

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2005 - 09

Being a By-law to amend the text portion of By-law No. 2001-26, as amended, the Zoning By-law for the Municipality of Magnetawan with respect to private, seasonal and unimproved roads within the Municipality of Magnetawan

WHEREAS the Council of the Corporation of the Municipality of Magnetawan is empowered to pass By-laws to regulate the use of land pursuant to Section 34 of the *Planning Act*, 1990;

AND WHEREAS it is deemed appropriate to amend By-law No. 2001-26, as amended, to provide clarification with respect to the classification of roads adjacent to building lots and for which building permits can be issued;

NOW THEREFORE the Council of the Corporation of the Municipality of Magnetawan enacts as follows:

1. Section 3.9 is deleted in its entirety and replaced with the following:

3.9 Frontage on Municipally Maintained Road, Private Road, Summer Maintained Roads or Navigable Waterway

a) Municipally Maintained Public Road

No person shall erect any building or structure in any Zone after the date of passing of this By-law, unless the lot upon which such building or structure is to be erected has frontage on a road that is maintained year-round by the Municipality.

The above provisions shall not apply to prevent the erection of a permitted building or structure on a lot in a registered plan of subdivision where a Subdivision Agreement has been entered into with the Municipality, notwithstanding that the road or roads will not be assumed by the Municipality until the end of the maintenance period, nor shall it apply to prevent the enlargement, extension, renovation, reconstruction or other structural alteration of an existing building or structure, which is located on a lot which does not have frontage upon a year-round Municipally maintained road, provided the use of such building or structure does not change and is permissible within the Zone in which it is located.

b) Frontage on Private Road

Notwithstanding the provision in 3.9 (a) where a lot fronts upon a private road or private right-of-way, a use, building or structure shall be permitted on such lot, in accordance with the applicable provisions of this By-law provided such private road or private right-of-way existed as of the date of passing of this By-law.

c) Navigable Waterway

Notwithstanding the provisions of 3.9 (a) and (b) where a lot is only accessible by a navigable waterway, such lot may be used for a Seasonal Residential Dwelling and accessory uses only.

d) Summer Maintained Municipal Road

Notwithstanding the provisions of 3.9 (a) where a lot fronts upon a road that is summer maintained by the Municipality, a seasonal building permit shall be issued for the construction of any building or structure.

e) Hunt Camps

Notwithstanding the provisions of 3.9 (a), (b) and (d) a Hunt Camp shall be permitted if it is located on a lot which has access onto a road that is maintained in the summer only as an unimproved Municipal road allowance or a private road but does not have access on a year-round maintained Municipal road.

2. Section 5, Definitions, is amended by replacing the following definitions:

5.128 PRIVATE ROAD

A private right-of-way over private property which affords access to abutting lots, and which is not owned or maintained by the Municipality.

5.71 MUNICIPALLY MAINTAINED PUBLIC ROAD

A street, road or highway under the jurisdiction of the Province of Ontario or the Municipality which is maintained year-round so as to allow normal vehicular access to adjacent properties.

3. Section 5, Definitions, is amended by adding the following definitions:

5.150A SUMMER MAINTAINED ROADS

A street, road or highway under the jurisdiction of the Municipality which is not maintained for more than six (6) months in any calendar year, being November 1st to April 30th.

5.143A SEASONAL RESIDENTIAL DWELLING

A room or rooms in which a kitchen, living quarters and sanitary conveniences are provided for the exclusive use of the residents but which is only designed to be occupied by persons that have a permanent residence in another location.

This By-law shall come into effect upon the date of passage hereof and take effect on the day after the last day for filing appeals. Where objections to the By-law are received in accordance with the provisions of the *Planning Act*, the By-law shall come into effect upon approval of the Ontario Municipal Board.

**Passed in open Council as read a First, Second and Third time,
this 27th day of April, 2005**

Sam Dunnett, *Mayor*

Brenda J. Fraser, *Clerk/Administrator*