

**MUNICIPALITY OF THE TOWNSHIP OF GILLIES  
BY-LAW NO. 2014-018**

**Being a by-law to** regulate the use of land and character, location and use of buildings and structures in the Township of Gillies, known as the Comprehensive Zoning By-law for the Township of Gillies, and to repeal By-Law 493.

**WHEREAS** Council for the Township of Gillies deems it necessary and in the public interest to pass a restricted area By-law in order to regulate the use of land and the erection and use of buildings and structures;

**AND WHEREAS** authority is granted under Section 34 of the Planning Act, 1990, cP. 13, 1996 Edition to pass this by-law;

**NOW THEREFORE** the Council for the Township of Gillies hereby enacts as follows:

1. That the document attached hereto as Schedule “A” to and forming part of this by-law shall hereby be known as the Comprehensive Zoning By-law for the Township of Gillies

This By-law shall come into force and effect on the date of passing in accordance with Section 34 and Section 39 of the Ontario Planning Act R.S.O. 1990, cP 13, 1996 Edition, as amended.

READ A FIRST, A SECOND AND A THIRD TIME AND FINALLY PASSED THIS 10<sup>th</sup> day of November 2014.

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**Reeve**

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**Solicitor-Clerk**

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## **SECTION 1 INTRODUCTION**

### **1.1 Title of By-law**

This By-law may be cited as the “Zoning By-law”.

### **1.2 Scope**

This By-law applies to all property within Gillies.

### **1.3 General Prohibition – Construction and Alteration**

No person shall Erect or Alter a Building or Structure except in conformity with the provisions of this By-law.

### **1.4 General Prohibition – Property Use**

No person shall Use any property, Building or Structure, or change the Use of any property, Building or Structure, except in conformity with the provisions of this By-law.

### **1.5 Compliance with Other Restrictions**

This By-law does not reduce or mitigate any other restrictions lawfully imposed by any government authority having jurisdiction to make those restrictions.

### **1.6 Building Permits**

Despite the provisions of any other By-law of the Corporation to the contrary, no Building Permit shall be issued where a proposed Building, Structure or Alteration to any existing Building or Structure would contravene any of the provisions of this By-law.

### **1.7 Applications to Amend**

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

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## **SECTION 2 INTERPRETATION**

### **2.1 Rules of Interpretation**

- (a) Gender References: Words imparting the masculine, feminine or neutral gender shall be interpreted to refer to any gender, as applicable in the context.
- (b) Includes: The Use of the word “includes” in any tense (for example, “including”, “included”, or “include”) is not intended to restrict or limit any of the words or phrases either preceding or following it.

- (c) Nouns: Reference to any noun is considered to be a reference to all or any part of that item. For example, reference to “a Building or Structure” is interpreted as reference to “all or any portion of a Building or Structure” and reference to “a Watercourse” is interpreted as reference to “all or any portion of a Watercourse”.
- (d) Plurals: As a general rule, words shown in the singular may be interpreted in the plural, as the context permits, and words shown in the plural may likewise be interpreted in the singular. This does not apply to lists of Permitted uses in Section 5.0 of this By-law. Where, for example, a “Single Dwelling” is a Permitted Use, only one is Permitted unless a number is otherwise specifically indicated.
- (e) Shall: The word “shall” denotes a mandatory requirement.
- (f) Used: The word “Used” where it appears throughout the By-law is interpreted as including any or all of:
- (i) actually Used;
  - (ii) designed to be Used;
  - (iii) arranged to be Used; and
  - (iv) intended to be Used.
- (g) Occupied: The word “Occupied” where it appears throughout the By-law, is interpreted as including any or all of:
- (i) actually Occupied;
  - (ii) designed to be Occupied;
  - (iii) arranged to be Occupied; and
  - (iv) intended to be Occupied.
- (h) Acting Directly or Indirectly: Where this By-law prohibits an action, or requires a person to undertake an action, the prohibition or requirement applies both directly and indirectly. This means that a person prohibited from doing something is also prohibited from causing, allowing or permitting that action to be done. Likewise, a person may fulfil the requirements of this By-law to undertake a particular action by causing, allowing or permitting the action to be undertaken.
- (i) Text Organization: The headings, captions, article and section names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation. This rule applies to all headings and titles, including those on tables, diagrams, maps, illustrations and other elements.
- (j) Citing Legislation: Each reference to Provincial legislation in this By-law appears in *Italic* font. Where the name of the statute does not contain a year, the reference is to the Revised Statutes of Ontario, 1990 edition.

Where the name of the statute contains a year, the reference is to the Statutes of Ontario for that particular year. In every case, the reference is meant to include all applicable amendments to the legislation, including successor legislation, as well as all Regulations or other secondary legislation that is passed in accordance with the referenced statute.

- (k) Reading the Maps: The maps forming Schedules “A” and “B” to this By-law indicate those areas of Gillies that fall within the various Zones described and regulated in this By-law. Section 4.1 lists the titles of the various Zones, and Section 4.2 explains their Zone symbols. The Zone symbols appear on the maps, within Zone boundary lines that demark that portion of the land that is within the Zone represented by the symbol. That portion of land within the Zone boundary lines as shown on the map is considered to be within the Zone for which the label appears on the map within the Zone boundary lines. Where the Zone label is followed by an “H”, that indicates that there is a “hold” provision on the zoning in accordance with Section 36 of the *Planning Act*. Where uncertainty exists with respect to the boundaries of any Zone on a map, the following interpretation rules apply:

- (i) Physical Features: Unless otherwise expressly stated, the following physical features shall be included within the Zone of the adjacent land on each side:
- a) a Public Road,
  - b) a Private Road,
  - c) a lane owned by the Corporation,
  - d) a railway right-of-way,
  - e) an electrical transmission line right-of-way or
  - f) a Watercourse.

Where that physical feature forms the boundary between 2 or more Zones, the centre line of that physical feature is considered to be the boundary between the Zones.

- (ii) Lot Lines: Where any Zone boundary is not shown to be one of the physical features listed in paragraph (i) above, and where the boundary approximately follows the limit of a Lot (as of the date of the passage of the by-law that applied the boundary), the Zone boundary shall be considered to be the Lot boundary.
- (iii) Closed Roads: The closure and/or discontinuance of Use of the physical features listed in paragraphs (a) through (e) of paragraph (i) above does not constitute an amendment to the Zone boundary. The Zone boundary shall be considered to be the centre line of the former road, lane or right-of-way.
- (iv) Scale from Zoning Maps: Where any Zone boundary is left uncertain after the application of the provisions of this Section, the boundary shall be determined by the Corporation’s Chief Building Official by scale. Where a measurement falls within a Zone boundary line on any map, the measurement is taken to be the middle of the width of the Zone boundary line as shown on the relevant map.

- (l) Amending By-laws; Map Interpretation: Amendments to this By-law will occur from time to time after it has been passed. These amendments may impact the Zone boundaries on the maps, or they may Alter the applicable Regulations for any given Lot. For practical purposes, information relating to special provisions applicable to Lots for which amendments to this By-law have occurred may not be updated or made current with individual changes to this By-law, but may occur in the event that this By-law is consolidated. Readers of the By-law should review amending by-laws to this By-law and/or consult with the Corporation to determine whether or not a site specific amending by-law applies to any given Lot.
- (m) Severability: If any section, clause or provision of this By-law is for any reason declared by a court or tribunal of competent jurisdiction to be invalid, the ruling shall not affect the validity of the By-law as a whole or any part other than the section, clause or provision so declared to be invalid. All of the remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed.

## 2.2 Definitions

Where words in this By-law appear with their initial letters capitalized, they are intended to be interpreted with the definition applied to them in this Section. Where words in this By-law appear in regular text, they are intended to have the definition ordinarily applied to them in the English language.

- 2.2.1 To “Abut” means to share a common boundary with, or border on.
- 2.2.2 “Accessory” is an adjective used to describe a Building, Structure or Use that is normally incidental, subordinate and exclusively devoted to a Main Use, Building or Structure on the same Lot.
- 2.2.3 “Agricultural” is an adjective describing things related to field crops, fruit farming, market gardening, dairying, animal husbandry, Livestock rearing and/or handling, poultry raising, beekeeping and similar uses.
- 2.2.4 “Alter”
  - a) when used in reference to a Building or Structure, means to change any one or more of the external dimensions of that Building or Structure or to make any change in the supporting members or the type of construction of the exterior walls or roof;
  - b) when used in reference to a Lot, means to change the area, frontage or depth of the Lot; 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 the Lot with respect to a street or lane; or
  - c) when used in reference to a Use, means to discontinue and replace the Use with a Use which is defined in this By-law as being distinct from the discontinued Use.
- 2.2.5 An “Automobile Service Station” is 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.

- 2.2.6 An “Automotive Use” is any of: an Automobile Service Station, a gasoline retail outlet, a Body Repair Shop or a Vehicle sales or rental establishment.
- 2.2.7 A “Bakery” is an establishment in which baked goods are prepared and no retail sales occur.
- 2.2.8 A “Bake Shop” is an establishment in which baked goods are prepared and also offered for retail sale.
- 2.2.9 A “Bed and Breakfast” is a business within a legally existing Dwelling Unit (excluding a Mobile Home or a Modular Home) in which guest rooms are provided for the traveling public for overnight accommodation.
- 2.2.10 A “Body Repair Shop” is 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.
- 2.2.11 A “Building” is a Structure having a roof supported by columns or walls which is Used for either
- a) the accommodation of persons and/or animals, or
  - b) the storage of goods, materials, and/or equipment,
- and which Building or Structure occupies an area greater than ten (10 m<sup>2</sup>) square metres.
- 2.2.12 A “Building Permit” is a permit Required by the *Building Code Act, 1992*.
- 2.2.13 A “Bulk Retail Outlet” is an establishment in which large, bulky or unwieldy items (including: furniture or appliances, machinery, floor coverings, landscaping and garden supplies, and/or building materials), are the primary items offered or kept for sale or rental to the public. The term includes a Retail Lumber Yard or a furniture store, but does not include any Automotive Use.
- 2.2.14 “By-law” refers to this by-law, including its recitals and schedules, which form integral parts of it.
- 2.2.15 A “Care Facility” is an establishment in which care is provided for adults or children on a day to day basis without overnight accommodation. The term includes: day care centres; day nurseries, adult day care centres, and similar facilities.
- 2.2.16 A “Care Home” is an establishment in which care is provided for adults or children on a long term basis, including Residential accommodation. The term includes: nursing homes, long-term care facilities, Group Homes, and similar facilities.
- 2.2.17 “Chief Building Official” means the person employed by or contracted to the Corporation, who is charged with the duty of enforcing the provisions of the *Building Code Act, 1992*.
- 2.2.18 A “Church” is a Building dedicated exclusively to worship and other



associated religious activities.

- 2.2.19 A “Clinic” is a term for any type of medical or para-medical establishment providing services to the public. The term includes: medical, chiropractic or naturopathic offices and clinics. The term does not include a hospital for people or animals.
- 2.2.20 “Commercial” is an adjective describing the Use of land, Buildings or Structures for the buying or selling of commodities or the supplying of services for remuneration. The term does not include activities associated with the manufacturing, warehousing, or assembling of goods, or with any construction work.
- 2.2.21 “Corporation” means The Corporation of the Township of Gillies.
- 2.2.22 A “Craft Shop” is an establishment in which the preparation or creation of handicrafts is conducted for Commercial purposes. Sales of handicrafts may or may not be included on site.
- 2.2.23 A “Dog Kennel” is a Commercial establishment Used for breeding, raising or boarding more than two (2) dogs over the age of six (6) months.
- 2.2.24 A “Dwelling” is a series of rooms established for human habitation.

There are several kinds of “Dwellings”:

- (a) Most “Accessory Dwellings” are Dwelling Units which are Accessory to a Permitted non-Residential Use on a Lot. These are Occupied by either the Lot owner, or a person employed on the Lot where the Accessory Dwelling is located. The only Accessory Dwelling to a Residential Use that is Permitted in Gillies is a Garden Suite (defined below).
  - (b) A “Modular Dwelling” means a prefabricated Single Dwelling so constructed or assembled that the shortest side of the Building is not less than six (6) metres in width.
  - (c) A “Single Dwelling” means a detached Dwelling Unit constructed for permanent Use and Occupied by not more than one Household. A “Modular Dwelling” is a type of “Single Dwelling”.
  - (d) Recreation Dwellings are defined at Section 2.2.66.
  - (e) Remote Cottages are defined at Section 2.2.67.
  - (f) Garden Suite is defined at Section 2.2.30.
- 2.2.25 A “Dwelling Unit” is a group of one 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 all provided. A Residential Building may have more than one Dwelling Unit within it, where permitted.
- 2.2.26 An “Equipment Sales and Service Dealership” is an establishment engaged primarily in the sales and service of equipment and machinery.

- 2.2.27 “Erect” means to build, place, construct, reconstruct, relocate or Alter by means of an addition, enlargement, or extension, and includes any preliminary physical operation preparatory to that building, construction, reconstruction or relocation including: excavating, filling or draining.
- 2.2.28 “Floor Area” means the total area of all floors contained within the outside walls of a Building, excluding, in the case of a Dwelling, the area of all of: private garages, porches, verandas, basements, cellars or unfinished attics.
- 2.2.29 “Forestry” involves the growing and harvesting of trees but does not include the processing of trees.
- “Front Lot Line” is defined at Section 2.2.46(a) (Lot Line).
- “Front Yard” is defined at Section 2.2.89(i) (Yard, Front).
- 2.2.30 A “Garden Suite” is a self-contained, temporary Dwelling Unit erected pursuant to Section 39 of the *Planning Act*. It is Accessory to the main Dwelling Unit on the Lot.
- 2.2.31 “Gillies” is the geographic land area under the jurisdiction of the Corporation.
- 2.2.32 “Grade” means the lowest of the average levels of finished ground adjoining each exterior wall of a Building. Localized depressions (such as for Vehicle or pedestrian entrances) need not be considered in the determination of average levels of finished ground.
- 2.2.33 “Group Home” means a Household in a Residential Building in which up to six (6) residents, excluding staff, live as a family under responsible supervision.
- 2.2.34 “Height” means 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 does 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).
- 2.2.35 A “Home Industry” is a business run from an Accessory Building on a Lot which has a primary Residential Use.
- 2.2.36 A “Home Occupation” is a business run from within a Dwelling Unit on a Lot which has a primary Residential Use.
- 2.2.37 A “Hotel” is a Commercial establishment where people obtain temporary lodging. The term includes establishments commonly known as hotels, motels, motor inns and inns. The term does not include a “Bed and Breakfast” establishment.
- 2.2.38 “Household” means a group of related or unrelated individuals living as a single housekeeping unit in a Dwelling.

- 2.2.39 “Industrial” is an adjective describing 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/or the storage of building and construction equipment and materials.
- 2.2.40 “Institutional” is an adjective describing lands, Buildings or Structures Used for the purpose of providing a local public service which is operated on a not-for-profit basis.
- 2.2.41 “Livestock” is a term referring to animals that are kept for food production purposes, trade, breeding, fur or fibre, including breeding stock and offspring. The term includes honeybees. The term also includes horses. Some animals, such as rabbits, may be kept as Livestock or as domestic pets. The definition applied to those types of animals will depend on the circumstances under which they are kept in the context in which the definition is being applied. Fowl and creatures (other than humans or dogs) that are larger than one-half of one (0.5 m) metre (measured at the base of the neck) are always considered to be “Livestock” for the purposes of this By-law.
- 2.2.42 “Lot” means a parcel of land that is legally capable of being transferred from one owner to another.
- 2.2.43 “Lot Area” means the total horizontal area within the Lot Lines of a Lot.
- 2.2.44 “Lot Coverage” means the percentage of the Lot Area covered by Buildings and Structures, including Accessory Buildings and Structures.
- 2.2.45 “Lot Depth” means the horizontal distance between the Front Lot Line and the Rear Lot Line. If the Front Lot Line and the Rear Lot Line are not parallel, “Lot Depth” means 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” means 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.
- 2.2.46 “Lot Line” means any boundary of a Lot. There are several types of “Lot Lines”:
- (a) Front Lot Line means the line dividing the Lot from the Public Road. In the case of a Corner Lot, the shorter Lot Line Abutting a Public Road is deemed the Front Lot Line and the longer line Abutting the Public Road is deemed a Side Lot Line. Where the Lot does not Abut a Public Road, it has no Front Lot Line.
  - (b) Rear Lot Line means 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. In that case, there is no Rear Lot Line. Where the Lot does not Abut a Public Road, it has no Rear Lot Line.
  - (c) Side Lot Line means any Lot Line which is neither a Front Lot Line nor a Rear Lot Line.

- 2.2.47 “Lot Width” means 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 means 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.
- 2.2.48 “Main Use” means a Use, Building or Structure which constitutes the principal Use of the Lot.
- 2.2.49 A “Merchandise Repair Shop” is an establishment in which articles or goods, other than Vehicles or Industrial equipment, are repaired or serviced. The shop may include the retail or wholesale sale of replacement parts for similar articles or goods.
- 2.2.50 A “Mobile Home” is a Dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons. The term does not include a Trailer. The term continues to apply to a Mobile Home originally constructed as such which has been altered to remove wheels or other mobility accessories and/or has been fixed to a particular site. A Building that, but for its measurement, would fit the definition of “Modular Dwelling” is considered to be a “Mobile Home” for the purposes of this By-law.
- 2.2.51 “Non-Conforming” is an adjective that describes any Use, Building or Structure that does not conform to one or more of the provisions of this By-law. Some Non-Conforming Uses, Buildings or Structures are Permitted to remain, despite non-conformity, in accordance with the provisions of the *Planning Act*. They are referred to as being lawfully or legally Non-Conforming.
- 2.2.52 “Occupied” is an adjective describing Buildings, Structures or land. An “Occupied” Building or Structure is one that is utilized by humans. An “Occupied” parcel of land is land which contains man-made structures or land which is utilized by humans. The interpretation rule at Section 2.1(g) of this By-law applies.
- 2.2.53 An “Office” is an establishment in which one or more persons are employed in the management, direction or conducting of a public or private agency, a government, a business, a brokerage or a labour or fraternal organization. The term includes the offices of professionals, such as lawyers, realtors, and architects. The term does not include a Retail Store, a Clinic, a hospital, a veterinarian’s clinic, an animal hospital or a shelter for humans or animals.
- 2.2.54 An “Orchard” is a group of fruit trees maintained by humans for the purposes of cultivating the fruit from the trees for personal or Commercial purposes.
- 2.2.55 Used as a noun, a “Park” is an area of land Used for recreation. It may be maintained and groomed or naturalized. It may be vacant or it may have facilities such as playground equipment or playfields. Examples include: athletic fields, field houses, bleachers, swimming pools, wading pools, non-Commercial display greenhouses, bandstands, skating rinks, tennis courts, bowling greens, curling rinks, refreshment rooms, camping areas, arenas or

golf courses. The term does not include private clubs or Commercial recreation facilities.

- 2.2.56 A “Parking Area” is an area provided for the parking of Vehicles and may include aisles, Parking Spaces and related ingress and egress lanes. The term may include part of a Private Road, but does not include any part of a Public Road.
- 2.2.57 “Parking Space” means an area of land not less than eighteen (18) square metres, exclusive of lanes and aisles, designed and intended for the temporary storage of motor Vehicles.
- 2.2.58 “Permitted” means permitted by this By-law.
- 2.2.59 A “Personal Service Shop” is an establishment where people are employed in furnishing services and otherwise administering to individual and personal needs. Examples include: barber shops, beauty salons, shoe repair shops, dry cleaning depots, laundromats, tailors, dressmakers and photographic studios. The term does not include a massage or body-rub parlour or an adult entertainment parlour as defined in the *Municipal Act, 2001*.
- 2.2.60 A “Petty Trade Shop” is a Trade Shop where no more than three (3) individuals are employed.
- 2.2.61 A “Place of Assembly” is an establishment where people may gather for meetings, instruction, recreation or events. The term includes a community centre, hall or similar Buildings, as well as athletic facilities, dance instruction studios, driving schools, or similar Buildings. Places of Assembly may or may not have Accessory kitchen facilities. The term does not include Churches or schools, although Churches and schools may have an Accessory Place of Assembly.
- 2.2.62 “Private Road” means 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, which serves as a motor Vehicle access route to one or more parcels of land.
- 2.2.63 “Public Road” means a motor Vehicle route that is owned and/or maintained by a government authority for the motoring public. The term includes the entire property set aside for the road, including boulevards, ditches, sidewalks, etc. and all Structures within the road, including bridges or culverts. The term does not include unopened or unmaintained roads or lanes.
- 2.2.64 A “Public Utility” is a utility owned by a government or government agency. The term includes: 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. The term includes any lands, Buildings or equipment Required for the operation of the utility.
- 2.2.65 A “Quarry” is land from which unconsolidated aggregate is excavated. The term does not include a Waste Disposal Site or an excavation for a Building or Structure.

“Rear Lot Line” is defined at Section 2.2.46(b).

“Rear Yard” is defined at Section 2.2.89(iii).

2.2.66 A “Recreation Dwelling” is a Dwelling intended to be primarily Used during the summer months on an occasional basis as a recreation facility. It may contain all of the accoutrements of a Dwelling, but is not Used year-round or as a primary place of residence. The term does not include any Accessory Buildings to a principal Dwelling, or a Vehicle (other than a Mobile Home).

2.2.67 A “Remote Cottage” is a Recreation Dwelling located on a Lot which does not front on a Public Road and has no municipal services available.

2.2.68 “Required” means Required by this By-law.

“Required Front Yard” is defined at Section 2.2.89(ii).

“Required Rear Yard” is defined at Section 2.2.89(iii).

“Required Side Yard” is defined at Section 2.2.89(iv).

2.2.69 “Residential” is an adjective describing lands and/or Buildings Used for human habitation on either a full time or a part time basis.

2.2.70 A “Restaurant” is an establishment where food is prepared and offered or kept for retail sale to the public for immediate consumption either on or off the premises. A Restaurant may or may not include the sale of alcoholic beverages. The term does not include a Bake Shop that does not have facilities for on-site consumption of baked goods. The term does include coffee-and-donut franchises, Bake Shops with facilities for on-site consumption of baked goods, and similar operations.

2.2.71 A “Retail Lumber Yard” is an establishment comprised of lands, Buildings and/or Structures where wood products are stored for the purpose of wholesale or retail trade. The term does not include a planing mill or sawmill or any facility for wood treatment.

2.2.72 A “Retail Store” is an establishment in which goods, wares, merchandise, substances, articles or other things are stored, offered or kept for retail sale to the public. The term includes: a department store, a neighbourhood store, a convenience store, a second hand store, a Bake Shop, a farm produce outlet and a rock shop. The term does not include any Use specifically defined elsewhere in this By-law.

2.2.73 A “Salvage Yard” is an establishment where used and/or discarded goods, wares or materials are dismantled, stored and/or sold. Items include: furniture, machinery, building materials, Vehicles and Vehicle parts. The term does not include a second hand shop where used goods are sold without being re-constructed, dismantled or re-manufactured.

“Side Lot Line” is defined at Section 2.2.46(c).

“Side Yard” is defined at Section 2.2.89(v).

- 2.2.74 A “Stable” is a Commercial establishment Used for the purpose of boarding and/or training more than five (5) horses, and/or training horseback riders, and/or hiring out horses for trail riding or other riding purposes.
- 2.2.75 A “Stoop” is 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.
- 2.2.76 A “Storage Facility” is an establishment offering individually maintained and separated indoor storage space, on a Commercial basis, to members of the public.
- 2.2.77 A “Storey” is 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.
- 2.2.78 A “Structure” is 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. The term does not include the permanent way of a railway or any paved surface located directly on the ground. A swimming pool is an example of a Structure. A sign is an example of a Structure.
- 2.2.79 A “Trade Shop” means an establishment, other than an Automotive Use that provides a non-personal service or craft to the public. Examples include: 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.
- 2.2.80 A “Trailer” is a 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. The term does not include a Mobile Home.
- 2.2.81 “Use”, when Used as a noun, means the purpose for which a Lot, Building or Structure, or any combination of Lot, Building or Structure, is designed, arranged, Occupied, or maintained.
- “Use”, when Used as a verb, means to put to that purpose.
- 2.2.82 “Vehicle” means a passenger automobile or other motor Vehicle, a boat a farm implement, a motor home, a Mobile Home, a snowmobile, a Trailer, aircraft, or any other device capable of being drawn, propelled or driven by any kind of power. The term does not include bicycles, non-motorized scooters, wheelchairs (whether motorized or not), or skateboards.
- 2.2.83 A “Vehicle Storage Yard” is land Used for the temporary storage of Vehicles on a Commercial basis.
- 2.2.84 A “Warehouse” is a Building which is Used primarily for the storage or wholesale distribution of goods, wares, merchandise, food-stuff, substances, articles or things. The term does not include the storage of fuel except as an Accessory Use. The term does not include a Storage Facility.

- 2.2.85 “Waste” includes: debris, litter, cast off items, ashes, biodegradable domestic waste or municipal refuse.
- 2.2.86 A “Waste Disposal Site” is an area of land designated by the Corporation into, on, in, or through which Waste is deposited or processed.
- 2.2.87 A “Watercourse” is any bay, lake, river, creek, natural watercourse or canal other than a drainage ditch or irrigation channel
- 2.2.88 A “Wayside Quarry” means a temporary Quarry opened and operated by a government authority for the purpose of a particular project of Public Road construction.
- 2.2.89 “Yard” means 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 vegetation, from the ground to the sky, except for such Accessory Buildings, Structures, driveways, walkways or other Uses as are specifically Permitted.

There are several types of Yards, described by their position in relation to other land features.

- (i) A “Front Yard” means a Yard extending across the full width of a Lot between the Front Lot Line of that Lot and the nearest structural wall of any Building or Structure on that Lot.
  - (ii) A “Required Front Yard” means the Minimum horizontal distance Required between the Front Lot Line and the nearest structural wall of any Building or Structure on that Lot.
  - (iii) A “Rear Yard” means a Yard extending across the full width of a Lot between the Rear Lot Lines of that Lot, or, where there is no Rear Lot Line, the junction point of the Side Lot Lines, and the nearest structural wall of any Building or Structure on that Lot.
  - (iv) A “Required Rear Yard” means the Minimum horizontal distance Required between the Rear Lot Line and the nearest structural wall of any Building or Structure on that Lot.
  - (v) A “Side Yard” means a Yard extending from the Front Yard to the Rear Yard of a Lot and from the Side Lot Line of that Lot to the nearest structural wall of any Building or Structure on that Lot.
  - (vi) A “Required Side Yard” means the Minimum horizontal distance Required between the Side Lot Line and the nearest structural wall of any Building or Structure on that Lot.
- 2.2.90 “Zone” means a designated area of land Use shown on Schedules “A” and “B” to this By-law.



## **SECTION 3            GENERAL PROVISIONS**

### **3.1        Accessory Uses**

- a) Accessory Uses Not Permitted As Such: The following are not considered Accessory Uses in any Zone:
- i) a gasoline retail outlet;
  - ii) a Home Occupation;
  - iii) a Home Industry;
  - iv) a Salvage Yard;
  - v) the keeping of Livestock;
  - vi) an aircraft landing facility;
  - vii) any Building Used for human habitation; or
  - viii) the crushing of quarried materials;

unless the Use is specifically listed as a Permitted Use or a permitted Accessory Use in the Zone.

- b) Height: No Accessory Building or Structure, other than Accessory Dwellings or Accessory farm Buildings or Structures, shall exceed the maximum Height permitted for the Main Building in the same Zone.
- c) Location: No Accessory Building or Structure shall be located within three (3 m) 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 fifty (50%) percent of the Required side and Rear Yards for the main Building in each Zone.

Section 3.16 lists Permitted encroachments into Required Yards.

- 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.

### **3.2        Access Regulations**

No person shall Erect a Building on any Lot which does not Abut a Public Road except as permitted by this Section. Exceptions are Buildings on land in the Extractive Industrial Zone and Remote Cottages on land in the Recreation Zone. In addition, Building Permits may be issued for the replacement, repair, and/or extension of lawfully Non-Conforming Buildings on Private Roads, subject to the provisions of the *Planning Act* and this By-law.

### **3.3        Height Exceptions**

Nothing in this By-law applies to restrict the Height of any antenna, a barn, a chimney, a Church spire, a flag pole, a hydro-electric

transmission tower, a wind turbine or a radio tower provided that those Structures conform to all restrictions of other government authorities having jurisdiction.

### **3.4 Home Occupation**

A Home Occupation shall conform to the following provisions:

- a) the Commercial occupation must be conducted entirely within a Dwelling;
- b) it must be clearly secondary to the Use of the Dwelling as a private residence;
- c) it must 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 Commercial occupation shall be carried on only by the inhabitants of the Dwelling, with, at most, one additional person;
- f) no excessive noise, dust or odour arising from that occupation shall escape to adjoining premises; and
- g) the area devoted to that occupation must not exceed twenty-five (25%) percent of the Floor Area of the Dwelling.

### **3.5 Home Industry**

A Home Industry shall conform to the following provisions:

- a) the industry must be conducted entirely within an Accessory Building;
- b) it must be clearly secondary to the principal Residential Use of the property;
- c) it must not change the Residential character of the property;
- d) the external storage of materials or finished products must not detract from the Residential character of the property;
- e) the number of persons engaged in the Home Industry is limited to a maximum of four (4), and may include only the inhabitants of the Dwelling on the subject property, with a maximum of one (1) additional person;
- f) no excessive noise, dust or odour arising from that Home Industry may escape to adjoining premises; and
- g) the maximum size of an Accessory Building utilized for a Home Industry must be one hundred twenty (120 m<sup>2</sup>) square metres.

Exemption: Despite Subsection 3.5(e), a Home Industry may operate with the equivalency of five (5) full-time working persons for a time not to exceed ninety (90) continuous days once throughout a three hundred sixty five (365) day period.

### **3.6 Bed & Breakfast Operations**

Where Permitted through an amendment to this By-law, a Bed and Breakfast operation must conform to the following provisions:

- a) the operation of the Bed and Breakfast must be incidental and secondary to the Main Use as a Dwelling;
- b) the operation of a Bed and Breakfast must not change the character or in any way Alter the exterior appearance of the Dwelling;
- c) the Bed and Breakfast must be operated only by a person or persons whose principal residence is the Dwelling Unit containing the bed and breakfast;
- d) Required Parking Spaces must be provided as identified by Section 3.13 of this By-law;
- e) the operation of a Bed and Breakfast is not Permitted in conjunction with the longer term rental of accommodations to roomers or boarders;
- f) where applicable, the Bed and Breakfast must be licensed by the government authority with jurisdiction;
- g) any meals provided must Use the cooking facilities of the Dwelling Unit; and
- h) the term “Bed and Breakfast” is descriptive of the operation, but does not restrict the facility from offering luncheon and dinner meals.

### **3.7 Garden Suite**

Garden Suites are only Permitted through site-specific amendments to this By-law.

### **3.8 Lots with More than One Zone**

Where a Lot is divided into more than one Zone each portion of the 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 portion shall conform to the provisions of the appropriate Zone. No Lot shall have more than one Dwelling on the whole except as specifically provided in this By-law.

### 3.9 **Non-Conforming Uses, Buildings and Lots**

- a) Repair Permitted: Nothing in this By-law prevents the rebuilding or repair of an existing lawfully Non-Conforming Building, provided no exterior dimension is increased. Any increase in exterior dimension must be approved in accordance with the *Planning Act*.
- b) Abandonment: Where a lawfully Non-Conforming Building or Structure is demolished or destroyed and either:
  - (i) no application for a Building Permit to repair it or replace it has been made; or
  - (ii) no person has written to the Corporation to advise of the owner's intentions for future Use of the land,

within two (2) years of the demolition or destruction, the Non-Conforming Building, Structure and Use will be considered to have been abandoned and discontinued. Paragraph 3.9(a) will no longer apply. Any future Use of the land or construction of Buildings or Structures on the land will be required to comply with this By-law.

- c) 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* and subsequently conveyed and registered; or
  - 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 Lot is deemed to conform to the requirements of this By-law with respect to the Lot Area or Lot Frontage, and the provisions of this By-law respecting Lot Area and Lot Frontage do not apply to prevent the Use of that Lot, or the Erection, Alteration or Use of a Permitted Building or Structure on that Lot, provided that the Use of the Lot remains unchanged from that which existed or was clearly intended on the date of passing of this By-law and in accordance with all other provisions of this By-law. Any Required Side Yard may be reduced to thirty (30%) percent of the Lot width.

- d) 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 the Lot is deemed to conform with this By-law. With respect to those provisions made Non-Conforming by expropriation or dedication for public Use, the provisions do not apply to prevent the Use of the Lot, or the Erection, Alteration or Use of a Permitted Building or Structure on the Lot, 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.

### **3.10 Main Building on a Lot**

No person shall Erect more than one (1) 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.

### **3.11 Lakehead Region Conservation Authority**

The control of land Uses near Watercourses, wetlands and other hazards, such as talus slopes, is under the jurisdiction of the Lakehead Region Conservation Authority. These areas are known as “regulated areas”. Some of them are indicated on Schedules “A” and “B” of this By-law as the “approximate regulated area”. Because proximity to Watercourses, wetlands and other hazards can change over time, the approximate regulated area as shown on the Schedules to this By-law may not be accurate. Soil erosion, new data or study results, or other factors can have an impact.

For these reasons, the Corporation will not issue a Building Permit for certain lands without written approval from the Lakehead Region Conservation Authority. Lands controlled in this regard include:

- (i) land within fifteen (15) metres of a Watercourse; or
- (ii) land within the fill regulated area as delineated in the “Whitefish River Fill Line Study” dated December 10, 1985, including any subsequent updates; or
- (iii) land within one hundred and twenty (120) metres of a wetland; or
- (iv) land within fifteen (15) metres of other hazards regulated by the Lakehead Region Conservation Authority.

### **3.12 Offensive and Prohibited Uses**

No Use which, from its nature, materials Used for that Use or emissions issued as a result of that Use is declared to be an offensive trade, business or manufacture under the *Health Protection Act, 1982*, by the Province of Ontario, the Government of Canada, or any government authority with jurisdiction, is Permitted in any Zone.

The practice of hydraulic fracturing in pursuit of hydrocarbons is prohibited within Gillies.

### **3.13 Parking – Required Number of Spaces**

- a) Required Number of Parking Spaces - Residential: The owner of every Building or Structure Erected or Used for any Residential purpose shall provide and maintain for the Use of the owner, occupants or other persons entering upon or making Use of the premises from time to time, two (2) off-street Parking Spaces per Dwelling Unit. One additional Parking Space is Required if the Use includes a Home Industry or Home Occupation.

- b) Required Number of Parking Spaces – Bed and Breakfast: The owner of every Building or Structure Erected or Used for a Bed and Breakfast shall provide and maintain for the Use of the owner, occupants or other persons entering upon or making Use of the premises from time to time, one (1) off-street Parking Space per guest room.
- c) Required Number of Parking Spaces – Hotel: The owner of every Building or Structure Erected or Used for a Hotel shall provide and maintain for the Use of the owner, occupants or other persons entering upon or making Use of the premises from time to time, one (1) off-street Parking Space per guest room plus one (1) Parking Space for every four (4) persons of seating capacity in any refreshment room, Restaurant, dining room or Place of Assembly that forms part of the Hotel.
- d) Required Number of Parking Spaces – Care Home: The owner of every Building or Structure Erected or Used for a Care Home shall provide and maintain for the Use of the owner, occupants or other persons entering upon or making Use of the premises from time to time, one (1) off-street Parking Space for every two (2) beds in the home.
- e) Required Number of Parking Spaces – Churches, Restaurants and Places of Assembly: The owner of every Building or Structure Erected or Used for a Church, a Restaurant or a Place of Assembly shall provide and maintain for the Use of the owner, occupants or other persons entering upon or making Use of the premises from time to time, one (1) off-street Parking Space for every four (4) persons of seating capacity in the Church, Restaurant or Place of Assembly.
- f) Required Number of Parking Spaces – Offices: The owner of every Building or Structure Erected or Used for an Office shall provide and maintain for the Use of the owner, occupants or other persons entering upon or making Use of the premises from time to time, one (1) off-street Parking Space for every thirty (30 m<sup>2</sup>) square metres of Floor Area.
- g) Required Number of Parking Spaces – Bulk Retail Outlet: The owner of every Building or Structure Erected or Used for a Bulk Retail Outlet shall provide and maintain for the Use of the owner, occupants or other persons entering upon or making Use of the premises from time to time, one (1) off-street Parking Space for every ninety (90 m<sup>2</sup>) square metres of Floor Area.
- h) Required Number of Parking Spaces – Other Retail: The owner of every Building or Structure Erected or Used for a Retail Store, a Craft Shop, an Equipment Sales and Service Dealership, shall provide and maintain for the Use of the owner, occupants or other persons entering upon or making Use of the premises from time to time, one (1) off-street Parking Space for every twenty (20 m<sup>2</sup>) square metres of retail Floor Area.
- i) Required Number of Parking Spaces Warehouse: The owner of every Building or Structure Erected or Used for a Warehouse shall provide and maintain for the Use of the owner, occupants or other persons entering upon or making Use of the premises from time to time, one (1) off-street Parking Space for every ninety (90 m<sup>2</sup>) square metres of Floor Area, plus an additional one (1) Parking Space per thirty (30 m<sup>2</sup>) square metres of

Accessory Office or retail Floor Area.

- j) Required Number of Parking Spaces – Personal Service Shop: The owner of every Building or Structure Erected or Used for a Personal Service Shop shall provide and maintain for the Use of the owner, occupants or other persons entering upon or making Use of the premises from time to time, one (1) off-street Parking Space for every twenty (20 m<sup>2</sup>) square metres of Floor Area.
- k) Required Number of Parking Spaces – Merchandise Repair Shop: The owner of every Building or Structure Erected or Used for a Merchandise Repair Shop shall provide and maintain for the Use of the owner, occupants or other persons entering upon or making Use of the premises from time to time, one (1) off-street Parking Space for every twenty (20 m<sup>2</sup>) square metres of Floor Area.
- l) Required Number of Parking Spaces – Industries/Trades: The owner of every Building or Structure Erected or Used for an Industrial Use, a Trade Shop or a Petty Trade Shop shall provide and maintain for the Use of the owner, occupants or other persons entering upon or making Use of the premises from time to time, one (1) off-street Parking Space for every seventy-five (75 m<sup>2</sup>) square metres of Floor Area devoted to the Main Use, plus an additional one (1) off-street Parking Space for every thirty (30 m<sup>2</sup>) square metres of Accessory Office or retail Floor Area.
- m) Required Number of Parking Spaces – Stables: The owner of a Lot, Building or Structure Erected or Used as a Stable shall provide and maintain for the Use of the owner, occupants or other persons entering upon or making Use of the premises from time to time, one (1) off-street Parking Space for every three (3) horses that can be accommodated within the barn. Where the facility does not have a barn, the owner shall provide and maintain one (1) off-street Parking Space for every three (3) horses that are stabled outdoors on the Lot. Where the Stable involves a combination of horses cared for inside a barn and those cared for without a barn, the owner shall provide and maintain one (1) off-street Parking Space for every five (5) horses that can be accommodated at the premises. These requirements exist in addition to any Parking Spaces required for a Residential Use on the same Lot.
- n) Required Number of Parking Spaces – Automotive Uses: The owner of a Lot, Building or Structure Erected or used for Automotive Uses shall provide and maintain for the Use of the owner, occupants or other persons entering upon or making Use of the premises from time to time, one (1) off-street Parking Space for every three (3) (or fewer) Vehicles that can be serviced at the site at any given time.
- o) Required Number of Parking Spaces – Recreation: The owner of a Lot, Building or Structure Erected or Used for a Recreational Use shall provide and maintain for the Use of the owner, occupants or other persons entering upon or making Use of the premises from time to time, one (1) off-street Parking Space for every four (4) patrons that can be accommodated at the site at a time. This Requirement does not apply to a Recreation Dwelling or Remote Cottage. Instead, the requirements of paragraph 3.13(a) apply.

- p) Required Number of Parking Spaces – Storage Facility: The owner of a Storage Facility shall provide and maintain for the Use of the owner, occupants or other persons entering upon or making Use of the premises from time to time, one (1) off-street Parking Space for every individual storage unit that is available to the public. The Required Parking Spaces must not be situated such that a parked Vehicle would block the entry to any door to the facility.
- q) No Parking Spaces Required: No Parking Spaces are separately required for Home Industries, Home Occupations or Vehicle Storage Yards.
- r) Required Number of Parking Spaces –Other: The owner of a Lot, Building or Structure Erected or Used for any Use not referenced in this Section shall provide and maintain for the Use of the owner, occupants or other persons entering upon or making Use of the premises from time to time, one (1) off-street Parking Space for every thirty (30 m<sup>2</sup>) square metres of Floor Area of the Main Building. Where there is no Main Building, the owner of the Lot shall provide and maintain for the Use of the owner, occupants or other persons entering upon or making Use of the premises from time to time, one (1) off-street Parking Space for every thirty (30 m<sup>2</sup>) square metres of Lot Area which is Used for the Use in question, exclusive of the area set aside for the Parking Spaces.

### **3.14 Parking – Dimensions & Access**

- a) Parking Space Dimensions: Every Parking Space shall be a Minimum of three (3 m) metres by six (6 m) metres, and have an area of at least eighteen (18 m<sup>2</sup>) square metres.
- b) Parking Areas: Access to all Parking Areas and all Required Parking Spaces for Institutional, Commercial, and Industrial Uses shall be provided by means of unobstructed driveways and aisles at least seven (7 m) metres in width. Access to all other Uses shall be provided by means of unobstructed driveways and aisles at least three (3 m) metres in width.
- c) Addition to Existing Use: When a Use, other than a Single Dwelling, has an insufficient number of Parking Spaces on the date of passing of this By-law, no addition may be built to any Building or Structure relating to the Use, no expansion of the Use, and no change of Use may occur, unless the parking requirements in this By-law are met for the entire Use.

### **3.15 Public Uses**

Except as provided in this Section, nothing in this By-law prevents land to be Used by any government authority for any public purposes. All government authorities are asked to keep public uses within the spirit and intent of the Official Plan.

Wayside Quarries and Buildings or Structures Accessory to them on the same Lot are Permitted in every Zone except the Village Residential Zone or the Rural Zones located on Schedule “B”.



No Wayside Quarry may be located within one hundred (100 m) metres of a Lot Line or within thirty (30 m) metres of a Public Road without the approval of the Corporation.

### **3.16 Yard Encroachments and Obstructions**

No part of any Required Yard shall be obstructed by a Building or Structure except one or more of the following:

- a) sills, bay windows, chimneys, cornices, eaves, gutters, parapets and similar architectural features, projecting not more than one-half (0.5) metres into a Required Side Yard;
- b) functional and ornamental Structures including: drop awnings, flag poles, clothes poles, ornamental foundations, statues, monuments, planters, garden trellises, fences, boundary and retaining walls, hedgerows and signs;
- c) uncovered terraces, Stoops, sun decks, and exterior steps, where such a Structure projects not more than two (2) metres into a Required Yard and there are no walls; and
- d) open balconies projecting not more than one and one half (1.5) metres into a Required Yard.

In each case, and despite the wording of this Section, the encroachment will not be Permitted if it creates a hazard by obstructing the line of vision for motorists entering or exiting the property. The relevant lines of vision for the purposes of this Section are those required to safely view vehicular traffic, railway trains or pedestrians.

### **3.17 Proximity of Livestock to Other Uses**

- a) Despite any other provisions of this By-law, the Required Side Yard for any Buildings Used to shelter Livestock, or any portion of a Lot used to pasture or exercise Livestock, is thirty (30 m) 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 thirty (30 m) metres, in which case that greater distance applies.

Subject to other applicable law, where the Lot Abuts a Public Road or an unopened road or lane owned by the Corporation, the width of the Abutting road may be deducted from the setback Required by this Section for the length of the Lot boundary Abutting the road, lane or Public Road, as applicable.

- b) All of the open Yard space made available for use by Livestock must exist not less than the distances indicated below, from an existing well Used to provide potable water:
  - i) for drilled wells of fifteen (15 m) meters or more depth without water tight casing, or for drilled wells with water tight casing to a depth of six (6 m) meters or more, a distance of fifteen (15 m) meters; or

- ii) for any other type of well, a distance of thirty (30 m) meters.

The same distance separation is Required between the water well and the nearest wall of any building or structure that is to be used to house or shelter Livestock.

### **3.18 Yard Requirements for New Wells**

Despite any other provisions of this By-law, the Required Front, Required Side and Required Rear Yards for any new well, constructed after the date of approval of this By-law shall be thirty (30 m) metres.

### **3.19 Group Homes**

Group Homes which provide for:

- a) accommodation services for the developmentally handicapped;
- b) satellite residences for senior citizens; or
- c) homes for special care

are Permitted Uses in any Zone in which Residential Uses are Permitted.

### **3.20 Properties Abutting Provincial Highways: Visual Screening for Certain Uses**

Any Outdoor Storage areas and loading areas in any Commercial, Industrial or Institutional Zone must be visually screened or appropriately located to avoid visibility from persons in Vehicles travelling on Provincial highways.

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## **SECTION 4 ZONES**

### **4.1 Types of Zones**

This By-law assigns all land within Gillies to one or more Zones. The Zones Used in Gillies are:

- a) Rural;
- b) Recreational;
- c) Village Residential;
- d) Commercial;
- e) Industrial;
- f) Extractive Industrial;
- g) Disposable Industrial;
- h) Institutional; and
- i) Open Space.

## 4.2 **Zone Symbols**

Each of the Zones set out in Section 4.1 is assigned a symbol for Use on the Schedules to this By-law (and amending by-laws in the future). The Zone Symbols for each Zone are:

- a) Rural..... RU
- b) Recreational..... R
- c) Village Residential..... VR
- d) Commercial..... C
- e) Industrial..... I
- f) Extractive Industrial..... E
- g) Disposable Industrial..... D
- h) Institutional..... INS
- i) Open Space..... OS

The Zone symbols may be used to refer to the Uses of land, Buildings and Structures Permitted by this By-law. Wherever in this By-law the word “Zone” is used, preceded by any of the symbols, that Zone means any area within Gillies, delineated on either or both Schedules “A” and “B”, and designated by that symbol.

The Schedules to this By-law also include areas marked with hatching that are called the “approximate regulated area”. Section 3.11 of this By-law should be reviewed in that regard.

## 4.3 **Zone Symbol Suffixes**

Where the Zone Symbols on the Schedules to this By-law contain numerical suffixes, the properties identified by those Zone Symbols are subject to special provisions implemented by site-specific amendments to this By-law or to predecessor zoning by-laws.

## 4.4 **Where to Find Regulations**

Section 3.0 of this By-law contains rules and regulations for all Zones in Gillies. Section 5.0 of this By-law contains the Permitted Uses, the Minimum or Maximum area and/or dimensions of Lots, the Minimum size of Yards, the Maximum Height of Buildings and all other Zone regulations for each respective Zone.

#### 4.5 **Zone Boundaries**

The extent and boundaries of all the Zones are shown on Schedules “A” and “B”. Refer to Sections 2.1(k) and 3.8 of this By-law for map line interpretation rules.

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### **SECTION 5 USES AND REGULATIONS IN DIFFERENT ZONES**

#### 5.1 **Rural Zone (RU)**

(See Sections 5.1.4 & 5 for RU-1 and 5.1.6 for RU-2)

5.1.1 **Uses:** No person shall, within any RU Zone, Use any Lot or Erect, Alter or Use any Building or Structure for any purpose except the following:

- a) Agricultural Uses;
- b) Forestry Uses;
- c) a Stable;
- d) a Dog Kennel;
- e) watershed management and conservation Uses;
- f) a Single Dwelling;
- g) a Care Facility
- h) a Home Occupation;
- i) a Home Industry;
- j) an Orchard;
- k) a roadside market stand for the sale of garden or Orchard produce;
- l) an Accessory Dwelling to a Use listed in (a), (b), (c), (d), (j) or (k);  
or
- m) Buildings, Structures and Uses Accessory to the above Uses in accordance with Section 3.1.

5.1.2 **Regulations for Uses listed in Paragraphs 1.1(a), (b), (c), (d) and (l):**

For Uses listed in paragraphs 5.1.1(a), (b), (c), (d) and (l), subject to Section 3.17:

- a) the Minimum Lot Area is four (4 ha) hectares;
- b) the Minimum Lot Frontage is twenty (20 m) metres;
- c) the Minimum Required Front Yard is thirty (30 m) metres;
- d) the Minimum Required Side Yard is thirty (30 m) metres;
- e) the Minimum Required Rear Yard is thirty (30 m) metres;
- f) the Maximum Height of any Building is eleven (11 m) metres;
- g) the Minimum Floor Area for any Building is seventy-five (75 m<sup>2</sup>) square metres; and

- h) the Minimum Lot Width is one hundred fifty (150 m) metres.

#### 5.1.3 Regulations for Uses listed in Section 5.1.1 Not addressed in Section 5.1.2:

For Uses listed in Section 5.1.1 which are not addressed in Section 5.1.2, and subject to Section 3.17:

- a) the Minimum Lot Area is two (2 ha) hectares;
- b) the Minimum Lot Frontage is ten (10 m) metres;
- c) the Minimum Required Front Yard is fifteen (15 m) metres;
- d) the Minimum Required Side Yard is fifteen (15 m) metres;
- e) the Minimum Required Rear Yard is fifteen (15 m) metres;
- f) the Maximum Height for a Building is eleven (11 m) metres;
- g) the Minimum Floor Area for a Building is seventy-five (75 m<sup>2</sup>) square metres; and
- h) the Minimum Lot Width is one hundred (100 m) metres.

#### 5.1.4 RU-1 Zone: Uses

Property in the RU-1 Zone has an additional Permitted Use. In addition to the Uses listed in Section 5.1.1, on these lands, a communication tower (with pad) and an Accessory Building are Permitted. The Regulations in Sections 5.1.2 and 5.1.3 do not apply.

#### 5.1.5 Regulations for RU-1

For Uses in the RU-1 Zone:

- a) the Minimum Lot Area is four (4 ha) hectares;
- b) the Minimum Lot Frontage is one hundred fifty (150 m) metres;
- c) the Minimum Front Yard is thirty (30 m) metres;
- d) the Minimum Side Yard is thirty (30 m) metres;
- e) the Minimum Rear Yard is thirty (30 m) metres; and
- f) the Minimum Floor Area for a Building is seventy-five (75m<sup>2</sup>) square metres.

#### 5.1.6 RU-2 Zone: Special Regulations

Property in the RU-2 Zone has the same Permitted Uses as Property in the RU Zone, however it has some special regulations. The Regulations in Sections 5.1.2(c) and (e) do not apply, and the following apply instead:

- c) the Minimum Front Yard is ten (10) metres; and
- d) the Minimum Rear Yard is ten (10) metres.

All of the other regulations in Sections 5.1.2 and 5.1.3 apply to the property in the RU-2 Zone.

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## **5.2 Recreation Zone (R)**

5.2.1 Uses: No person shall, within any R Zone, Use any Lot or Erect, Alter or Use any Building or Structure for any purpose except for a Remote Cottage.

5.2.2 Regulations:

For properties in the R Zone:

- a) the Minimum Lot Area is eight (8 ha) hectares;
  - b) the Minimum setback from a Watercourse for a Building or Structure is thirty (30 m) metres;
  - c) the Minimum setback from an Abutting property for a Building or Structure is ten (10 m) metres; and
  - d) the Maximum Floor Area of a Remote Cottage is sixty-five (65 m<sup>2</sup>) square metres.
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## **5.3 Village Residential Zone (VR)**

(See Sections 5.3.4-5.3.5 for the VR-1 Zone)

5.3.1 Uses: No person shall, within any VR Zone, Use any Lot or Erect, Alter or Use any Building or Structure for any purpose except the following:

- a) a Single Dwelling;
- b) a Home Occupation;
- c) an Orchard;
- d) a roadside market stand for the sale of garden or Orchard produce; or
- e) limited Agricultural Uses as detailed in Sections 3.17 and 5.3.3;
- f) Buildings, Structures and Uses Accessory to the above Uses in accordance with Section 3.1.

5.3.2 Regulations:

For properties in the VR Zone:

- a) the Minimum Lot Area, subject to Subsection 5.3.3(b), is four-tenths (0.4 ha) of a hectare;

- b) the Minimum Lot Frontage is ten (10 m) metres;
- c) the Minimum Front Yard is fifteen (15 m) metres;
- d) the Minimum Side Yard is ten (10 m) metres;
- e) the Minimum Rear Yard is fifteen (15 m) metres;
- f) the Maximum Height for a Building or Structure is eleven (11 m) metres;
- g) the Minimum Floor Area for any Dwelling Unit is seventy-five (75 m<sup>2</sup>) square metres; and
- h) the Minimum Lot Width is thirty (30 m) metres.

### 5.3.3 Limited Agricultural Uses:

Where a Lot in a VR Zone has a Minimum Lot Area of four-tenths (0.4 ha) of a hectare, the owner or occupant of the property may keep bees and/or a limited number of Livestock animals in accordance with the regulations in this Section, and any other applicable law, including Section 3.17, other sections of this By-law and other by-laws of the Corporation.

- a) The only Livestock permitted in the VR Zone are: sheep, goats, donkeys, mules, horses, ponies, pigs, rabbits, poultry, and bees.
- b) Of the Livestock listed in paragraph (a) above, donkeys, mules, horses and ponies are only permitted on Lots which can provide at least four-tenths (0.4 ha) of a hectare of clear pasture or exercise space for each of the referenced animals.

### 5.3.4 VR-1 Zone: Uses

Property Zoned “VR-1” has an additional Permitted Use. In addition to the Uses listed in Section 5.3.1, a “Home Industry” is also a Permitted Use.

### 5.3.5 Regulations in the VR-1 Zone:

Section 5.3.2 applies to property in the VR-1 Zone.

## 5.4 Commercial (C) Zone

(See Sections 5.4.3-4 for C-1 and 5.4.5-6 for C-2)

5.4.1 Uses: No person shall, within any C Zone, Use any Lot or Erect, Alter or Use any Building or Structure for any purpose except the following:

- a) an Agricultural sales outlet;
- b) an Office;
- c) a Craft Shop;
- d) a Personal Service Shop;
- e) a Petty Trade Shop;

- f) a bank;
- g) a Restaurant;
- h) a Hotel;
- i) a Place of Assembly;
- j) a theater;
- k) a bowling alley;
- l) a billiard or pool room;
- m) a post office;
- n) a taxi service establishment;
- o) a Brewer's Retail outlet or Liquor Control Board of Ontario outlet;
- p) a Merchandise Repair Shop;
- q) an Automobile Service Station;
- r) a gas bar;
- s) a Retail Lumber Yard;
- t) an animal hospital or veterinary clinic or grooming shop;
- u) a Retail Store;
- v) a Bulk Retail Outlet;
- w) a Care Facility;
- x) an Accessory Dwelling;
- y) a Clinic;
- z) Buildings, Structures and Uses Accessory to the above Uses in accordance with Section 3.1.

#### 5.4.2 Regulations:

For properties in the C Zone:

- a) the Minimum Lot Area is two (2 ha) hectares;
- b) the Minimum Lot Frontage is twenty (20 m) metres;
- c) the Minimum Lot Depth is one hundred (100 m) metres;
- d) the Minimum Front Yard is fifteen (15 m) metres;
- e) the Minimum Side Yard is fifteen (15 m) metres;
- f) the Minimum Rear Yard is fifteen (15 m) metres;
- g) the Maximum Height for a Building or Structure is ten (10 m) metres;
- h) the Maximum Lot Coverage is forty (40%) per cent;
- i) the Minimum distance between Main Buildings is six (6 m) metres; and
- j) the Minimum Lot Width is one hundred (100 m) metres.

#### 5.4.3 C-1 Zone: Uses

Property that is zoned "C-1" has the Permitted Uses set out in Section 5.4.1. The Regulations in Section 5.4.2 do not apply.



#### 5.4.4 Regulations for the C-1 Zone:

For properties in the C-1 Zone:

- a) the Minimum Lot Area is six-tenths (0.6 ha) of a hectare;
- b) the Minimum Lot Frontage is seventy-five (75 m) metres;
- c) the Minimum Lot Depth is eighty-one (81 m) metres;
- d) the Minimum Front Yard is fifteen (15 m) metres;
- e) the Minimum Side Yard is fifteen (15 m) metres for the southerly Side Yard and nine and three-tenths (9.3 m) metres for the northerly Side Yard;
- f) the Minimum Rear Yard is fifteen (15 m) metres;
- g) the Maximum Height for Buildings or Structures is ten (10m) metres;
- h) the Maximum Lot Coverage is forty (40%) per cent; and
- i) the Minimum distance between Main Buildings on a Lot in the C-1 Zone is six (6 m) metres.

#### 5.4.5 C-2 Zone: Uses

Property that is zoned "C-2" has additional Permitted Uses. In addition to the Permitted Uses in Section 5.4.1, a "Storage Facility" and a "Vehicle Storage Yard" are also Permitted Uses.

#### 5.4.6 Regulations in the C-2 Zone:

The Regulations in Section 5.4.2 apply to the C-2 Zone as if the property within the Zone met the definition of "Lot". Regulations are calculated based on the Zone boundary rather than the Lot Lines. Section 3.20 of this By-law applies to require certain visual screening.

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## 5.5 Industrial (I) Zone

### 5.5.1 Uses:

No person shall, within any I Zone, Use any Lot or Erect, Alter or Use any Building or Structure for any purpose except the following:

- a) an Automotive Use
- b) an Equipment Sales and Service Dealership
- c) a Merchandise Repair Shop
- d) a Petty Trade Shop or a Trade Shop
- e) a Vehicle Storage Yard

- f) a Warehouse
- g) a light Industrial workshop
- h) a trucking depot
- i) a welder's shop
- j) a forest products processing plant
- k) a machine shop
- l) a transportation terminal
- m) an Office or Commercial outlet Accessory to a Permitted Use;
- n) a Salvage Yard; or
- o) Buildings, Structures and Uses Accessory to the above Uses in accordance with Section 3.1.

#### 5.5.2 Regulations:

For properties in the I Zone:

- a) the Minimum Lot Area is two (2 ha) hectares;
- b) the Minimum Lot Frontage is one hundred (100 m) metres.
- c) the Minimum Front Yard is thirty (30 m) metres;
- d) the Minimum Side Yard is twenty (20 m) metres;
- e) the Minimum Rear Yard is fifteen (15 m) metres;
- f) the Maximum Height for any Building or Structure is ten (10 m) metres;
- g) the Maximum Lot Coverage is thirty (30%) per cent; and
- h) the Minimum distance between Main Buildings is six (6 m) metres.

#### 5.5.3 Buffer Distance:

Where an I Zone Abuts any other Commercial or Industrial Zone, the Minimum Required Side Yard is fifteen (15 m) metres. Where an I Zone Abuts a Residential or Open Space Zone, the Minimum Required Side Yard is twenty-five (25 m) metres.

## 5.6 Extractive Industrial (E) Zone

### 5.6.1 Uses:

No person shall, within any E Zone, Use any Lot or Erect, Alter or Use any Building or Structure for any purpose except the following:

- a) a Quarry;
- b) stockpiling of sand, clay, gravel, earth, stone, shale, peat and/or amethyst;
- c) processing Accessory to the above, including: screening, sorting, washing and/or crushing; or
- d) Buildings, Structures and Uses Accessory to the above Uses in accordance with Section 3.1.

5.6.2 Distance from Sensitive Uses:

On property in the E Zone, no excavation, Building, equipment or stockpile shall be located within one hundred twenty (120 m) metres of a Building Used for Residential, recreational, Institutional or Commercial purposes.

5.6.3 Distance from Industry:

On property in the E Zone, no excavation, Building, equipment or stockpile shall be located within forty five (45 m) metres of a Building Used for Industrial purposes not associated with the operation of the Quarry.

5.6.4 Distance from Roads:

On property in the E Zone, no excavation, Building, equipment or stockpile shall be located within fifteen (15 m) metres of a Public Road, a Private Road, or land owned by the Corporation which is an unopened road or lane.

5.6.5 Setback from another E- zoned property:

On property in the E Zone, no excavation, Building, equipment or stockpile shall be located within thirty (30 m) metres of any Abutting property, except an Abutting property which is also zoned "E".

5.6.6 Standard Setback:

On property in the E Zone, no excavation, Building, equipment or stockpile shall be located within thirty (30 m) metres of any adjacent property which is not captured by Sections 5.6.2 through 5.6.5 above.

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**5.7 Disposal Industrial (D) Zone**

5.7.1 Uses:

No person shall, within any D Zone, Use any Lot or Erect, Alter or Use any Building or Structure for any purpose except the following:

- a) a Waste Disposal Site;
- b) a Public Utility; or
- c) Buildings, Structures and Uses Accessory to the above Uses in accordance with Section 3.1.

5.7.2 Distance from Sensitive Uses:

On property in the D Zone, no Waste Disposal Site shall be located within four hundred (400 m) metres of a property Used for Residential, recreational, Institutional or Commercial purposes.

### 5.7.3 Distance from Roads:

On property in the D Zone, no disposal site shall be located within fifty (50 m) metres of any Public Road or land owned by a government authority constituting an unopened road or lane.

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## 5.8 Institutional (INS) Zone

### 5.8.1 Uses:

No person shall, within any INS Zone, Use any Lot or Erect, Alter or Use any Building or Structure for any purpose except the following:

- a) a school;
- b) a government Office;
- c) a cemetery, mausoleum or cremains scattering ground;
- d) a government garage;
- e) a fire or ambulance station;
- f) a Place of Assembly;
- g) a Church;
- h) a museum;
- i) a government owned and Occupied Building;
- j) a Care Facility or a Care Home;
- k) a Clinic;
- l) a post office;
- m) a Public Utility;
- n) an aircraft landing facility; or
- o) Buildings, Structures and Uses Accessory to the above Uses in accordance with Section 3.1.

### 5.8.2 Regulations:

For property in the INS Zone:

- a) the Minimum Lot Area is one (1 ha) hectare;
  - b) the Minimum Lot Frontage is sixty (60 m) metres;
  - c) the Minimum Lot Depth is one hundred (100 m) metres;
  - c) the Minimum Front Yard is fifteen (15 m) metres;
  - d) the Minimum Side Yard is fifteen (15 m) metres;
  - e) the Minimum Rear Yard is fifteen (15 m) metres; and
  - f) the Maximum Height for any Building or Structure is ten (10 m) metres.
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## **5.9 Open Space (OS) Zone**

### **5.9.1 Uses:**

No person shall, within any OS Zone, Use any Lot or Erect, Alter or Use any Building or Structure for any purpose except the following:

- a) a Park; or
- b) Buildings, Structures and Uses Accessory to the above Uses in accordance with Section 3.1.

### **5.9.2 Distance from Roads:**

No Building or Structure in an OS Zone shall be located within thirty (30 m) metres from any Public Road, Private Road or land owned by the Corporation which is an unopened road or lane.

### **5.9.3 Distance from Abutting Lot Line:**

No Building or Structure in an OS Zone shall be located within thirty (30 m) metres from the Lot Line of any Abutting property.

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## **SECTION 6 ENFORCEMENT**

### **6.1 Enforcement:**

This By-Law may be enforced by any Municipal Law Enforcement Officer.

### **6.2 Offences Relating to Use:**

No person shall Use any land, Building or Structure within a Zone for a Use that is not Permitted within that Zone.

### **6.3 Offences Relating to Change of Use:**

No person shall change the Use on any land or within any Building or Structure without first obtaining a certificate of occupancy from the Chief Building Official authorizing the change in Use.

### **6.4 Offences Relating to regulations:**

No person shall undertake a Permitted Use on any land within any Zone where the Use or the locations of Buildings or Structures on the land contravene the regulations applicable to the Zone within which the land exists.

### **6.5 Offences Relating to Interference:**

No person shall interfere with a Municipal Law Enforcement Officer who is lawfully conducting an investigation into an allegation that the provisions of this By-law are being contravened.

**6.6 Penalty Provisions:**

Any person convicted of an offence under this By-law is subject to the penalties prescribed in Section 67 of the *Planning Act*.

**6.7 Removal of Contravening Building/Structure:**

Any Building or Structure which contravenes any requirement of this By-law may be removed or Altered by the Corporation at the expense of the owner pursuant to the provisions of the *Municipal Act, 2001*.

**6.8 Other Remedies:**

Where any Building or Structure is Erected, Used, Altered, reconstructed or extended, or any Lot is Used, in contravention of any requirements of this By-law, that contravention may be restrained by proceedings of the Corporation pursuant to the relevant provisions of the *Planning Act* or The *Municipal Act, 2001* or the *Building Code Act, 1992*.