- i) all other applicable provisions of this By-Law are complied with; and
- ii) written approvals for the water supply and sewage disposal system are obtained from the septic approval authority.



### **3.11 NOXIOUS USES**

No use shall be permitted which, from its nature or the materials used therein, is declared to be a noxious trade, business or manufacture under the Health Protection and Promotion Act and regulations there under, and The Environmental Protection Act and regulations there under. Noxious uses do not include normal farm operations using commercial fertilizers and manure, the spraying of crops with herbicides, insecticides and pesticides, or the use of heavy machinery for farm purposes.

### **3.12 OCCUPANCE OF INCOMPLETE BUILDINGS**

No dwelling shall be occupied before the kitchen, heating and sanitary conveniences have been installed and rendered usable.

### **3.13 OCCUPANCE OF VEHICLES**

No truck, bus, coach, vehicle, recreational vehicle, or trailer shall be used as a permanent residence for human habitation within the Municipality whether or not the same is mounted on wheels.

**\*(By-Law #2007-15)\* \*\***

### **\*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.\*

### **3.15 PUBLIC USE OF LAND**

The provisions of this By-Law shall not apply to prevent the use of any land or the erection or use of any building or structure for the purpose of public service by the Municipality or by any local board thereof defined by the Municipal Affairs Act, any telephone, gas, or telegraph company, and department or agent of the Government of Ontario or Canada, including Hydro One, provided that:

- a) With the exception of a public utility, the lot coverage, setback and yard requirements prescribed shall be complied with.

### **3.16 SETBACKS**

No person shall erect any building or structure on any lot unless such building or structure conforms to the following setback requirements from road centrelines, or from high water marks.

- a) Provincial Highway

The setback requirement shall be 18 metres plus the minimum front yard depth required.

- b) Private Road

The setback requirement shall be 10 metres plus the minimum front yard depth required

- c) Township Road

The setback requirement shall be 10 metres plus the minimum front yard depth required.

**\*(By-Law #2007-15)\* \*\***

**\*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.

**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.\*

**3.17 VISIBILITY AT INTERSECTIONS**

- a) At the intersection of any two streets, no building, or structure shall be erected, no landscaping materials shall be allowed to grow, no land shall be graded and no vehicle shall be parked above the height of .75 metres above the centreline grade of such streets, so as to materially impede the vision of the operator of a vehicle on the street, within the triangular area bounded by the lot lines to a distance of 6.0 metres from the points of intersection of the corner lot lines, or of the projection of the corner lot lines.
- b) At the intersection of a street and a railway right-of-way at grade, the vision of the operator of a motor vehicle shall be unimpeded, as described above, within 23.0 metres of the point of intersection of the lot lines.

**\*(By-Law #2007-15)\* \*\***

**\*3.18 WATER TAKING COMMERCIAL**

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

### **3.19 NON-COMPLIANCE AS A RESULT OF EXPROPRIATION**

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and or setbacks, lot coverage or maximum permitted gross floor area then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law. The above clause applies to existing structures only.

**\*(By-Law #2007-09)\***

**SECTION 4.0 – EXCEPTIONS**

(a) Exception One (E1) – (Part Lots 16 & 17, Concession 10, Head Township)

Notwithstanding any other provisions of this By-law to the contrary, for the lands zoned Exception One (E1) on Schedule A-1 of this By-law and described as Part of Lots 16 and 17, Concession 10, geographic Township of Head, the only permitted uses shall be the following:

- An existing campground comprising existing buildings, structures and trailer sites in their existing locations;

OR

- A limited service dwelling provided that only one such dwelling is permitted per lot.\*

**\*(By-Law #2007-11)\***

**\*(b) Exception Two (E2)**

Notwithstanding Sections 3.9 and 3.16 to the contrary, for those lands described as part of Lot 9, Concession 3 in the geographic Township of Clara and delineated as Exception Two (E2) on Schedule “A” to this By-law, the following provisions shall apply:

Permitted Uses

Limited Service Seasonal Dwelling

Minimum Water Setback Provisions

Buildings and Structures	30 metres (minimum) from high water mark
Earth Pit Privies	75 metres (minimum) from high water mark

The 30 metre water setback area along the shoreline of Wendigo Lake shall be left as a natural buffer area to protect the quality of the water in the lake.

Access

The lands zoned E2 are exempt from the Lots to Front on Streets provision of Section 3.9 of the Zoning By-law.

### Prohibited Uses

The installation and utilization of a private sewage disposal system is prohibited, except an earth pit privy and/or a composting toilet system and/or a grey water system consisting of a perforated, non-corrosive container placed beneath the overburden in a bed of gravel on both the severed and retained parcels.

All other provisions of this By-law shall apply.\*

**ENACTMENT**

By-Law No. 88-6 is hereby repealed  
By-Law No. 90-06 is hereby repealed

READ a 1<sup>st</sup> and 2nd time as amended this 7th day of December, 2004.

READ a 3<sup>rd</sup> time short as amended this 7th day of December, 2004.

This By-Law shall come into effect on the date of passing by Council



REEVE

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CAO/Clerk

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