

SECTION 1

INTRODUCTION

1.1 TITLE OF BY-LAW

This By-law may be cited as the "Zoning By-law".

1.2 SCOPE

a) AREA DEFINED

This By-law applies to all lands within the corporate limits of the Township of Gillies

b) COMPLIES WITH BY-LAW

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

c) COMPLIANCE WITH OTHER RESTRICTIONS

This By-law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a government authority having jurisdiction to make such restrictions.

SECTION 2 INTERPRETATION

2.1 SINGULAR AND PLURAL WORDS:

In this By-law, unless the context requires otherwise:

- (i) words used in the singular number include the plural; and
- (ii) words used in the plural number include the singular number.

2.2 SHALL IS MANDATORY

In this By-law, the word “shall” means mandatory.

2.3 USED AND OCCUPIED

In this By-law, unless the text requires otherwise:

- (i) the word “used” shall include “designed to be used”, “arranged to be used”, and “intended to be used”; and
- (ii) the word “occupied” shall include “designed to be occupied”, “arranged to be occupied”, and “intended to be occupied”.

2.4 SCHEDULES TO BY-LAW

Schedule “A” and Schedule “B” which are attached hereto are hereby made part of this by-law.

DEFINITIONS

In this By-law, unless the context requires otherwise, the following terms when used shall have the meanings assigned to them as follows:

- 3.1 "ABUT" shall mean to have a common boundary with, or border on.
- 3.2 "ACCESSORY" shall mean a building or structure normally incidental, subordinate and exclusively devoted to a main use, building or structure on the same lot.
- 3.3 "AGRICULTURAL" shall mean lands, buildings and structures used for field crops, fruit farming, market gardening, dairying, animal husbandry, poultry raising, beekeeping and such uses, buildings and structures that are related to agriculture.
- 3.4 "ALTER"
- a) when used in reference to a building or structure or part thereof, shall mean to change any one or more of the external dimensions of such building or structure or to make any change in the supporting members or the type of construction of the exterior walls or roof thereof;
  - b) when used in reference to a lot, shall mean to change the area, frontage or depth thereof; to change the width, depth or area of any required yard, landscaped open space or parking area; or to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of such lot or otherwise; or
  - c) when used in reference to use, shall mean to discontinue and replace the use with a use which is defined herein as being distinct from the discontinued use.
- 3.5 "APPROVED" shall mean approved by Council.
- 3.6 "ASPHALT PLANT" shall mean the structures and site where the procession and production of asphalt takes place.
- 3.7 "ASPHALT PLANT, TEMPORARY" shall mean the temporary location and operation of an asphalt plant for a period of time specified by Council or by a public road authority for the purpose of a particular project of public road construction.
- 3.8 "AUTOMOBILE SERVICE STATION" shall mean an establishment where vehicle fuels, lubricants and accessories are offered for sale and which contains facilities for the repair and maintenance of vehicles, but does not include a body repair shop.
- 3.9 "AUTOMOTIVE USE" shall mean an automobile service station, a gasoline retail outlet, a vehicle repair shop, a body repair shop or a vehicle sales or rental establishment.
- 3.10 "BASEMENT" shall mean any storey wholly or partly below grade.

- 3.11 “BED AND BREAKFAST” shall mean a legally existing dwelling unit, which does not include a Mobile Home or a Modular Home, in which guest rooms are provided for the traveling public for overnight accommodation. A morning meal is usually provided using the cooking facilities of the dwelling unit. The operation shall be properly licensed by any other agency.
- 3.12 “BODY REPAIR SHOP” shall mean an establishment engaged primarily in the repairing or painting of vehicle bodies within an enclosed building and may include screened facilities for the temporary storage of vehicles being repaired or painted.
- 3.13 “BUFFER” shall mean an open space on a lot which is landscaped with grass, shrubs, flowers, bushes or trees and may include within sidewalk, patio or fence but does not include a driveway, ramp or parking area.
- 3.14 “BUILDING” shall mean a structure occupying an area greater than ten (10) square metres consisting of a wall, roof and floor, or any one or more of them, or a structural system serving the function thereof, including all of the works, fixtures and service systems appurtenant thereto, and includes such other structures as designated in the Ontario Building Code, but does not include a structure used directly in the extraction of ore from a mine.
- 3.15 “BUILDING BY-LAW” shall mean any By-law of the Corporation passed pursuant by The Building Code Act, as amended from time to time.
- 3.16 “BUILDING PERMIT” shall mean a permit required by the Building By-law.
- 3.17 “CEMETERY” shall mean the use of land, or building or structure for the burial of human remains including all accessory buildings and structures thereto when operated in conjunction with and within the boundaries of such land as designated.
- 3.18 “CHIEF BUILDING OFFICIAL” shall mean the officer or employee of the Corporation charged with the duty of enforcing the provisions of The Building Code Act, as amended from time to time, together with any Regulations made thereunder, and the provisions of the Building By-law. Also commonly known as the “Building Inspector”.
- 3.19 “CHURCH” shall mean a building owned or occupied by a religious organization dedicated exclusively to worship and other associated religious activities. Accessory uses to a church may include a church hall, church auditorium, parish hall or parsonage.
- 3.20 “COMMERCIAL” shall mean the use of land, building or structure for the buying or selling of commodities or the supplying of services for remuneration but does not include activities associated with the manufacturing, warehousing, or assembling of goods, or with any construction work.
- 3.21 “CORPORATION” shall mean the Corporation of the Township of Gillies.
- 3.22 “COUNCIL” shall mean the Council of the Corporation of the Township of Gillies.

- 3.23 "CRAFT SHOP" shall mean a building or part thereof in which the preparation of handicrafts is conducted for gain or profit and may include sales of such handicraft.
- 3.24 "CRUSHING PLANT" shall mean the site on which the screening, washing, processing and crushing of aggregate occurs. The storage and stockpiling of aggregate shall also be permitted.
- 3.25 "CRUSHING PLANT, TEMPORARY" shall mean the temporary location and operation of a crusher for a period of time specified by Council or by a public road authority for the purposed of a particular project of public road construction.
- 3.26 "DOG KENNEL" shall mean an establishment used for breeding, raising or boarding of more than two (2) dogs over the age of six (6) months on a commercial basis.
- 3.27 "DWELLING" shall mean a dwelling unit.
- 3.28 "DWELLING, ACCESSORY" shall mean a dwelling unit accessory to a permitted non-residential use and occupied by either the owner or a person employed on the lot where such accessory dwelling is located but shall not mean a mobile home or a modular dwelling.
- 3.29 "DWELLING, MODULAR" shall mean a prefabricated single dwelling so constructed or assembled that the shortest side of such dwelling is not less than six (6) metres in width.
- 3.30 "DWELLING, SINGLE" shall mean a detached dwelling unit constructed for permanent use and occupied by not more than one household.
- 3.31 "DWELLING UNIT" shall mean two or more habitable rooms, designed or intended for use by one or more persons living as a single household in which cooking, living, sleeping and sanitary facilities are provided.
- 3.32 "EQUIPMENT SALES AND SERVICE DEALERSHIP" shall mean an establishment engaged and primarily in the sales and service of equipment and machinery.
- 3.33 "ERECT" shall mean to build, place, construct, reconstruct, relocate or alter by means of an addition, enlargement, or extension, and includes any preliminary physical operation preparatory to such building, construction, reconstruction or relocation including, but not so far as to limit the generality of the foregoing, excavating, filling or draining.
- 3.34 "EXISTING" shall mean lawfully existing prior to the date of passing of this By-law.
- 3.35 "EXCESSIVE NOISE" shall mean any noise not normally associated with residential use.
- 3.36 "FARM" shall mean land, with accessory buildings or structures which is used for agriculture.

- 3.37 "FLOOR AREA" shall mean the total area of all floors contained within the outside walls of a building, excluding in the case of a dwelling the floor area of a private garage, porch, veranda, basement or unfinished attic.
- 3.38 "FORESTRY" shall mean the growing and harvesting of trees but does not include the processing of trees.
- 3.39 "GRAVEL PIT" shall mean any open excavation made for the removal of any soil, earth, clay, marl, sand, gravel or unconsolidated rock or mineral in order to supply material for construction, manufacturing or industrial purposes, but shall not include the excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation or an excavation incidental to the construction of any public works. This definition shall not include a wayside pit.
- 3.40 "GARAGE, COMMERCIAL" shall mean a building or portion of a building which is used or intended to be used for the storage, care or repair of vehicles for gain or profit.
- 3.41 "GARAGE, PRIVATE" shall mean an accessory building or structure, or a portion of a building, which is used or intended to be used for the sheltering of vehicles, and in which there are no facilities for repairing or servicing such vehicles for gain or profit, and includes a partially enclosed carport.
- 3.42 "GRADE" shall mean the lowest of the average levels of finished ground adjoining each exterior wall of a building, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground.
- 3.43 "HEIGHT" shall mean the vertical distance of a building measured between the lowest point of the established grade of the exterior walls and the highest point of the roof surface of a flat roof or the line of a mansard roof, or the mean level between the eaves and the ridge of a gabled, hip, gambrel, or other type of pitched roof the highest point of a building or structure but shall not include any ornamental dome, chimney, tower, cupola, steeple, church spire, water storage tank, electrical apparatus, television antennae, or structure for the mechanical equipment required for the operation of the building, for example an elevator.
- 3.44 "HOTEL" shall mean any establishment so defined in The Hotel Registration of Guests Act, as amended from time to time, or any successor thereof, and includes a motel and motor hotel.
- 3.45 "HOUSEHOLD" shall mean a group of related or unrelated individuals living as a single housekeeping unit in a dwelling.
- 3.46 "INDUSTRIAL" shall mean the lands, buildings, and structures used for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, storing or adapting for sale any goods, substance, article or thing, and the storage of building and construction equipment and materials.

- 3.47 “INSTITUTIONAL” shall mean lands, buildings or structures used for the purpose of providing a local public service but not a commercial use.
- 3.48 “LOT” shall mean a parcel of land:
- (a) described in a deed or other document legally capable of transferring title of land, or
  - (b) shown as a lot or block on a registered plan of subdivision that has not been designated pursuant to Section
- 3.49 “LOT AREA” shall mean the total horizontal area within the lot lines of a lot.
- 3.50 “LOT COVERAGE” shall mean the percentage of the lot area covered by buildings and structures and including accessory buildings and structures.
- 3.51 “LOT DEPTH” shall mean the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, “lot depth” shall mean the length of a straight line joining the middle of the front lot line with the middle of the rear lot line. When there is no rear lot line, “lot depth” shall mean the length of a straight line joining the middle of the front lot line with the apex of a triangle formed by the side lot lines.
- 3.52 “LOT LINE” shall mean any boundary of a lot.
- 3.53 “LOT LINE, FRONT” shall mean the line dividing the lot from the public road. In the case of a corner lot the shorter lot line abutting a public road shall be deemed the front lot line and the longer line abutting the public road shall be deemed a side lot line.
- 3.54 “LOT LINE, REAR” shall mean the lot line farthest from and opposite to the front lot line except in the case of a lot with less than four (4) lot lines whereupon there shall be deemed to be no rear lot line.
- 3.55 “LOT LINE, SIDE” shall mean a lot line other than a front or rear lot line.
- 3.56 “LOT WIDTH” shall mean the distance between the side lot lines measured perpendicular to the mid-point of a line joining the mid-point of the front lot line and the mid-point of the rear lot line. When no rear lot line exists, lot width shall mean the distance between the side lot lines measured perpendicular to the mid-point of a line joining the mid-point of the front lot line and the apex of the triangle formed by the side lot lines.
- 3.57 “MAIN USE” shall mean a use, building or structure which constitutes the principal use or uses of the lot.
- 3.58 “MERCHANDISE REPAIR SHOP” shall mean a building or part thereof wherein articles or goods, other than vehicles or industrial toolage, are repaired or serviced or where replacement parts for such articles or goods are offered for sale.

- 3.59 "MOBILE HOME" shall mean any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but shall not include a travel trailer or tent trailer otherwise designed.
- 3.60 "MOBILE HOME, DOUBLE WIDE" shall mean a mobile home consisting of two sections, separately towable, but designed to be joined together into one integral unit.
- 3.61 "MOBILE HOME, SINGLE WIDE" shall mean a mobile home unit designed to be towed in a single load.
- 3.62 "NON-CONFORMING USES" shall mean a use, building or structure which lawfully existed as of the date of the passing of this By-law but which does not conform to one or more of the provisions of this By-law.
- 3.63 "OFFICE, BUSINESS" shall mean a building or part thereof in which one or more persons are employed in the management, direction or conducting of a public or private agency, a business, a brokerage or a labour or fraternal organization, but shall not include a retail store or a professional office.
- 3.64 "OFFICE PROFESSIONAL" shall mean a building or part thereof in which a legal, medical or other personal professional service is performed or consultation given, but shall not include a personal service shop, a business office or veterinarian's clinic or an animal hospital or shelter.
- 3.65 "PARK" shall mean an area of land consisting primarily of open space for recreation and may include a playground or playfield for recreational activities including, but not limited to, athletic fields, field houses, community centres, bleachers, swimming pools, wading pools, non-commercial greenhouses, bandstands, skating rinks, tennis courts, bowling greens, curling rinks, refreshment rooms, camping areas, arenas and golf courses but shall not include private clubs or commercial recreation facilities.
- 3.66 "PARK, PRIVATE" shall mean a park other than a public park.
- 3.67 "PARK, PUBLIC" shall mean a park owned and controlled by a public agency.
- 3.68 "PARKING AREA" shall mean an area provided for the parking of vehicles and may include aisles, parking spaces and related ingress and egress lanes but shall not include any part of a public road.
- 3.69 "PARKING SPACE" shall mean an area of not less than eighteen (18) square metres exclusive of lanes and aisles for the temporary storage of motor vehicles.
- 3.70 "PERMITTED" shall mean permitted by this By-law.
- 3.71 "PERSON" shall mean any human being, association, firm, partnership, corporation, agent or trustee and the heirs, executors or other legal representatives of a person at law.

- 3.72 “PERSONAL SERVICE SHOP” shall mean a building or part thereof wherein a personal service is performed, including but not so as to limit the generality of the foregoing, a barber shop, a beauty salon, a shoe repair shop, a dry cleaning depot, a laundromat, a tailor or dressmaking shop and a photographic studio but shall not include a massage or body-rub parlour or any adult entertainment parlour as defined in The Municipal Act, as amended from time to time.
- 3.73 “PETTY TRADE” shall mean an establishment, other than an automotive use that provides a non-personal service or craft to the public, including, but not so as to limit the generality of the foregoing, a painter’s shop, a plumber’s shop, a tinsmith’s shop, a printer’s shop, a carpenter’s shop, an electrician’s shop, a merchandise service shop, a bakery, a catering establishment, an egg grading station and a monument engraving shop and which does not employ more than three people.
- 3.74 “PIT” shall mean land from which unconsolidated aggregate may be excavated but does not include an excavation for a building or structure.
- 3.75 “PUBLIC UTILITY” shall mean any utility owned by the Corporation or its Boards, an electrical power or energy generating, transmission or distributing system, natural or artificial gas works or supply system, a transportation system or a telephone system, and includes any lands, buildings or equipment required for the operation of any such system.
- 3.76 “QUARRY” shall mean land from which unconsolidated aggregate may be excavated but does not include an excavation for a building or structure.
- 3.77 “RECREATION DWELLING” shall mean a dwelling intended to be primarily used during the summer months on an occasional basis as a recreation facility, but shall not be used as a primary place of residence. This definition shall not include any vehicle.
- 3.78 “REMOTE COTTAGE” shall mean a recreation dwelling located on a lot which does not front on an open public road and has no municipal services available.
- 3.79 “REQUIRED” shall mean required by this By-law.
- 3.80 “RESTAURANT” shall mean a building or part thereof, other than a tavern, where food is prepared and offered or kept for retail sale to the public for immediate consumption either on or off the premises.
- 3.81 “RETAIL LUMBER YARD” shall mean the use of lands, buildings or structures for the storage of wood products for the purpose of wholesale or retail trade, but shall not include a planing mill or sawmill or any facility for wood treatment.
- 3.82 “RETAIL OUTLET, BULK” shall mean a building or part thereof in which primarily large, bulky or unwieldy items including, but not necessarily limited to, furniture or appliances, machinery, floor coverings, landscaping and garden supplies, and building materials, are offered or kept for sale or rental to the public, and includes a retail lumber yard or a furniture store, but shall not include any automotive use as

defined herein.

- 3.83 “RETAIL STORE” shall mean a building or part thereof in which goods, wares, merchandise, substances, articles or other things are stored, offered or kept for retail sale to the public, including, but not so as to limit the generality of the foregoing, a neighbourhood store, a bakeshop, a farm produce outlet and a rock shop. This definition shall not include any use specifically defined elsewhere in this By-law.
- 3.84 “RIDING ACADEMIES” shall mean the land and accessory buildings associated with the training of horses, but shall not include the boarding of horses.
- 3.85 “ROAD, ACCESS” shall mean a road located on land not owned by the Corporation and not dedicated and accepted as, or otherwise deemed at law to be, a public highway, that serves as a motor vehicle access route to one or more parcels of land.
- 3.86 “ROAD, PUBLIC” shall mean a public highway or public road or any part thereof and includes a street, bridge and any other structure or improvement thereto, under the jurisdiction of the Ministry of Transportation or the Corporation and which has been opened by Provincial Statute or regulation or by By-law for use by the general public and is maintained by the Ministry of Transportation or the Corporation. Road, public shall not mean an unopened road allowance or any road defined under the Road Access Act as amended from time to time.
- 3.87 “SALVAGE YARD” shall mean a lot, building or structure used for wrecking, dismantling, store or selling used goods, ware or materials including, but not so as to limit the generality of the foregoing, rags, bottles, metals, clothing, furniture, paper, machinery, building materials, vehicles and parts thereof.
- 3.88 “SCHOOL, PUBLIC” shall mean a school under the jurisdiction of the Lakehead Board of Education or the Lakehead District Catholic School Board.
- 3.89 “SILO” shall mean a structure, typically cylindrical in which fodder or forage is stored.
- 3.90 “STABLES” shall mean an establishment used for the purpose of boarding more than five (5) horses on a commercial basis for gain or profit.
- 3.91 “STOOP” shall mean a roofless, unenclosed structure, with or without steps, consisting of a platform and connecting to an exterior door on the ground floor of a dwelling.
- 3.92 “STOREY” shall mean that portion of a building included between the upper surface of any floor and the upper surface of the next floor above, except that the topmost storey shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above.
- 3.93 “STRUCTURE” shall mean anything constructed or erected, the use of which requires location on or in the ground, or attached to something located on or in the ground, but shall not include the permanent way of a railway or any paved surface

- located directly on the ground.
- 3.94 “SUN DECK” shall mean a roofless, unenclosed structure accessory to a dwelling, consisting of a platform raised above finished grade, with or without steps.
- 3.95 “TAVERN” shall mean a tavern as defined by The Liquor Licence Act, as amended from time to time, or classified as such by the Liquor Licence Board under The Liquor Licence Act, as amended from time to time.
- 3.96 “TOURIST PARK” shall mean land used for the temporary, outdoor accommodation of the traveling public in trailers, tents, tent trailers, or other recreation vehicles designed for eating, sleeping or living.
- 3.97 “TRAILER” shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and capable of being used for living, sleeping or eating, accommodation, notwithstanding that such vehicles is jacked-up or that its running gear is removed but shall not include a mobile home as defined by the Planning Act, as amended from time to time.
- 3.98 “USE” shall mean:
- (a) when used as a noun, the purpose for which a lot, building or structure, or any combination thereof, is designed, arranged, occupied, or maintained.
  - (b) when used as a verb, to put to such purpose.
- 3.99 “VEHICLE” shall mean a passenger automobile or other motor vehicle, a boat a farm implement, a motor home, a snowmobile, a trailer, aircraft, or any other device capable of being drawn, propelled or driven by any kind of power.
- 3.100 “VEHICLE REPAIR SHOP” shall mean an establishment or part thereof which contains facilities for the repair and maintenance of vehicles on the premises and in which vehicle accessories are sold and vehicle maintenance and repair operations are performed in return for remuneration but shall not include a body repair shop wherein the repairing or painting of vehicle bodies constitutes the primary activity.
- 3.101 “VEHICLE STORAGE YARD” shall mean land used for the temporary storage of vehicles for gain or profit.
- 3.102 “WAREHOUSE” shall mean a building or part thereof which is used primarily for the storage of wholesale distribution of goods, wares, merchandise, food-stuff, substances, articles or things but shall not include the storage of fuel except as an accessory use.
- 3.103 “WASTE” shall include ashes, biodegradable domestic waste or municipal refuse.
- 3.104 “WASTE DISPOSAL SITE” shall mean any lands designated by the Corporation

into, in, or through which waste is deposited or processed.

- 3.105 “WATERCOURSE” shall mean any bay, lake, natural watercourse or canal other than a drainage ditch or irrigation channel.
- 3.106 “WAYSIDE PIT OR QUARRY” shall mean a temporary source of consolidated or unconsolidated aggregate opened by a public road authority for the purpose of a particular project of public road construction.
- 3.107 “YARD” shall mean an area of land which:
- (a) is appurtenant to and located on the same lot as a building or structure; and
  - (b) is open, unoccupied and uncovered, except for natural vegetation from the ground to the sky, except for such accessory buildings, structures, driveways, walkways or other uses as are specifically permitted thereon elsewhere in this By-law.
- 3.108 “YARD, FRONT” shall mean a yard extending across the full width of a lot between the front lot line of such lot and the nearest structural wall of any building or structure on such lot.
- 3.109 “YARD, REQUIRED FRONT” shall mean the minimum horizontal distance required between the front lot line and the nearest structural wall of any building or structure on such lot.
- 3.110 “YARD, REAR” shall mean a yard extending across the full width of a lot between the rear lot lines of such lot, or, where there is not rear lot line the junction point of the side lot lines, and the nearest structural wall of any building or structure on such lot.
- 3.111 “YARD, REQUIRED REAR” shall mean the minimum horizontal distance required between the rear lot line and the nearest structural wall of any building or structure on such lot.
- 3.112 “YARD, SIDE” shall mean a yard extending from the front yard to the rear yard of a lot and from the side lot line of such lot to the nearest structural wall of any building or structure on such lot.
- 3.113 “YARD, REQUIRED SIDE” shall mean the minimum horizontal distance required between the side lot line and the nearest structural wall of any building or structure on said lot.
- 3.114 “ZONE” shall mean a designated area of land use shown on Schedule “A” attached hereto and forming part of this By-law.

The contents of this Section are:

- 4.1 ACCESSORY USES
- 4.2 ACCESS REGULATIONS
- 4.3 HEIGHT EXCEPTIONS
- 4.4 HOME OCCUPATION
- 4.5 HOME INDUSTRY
- 4.6 BED AND BREAKFAST OPERATIONS
- 4.7 GARDEN SUITES
- 4.8 LOTS WITH MORE THAN ONE ZONE
- 4.9 NON-CONFORMING USES BUILDINGS AND LOTS
- 4.10 MAIN BUILDINGS ON A LOT
- 4.11 OFFENSIVE USES
- 4.12 PARKING
- 4.13 PUBLIC USES
- 4.14 YARD ENCROACHMENTS AND OBSTRUCTIONS
- 4.1 ACCESSORY USES

a) USES PERMITTED:

Where this By-law permits a lot to be used or a building or structure to be erected or used for a purpose, that purpose shall include any building structure or use accessory thereto, except the following:

- i) a gasoline retail outlet
- ii) a home occupation
- iii) a home industry
- iv) a salvage yard
- v) any building used for human habitation

- vi) a crusher

unless such use is specifically listed as a permitted use elsewhere in this By-law.

- b) HEIGHT RESTRICTIONS

No accessory building or structure other than accessory dwellings or accessory farm buildings or structures shall exceed one story in height.

- c) LOCATION

No accessory building or structure shall be located within 3 metres of any main building or structure or dwelling.

- d) YARD REQUIREMENTS

No accessory building or structure shall be located in a required front yard unless specifically allowed in this By-law. The required side yard and rear yard requirements for accessory buildings and structures shall be 50% of the required side and rear yards for the main building in each zone.

Clothes poles, flag poles, garden trellises, fences, retaining walls and signs shall be exempt from the yard requirements of this By-law.

- e) ISSUING BUILDING PERMIT

No building permit shall be issued for an accessory building until the main use has been established and any required building permits for a main building have been obtained.

No building permit shall be issued for any building or structure which is proposed to be located within Plan M-17 (Village of Hymers) or within 45 metres of a watercourse until a written approval has been given by the Lakehead Region Conservation Authority.

#### 4.2 ACCESS REGULATIONS

No building shall be erected on any lot which is not abutting an existing and maintained public road currently identified by municipal by-law and under the jurisdiction of the Municipality of Gillies; this does not include unopened road allowances or roads not maintained by the township, unless it is located in an "Extractive Industrial Zone". The replacement, repair, and extension of existing buildings may take place on an existing access road approved by Council.

#### 4.3 HEIGHT EXCEPTIONS

Nothing in this By-law shall apply to restrict the height of any antenna, a barn, a chimney, a church spire, a flag pole, a hydro-electric transmission tower, a radio

tower provided that such buildings and structures conform to all restrictions of other governmental authorities having jurisdiction.

#### 4.4 HOME OCCUPATION

Where permitted in this By-law, a home occupation shall conform to the following provisions:

- a) the occupation shall be conducted entirely within a dwelling;
- b) it is clearly secondary to the use of the dwelling as a private residence;
- c) it does not change the character of the residence as a private residence;
- d) there shall be no external storage of materials or finished products to detract from the residential character of the property;
- e) the occupation shall be carried on only by the inhabitants of the dwelling, plus one additional person;
- f) no excessive noise, dust or odour arising from such occupation shall escape to adjoining premises;
- g) the area devoted to such occupation shall not exceed twenty-five percent (25%) of the gross floor area of the dwelling.

#### 4.5 HOME INDUSTRY

Where permitted in this By-law, a Home Industry shall conform to the following provisions:

- a) the home industry shall be conducted entirely within an accessory building;
- b) it shall be clearly secondary to the principle use of the property, that being residential;
- c) it shall not change the residential character of the property;
- d) the external storage of materials or finished products shall not detract from the residential character of the property;
- e) the number of persons engaged in the home industry shall be limited to a maximum of four and may include only the inhabitants of the dwelling on the subject property plus one additional person, however an additional equivalency of five full-time working persons may be employed for a time not to exceed 90 continuous days once throughout a 365-day period;
- f) no excessive noise, dust or odour arising from such home industry shall escape to adjoining premises;

- g) the maximum size of an accessory building utilized for a home industry shall be 120 square metres.

#### 4.6 BED AND BREAKFAST OPERATIONS

Where permitted through an amendment to this By-law, a bed and breakfast operation shall conform to the following provisions:

- a) the operation of a bed and breakfast shall be incidental and secondary to the main use as a dwelling unit;
- b) the operation of a bed and breakfast shall not change the character or in any way alter the exterior appearance of the dwelling;
- c) the bed and breakfast shall be operated only by a person or persons whose principal residence is the dwelling unit containing the bed and breakfast;
- d) parking requirements shall be identified by Section 4.12 of this by-law;
- e) the operation of a bed and breakfast is not permitted in conjunction with the rental of accommodations to roomers or boarders;
- f) the bed and breakfast shall be licensed by any provincial or national agency and would show records of any inspections required by any agency;
- g) the term "bed and breakfast" is descriptive of the operation, but does not restrict the facility from offering luncheon and dinner meals;

#### 4.7 GARDEN SUITE

A Garden Suite shall be permitted only through an amendment to this By-law and shall mean a one-unit detached residential structure containing a bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

#### 4.8 LOTS WITH MORE THAN ONE ZONE

Where a lot is divided into more than one zone each such portion of said lot shall be considered separately for the purposes of determining zone provisions such as lot area, lot frontage, required front yard, required side yard and required rear yard and each such portion shall conform to the provisions of the appropriate zone, but no lot shall have more than one dwelling on the whole except as specifically provide in this by-law. In cases where one of the zones on a lot is the Use Limitation Zone, the Permitted Uses of the other zone shall be permitted only in the area zoned other than Use Limitation, while the Zone Provisions as outlined for the zone other than the Use Limitation Zone shall be determined by using the whole of the legally transferable lot in question.

#### 4.9 NON-CONFORMING USES BUILDINGS AND LOTS

- a) REPAIR PERMITTED

Nothing in this By-law shall prevent the rebuilding or repair of an existing or permitted building or structure, even though such building or structure or the lot on which such building or structure is located does not conform to one or

more of the provisions of this By-law, provided that no exterior dimension is increased and the use is not altered except in accordance with the provisions of this By-law.

b) LOT AREA OR FRONTAGE LESS THAN REQUIRED

Where any lot on the date of passing of this By-law including:

- i) a lot created by a consent given pursuant to Section 53 of the Planning Act R.S.O. 1990, c.P. 13 as amended and subsequently conveyed and registered,
- ii) a lot within a plan of subdivision given draft approval by the Ministry of Municipal Affairs and subsequently registered,

has a lesser lot area or lot frontage than that required, then the said lot shall be deemed to conform to the requirements of this By-law with respect to the lot area or lot frontage, and the provisions hereof respecting lot area and lot frontage shall not apply to prevent the use of such lot, or the erection, alteration or use of a permitted building or structure there upon, provided that the use of the said lot remains unchanged from that which existed or was clearly intended on the date of passing hereof and in accordance with all other provisions hereof except that any side yard requirement may be reduced to 30% of lot width,

c) METRIC CONVERSION, EXPROPRIATION AND DEDICATION FOR PUBLIC USE

Where any lot existing on the date of passing of this By-law is made non-conforming due to expropriation or dedication for public use, then said lot shall be deemed to conform with this By-law with respect to those provisions made non-conforming by metric conversion, expropriation or dedication for public use and the said provisions shall not apply to prevent the use of such lot, or the erection, alteration or use of a permitted building or structure thereupon, provided that the use of land remains the same, in accordance with all other provisions of this By-law and the nature of the non-conformity is not increased.

4.10

MAIN BUILDING ON A LOT

NUMBER PERMITTED:

No person shall erect more than one dwelling unit on a lot unless specifically allowed in a zone.

No person shall erect more than one (1) main building on a lot except for commercial and industrial buildings located in commercial and industrial zones.

No building permit shall be issued for any building or structure which is proposed to be located within Plan M-17 (Village of Hymers) or within 45 metres of a watercourse until a written approval has been given by the Lakehead Region

Conservation Authority.

#### 4.11 OFFENSIVE USES

##### a) GENERAL PROHIBITION:

No use shall be permitted in any zone which, from its nature, materials used therein or emissions issued therefrom is declared to be an offensive trade, business or manufacture under the Health Protection Act, 1982 as amended from time to time, by the Province of Ontario, the Government of Canada, or any agencies thereof.

#### 4.12 PARKING

##### a) PARKING SPACES REQUIRED

The owner of every building or structure erected or used for any purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupants or other persons entering upon or making use of the said premises from time to time, parking spaces and areas as follows:

<u>TYPE OF USE</u>	<u>MINIMUM OFF STREET PARKING REQUIREMENT</u>
i) Residential	2 spaces per dwelling unit
ii) hotel, motel, motor hotel inn and bed and breakfast	1 space per guest room plus 1 space for every 4 persons of seating capacity in any refreshment room, dining room or assembly hall
iii) nursing home	1 parking space per 2 beds
iv) church	1 parking space per 4 person's capacity
v) assembly hall community hall	1 parking space per 4 persons capacity
vi) eating establishments	1 parking space per 4 persons capacity
vii) office, public building	1 parking space per 30 square metres of floor area
viii) a retail store other than a furniture store	1 parking space per 20square metres of floor area
ix) a furniture store, a showroom	1 parking space per 90 square metres of floor area
x) a warehouse	1 parking space per 90 square metres of floor area devoted to the main use plus 1 parking space per 30 square metres of accessory office or retail floor area

- |   |   |
|---|---|
| xi) a personal service shop, a merchandise service shop | 1 parking space per 20 square metres of floor area  |
| xii) an industrial activity a petty trade               | 1 parking space per 75 square metres of floor area devoted to the main use plus 1 parking space per 30 square metres of accessory office or retail floor area |
| xiii) a recreation use                                  | 1 parking space per 4 patrons   |
| xiv) other permitted uses not listed                    | 1 parking space per 30 square metres of floor area  |

b) **PARKING SPACE DIMENSIONS**

Each parking space shall be a minimum of 3 metres by 6 metres with an area of at least 18 square metres.

c) **PARKING AREAS**

Access to all required parking spaces for institution, commercial and institution, commercial and industrial uses shall be provided by means of unobstructed driveways and isles at least 7 metres in width. Access to all other uses shall be provided by means of unobstructed driveways and aisles at least 3 metres in width.

d) **ADDITION TO EXISTING USE**

When a building or structure, other than a single family residence, has insufficient parking space on the date of passing of this By-law to comply with the requirement herein, no addition may be built and no change of use may occur, unless the parking requirements are met for the entire use.

4.13 **PUBLIC USES**

a) **USES PERMITTED**

Nothing in this By-law shall prevent land to be used as a public road or sidewalk or prevent the installation of a water main, sanitary sewer main, storm sewer main, gas main, pipe line, overhead or underground hydro, telephone or supply and/or communication line, provide that the location of such main or line has been approved by Council.

Wayside pits and quarries and buildings or structures accessory thereto on the same lot are permitted in every zone except for residential, institutional and commercial uses within the Village of Hymers. A wayside pit or quarry shall not be located within 100 metres of a lot line and 30 metres of a road without amendment to the Zoning By-law.

YARD ENCROACHMENTS AND OBSTRUCTIONS

a) PROJECTION INTO REQUIRED SIDE YARD

No part of any required yard shall be obstructed by a building or structure or part thereof except one or more of the following:

- i) sills, bay windows, chimneys, cornices, eaves, gutters, parapets and similar architectural features, projecting not more than .5m into a required side yard;
- ii) functional and ornamental structures including, but not necessarily restricted to: drop awnings, clothes poles, ornamental foundations, statues, monuments, planters, garden trellises, fences, boundary and retaining walls, hedgerows and signs;
- iii) uncovered terraces, stoops, sun decks, and exterior steps, where such a structure projects not more than 2m into a required yard and there are no walls;
- iv) open balconies projecting not more than 1.5m in a required yard.

ZONES

5.1 CLASSIFICATION

- a) The provisions of this By-law shall apply to all lands within the limits of the Corporation of the Township of Gillies which lands for the purpose of this By-law are divided into various zones;

<u>ZONE</u>	<u>SYMBOL</u>
RURAL	RU
RECREATION	R
VILLAGE RESIDENTIAL	R1
GENERAL COMMERCIAL	C1
GENERAL INDUSTRIAL	M1
EXTRACTIVE INDUSTRIAL	E
DISPOSABLE INDUSTRIAL	D
INSTITUTIONAL	I
OPEN SPACE	OS

- b) The permitted uses, the minimum area and dimensions of lots, the minimum size of yards, the maximum height of buildings and all other zone provisions are set out herein for each respective zone.
- c) The extent and boundaries of all the said zones are shown on Schedule "A", which Schedule forms part of this By-law and is attached hereto.
- d) The symbols listed in paragraph (a) of this subsection may be used to refer to buildings and structures, the uses of lots, buildings and structures permitted by this By-law in the said zones, and wherever in this By-law the work "Zone" is used, preceded by any of the said symbols, such zone shall mean any area within the Corporation of the Township of Gillies within the scope of this By-law, delineate on Schedule "A" and Schedule "B" and designated by the said symbol.

5.2 ZONE BOUNDARIES

- a) When determining the boundary of any zone shown on Schedule "A" and Schedule "B", the following provisions shall apply:
- i) A boundary indicated as following a watercourse, creek, stream, or the right-of-way of a railway or an electrical or gas transmission line or a street shall be the centre line of such watercourse, creek, stream, or right-of-way.
  - ii) a boundary indicated as approximately following lot lines shown on a registered plan of subdivision shall follow such lot lines.
  - iii) A boundary indicated as following the limits of the Municipality shall follow such limits.

- b) After applying the above conditions, where uncertainty exist as to the boundary of any zone, then the location of such boundary shall be determined in accordance with the scale of maps as shown on Schedule "A" and Schedule "B".

### 5.3 RURAL (RU) ZONE

No person shall within any RU Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following:

#### Permitted Uses

- (i) agricultural
- (ii) forestry
- (iii) stables, riding academies, dog kennels
- (iv) watershed management and conservation uses
- (v) a single dwelling
- (vi) an accessory dwelling to a use listed in (i), (ii), or (iii)
- (vii) a home occupation
- (viii) a home industry
- (ix) buildings, structures and uses accessory to the above uses in accordance with Section 4.1 (a).

5.3.1	Zone Provisions for uses Listed above in (iv),(v),(vii),(viii),(ix)	Zone Provisions for uses Listed above in (i),(ii),(iii),(vi)	
a)	Minimum Lot Area	2 hectares	4 hectares
b)	Minimum Lot Frontage	10 metres	20 metres
c)	Required Front Yard	15 metres	30 metres
d)	Required Side Yard	15 metres	30 metres
e)	Required Rear Yard	15 metres	30 metres
f)	Maximum Height	11 metres	11 metres
g)	Minimum Floor Area	75 sq. metres	75 sq. metres
h)	Minimum Lot Width	100 metres	150 metres

### 5.3.2 Other Provisions

- a) Notwithstanding the above provisions, the required side yard for any buildings used to shelter animals shall be 30 metres, unless the setbacks as calculated under the Ministry of Agriculture and Food Minimum Distance Separation I or Minimum Distance Separation II formulae provide for a distance greater than 30 metres.

### 5.4 RECREATION (R) ZONE

No person shall within any R zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following:

5.4.1 Permitted Uses

- i) a remote cottage

5.4.2 Zone Provisions

- a) Minimum Lot Area                      8 hectares

5.4.3 Other Provisions

- a) No building or structure shall be erected within (30) metres of a watercourse or waterbody.
- b) No building or structure shall be erected within (10) metres of any adjoining property.
- c) No remote cottage shall exceed sixty-five (65) square metres in area.

5.5 VILLAGE RESIDENTIAL (R1) ZONE

No person shall within any R1 Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following:

5.5.1 Permitted Uses

- (i) a single dwelling
- (ii) a home occupation
- (iii) buildings, structures and uses accessory to the above uses in accordance with Section 4.1(a)

5.5.2 Zone Provisions

- a) Minimum Lot Area                      .4 hectares
- b) Minimum Lot Frontage                10 metres
- c) Required Front Yard                    15 metres
- d) Required Side Yard                    10 metres
- e) Required Rear Yard                    15 metres
- f) Maximum Height                        11 metres
- g) Minimum Floor area                    75 sq. metres  
for a Dwelling Unit
- h) Minimum Lot Width                    30 metres

5.6 RURAL COMMERCIAL (C1) ZONE

No person shall within any C1 Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following:

### 5.6.1 Permitted Uses

- (i) an agricultural sales outlet
- (ii) a business and professional office
- (iii) a craft shop
- (iv) a personal service shop
- (v) a petty trade
- (vi) a bank
- (vii) a restaurant
- (viii) a fast food outlet
- (ix) a tavern
- (x) a hotel or a motel
- (xi) a clubroom, private club or assembly hall
- (xii) a theater
- (xiii) a dry cleaning establishment
- (xiv) a bowling alley
- (xv) a billiard or pool room
- (xvi) a post office
- (xvii) a taxi service establishment
- (xviii) a Brewer's Retail outlet or Liquor Control Board of Ontario outlet
- (xix) a merchandise repair establishment
- (xx) an automobile service station
- (xxi) a commercial garage or vehicle repair shop
- (xxiii) a gas bar
- (xxiv) a retail lumber yard
- (xxv) an animal hospital or veterinary clinic or grooming shop
- (xxvi) a retail store
- (xxvii) a bulk retail outlet
- (xxviii) an accessory dwelling
- (xxix) buildings, structures and uses accessory to the above uses in accordance with Section 4.1 (a)

### 5.6.2 Zone Provisions

- |  |            |
|--|------------|
| a) Minimum Lot Area                        | 2 hectare  |
| b) Minimum Lot Frontage                    | 20 metres  |
| c) Minimum Lot Depth                       | 100 metres |
| d) Minimum Front Yard                      | 15 metres  |
| e) Minimum Side Yard                       | 15 metres  |
| f) Minimum Rear Yard                       | 15 metres  |
| g) Maximum Height                          | 10 metres  |
| h) Maximum Lot Coverage                    | 40%        |
| i) Minimum Distance Between Main Buildings | 6 metres   |
| j) Minimum Lot Width                       | 100 metres |

### 5.7 GENERAL INDUSTRIAL (M1) ZONE

No person shall within any M1 Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following:

### 5.7.1 Permitted Uses

- (i) an automotive use
- (ii) an equipment sales and service dealership
- (iii) a merchandise repair shop
- (iv) a petty trade
- (v) a vehicle storage yard
- (vi) a warehouse
- (vii) a light industrial workshop
- (viii) a trucking depot
- (ix) a welder's shop
- (x) a carpenter or joiner's shop
- (xi) a forest products processing plant
- (xii) a machine shop
- (xiii) a transportation terminal
- (xiv) a business office or commercial outlet accessory to a permitted use
- (xv) buildings, structures and uses accessory to the above uses in accordance with Section 4.1 (a)

### 5.7.2 Zone Provisions

- |    |   |            |
|----|---|------------|
| a) | Minimum Lot Area                        | 2 hectare  |
| b) | Minimum Lot Frontage                    | 100 metres |
| c) | Minimum Front Yard                      | 30 metres  |
| d) | Minimum Side Yard                       | 20 metres  |
| e) | Minimum Rear Yard                       | 15 metres  |
| f) | Maximum Height                          | 10 metres  |
| g) | Maximum Lot Coverage                    | 30%        |
| h) | Minimum Distance Between Main Buildings | 6 metres   |

### 5.7.3 Other Provisions

- a) Where an M1 Zone abuts any other commercial or industrial use, the Minimum Required Side Yard shall be 15 metres.

## 5.8 EXTRACTIVE INDUSTRIAL E ZONE

No person shall within any E Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following:

### 5.8.1 Permitted Uses

- (i) pits and quarries for extracting sand, clay, gravel, earth, stone, shale, peat, shale and amethyst
- (ii) stockpiling of sand, clay, gravel, earth, stone, shale, peat and amethyst
- (iii) processing accessory to the above including screening, sorting and washing

and crushing

- (iv) buildings, structures and uses accessory to the above uses in accordance with Section 4.1 (a)

#### 5.8.2 Other Provisions

- a) No excavation, building, equipment or stockpile shall be located within 120 metres of a building used for residential, recreational, institutional or commercial purposes; within 45 metres of a building used for industrial purposes not associated with the operation of the pit or quarry; within 100 metres of a lot that is marked for residential, recreational or institutional uses.
- b) No excavation, building, equipment or stockpile shall be allowed within 15 metres of any road or road allowance or 30 metres from an adjoining property not identified by setbacks in section (a) above, except a property zoned E.

#### 5.9 DISPOSABLE INDUSTRIAL (D) ZONE

No person shall within any D Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following:

##### 5.9.1 Permitted Uses

- (i) a waste disposal site
- (ii) buildings, structures and uses accessory to the above uses in accordance with Section 4.1 (a)

##### 5.9.2 Other Provisions

- a) No disposal site shall be located within 400 metres of a property used for residential, recreational, institutional or commercial purposes.
- b) No disposal site shall be located within 60 metres of any road or road allowance except a property zoned Disposal Industrial.

#### 5.10 INSTITUTIONAL (I) ZONE

No person shall within any I Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following:

##### 5.10.1 Permitted Uses

- (i) a public school
- (ii) a private school
- (iii) a cemetery
- (iv) a municipal office
- (v) a municipal garage
- (vi) a fire station

- (vii) a church or a church and manse
- (viii) a community hall
- (ix) a museum
- (x) a provincially or federally owned structure or building
- (xi) buildings, structures and uses accessory to the above uses in accordance with Section 4.1 (a)

#### 5.10.2 Zone Provisions

a)	Minimum Lot Area	1 hectare
b)	Minimum Lot Frontage	60 metres
c)	Minimum Lot Depth	100 metres
d)	Minimum Front Yard	15 metres
e)	Minimum Side Yard	15 metres
f)	Minimum Rear Yard	15 metres
g)	Maximum Height	10 metres
h)	Maximum Lot Coverage	n/a

#### 5.11 OPEN SPACE (OS) ZONE

No person shall within an OS Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following:

##### 5.11.1 Permitted Uses

- (i) a public or private park
- (ii) buildings, structures and uses accessory to the above use in accordance with Section 4.1 (a)

##### 5.11.2 Other Provisions

- a) No building or structure shall be allowed within 30 metres of an adjoining lot line or road or road allowance.

ADMINISTRATION

6.1 ISSUANCE OF BUILDING PERMITS

Notwithstanding the provisions of the Building By-law or any other By-law of the Corporation of the Township of Gillies to the contrary, no building permits shall be issued where a proposed building, structure or alteration to any existing building or structure would contravene in any way one or more of the provisions hereof.

6.2 REQUESTS FOR AMENDMENT

Every request for an amendment to this By-law shall be accompanied by 2 copies of the appropriate application form provided by the Corporation of the Township of Gillies and payment of all required fees.

6.3 VIOLATIONS AND PENALTIES

- a) Every person who use any lot, or erects or uses any building or structure or any part of any lot, building or structure in a manner contrary to any requirements of this By-law, or who causes or permits such use or erection, or who violates any provisions of this By-law, or who causes or permits such a violation, shall be guilty of an offence, and upon conviction thereof is liable,
  - (i) on first conviction to a fine of not more than \$20,000 and
  - (ii) on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which he was first convicted.
  
- b) Every corporation who uses any lot, or erects or uses any building or structure or any part of any lot, building or structure in a manner contrary to any requirements of this By-law, or who causes or permits such use or erection, or who violates any provision of this By-law, or who causes or permits such a violation, shall be guilty of an offence, and upon conviction thereof is liable,
  - (i) on first conviction to a fine of not more than \$50,000 and
  - (ii) on a subsequent conviction to a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.
  
- c) Any building or structure which contravenes any requirement of this By-law may be removed or altered at the expense of the owner thereof by the Corporation of the Township of Gillies pursuant to the provisions of the Municipal Act, R.S.O. 1980 Section 210, paragraph 170 or any successor thereto.

6.4 REMEDIES

Where any building or structure is erected, altered, reconstructed or extended, or any part thereof is used, or any lot is used, in contravention of any requirements of this By-law, such contravention may be restrained by proceedings of the Township of Gillies pursuant to the relevant provisions of the Planning Act or The Municipal Act or the Building Code Act.

6.5 VALIDITY

If any section, clause or provision of this By-law, including anything contained in the Schedules attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part, thereof, other than the section, clause or provision so declared to be invalid, and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding, that one or more provisions thereof shall have been declared to be invalid.