



The Corporation of the United TOWNSHIPS OF HEAD, CLARA & MARIA

## ZONING BY-LAW AMENDMENT PUBLIC MEETING

Friday, July 15, 2011 @ 2:00 pm

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***As per Section 34 of the Planning Act, the Townships of Head, Clara & Maria has given proper notice regarding the Zoning By-law Amendments as follows:***

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**Subject Lands** The entire Townships of Head, Clara & Maria are affected by this amendment therefore no Key Map has been provided.

### **Proposed Zoning By-law Amendment**

The purpose of proposed zoning by-law amendment is to update the definitions and general provisions of the Zoning By-law to clarify what land uses are permitted by the By-law and to define specific uses and how they may operate within the municipality.

The purpose of this amendment is to protect residential areas from uses that would be contrary to the enjoyment of residential properties and to control uses within the municipality. Currently there are no or limited restrictions on the types of building allowed to be erected. Council deems it necessary to protect the properties of both full time and seasonal residents. Due to the size of the municipality, it was thought that the following solution would be simpler than attempting to describe and designation zones for specific uses.

The effect of the proposed zoning by-law amendment is to list uses that may be permitted and add definitions for uses including farm, home industry and home occupation. Provisions will be added to the By-law outlining how a home industry and home occupation may operate. Any future uses proposed other than those listed in the by-law will have to undergo a site-specific amendment to the by-law. Standard setbacks from the TransCanada Pipeline are also being added to the By-law.

### ***Please Note***

*If a person or public body does not make oral submissions at a public meeting or make written submissions to the Townships of Head, Clara & Maria before the by-law is passed by the Township, the person or public body is not entitled to*

*appeal the decision of the Townships of Head, Clara & Maria, to the Ontario Municipal Board.*

*If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Townships of Head, Clara & Maria before the by-law is passed by the Township, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.*

Once Council passes the by-law, the clerk is required to send out the Notice of Passing within 15 days of the passing of the by-law. If there are any appeals to the by-law, the appeal, record and fee must be forwarded to the Ontario Municipal Board within 15 days after the last day for filing an appeal.

**NOTE: One of the purposes of the Planning Act is to provide for planning processes that are open, accessible, timely and efficient. Accordingly, all written submissions, documents, correspondence, e-mails or other communications (including your name and address) form part of the public record and will be disclosed/made available by the Municipality to such persons as the Municipality sees fit, including anyone requesting such information. Accordingly, in providing such information, you shall be deemed to have consented to its use and disclosure as part of the planning process.**

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## DRAFT BY-LAW

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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.”

- (a) 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.”

- (b) 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”
- (c) 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.”
- (d) By amending the renumbered Section 3.8 DWELLINGS PER LOT, by deleting the following:
- “a) Notwithstanding section 3.5, a Cottage Establishment is permitted.”
- (e) 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. This By-law shall come into force and take effect on the day of final passing thereof.

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## NEXT STEPS

Are there any comments, concerns or questions respecting the above changes and/or the process?

Depending on comments or concerns from the public, Council’s options now include approving the amendment and passing the by-law later in the meeting, or holding the zoning amendment pending further information.

If the by-law is passed, the Clerk has 15 days to send out a Notice of Passing of the by-law. A notice will be placed in the NRT. Any person who has previously made oral submissions at the public meeting or written submissions prior to the by-law being passed may appeal the decision to the OMB. Assuming no appeals, the By-law will be in effect as of the date of passage.

Any appeal must be made not later than 20 days after the day that the notice was published in the NRT, by filing with the Clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee prescribed under the Ontario Municipal Board Act. For additional information on the OMB please visit their site at <http://www.omb.gov.on.ca/english/OMBAppealForms/appeal.html>. You can also come into the office and staff will be happy to assist you.