



# Township of Gillies Zoning By-law

**First Draft**  
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# 1 How to Use this By-law

## Step 1 – Locate Your Property and Determine the Zone

Use the Zoning Map (Schedules) at the end of this document to identify the zone symbol that applies to the property in question.

## Step 2 – Determine What Uses are Permitted in the Zone

Refer to the Permitted Uses section of the applicable Zone to determine what uses are permitted. If the desired use is included on the list, it is permitted in the Zone. If a use is not included on the list, it is not permitted in that Zone, unless otherwise specified elsewhere in the Zoning By-law.

## Step 3 – Determine What Zone Regulations Apply

Each zone contains performance standards that regulate the form of lots and buildings. These standards are requirements that must be achieved to obtain development approval from the Township.

## Step 4 – Determine if any General Provisions Apply

The Zoning By-law contains provisions that apply in all circumstances, or to particular development types. Review the entire document to ensure all applicable provisions have been addressed. In some cases, certain land uses may be permitted on a property through the General Provisions, even if they are not explicitly listed as a permitted use in the applicable zone.

## Step 5 – Clarify the Meaning of a Use

Many terms in this Zoning By-law are defined in the Definitions section. If necessary, consult the Definitions for clarification on the precise meaning of terms used in the provisions. Any term not included in the Definitions section shall be understood to have its common and ordinary meaning.

## 2 Administration

### 2.1 Title

1. This By-law shall be known as the Zoning By-law or **By-law No. \_\_\_\_\_** of the Township of Gillies and shall consist of the text and maps attached hereto.

### 2.2 Application

1. The provisions of this By-law shall apply to all of the lands within the boundaries of the Township of Gillies, as legally constituted now or hereafter.

### 2.3 Scope

1. No lands shall be used and no buildings or structures shall be erected, altered, enlarged, or used within the Township of Gillies, except in conformity with the provisions of this Zoning By-law.
2. Despite the above, nothing in this By-law prevents the use of any land, buildings or structures for any purpose prohibited by this By-law if such land, buildings or structures were lawfully used for such purpose on the day this By-law came into force.

### 2.4 Minimum Regulations

1. For the purposes of interpreting and applying the provisions of this By-law, the provisions are held to be the minimum requirements for the promotion of the health, safety, comfort, convenience, and general welfare of the inhabitants of the Township of Gillies.

### 2.5 Meaning of Use

1. Unless the context requires otherwise, the expressions "use" or "to use" in this By-law include anything done or permitted by the owner or occupant of any land or building, directly, indirectly, by or through any trustee, tenant, servant, or agent, acting for or with the knowledge or consent of such owner or occupant, for the purpose of making use of the said land or building.

### 2.6 Meaning of Shall

1. In this By-law, the word "shall" shall always be construed as mandatory.

### 2.7 Numbers

1. In this By-law, unless the contrary intention appears, words imparting the singular number shall include more persons, parties, or things of the same kind than one, and the converse.

## 2.8 Metric and Imperial Terms

1. Where imperial measurements are included in this By-law, they are provided for convenience and do not form part of the By-law. The metric measurements contained in this By-law are the only measurements to be used in determining compliance with the By-law.

## 2.9 Administration

1. This By-law shall be administered by the Clerk or such other persons as may from time to time be designated by Council, and no permit for the use of land or for the erection or use of any building or structure or approval of application for any municipal license within the jurisdiction of the Council shall be issued or given where the proposed building, structure or use would be in violation of any provision of this By-law.

## 2.10 Other By-laws, Licenses, Permits and Regulations

1. Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law in force within the area affected by this By-law, or from applying for and obtaining any permit, license, permission, authority or approval required by this or any other By-law or regulation of the Township of Gillies or by any other provincial or federal law in force.

## 2.11 Validity

1. A decision of a Court stating that one or more of the provisions of this By-law are invalid in whole or in part does not affect the validity, effectiveness, or enforceability of the other provisions or parts of the provisions of this By-law.

## 2.12 Conflict

1. In the event of a conflict between this By-law and amendments thereto, and any general or special By-law, the more restrictive By-law shall prevail.

## 2.13 Effective Date

1. This By-law shall take effect from the date of its passage by Council, subject to the provisions of the Planning Act.

## 2.14 Repeal of Existing By-laws

1. Upon this By-law coming into effect, any Zoning By-laws or amendments thereto passed under Section 34 of the Planning Act or a predecessor thereto are hereby repealed. The adoption of this By-law shall not prevent any current, pending or future prosecution or action to abate any existing violation of previous By-laws.

## 2.15 Application and Reference to Legislation/Regulations

1. Where this Zoning By-law makes reference to legislation, then the references shall be deemed to mean the statute currently in force and any amendments thereto and all applicable regulations thereunder
2. Where the regulations or requirements of any federal or provincial government impose greater restrictions than the restrictions imposed by this By-Law, then such greater restrictions shall apply.

## 2.16 Non-Complying Uses

1. Where an existing building is located on a lot having less than the minimum setback required by this By-Law, the building may be enlarged, reconstructed, repaired or renovated, provided that the development or work does not further expand the degree of non-compliance.
2. Nothing in this By-law shall prevent the reconstruction or strengthening to a safer condition of any non-complying building or structure, provided the height and gross floor area are not increased and the new building or structure is erected on the same building footprint.
3. An existing non-complying building or structure may be renovated, provided the renovation does not further increase the extent of non-compliance.
4. Where any lot is rendered non-complying due to metric conversion, expropriation or dedication for public use:
  - a. The lot shall be deemed to conform with this By-Law with respect to those provisions made non-complying by metric conversion, expropriation or dedication for public use; and
  - b. The non-complying provisions shall not prevent the use of such lot, or the erection, alteration or use of a permanent building or structure thereupon, provided that:
    - i. The use of land remains the same, in accordance with all other provisions of this By-Law; and
    - ii. The degree of non-conformity is not increased.
5. The conveyance or alienation of any portion of a lot that results in a reduction in lot area or lot frontage shall not create non-compliance of development with any provision of this by-law or expand the degree of non-compliance with any provision of this by-law.
6. Notwithstanding provision (3), where a lot is reduced in area or frontage through the conveyance or acquisition of part of the lot by a public authority, any building or structure located upon the lot shall be deemed to remain in conformity with the provisions of this By-Law.



## 2.17 Non-Conforming Uses

### 2.17.1 Continuance of Existing Uses

1. Nothing in this By-law shall apply to prevent the use of any land, building or structure for any purpose prohibited by the By-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the By-law, provided it continues to be used for that purpose.
2. The non-conforming use of any land, building or structure shall not be changed or enlarged except to a use which is in conformity with the provisions of the zone in which the land, building or structure is located, or upon obtaining permission from the Committee of Adjustment pursuant to the Planning Act.
3. The provisions of this By-law shall not apply to prevent the erection or use for the purpose prohibited by this By-Law of any building or structure, the plans for which have, prior to the date of the passing of the By-Law, been approved by the Township, provided:
  - a. The building or structure, when erected, is used and continues to be used for the purpose for which it was erected; and,
  - b. The permit has not been revoked under the Building Code Act.

### 2.17.2 Addition to Existing Building or Structure

1. Nothing in this By-law shall prevent the extension or addition to a building or structure in existence on the date of passing of this By-law and used for a purpose specifically permitted within the zone in which such building or structure is located, but which building or structure does not comply with one or more of the zone regulations of this By-law, provided such extension or addition does not further increase the extent of non-compliance.

### 2.17.3 Existing Vacant Lots

1. An existing vacant lot having less than the minimum frontage, depth or area required by this By-law may be developed for all uses in the appropriate zone, provided:
  - a. All other regulations of this By-law are satisfied; and,
  - b. Such lots are serviced by private well and septic systems that meet the requirements of the authority having jurisdiction.

## 2.18 Holding Zone “h” Designation

1. Any zone classification may be placed in a Holding Zone by adding to the zone symbol the letter “h”. No development is permitted on lands where the “h” symbol appears until the applicable conditions have been met and the “h” is lifted by an amendment to this By-law under Section 36 of the Planning Act.

## 2.19 Zones – One or More Properties and One Lot for Zoning Purposes

1. Where a lot is divided into more than one zone, each such portion of the lot shall:
  - a. be used in accordance with the provisions of this By-law for the zone where such portion of the lot is located; and
  - b. be considered as a separate lot for the purposes of determining zone provisions.
2. Where a group of occupancies located on separate but abutting lots are under common ownership and/or shared management, including but not limited to shared parking, infrastructure, or site access, the group of occupancies may be considered as one lot for the purposes of applying zone regulations.

## 2.20 Exception Zone

1. A zone symbol followed by the suffix "-X" shall correspond to a numbered site-specific exception zone listed in this By-law under the applicable zone.
2. An Exception Zone may:
  - a. Allow a use that would not be otherwise permitted;
  - b. Prohibit a use that would otherwise be permitted; and/or
  - c. Make modifications to the regulations applicable to a property subject to the Exception Zone.
3. Where an Exception Zone applies, all other provisions of this By-law shall continue to apply.

### 3 Definitions

In this By-law, the following definitions shall apply:

#### Abut

Means to share a common lot line; “abutting” has a corresponding meaning.

#### Accessory

When used to describe a use, building or structure, shall mean a use, building or structure naturally or normally incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith.

#### Accessory Building

Means a separate subordinate building, not used for human habitation, that is used or intended for the better or more convenient enjoyment of the main building to which it is accessory, and is located upon the same lot as the main building.

#### Accessory Use

Means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a principal use of land or building and located on the same lot.

#### Adverse Effects

Means one or more of:

1. Impairment of the quality of the natural environment for any use that can be made of it;
2. Injury or damage to property or plant or animal life;
3. Harm or material discomfort to any person;
4. An adverse effect on the health of any person;
5. Impairment of the safety of any person;
6. Rendering any property or plant or animal life unfit for human use;
7. Loss of enjoyment of normal use of property; and,
8. Interference with normal conduct of business.

#### Aggregate

Means gravel, sand, clay, earth, shale, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes, but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act or exempted under the Regulations of the Aggregate Resources Act.

### Agricultural Use

Means the use of land, building(s) or structure(s) for:

1. The growing of crops, including but not limited to:
  - a. nursery and horticultural crops;
  - b. activities related to those listed in (a), such as soil preparation, manure or fertilizer spreading, planting, spraying, grain drying, irrigating, harvesting; and
  - c. the storage and sale of the crops produced on the lands;
2. Animal husbandry, including the raising, boarding, and keeping of all forms of livestock, including poultry and fish, aquaculture, apiaries and all related activities such as breeding, training, feeding and grazing;
3. Agro-forestry, maple syrup production;
4. The production of animal products including but not limited to milk, eggs, wool, fur, or honey, and all related activities such as the collection, storage and sale of the products produced on the lands;
5. The use and storage of all forms of on-farm buildings and structures, equipment or machinery needed to accomplish the activities described in this definition,

but does not include:

6. Commercial activities related to agriculture such as abattoirs, tanneries and retail sales outlets, except a farm produce outlet; or
7. Manufacturing and processing activities involving farm crops or animal products such as cheese factories, grain mills or retail seed sales.

### Agriculture-Related Use

Means those farm-related uses that are intended to provide direct products and/or services to farm operations as a primary activity, are compatible with local farm operations, and are limited to:

1. Non-accessory storage or distribution of farm products and farm-related machinery;
2. Farm produce outlets;
3. Sorting or packing of farm products;
4. Stables;
5. Greenhouses;
6. Market gardens;

7. Nurseries.

### **Aisle**

Means the traveled way by which motor vehicles enter and depart parking spaces, loading/delivery spaces or a parking area.

### **Alter**

When used in reference to a building, structure or part thereof, means:

1. To change any one or more of the internal or external dimensions of such building or structure; or
2. To change the type of construction of the exterior walls or roof of such building or structures; or
3. To change the use of such building or structure or the number or types of uses or dwelling units contained therein.

When used in reference to a lot means:

4. To change the boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of the lot, or otherwise; or
5. To change any dimension or area relating to such lot, including width, depth or area of a lot; or
6. To change physical attributes of the exterior of a development, including yards, landscaped open space or parking areas; or
7. To change the use of such lot or the number of uses located thereon.

When used in reference to a shoreline means to change, straighten, divert or interfere in any way with the channel of any waterbody or the lands surrounding the high-water mark of a waterbody.

Altered and alteration shall have corresponding meanings.

### **Alternative Energy System**

Means a system that uses sources of energy or energy conversion processes to produce power, heat and/or cooling that significantly reduces the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

### **Animal Hospital / Shelter**

Means a building or structure where animals, birds or other livestock are examined or treated and which may be kept on a short-term basis and may include the premises of a veterinarian or veterinary surgeon, but does not include a kennel.

**Artisan Shop or Studio** - see Studio

### **Areas of Archaeological Potential**

Means areas with the likelihood to contain archaeological resources. Criteria to identify archaeological potential are established by the Province. The Ontario Heritage Act requires archaeological potential to be confirmed by a licensed archaeologist.

### **Areas of Mineral Potential**

Means areas favourable to the discovery of mineral deposits due to geology, the presence of known mineral deposits or other technical evidence.

### **Areas of Natural and Scientific Interest (ANSI)**

Means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

### **Asphalt or Concrete Plant**

Means a permanent industrial facility used for the production of asphalt or concrete products used in building or construction and includes but is not limited to:

1. Facilities for the administration or management of the business;
2. The stockpiling of bulk materials used in the production process of finished products manufactured on the premises; and
3. The storage and maintenance of equipment.

### **Assembly Hall**

Means a building or part thereof in which facilities are provided for such purposes as meetings for civic, educational, political, recreational, religious or social purposes, and without limiting the generality of the foregoing may include such facilities as an auditorium, a banquet hall or private club.

### **Attached**

Means a building or structure otherwise complete in itself which is connected to, and which depends for structural support upon, a division wall or walls shared in common with an adjacent building or buildings.

### **Attic**

Means that portion of a building immediately below the roof and wholly or partly within the roof framing.

### **Auction Establishment / Hall**

Means a building, structure or parts thereof, or any lands or premises used for the storage of goods or materials which are to be sold on the premises by public auction and for the sale of the said goods and materials by public auction. An auction barn shall be included within this definition.

### **Auto Body Shop**

Means a building or structure where painting, refinishing, restoration, alterations, or repairs are made to motor vehicles and where the services are performed for gain or profit, but does not include a salvage yard or automotive service station.

### **Automotive Dealership / Sales Establishment**

Means land or buildings used for the display, storage and sales or leasing, or renting of new and/or used motor vehicles and recreational vehicles and related products, and may include accessory uses such as an auto repair garage and/or auto body shop, administrative offices and a customer lounge.

### **Automotive Service Station**

Means a building and/or lot used for the sale of fuels or energy products, for motor vehicles or recreational vehicles and may include an auto repair garage, the servicing, repairing, lubrication, cleaning and polishing of vehicles and the sale of automotive accessories and related products, but shall not include an auto body shop, automotive sales establishment, or gas bar.

### **Bakery**

Means an establishment where baked good are prepared, but no retail sales occur.

### **Bank**

Means a place that provides a range of financial services and includes a trust company or other financial institution, and may include an accessory use bank machine.

### **Basement**

Means that portion of a building below the first floor which is partly underground.

### **Batch Plant, Asphalt or Concrete**

Means an industrial facility used for the production of asphalt or concrete products, used in building or construction and includes but is not limited to:

1. Facilities for the administration or management of the business;
2. The stockpiling of bulk materials used in the production process of finished products manufactured on the premises; and
3. The storage and maintenance of equipment.

### **Bed and Breakfast Establishment**

Means a private dwelling in which guest rooms are provided for gain as temporary accommodation on a daily basis for the travelling or vacationing public as an accessory use and where the proprietor lives on the premises.

### **Boat House**

Means an accessory building used for the storage of boats and boating equipment.

**Boat Launch**

Means a use of land adjacent to a water body that is used to launch and remove boats, marine vessels and watercraft.

**Boat Slip**

Means a single mooring space for a boat, marine vessel or watercraft forming part of a dock, boat house or other mooring facility.

**Building**

Means any structure consisting of walls, roof and floors used or intended for sheltering any use or occupancy. A building shall also include a shipping container, sea can, or similar storage structure when the structure is placed on the ground for any purpose other than loading and unloading a shipment in conjunction with an industrial or commercial use for up to a maximum of 28 consecutive calendar days. The word "building" shall include the whole of such structure or part thereof.

**Building Area**

Means the area of the lot within which permitted buildings or other structures may be erected, used and maintained and shall be calculated by deducting all appropriate yard areas and setbacks from the gross lot area.

**Building Envelope**

Means the three-dimensional buildable area on a lot, defined by all of the required yards and setbacks and the maximum height provisions, within which a building can be erected.

**Building Inspector or Building Official** - see Chief Building Official

**Building Permit**

Means a permit required by the Building Code Act, 1992.

**Building, Main**

Means a building in which is conducted the principal uses of the lot on which it is situated.

**Building Line**

Means a line within a lot drawn parallel or concentric to a lot line establishing the minimum distance between that lot line and any portion of a building or structure which may be erected.

**Building, Mixed Use**

Means a building containing more than one land use that are designed and constructed as a single building.

**Building Separation**

Means the horizontal distance between the nearest portions of the walls of any buildings on a lot.



### **Building Supply Store**

Means a building where building supplies such as lumber, millwork, siding, roofing, plumbing, electrical, heating, hardware, air conditioning, home improvement and similar goods are stored, displayed, or kept for retail or wholesale sale and may include a bulk storage yard, but which shall not include a salvage yard.

### **Building, Temporary**

Means a building intended for removal or demolition within a prescribed time period.

### **Built Heritage Resource**

Means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. Built heritage resources are located on property that may be designated under Parts IV or V of the Ontario Heritage Act, or that may be included on local, provincial, federal and/or international registers.

### **Bulk Fuel Depot**

Means lands, buildings and structures for the storage, distribution of fuels and oils but not including retail sales or key lock operations.

### **Bulk Retail Outlet**

Means 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, and excludes any Automotive Use.

### **Bulk Storage Yard**

Means land or a lot used for the storage, in the open or partially sheltered, of goods and materials and, without limiting the foregoing, shall include lumber, building supplies, and construction equipment, but shall not include a salvage yard.

### **Camp (Hunt Camp, Fishing Camp)**

Means a building or structure intended to provide basic shelter and accommodation on a temporary basis for persons engaged in such activities as hunting, fishing, snowmobiling, hiking or other similar forms of recreation but does not include a seasonal dwelling or a dormitory.

### **Campground**

Means an area of land, managed as a unit, providing short-term accommodation or overnight camping for tents, tent trailers, recreational vehicles or truck campers. A campground may include accessory uses, buildings and structures such as an accessory dwelling, laundromat, convenience store, pavilion, recreation hall, beach, the sale of propane fuels or firewood or other goods or supplies and equipment rentals that are accessory to the operation of the campground.

**Camp Site**

Means a parcel of land within a campground that is maintained as a site for the location of accommodations such as a tent, tent trailer, recreational vehicle or truck camper, but excluding a mobile home.

**Cannabis Production Facility**

Means a facility used for the cultivation, production, processing, testing, destruction, packaging, and/or shipping of cannabis and cannabis-based products.

**Carport**

Means a structure open on at least two sides and intended to be used for the sheltering of one or more motor vehicles.

**Car Wash**

Means a commercial building or portion thereof used for the washing or cleaning of motor vehicles.

**Catering Establishment**

Means a commercial establishment in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises.

**Cemetery**

Means a cemetery within the meaning of the Cemeteries Act and includes a mausoleum, columbarium or other building or structure intended for the interment of human remains.

**Chief Building Official**

Means an officer or employee of the Municipality charged with the duty of enforcing the provisions of the Building Code Act.

**Church** - see Place of Worship**Clinic**

Means a building or part thereof used solely for the purpose of consultations, diagnosis and treatment of patients and, without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms, laboratories, pharmacies or dispensaries directly associated with the clinic.

**Commercial Use**

Means the use of land, structure or building for the purposes of buying and/or selling commodities and supplying services, as distinguished from such uses as manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar uses.

**Commercial Entertainment and Recreation Establishment**

Means an entertainment facility such as a theatre, bowling alley, billiard room or similar facility where entertainment is provided for a fee.

### **Commercial Floor Space**

Means the sum of the areas of all floors of a building or part thereof used for commercial purposes, measured between the internal faces of the exterior walls, excluding the furnace room, laundry room or washroom, stairwell or elevator shaft or any area designated or used permanently for storage space.

### **Commercial Greenhouse, Nursery or Garden Centre**

Means a building and/or outdoor area primarily used for the growing of flowers, sod, vegetables, shrubs or bushes, trees, landscaping or orchard stock and similar vegetation for wholesale or retail sale on or off the premises and may include the incidental sale of gardening supplies, planting materials fertilizers and equipment.

### **Commercial Parking Lot**

Means a lot on which the principal use of the land is the temporary parking of two or more motor vehicles for profit or gain.

### **Commercial Vehicle**

Means a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, fire apparatus, police patrols, motor buses and tractors used for hauling purposes on the highway.

### **Communications Facility**

Means an installation which transmits, receives and/or relays communications such as a microwave relay tower, significant antenna, telephone or telegraph line, cellular telephone tower, radio or television broadcast tower or similar facility approved by Industry Canada.

### **Community Centre**

Means a multi-purpose facility that offers a variety of programs of a recreational, cultural, day care, social, community service, informational or instructional nature, and may include, as a portion of it, a medical facility.

### **Community Garden**

Means a garden, which may be rented by individuals or groups, for the growing of plants, including vegetables, fruits, grains, flowers or herbs, and which is intended to provide communal benefits to the caretakers of the garden.

### **Conservation Use**

Means the use of lands which are intended to remain open in character with the priority use given to preservation, protection or conservation of their ecological uniqueness, wildlife production and their natural features and may include non-commercial recreational uses.

### **Construction Yard or Contractor's Yard**

Means the yard of a building contractor or company used as a depot for the storage and maintenance of equipment used by the contractor or company, and may include facilities for the administration or management of the business and the stockpiling or storage of supplies used in the business, but does not include the crushing of virgin or recyclable aggregates or materials nor the wholesale or retail sale of building supplies or home improvement supplies.

### **Convenience Store**

Means a retail store where a range of day-to-day items such as newspapers, confections, food, and other such household items are sold in small quantities.

### **Corporation**

Means the Corporation of the Township of Gillies.

### **Cottage**

shall have the meaning attributed to it in the definition Dwelling, Seasonal.

### **Council**

Means the Council of the Corporation of the Township of Gillies.

### **Craft Shop**

Means an establishment in which the preparation, creation, and/or sales of handicrafts is conducted for commercial purposes.

### **Crisis Care Facility**

Means a residential facility that is licensed and funded by the Province of Ontario, Government of Canada or an appointed agency in which, for the short term, temporary care is provided to persons requiring immediate emergency shelter and aid who are living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their wellbeing.

### **Day Care**

Means a facility for the temporary care of children in exchange for compensation and, where such care is provided in a private residence, other than the home of a parent or guardian of any such child, the service is offered for a continuous period not exceeding twenty-four hours.

### **Deck**

Means a structure above the ground cantilevered from a dwelling or building or supported by the ground with no roof or walls except for visual partitions and which is used as an outdoor living area.

### **Detached**

When used in reference to a building or structure, means a building or structure which is not structurally dependent on, nor adjoins on any side, any other building.

### **Development**

Means the creation of a new lot, a change of land use, or the construction of buildings or structures requiring approval under the Planning Act and includes redevelopment, but does not include activities that create or maintain infrastructure authorized under an Environmental Assessment process, works subject to the Drainage Act, or underground or surface mining of minerals or advanced exploration on mining lands.

**Dock**

Means an accessory structure used for the mooring of boats, marine vessels or watercraft which is designed to float freely on the surface of the water and which may be secured or anchored to the shoreline.

**Drive-Through Facility**

Means a premises used to provide or dispense products or services through an attendant or a window or an automated machine, to persons remaining in motor vehicles that are in a designated queuing space, and may be combined with other land uses. Kiosks within a parking structure necessary for the operation of the parking facility or kiosks associated with a surface parking area are not considered drive-through facilities.

**Driveway**

Means an unobstructed private way used to provide access to a lot from a street or lane.

**Driving Range**

Means a public or private area operated for the purpose of developing golfing techniques, including miniature golf courses, but excluding a golf course.

**Dry Cleaning or Laundry Outlet**

Means a premises used for the purpose of receiving articles or goods of fabric to be subjected to the process of laundering or dry cleaning at another location and may include facilities for the pressing or ironing of such articles.

**Dwelling**

Means a building or part of a building occupied or capable of being occupied as a residence, or sleeping place, by one or more persons, where food preparation and sanitary facilities are provided, but shall not include a hotel or motel.

**Dwelling – Accessory**

Means a detached dwelling which is accessory to a permitted residential use.

**Dwelling – Additional**

Means a dwelling unit contained within a building that is secondary and subordinate to an associated principal dwelling unit in the same building, and its creation does not result in the creation of a semi-detached, row dwelling or apartment dwelling.

**Dwelling - Apartment**

Means a building containing four or more dwelling units but shall not include a row dwelling.

**Dwelling – Duplex**

Means a building that is divided horizontally into two dwelling units, each of which has an independent entrance.

### **Dwelling – Mobile Home**

Means any dwelling that is designed to be made mobile, and constructed or manufactured in accordance with applicable standards in the Ontario Building Code and designed to provide a permanent residence for one or more persons, but does not include a recreational vehicle.

### **Dwelling – Modular**

Means any of the following, but does not include a recreational vehicle:

1. A dwelling that is designed and built in more than one unit and is designed to be made mobile on a temporary basis, and constructed or manufactured off-site to provide a permanent residence for one or more persons; or
2. A mobile home constructed on a permanent foundation constructed in accordance with the Ontario Building Code; or
3. A mobile home altered to conceal the chassis by means of a skirt constructed of brick, stucco, metal, vinyl, or other similar material.

### **Dwelling – Row**

Means a building that is divided vertically into three or more dwelling units, each of which has an independent entrance at grade.

### **Dwelling – Seasonal**

Means a dwelling constructed for occupancy exclusively in the spring, summer, or autumn and does not meet Ontario Building Code requirements for winter occupancy.

### **Dwelling – Semi-Detached**

Means a building on a single foundation divided vertically into two separate dwelling units by a common wall.

### **Dwelling – Single-Detached**

Means a detached building containing one dwelling unit.

### **Dwelling Unit**

Means one or more habitable rooms, or suites of two or more rooms, designed or intended for use and/or occupancy by one or more individuals as a household, in which separate culinary and sanitary facilities are provided for the exclusive use of such household, and which is accessed by a private entrance from outside the building or from a common hallway or stairway inside the building.

### **Eave**

Means a roof overhang, free of enclosing walls, without supporting columns.

### **Emergency Service Facility**

Means a use providing police, fire, ambulance, or paramedic services.

### **Entrance**

Means in reference to a lot, the area of intersection between a driveway and a street line.

### **Environmental Protection Areas**

Means significant river valley corridors, shorelines, wildlife and fish habitat as classified by the Ministry of Natural Resources and Forestry.

### **Equestrian Establishment**

Means the use of land, buildings and structures for operation of a horse riding academy or horse riding stables.

### **Equipment Sales, Service, Rental and Repair Establishment**

Means a building or part of a building and land where machinery or equipment for use in construction undertakings, commercial vehicles, and other similar goods are kept for sale at retail or wholesale and which may be serviced, washed or repaired and may include an auto body shop.

### **Equipment and Vehicle Storage Yard**

Means an uncovered area of land which is used for the storage of machinery and equipment for construction undertakings, commercial vehicles, and other similar goods requiring large areas for outside storage. Limited repair of such machinery, equipment, vehicles and goods may be permitted in a building provided such repair is clearly incidental and secondary to the storage use.

### **Erect**

Means to build, construct, reconstruct, renovate, alter or relocate and, without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, enlargement or extension.

### **Established Grade**

Means:

1. When used with reference to a building, the average elevation of the finished level of the ground adjoining a wall of the building, measured along the length of the wall, exclusive of any artificial embankments or berms or steps;
2. When used with reference to a structure, the average elevation of the finished surface of the ground immediately surrounding such structure;
3. When used with reference to a street, road or highway, the elevation of the street, road or highway established by a public authority.

### **Existing**

Means existing as of the date of the passing of this By-law.

### **Fairground**

Means land, buildings and structures used for entertainment, agricultural and related exhibits, competitive events, food concessions, a carnival or midway which are conducted on a seasonal or temporary basis and may include grandstands, barns and other accessory buildings and structures normally associated with such a use.

### **Farm, Hobby**

Means land on which a farm may be operated primarily for recreational purposes or for home consumption by the occupants of the dwelling on the same lot, and which is clearly secondary and accessory to the permitted use. A hobby farm may also include a farm produce outlet.

### **Farm Produce Outlet**

Means an accessory use to a farm which consists of the retail sale of agricultural products produced on the farm where such outlet is located.

### **Farmer's Market**

Means an establishment or premises where the farm products of a local farming community, or other products, are sold at retail by small-scale vendors.

### **Fence**

Means a wall, other than the wall of a building, gate or other barrier constructed of wood, masonry, metal or combination thereof, which may be continuous throughout its entire length, save and except where access areas and lines of sight are required for safety purposes.

### **Fill**

Means sand, gravel, earth or other materials of any composition whatsoever placed or deposited by humans.

### **First Storey**

Means the storey above a basement with its floor closest to and above grade.

### **Fitness Centre**

Means a building or part of a building in which facilities are provided for recreational or health-related activities, including but not limited to weight training and exercise classes and may include associated facilities and services such as a lounge, washrooms, showers, and saunas, an administrative office and an accessory retail sales outlet for fitness-related attire, equipment and dietary supplements.

### **Flood Elevation or Floodline**

Means a line representing the vertical flooding limit of a one-in-one-hundred-year storm event, as established by floodplain mapping or by a public authority.



### **Flooding Hazards**

Means lands having the potential for flooding impacts, the extent of which is measured by a one-in-one-hundred-year storm event, or a greater standard defined by a public authority.

### **Floodplain**

For river, stream and small inland lake systems, means the area adjoining a watercourse that has been or may be subject to flooding hazards.

### **Floor Area, Gross**

Means the total area of all floors contained within a building measured between the exterior faces of the exterior walls of the building, or, where there are no walls, the total area of a floor within the outer perimeter of the floor.

### **Floor Area, Ground**

Means the floor area of the first storey of a building, measured between the exterior faces of the exterior walls at the floor level of such storey, but excludes car parking areas within the building; and for the purposes of this paragraph the walls of an inner court are and shall be deemed to be exterior walls.

### **Floor Area, Net**

Means usable or habitable space above or below grade, measured from the exterior face of the exterior walls of the building or structure but shall not include:

1. Any private garage, porch, veranda, unfinished basement, or attic; or
2. Any part of a building or structure below grade which is used for building services, storage or laundry facilities; or
3. Any part of the building or structure used for the storage or parking of motor vehicles; or
4. Any part of a commercial shopping area used as a hallway, corridor passageway, utility room, public washroom, balcony or mezzanine not otherwise used for the display or sale area for merchandise.

### **Forestry Use**

Means the general raising, management and harvesting of wood and shall include the raising and cutting of fuel wood, pulpwood, saw logs, Christmas trees, other forestry products and silva culture practices.

### **Funeral Home**

Means a building or part thereof used for the purpose of furnishing funeral services to the public, but shall not include a crematorium.

### **Garage, Private**

Means a single-storey accessory building or portion of a main building which is designed or used for parking or storage of motor vehicles of the occupants of the premises in which there

are no facilities for repairing or servicing of such vehicles for remuneration or commercial use and includes a carport.

### **Garden Centre**

Means land, building, structure or part thereof or an outdoor area primarily used for the retail sale of gardening equipment, landscaping products and planting materials.

### **Garden Suite**

Means a temporary one-unit detached residential building containing sanitary and kitchen facilities that is accessory to an existing permanent residential building and that is designed to be portable, but shall not include a mobile home, or a recreational vehicle.

### **Gas Bar**

Means one or more pump islands, each consisting of one or more gasoline pumps, and which may include a building, structure or booth used for the sale of gasoline products and convenience items including but not limited to beverages, prepared foods, newspapers, lottery tickets sundries and may include other accessory features such as a comfort station and ATM.

### **Gazebo**

Means a freestanding, roofed accessory structure which is not enclosed, or enclosed only with transparent screening such as glass or netting, and which is utilized for the purposes of relaxation in conjunction with a main use but shall not include any other use or activity otherwise defined or classified herein.

### **Gillies**

Means the geographic land area under the jurisdiction of the Corporation.

### **Golf Course**

Means a public or private area operated for the primary purpose of playing the sport of golf but may also include such accessory buildings and structures as are necessary for the operation and maintenance of the golf course including club house facilities, a restaurant, banquet, conference and other uses of a social, recreational and entertainment nature normally associated with golf course development.

### **Government Offices**

Means a municipal office, court house, registry office, health and welfare centre, employment office, post office, or other office uses for the purpose of local or other government administration.

### **Gravel Pit**

Means an open land area where sand, gravel and rock fragments are mined or excavated for sale or off-tract use.

**Grade** – see “Established Grade”

### Greenhouse

Means a building used for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse.

### Group Home

Means a single housekeeping unit in a residential dwelling, which is registered with the Township, in which up to six persons (excluding supervisory or operating staff) live together under responsible supervision consistent with the requirements of its residents for a group living arrangement and which is licensed and/or approved under Provincial Statutes and in compliance with municipal By-laws.

### Guest Cabin

Means an accessory building, located on the same lot as the main building, which is used for sleeping accommodation but does not contain any cooking facilities and may contain sanitary facilities.

### Guest Room

Means a bedroom or suite of rooms, which contains no facilities for cooking and which is used or maintained for gain or hire by providing accommodation.

### Habitable Room

Means a room in a dwelling used or intended to be used primarily for living, dining, sleeping or kitchen accommodation and may include a bathroom, den, library or enclosed sunroom but shall not include any private garage, carport, porch, unfinished attic, or unfinished basement.

### Hazardous Lands

Means property or lands that could be unsafe for development due to naturally occurring processes, including lands in a floodplain or subject to a flooding hazard or erosion hazard.

### Hazardous Substances

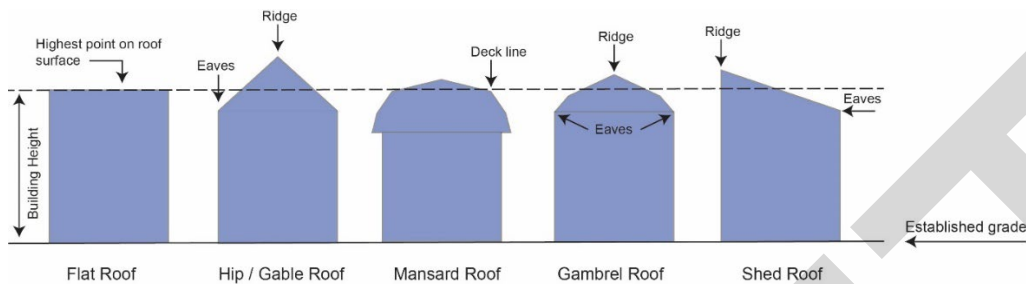
Means substances which, individually or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide variety of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

### Height

Means the vertical distance between the established grade and:

1. In the case of a flat roof, the highest point of the roof surface or parapet wall, whichever is the highest [see Figure 4.1]; or,
2. In the case of all other types of roofs, the mean height level between the base of the roof (eaves or deck line) and highest point of the roof (ridge) [see Figure 4.1].

Where the height is designated in terms of storeys, it shall mean the designated number of storeys above and including the first storey.



**Figure 4.1: Building Heights**

### Helipad

Means a landing area used for the landing and take-off of helicopters and may include incidental emergency service facilities, fuelling facilities and passenger and cargo areas.

### Herein

Means in this By-law, and shall not be limited to any particular section of this By-law.

### High-Water Mark

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

### Highway

Means a street under the jurisdiction of the Ontario Ministry of Transportation.

### Home Industry

Means a home-based business in which a product is manufactured or a service is rendered that is characterized by a light industrial use, and which is clearly secondary to the principal residential use of the same lot on which the home industry is located.

### Home Occupation

Means the accessory use of part of a dwelling or accessory building for an occupation, business, or professional activity that results in a product or service and which is clearly secondary to the main use of the dwelling unit, and includes a licensed or unlicensed home child care service, but does not include a home industry.

### Hotel

Means a building designed or used for the temporary accommodation of the travelling or vacationing public, containing guest rooms served by a common building entrance. Accessory uses may include accommodation for permanent staff and one or more beverage rooms, dining rooms, meeting rooms, restaurant or similar uses. This term does not include a “Bed and Breakfast” establishment.

## Industrial Use

Means the use of land, building or structures for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, storing or adapting for sale of any goods, substances, article or thing, or any part thereof and the storage of building and construction equipment and materials as distinguished from the buying and selling of commodities and the supplying of personal services. This definition does not include a mine, pit or quarry or noxious industry. Accessory uses may include transportation, wholesaling, storage, shipping and receiving incidental to the industrial use.

### 1. Class I Industry - Light Industrial

Means a place of business for a small scale, self-contained plant or building which produces, manufactures, assembles or stores a product which is contained in a package and has a low probability of fugitive emissions, noise, odour, dust or vibration. Such industries operate in the daytime only with infrequent movement of products, few heavy trucks and no outside storage. 'Light Industrial Uses' or 'Class I Industry' have a corresponding meaning.

### 2. Class II Industry - Medium Industrial

Means a place of business for medium-scale process and manufacturing with outdoor storage of wastes or materials and where there are periodic or occasional outputs of fugitive emissions, noise, odour, dust and/or vibration. Shift operations may occur and there is frequent movement of products and/or heavy trucks during daytime hours. 'Medium Industrial Uses' or 'Class II Industry' have a corresponding meaning.

### 3. Class III - Heavy Industrial Uses

Means a place of business for uses characterized as having emissions such as noise, smoke, odour, fumes or vibrations, or extensive outside storage, as part of their normal operations. 'Heavy Industrial Uses' or 'Class III Industry' have a corresponding meaning.

## Institutional Use

Means any land, building, structure or part thereof used to provide non-profit or non-commercial purposes for governmental, educational, charitable, fraternal or other public services.

**Junk Yard** - see Salvage Yard

## Kennel

Means a commercially-operated building or structure where four or more dogs over the age of six months, are kept, bred, or boarded.

**Landfill**– see Waste Management Facility

## Landscaping

Means any combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land and is an area which is not to be built upon.

### Lane

Means a public thoroughfare other than a street or pedestrian way, improved or not, which has a right-of-way width of 10 metres or less and which provides a secondary means of travel for vehicular traffic to abutting lots and which is not intended for general traffic circulation.

### Livestock

Means animals associated with an agricultural use such as, but not limited to, cattle, horses, goats, poultry, sheep, swine or the young thereof, raised for personal use or for commercial purposes.

### Livestock Facility

Means one or more barns or permanent structures with livestock-occupied portions, intended for the keeping or housing of livestock and includes all manure or material storages.

### Loading Space

Means an unobstructed area of land which is used for the temporary parking of one or more commercial motor vehicles while merchandise or materials are being loaded or unloaded from such vehicle.

### Logging Operation

Means an area of land and/or building of a logging contractor where equipment and materials are stored and may include repairs to logging equipment.

### Lot

Means all contiguous land under one ownership, legally capable of being transferred from one owner to another.

### Lot Area

Means the total horizontal area measured within the limits of the lot lines of the lot, excluding the horizontal area of any floodplain or wetland area located on such lot.

### Lot, Corner

Means a lot situated at an intersection of two or more public roads, or at the intersection of two parts of the same public road which have an interior angle or intersection of not more than 135 degrees.

### Lot Coverage

Means that percentage of land or lot area covered by all buildings and structures.

### Lot Depth

Means 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. If 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 the triangle formed by the side lot lines.

### Lot Frontage

Means the horizontal distance between the side lot lines. Where such side lot lines are not parallel, it shall be the width of a lot measured as a straight line between the intersections of the side lot lines at points equal to the front yard setback back from and parallel to the front lot line.

### Lot, Interior

Means a lot other than a corner or through lot which has frontage on a street or road.

### Lot Line

Means a boundary line of a lot or the vertical projection thereof.

### Lot Line - Exterior Side

Means a lot line located between the front and rear lot lines and dividing the lot from a street [see Figure 4.2].

### Lot Line, Front

Means:

1. In the case of an interior lot, the line dividing the lot from the street, street allowance or private road;
2. In the case of a corner lot, the shorter lot line abutting a street shall be deemed to be the front lot line;
3. In the case of a corner lot with two street lines of equal length, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line [see Figure 4.2].

### Lot Line, Rear

Means the lot line furthest from, and opposite to, the front lot line [see Figure 4.2].

### Lot Line, Side

Means a lot line other than a front lot line or rear lot line. On a lot with more than four sides, any lot line not otherwise defined as a front or rear lot line shall be considered as an exterior side (abutting a street or road) or interior side (abutting another lot) lot line [see Figure 4.2].

### Lot, Through

Means a lot having a frontage on two parallel or approximately parallel streets and where such lot qualifies as being both a corner lot and a through lot, such lot shall be considered as a corner lot.

### Main Building

See "Building, Main"

### Main Use

Means the use, building, or structure which constitutes the principal use for which the lot is used.

### Major Facilities

Means facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

**Medical Clinic** - see Clinic

### Merchandise Repair Shop

Means 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.

### Microbrewery

Means a commercial operation where beer is produced at a small scale. A microbrewery may sell the product that is produced on-site, including for purposes of on-site consumption. A microbrewery may also sell retail items directly related to the operation on-site. A microbrewery shall not include a tavern.

### Mine

Means a mine as defined in the Mining Act. Mining shall have a corresponding meaning.

### Mine Hazard

Means any feature on a mine as defined under the Mining Act or any related disturbance of the ground that has not been rehabilitated.

### Mineral Aggregate Operation

Means:

1. Lands under license or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act, or successors thereto, or a pits and quarries control by-law enacted under the Municipal Act; and
2. Associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

### Mineral Mining Operation

Means a mining operation and associated facilities, or, a past producing mine with remaining mineral development potential that has not been permanently rehabilitated to another use.



### **Minimum Distance Separation Formulae I and II**

Means formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

### **Mixed-Use Building**

See “Building, Mixed-Use”

**Mobile Home** – see Dwelling – Mobile Home

### **Mobile Home Park**

Means land which has been provided and designed for the location thereon of two or more occupied mobile homes.

### **Motel**

Means a building or buildings designed or used for the accommodation of the travelling or vacationing public, containing therein three or more guest rooms, each guest room having a separate entrance directly from outside and may include an accessory eating establishment but does not include a bed and breakfast establishment.

**Motor Home** - see Recreational Vehicle

### **Motor Vehicle or Vehicle**

Means an automobile, commercial vehicle, truck, recreational vehicle, transport tractor, farm tractor, road building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a snowmobile.

### **Municipal Service Centre**

Means a facility in which the Municipality provides municipal services and administration, and may also include offices and other ancillary uses.

### **Municipality**

Means the Township of Gillies

### **Museum**

Means a building or buildings used, or to be used, for the preservation of a collection of paintings and/or other works of art, and/or objects of natural history, and/or of mechanical scientific and/or philosophical inventions, instruments, models and/or designs, and dedicated or to be dedicated to the recreation of the public, together with any libraries, reading rooms, laboratories and/or other offices and/or premises used or to be used in connection therewith.

### **Non-Complying**

Means any existing building, structure or lot which does not comply with one or more of the zone regulations and standards of this By-law.

### **Non-Conforming**

Means any existing use, building, structure or lot which does not conform to the permitted use provisions of any Zone in this By-law.

### **Non-Residential**

Means a use, building or structure that is designed, intended or used for purposes other than those of a dwelling or a residential use.

**Nursery** - see Commercial Greenhouse, Nursery or Garden Centre

### **Occupied**

Is an adjective that describes 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 human-made structures or land which is utilized by humans.

### **Office**

Means a building, structure or part thereof used for conducting the affairs of businesses, professions, services, industries, governments, or like activities. 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.

### **Open Space**

Means the open, unobstructed space on a lot including landscaped areas, pedestrian walkways, patios, swimming pools or similar areas but not including any driveway, ramp, parking spaces or aisles, loading spaces or manoeuvring areas and similar areas.

### **Open Storage**

Means the storage of goods, merchandise or equipment outside of a building or structure on a lot or portion thereof, but does not include a storage use located in a building, a salvage yard, a parking area, a loading space or a parking space.

### **Orchard**

Means a group of fruit trees maintained by humans for the purposes of cultivating the fruit from the trees for personal or commercial purposes.

### **Order Station**

Means an ordering box, service window, display board or any other device, including communication equipment, used by the public and operator to facilitate sales and/or services in a drive-through service facility.

### **Outdoor Display**

Means an area set aside outside of a building or structure, other than a parking area, loading space or parking space which is used in conjunction with a business located within the building or structure on the same property, for the display of goods, merchandise, equipment and seasonal produce and products and may include garden supplies and Christmas trees, new merchandise or the supply of services.

### **Owner**

Means a mortgagee, lessee, tenant, occupant, or a person entitled to a limited estate or interest in land, a trustee in whom the land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator or a guardian.

### **Park**

Means an area of land, whether enclosed or not, which is used for recreational or leisure uses including but not limited to a beach, playground, play field, athletic field, field house, community centre, bleachers, swimming pool, wading pool, splash pad, greenhouse, botanical gardens, zoological gardens, bandstand, skating rink, tennis courts, bowling green, boat livery, bathing station, curling rink, refreshment concession, campground, fairground, and conservation area.

### **Parking Lot, or Parking Area**

Means an open area of land, accessory to a permitted use, not located on a public road, private road or lane which is used for the parking of motor vehicles, but shall not include any public roads or areas where motor vehicles for sale or repair are kept or stored.

### **Parking Space**

Means an area used for the temporary parking of one motor vehicle.

### **Parking Space, Barrier Free**

Means a parking space for the temporary parking of a motor vehicle that can be used by persons with physical, mental or sensory disabilities.

### **Patio**

Means a surfaced, open space of land at grade adjacent to a residential dwelling which is used as an extension to the interior of the home for private entertainment or leisure activities and is uncovered. In a commercial setting, means an outdoor eating area accessory to a restaurant where food and/or refreshments prepared on the premises are consumed.

### **Permitted**

Means permitted by this By-law.

### **Permitted Use**

Means a use which is permitted in the zone where such use is located.

### **Person**

Means an individual, an association, a chartered organization, a firm, a partnership, a corporation, an agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

### **Personal Service Establishment**

Means a building wherein a personal service is performed including but not limited to a barber shop, beauty salon, aesthetician, shoe repair, photographic store, but excludes a manufacturing or fabrication of goods for sale.

### **Pit**

Means land or land under water from which aggregate is being or has been excavated to supply material for construction, manufacturing or industrial purposes, but shall not include rehabilitated land or an excavation incidental to the erection of a building or a structure for which a building permit has been granted by the Township, or an excavation incidental to the construction of any public works.

### **Place of Amusement**

Means commercial premises wherein amusement facilities are provided such as a video arcade, arcade, billiard or pool room but does not include an adult entertainment parlour or bingo hall.

### **Place of Worship**

Means a building or an open area dedicated to religious worship or activities and may include:

1. an accessory dwelling; and
2. other secondary meeting facilities; and
3. accessory uses such as an auditorium, religious education facilities, parish hall, rectory, manse; and
4. cemetery.

### **Porch or Veranda**

Means a covered, unenclosed entrance to a building usually with a separate roof and used as an outdoor living space.

### **Portable Asphalt Plant**

Means a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process and which is not of permanent construction, but which is to be dismantled at the completion of the construction process.

### **Portable Concrete Plant**

Means a building or a structure with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process and which is not of permanent construction, but which is to be dismantled at the completion of the construction process.

### **Premises**

Means the area of a building and lot occupied by a business or enterprise. In a multiple-tenancy building occupied by more than one business, each business area shall be considered separate premises.

### **Principal**

Means primary, main, or dominant.

### **Printing and Processing Service Shop**

Means a building or part of a building used by one or more persons who are employed in the management, direction or conducting of an activity, specifically undertaken to aid an industrial or office use including photocopying, mail processing, receiving, distribution, document finishing, laminating, faxing, and packaging. Accessory uses to any industrial or business office activity such as computer graphic services and data processing may also be permitted as part of this operation.

### **Private Road**

Means a private right-of-way over private property which affords access to two or more abutting lots or a road created through the registration of a plan of condominium, but does not include a road established or maintained by a public authority.

### **Public Authority**

Means the Township of Gillies and any Boards or Commissions thereof, and any Ministry or Department of the Governments of Ontario or Canada, or other similarly recognized public utility or agencies established or exercising any power or authority under any special or general statute and includes any committee or local authority established by By-law of Council.

### **Public Services**

Means the buildings, structures and other related works necessary for supplying water, gas, oil, electricity, steam, hot water, telephone services, telecommunication services, sewage collection and treatment facilities and other services provided by a public authority.

### **Public Road**

Means a public thoroughfare, lane, road, street, or highway affording principal means of access or entrance to abutting properties, and which has been assumed and is maintained by a public authority.

### **Public Use or Facility**

Means a building, structure, or equipment owned and/or operated by the Township, any Ministry or Commission of His Majesty in right of Ontario or Canada, any telecommunications company, or natural gas company or any railway company authorized under the Railway Act for any essential physical service within the community, and includes telephone, hydro, gas, water, sanitary sewer or storm sewers, any and all equipment and appurtenances normally associated therewith, but shall not include offices, storage yards, maintenance facilities or warehouses.

### **Public Utility**

Means a utility owned by a government or government agency, and may include 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, structures, or equipment required for the operation of the utility.

### Quarry

Means any open excavation made for the removal of any consolidated rock or mineral including limestone, sandstone or shale, in order to supply material for construction, industrial or manufacturing purposes, but shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Township, or an excavation incidental to the construction of any public works.

### Reconstruction

Means to re-build, erect or assemble a previously existing building or structure.

### Recreational Use

Means the use of land, building and/or structure for outdoor leisure and sporting purposes and for purposes of enjoyment of the natural environment and activities relating thereto, which may include uses such as boating, camping, canoeing, hunting, fishing, snowmobiling and swimming.

### Recreational Facilities

Means land, structures and equipment for outdoor and indoor sports and games, but does not include a shooting gallery or rifle, pistol, skeet or trap club, an automobile race track or commercial amusement park or theatre.

### Recreational Vehicle

Means any vehicle so constructed that is suitable for being attached to a motor vehicle for the purpose of being drawn or is propelled by the motor vehicle and is capable of being used for living, sleeping, eating or accommodation of persons on a temporary, transient or short-term basis, even if the vehicle is jacked up or its running gear is removed. Examples include a motor home, tent trailer, a camper trailer, a recreational trailer, a fifth wheel or a bus converted into a motor home. The definition of a recreational vehicle shall not be interpreted to include a mobile home, recreational equipment such as boats, boat or vehicle trailers, personal watercraft, snowmobiles, all-terrain vehicles (ATVs) or other equipment used for recreational purposes and which are normally stored or parked on a lot.

### Recreational Vehicle Sales and Storage

Means a building and/or lot which is used for the display, storage and/or sale of boats, recreational vehicles or recreational equipment.

### Recycling Depot or Transfer Station

Means a special waste management facility which only serves as a temporary storage site for clean materials such as glass, paper, cardboard, plastic, metal and other similar products which will be transferred to another location for reuse. This definition does not include any other type of waste management system.

**Redevelopment** - see Development

### Remote Cottage

Means a Recreation Dwelling located on a lot which does not front on to a public road and has no municipal services available.

**Renovation**

Means the repair, strengthening or restoration of a building to a safe condition, but does not include its replacement.

**Residential Care Facility**

shall mean an establishment providing supervised or supportive in-house care for those who need assistance with daily living, that may also provide on-going medical or nursing care or counselling and social support services and which may include services such as medical, counselling, and personal services.

**Residential Use**

Means the use of land, buildings or structures for human habitation or as a dwelling.

**Restaurant**

Means premises, including a drive-through service facility, in which the principal business is the preparation and serving of food and refreshments to the public for consumption at tables within or outside the building and which may include the preparation of food in a ready-to-consume state for consumption off the premises.

**Retail Store**

Means a building wherein goods, wares, merchandise, groceries, substances or articles are offered for sale to the general public, and may include the limited storage of goods, wares, merchandise, substances or articles.

**Retirement Home** – see Residential Care Facility

**Rooming Unit**

Means a room or rooms rented as sleeping and living quarters, without cooking facilities and may include an individual bathroom.

**Salvage Yard**

Means a lot and/or building or portion thereof where used goods, wares, merchandise, articles, motor vehicles, machinery or parts thereof are processed or sold for further use, dismantled or abandoned. This definition may include a junk yard, a wrecking yard, a scrap metal yard, and an automobile wrecking yard on the premises.

**Satellite Dish/Receiver**

Means a structure designed, used or intended to be used to send or receive signals to or from a satellite.

**Sawmill or Planing Mill**

Means a building, structure or area where timber is cut or sawed, either to finished lumber or as an intermediary step.

### **School**

Means a Provincially-approved institution for academic instruction and shall include a public, private or separate school, a vocational school, or a post-secondary school such as a college or university.

### **Seating Capacity**

Means the number of persons that can be accommodated in a building or structure or part thereof in a seated position on chairs, benches, or pews.

### **Self-Storage Facility**

Means a commercial building or part of a building wherein items are stored in separate, secured storage areas or lockers and may include the exterior storage of boats and water-related equipment, recreational equipment and recreational vehicles.

### **Sensitive Land Use**

Means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment.

### **Separation Distance**

Means the horizontal distance between buildings or structures or physical features measured from the closest point of the exterior wall or identifiable boundary of such building or structure, or of such physical structure.

### **Septage**

Means untreated sanitary waste from a septic tank, privy or holding tank.

### **Service Outlet or Shop**

Means a shop for selling, servicing, repairing, installing or renting items and equipment, including but without limiting the generality of the foregoing: radio or television shop, locksmith shop, small appliance shop, household and carpenter tool shop, shoe repair, a copy shop but shall not include a small engine shop or automotive repairs and automotive services.

### **Setback**

Means:

1. With reference to a public road, the shortest horizontal distance between the front lot line and the nearest building line.
2. With reference to a waterbody, the shortest horizontal distance between the specified feature and the nearest building line.
3. With reference to a building, structure or land use and not applicable under paragraph (1) or (2), shall mean the shortest horizontal distance from the building, structure or land use in question.



## Sewage and Water Services

Means:

1. Private Communal Sewage Services
  - a. Means a sewage works within the meaning of Section 1 of the Ontario Water Resources Act that serves six or more lots or private residences and is not owned by the Township.
2. Private Communal Water Services
  - a. Means a non-municipal drinking-water system within the meaning of Section 2 of the Safe Drinking Water Act, 2002 that serves six or more lots or private residences.
3. Individual On-Site Sewage Services
  - a. Means individual sewage systems as defined in Ont. Reg. 332/12, under the Building Code Act, 1992 that are owned, operated and managed by the owner of the property upon which the system is located.
4. Individual On-Site Water Services
  - a. Means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.
5. Municipal Sewage Services
  - a. Means a sewage works within the meaning of Section 1 of the Ontario Water Resources Act that is owned or operated by a municipality.
6. Municipal Water Services
  - a. Means a municipal drinking-water system within the meaning of Section 2 of the Safe Drinking Water Act, 2002.
7. Partial Services
  - a. Means municipal sewage services or private communal sewage services and individual on-site water services; or municipal water services or private communal water services and individual on-site sewage services.
8. Sewage Works
  - a. Means any works for the treatment and disposal of sewage in a wastewater stabilization pond and includes hauled sewage.

## Shipping Container

Means a pre-manufactured box that is designed to facilitate the transportation of goods by one or more means of transportation and includes, but is not limited to, intermodal shipping containers and transport box trailers.

### Shooting Range or Rifle Club

Means the use of land, buildings, structures or premises for commercial or private recreational target practice, skeet shooting, pistol shooting, rim fire and centre fire, a sporting clay range rifle shooting, archery, gun or hunter safety instruction and may include accessory facilities.

### Shoreline

Means a lot line or portion thereof which abuts or parallels the high-water mark of a waterbody.

### Sight Triangle

Means a triangular space, free of buildings, structures and obstructions, formed by the street lines abutting a corner lot and a third line drawn from a point on a street line to another point on a street line, each such point being the required sight distance from the point of intersection of the street lines.

### Sign

Means any writing, letter work or numeral, any pictorial representation, illustration, drawing, image or decoration, any emblem, logo, symbol or trademark or any device with similar characteristics which:

1. Is a structure, or part of a structure, or which is attached thereto or mounted thereon; and,
2. Which is used to advertise, inform, announce, claim, give publicity or attract attention.

### Solar Collector

Means a small-scale ground-mounted or rooftop-mounted or wall-mounted device consisting of photovoltaic panels that collect solar power from the sun.

### Solar Collector, Commercial

Means a large-scale ground-mounted device consisting of photovoltaic panels that collect solar power from the sun for commercial purposes.

### Solarium

Means a glassed-in structure or room projecting from an exterior or main wall of a building which may be used for sunning, therapeutic exposure to sunlight, or for a use where the intent is to optimize exposure to sunlight.

### Stacking Lane

Means an on-site lane for motorized vehicles which accommodates vehicles using a drive-through facility that is separated from other vehicular traffic and pedestrian circulation. Stacking lanes may be separated by any combination of barriers, markings or signage.

**Stable**

Means 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.

**Storage Container** – see Shipping Container

**Storey**

Means that portion of a building other than a basement included between the surface of any floor and the surface of the floor, roof deck, ceiling or roof immediately above it.

**Street Line**

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

**Structure**

Means anything constructed or erected, the use of which requires location on the ground or attached to something having location on the ground and, without limiting the generality of the foregoing, includes vehicular parking facilities, a recreational vehicle, a sign, a fence, a swimming pool, a deck, an individual on-site sewage services (i.e. septic tank).

**Studio**

Means a building or part thereof used:

1. As the workplace of a cabinetmaker, ornamental welder, photographer, artist, or artisan or any similar artist or craftsman, where unique articles are made or fabricated and offered for sale; or
2. For the instruction of art, music, languages or similar disciplines.

**Swimming Pool**

Means an open or covered pool designed to be used for swimming, wading, diving or recreational bathing which is at least 50 centimetres in depth and may include a hot tub, inflatable pool or whirlpool.

**Tavern**

Means a "tavern" as defined by the Liquor License Act.

**Temporary Car Shelter**

Means a temporary structure erected to provide shelter primarily to a motor vehicle during winter months and is designed to be dismantled or removed.

**Top of Bank**

Means a boundary where the majority of normal discharges and channel-forming activities takes place. The top of bank boundary will contain the active stream channel, active floodplain, and their associated banks.

**Tower**

Means a structure situated on a non-residential site that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for dispatch communications.

**Township**

Means the Corporation of the Township of Gillies.

**Trailer, Travel Trailer or Recreational vehicle** - see Recreational Vehicle

**Trailer Park** - see Campground

**Transportation Depot or Truck Terminal**

Means land, buildings or structures where commercial vehicles are kept for hire, rental and/or leased, or stored and/or parked for remuneration and/or from which such vehicles are dispatched for hire as common carriers and where such land, structure or building may be used for the storage and/or distribution of goods, wares, and merchandise.

**Use**

Means the purpose for which a lot or a building or a structure is designed, arranged, occupied or maintained, and used has a corresponding meaning.

**Utility**

Means any public or private system, works, plant, building, equipment, or services that are provided to or for the use of the general public, including but not limited to telephone, electric power, public water supply or sewage services, and includes a Utility Building.

**Vehicle** – see Motor Vehicle

**Veterinary Establishment** - see Animal Hospital / Shelter

**Warehouse**

Means a building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, but shall not include facilities for a truck or transport terminal or yard.

**Waste Management Facility**

Means land or a site which is licensed or approved by the Ministry of the Environment and/or its agents where ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse compost, excluding radioactive or toxic chemical wastes is disposed of or dumped.

**Waterbody**

Means any bay, lake, river, natural watercourse or canal but excluding a drainage or irrigation channel.

### **Wayside Pit**

Means land from which unconsolidated aggregate is removed by means of open excavation on a temporary basis for use by a road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

### **Wayside Quarry**

Means land from which consolidated aggregate is removed by means of open excavation on a temporary basis for use by a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

### **Welding Shop**

Means a building or structure or part thereof where metal products are joined, repaired or shaped by welding but no mass productions shall be involved.

### **Wellness Centre**

Means a premises devoted to the actively sought goal of good health and includes the teaching and practice, in both individual and group sessions, of a range of holistic, alternative and integrative natural health practices and may include meditation, acupuncture, shiatsu, massage therapies, yoga, and healthy eating programs, and may include accessory uses such as administrative offices, physical fitness rooms, and waiting rooms, directly associated with the premises, but excludes a recreational commercial establishment.

### **Wetlands**

Means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

Periodically soaked lands or wetlands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

### **Wholesale Establishment**

Means a building or part of a building where goods, wares, merchandise or articles are stored in bulk for sale in wholesale quantities but does not include premises where any goods, wares, merchandise, substances or articles are offered or kept for sale at retail.

### **Wind Farm**

Means a collection of wind turbines all in the same geographical location which are used in combination for the generation of mechanical or electrical generation.

### **Wind Turbine**

Means a small-scale wind facility designed and used for converting the kinetic energy in wind into mechanical energy or electrical energy.

**Wind Turbine, Commercial**

Means a large-scale wind facility designed and used for converting the kinetic energy in wind into mechanical energy or electrical energy.

**Workshop**

Means a building or structure or part of a building or structure used by a trade or craft for the individual custom production of articles. The sale of such products shall be permitted as an accessory use.

**Wrecking Yard** – see Salvage Yard

**Yard**

Means an area of a lot abutting a building that is intended for such purposes as privacy space, landscaping, parking or access [see Figure 4.2].

**Yard, Front**

Means a yard extending across the full width of the lot between the front lot line and a line drawn parallel or concentric thereto and through the point of the main wall of a main building closest to the front lot line [see Figure 4.2].

**Yard, Rear**

Means a yard extending across the full width of the lot between the rear lot line and a line drawn parallel or concentric thereto and through the point of the main wall of the main building closest to the rear lot line. Where there is no rear lot line, the rear yard shall be measured from the intersection of the side lot lines to the closest point of the main wall of the main building [see Figure 4.2].

**Yard Sale**

Means the occasional or infrequent sale of household goods, clothing, furniture, tools, recreational equipment or other second-hand articles or sundry items, usually by the households on an individual property, and may include a joint sale by neighbours on the same street or a joint sale at a school, a place of worship or other location.

**Yard, Side**

Means a yard extending from the front yard to the rear yard between the side lot line and a line drawn parallel or concentric thereto and through the point of the main wall of a building closest to the side lot line [see Figure 4.2].

**Yard, Exterior Side**

Means a side yard adjacent to a street [see Figure 4.2].

**Yard, Interior Side**

Means a side yard other than an exterior side yard [see Figure 4.2].

## Zone

Means a portion of the Township within which certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited, or within which certain yards and other spaces are required or within which certain lot areas are established, or within which certain height limits are prescribed for buildings, or within which a combination of such aforesaid regulations shall apply, all as set forth and specified in this By-law. Zone shall also mean a designated area of land use shown on a Schedule to this By-law.

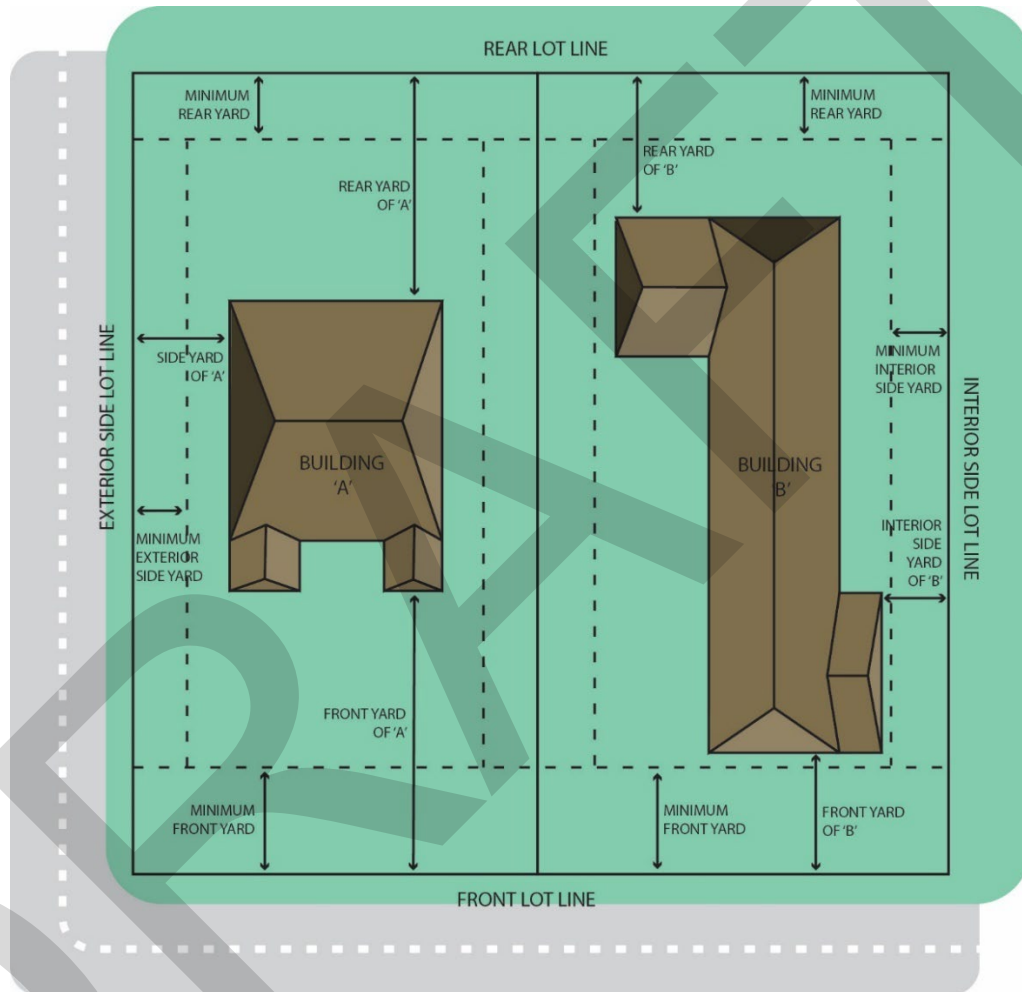


Figure 4.2: Lot Line and Yard Definitions

## 4 General Provisions

### 4.1 Accessory Buildings, Structures and Uses

#### 4.1.1 General

1. Accessory uses, building or structures, are permitted in any zone, and are subject to the provisions of this By-law in which said building, structure, or use is located.
2. Accessory uses, buildings or structure shall:
  - a. Not be used for human habitation, except where a residential use is a permitted accessory use;
  - b. Not be considered as an accessory building or structure if attached to the main building in any way;
  - c. Not be considered an accessory building or structure if located completely underground;
  - d. Not exceed the maximum permitted height for the main building in the same zone;
  - e. Not be located in the required front yard, unless specifically allowed in this By-law; and,
  - f. Not exceed the setback from property line and lot coverage provisions, as established by each zone.

### 4.2 Additional Dwelling Units

1. Two additional dwelling units shall be permitted on a lot that permits a single-detached dwelling in the Rural and Village Residential Zones.
2. An additional dwelling shall not be erected on a lot that is occupied by a bed and breakfast establishment, a group home, or a boarding house.
3. An additional dwelling unit must comply with the applicable provisions of the Ontario Building Code.
4. Additional dwelling units shall be permitted to be located within the primary single-detached dwelling or ancillary to the primary single-detached dwelling, with a maximum of one additional dwelling unit permitted ancillary to the primary dwelling.
5. Notwithstanding any provision of this By-law to the contrary, a maximum of one parking space shall be required for an additional dwelling unit permitted under this section.



### 4.3 Accessory Dwelling Units to Commercial Uses

1. A maximum of one dwelling unit accessory to a commercial use is permitted.
2. No dwelling unit is permitted to be accessory to a commercial use wherein gasoline, petroleum products or any other highly flammable, toxic, or explosive products are handled in quantity.
3. Where a dwelling unit accessory to a commercial use already exists and the use of the commercial establishment changes to a use involving the products listed in provision (2), the dwelling unit shall cease to be occupied as dwelling unit.

### 4.4 Automobile Service Stations

1. Notwithstanding any other provisions of this By-law, where a lot is used for an automobile service station or gas bar:
  - a. No portion of any pump island shall be located closer than 6 metres from a lot line abutting a road;
  - b. The minimum distance from the intersection of two road lines to the nearest driveway serving an automobile service station or gas bar shall be a minimum of 9 metres;
  - c. A driveway serving an automobile service station or gas bar shall be a maximum of 9 metres in width.
  - d. The minimum distance between driveways serving an automobile service station or gas bar shall be 9 metres.

### 4.5 Bed and Breakfast Establishments

1. A bed and breakfast is permitted in a single-detached dwelling in any zone in which a single-detached dwelling is permitted as a primary use.
2. The operation of a bed and breakfast shall be incidental and secondary to the main use as a dwelling unit.
3. A bed and breakfast shall not be located within a mobile and/or modular home.
4. The lot on which the bed and breakfast is proposed shall have frontage on a road which is open and maintained by the Township, the Province of Ontario or another road authority.
5. The operation of a bed and breakfast shall not change the residential character of the dwelling.
6. A bed and breakfast shall be operated only by a person or persons whose principal residence is the dwelling unit containing the bed and breakfast.

7. Where applicable, the Bed and Breakfast must be licensed by the government authority with jurisdiction.
8. Required parking spaces shall be located on the same lot as the bed and breakfast and must be provided as identified by Section 4.24 of this By-law.

#### 4.6 Buildings to be Moved

1. No building or structure shall be moved within the limits of the Municipality or from outside the Municipality into the Municipality unless the building or structure is a permitted use and satisfies all the regulations of the zone in which it is to be located.

#### 4.7 Change of Use

1. A use, building or structure which is not permitted in the zone applicable to the lot accommodating the use, building or structure shall not be changed except to a use which is permitted in such zone or as otherwise authorized by the Committee of Adjustment under Section 45 of the Planning Act.

#### 4.8 Frontage on a Street

1. No person shall erect any building or structure or use any land in any zone unless the lot upon which such building or structure is to be erected, or the land to be used, has access to a public road or highway.
2. Despite provision (1), access to a lot by means other than a public road or highway shall be permitted for the following uses, where all other applicable zone regulations are met:
  - a. For a permitted use on a lot served by an existing private road;
  - b. For a resource-related use on Crown Land;
  - c. For a communications facility;
  - d. For a public use;
  - e. For a wayside pit or wayside quarry;
  - f. For a water access lot or island; and,
  - g. For any passive outdoor recreational use or activity such as skiing, snowmobiling, hiking, mountain biking or similar activities.
3. Despite provision (1), where a development or subdivision agreement exists between the Municipality and a landowner and is registered on title, access to an unassumed, unopened or unmaintained public right-of-way shall be deemed to comply to the provisions of this section, provided that the development is in conformity with the zone regulations set out in the corresponding zone or any exception thereto.

4. Despite provision (1), where a legal right-of-way is registered on title and provides for a right-of-way to an existing lot which is developed for a single-detached dwelling or seasonal dwelling as of the date of approval of this By-law, such uses shall be deemed to comply with the provisions for access of this By-law.
5. Despite provision (1), 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.

#### 4.9 Group Homes

1. Group homes shall be permitted in all zones permitting residential uses, provided that they are licensed by the Province of Ontario.

#### 4.10 Height Exceptions

1. The height regulations of this By-law shall not apply to any:
  - a. Ornamental dome;
  - b. Chimney;
  - c. Hydro towers;
  - d. Communications tower;
  - e. Storage silo;
  - f. Barn;
  - g. Cupola;
  - h. Steeple
  - i. Church spire;
  - j. Water storage tank;
  - k. Elevator enclosure;
  - l. Flag pole
  - m. Television or radio antennae;
  - n. Ventilators;
  - o. Sky lights;
  - p. Windmills
  - q. Wind turbines;

- r. Solar collectors; or
- s. Fire lookout towers.

#### 4.11 Home Occupation

1. A home occupation shall be permitted in a permitted dwelling.
2. Where permitted, a home occupation must:
  - a. Be conducted entirely within the dwelling;
  - b. Be clearly secondary to the use of the dwelling as a private residence; and
  - c. Must not change the residential character of the building.
3. External storage of materials or finished products associated with the home occupation is not permitted.
4. The home occupation shall be operated by the inhabitants of the dwelling, with a maximum of one (1) additional employee.
5. The home occupation shall not generate excessive noise, dust, odour, fumes, vibration, radiation, glare, traffic or parking demand.
6. A home occupation shall not become a fire or building hazard or health risk.
7. The area devoted to a home occupation must not exceed 25 percent of the floor area of the dwelling.
8. Where any parking is required for a home occupation, the parking space may be located in a driveway associated with the dwelling on the lot.
9. A maximum of one sign may be posted on a lot to advertise or identify a home occupation.

#### 4.12 Home Industry

1. A home industry shall be permitted to operate within an accessory building to a permitted dwelling.
2. Where permitted, a home industry shall:
  - a. Be conducted entirely within the accessory building;
  - b. Be clearly secondary to the principal residential use of the property; and
  - c. Not change the residential character of the primary building.
3. The external storage of materials or finished products must not detract from the residential character of the property.

4. The number of persons engaged in the operation of the home industry is limited to the inhabitants of the dwelling on the subject property, with a maximum of one additional employee.
5. The home industry shall not generate excessive noise, dust, odour, fumes, vibration, radiation, glare, traffic or parking demand.
6. The maximum net floor area of an accessory building utilized for a home industry is 120 square metres.
7. Where any parking is required for a home industry, the parking space may be located in a driveway associated with the dwelling on the lot.
8. A maximum of one sign may be posted on a lot to advertise or identify a home industry.

#### 4.13 Land Suitability For Use

1. Despite any other provision of this By-law, no habitable building or structure shall be erected, altered or used on land which is unsafe for development by reason of unstable bedrock, unstable soils, steep slopes, low-lying or marshy conditions, or unstable character.

#### 4.14 Main Building on a Lot

1. No person shall erect more than one (1) dwelling unit on a lot unless specifically allowed in that Zone.
2. No person shall erect more than one main building on a lot except for:
  - a. Permitted commercial or industrial buildings; or
  - b. Farm-related buildings associated with an active farm.

#### 4.15 Minimum Distance Separation and Special Setbacks for Livestock

1. Notwithstanding any other yard or setback provisions of this By-law to the contrary, no residential, institutional, commercial, industrial, or recreational use located on a separate lot and otherwise permitted by this By-law shall be established, and no building or structure for such use shall be erected or altered, unless it complies with the Minimum Distance Separation (MDS I) Formula established by the Province, as amended, and implemented under the guidelines established by the Province, as amended
2. Notwithstanding any other yard or setback provision of this By-law to the contrary, no livestock facility or manure storage facility shall be erected or expanded unless it complies with the Minimum Distance Separation (MDS II) Formula established by the Province, as amended, and implemented under the guidelines established by the Province, as amended.

3. All open yard space reserved for use by livestock shall achieve a minimum setback, from an existing well used to provide potable water, of:
  - a. 15 metres for drilled wells of 15 metres or more depth and without water-tight casing, or for drilled wells with water-tight casing to a depth of 6 metres or more; or
  - b. 30 metres for any other type of well.
4. Application of the Minimum Distance Separation (MDS I and MDS II) Formulae shall not be required between a livestock facility and a:
  - a. Dwelling or accessory building on the same lot;
  - b. Public utility;
  - c. Sewage treatment facility;
  - d. Waste disposal facility; or,
  - e. Pit.

#### 4.16 Offensive, Prohibited, and Noxious Uses

1. A use which 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 not permitted in any Zone.
2. Nothing in this By-law shall be construed to permit the use of land or the erection or use of a building or structure for any purpose:
  - a. That is or is likely to become a nuisance or offensive:
    - i. By the creation of noise or vibrations; or
    - ii. By reason of the emission of gas, fumes, dust or objectionable odour; or
    - iii. By reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter or other such material.
3. The practice of hydraulic fracturing in pursuit of hydrocarbons is prohibited within Gillies.

#### 4.17 Occupancy Restrictions

1. Human habitation shall not be permitted in any of the following buildings, structures, or parts thereof:
  - a. Any private garage or other building or structure which is accessory to a residential use, except in accordance with the provisions of this By-law.

- b. Any truck, bus, coach or streetcar body, whether or not the same is mounted on wheels.

#### 4.18 Open Storage and Outdoor Display

1. No person shall use any lot or part thereof for open storage or outdoor display, except as permitted by this By-law.
2. Areas used for open storage or outdoor display shall be specifically designed and set aside for such purpose and shall be fully integrated with the principal use of the lot.
3. Outdoor storage shall not be permitted within any required front yard or exterior side yard, nor closer than 5 metres to any interior side lot line or rear lot line.
4. Despite provision (3), where an open storage area abuts a residential zone:
  - a. the required setback of the open storage area shall be 10 metres; and
  - b. visual screening from any residential use shall be provided in the form of landscaping or fencing a minimum of 2 metres in height.
5. 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.
6. An outdoor display area shall be permitted as an accessory use to any permitted commercial use or industrial use, provided that the outdoor display area does not reduce any required parking area or loading space required by this By-law.
7. Despite the provisions of this section, seasonal sales of Christmas trees or a temporary yard sale of a maximum of five days' duration shall be permitted to occupy a designated parking area.

#### 4.19 Regulated Area (LRCA)

The Township will not issue a Building Permit for lands within the Use Limitation Area Overlay (which is the Lakehead Region Conservation Authority (LRCA) Regulated Area) without written approval from the LRCA.

The following provisions apply to the Use Limitation Area Overlay.

1. Despite the provisions of the underlying zone or other zoning provisions of the Zoning By-law, all development on lands that are subject to the Use Limitation Area Overlay is prohibited unless a permit or other form of authorization from the Lakehead Region Conservation Authority is issued.
2. For the purposes of (1), development that may require a permit shall include:
  - a. The construction, reconstruction, erection or placing of a building or structure of any kind;

- b. Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure, or increasing the number of dwelling units in the building or structure;
- c. Site grading;
- d. The temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere; or,
- e. The straightening, changing, diverting or interfering of an existing channel of a river, creek, stream, or watercourse, or for changing or interfering in any way with a wetland.

## 4.20 Parking Requirements

### 4.20.1 Parking Requirements

1. Off-road parking shall be provided and maintained for every use listed in Table 4.1 which is erected, altered, or enlarged after the passing of this By-law.
2. When the parking provided for a building or structure, other than a single-detached dwelling, does not comply with the requirements of Table 4.1 on the date of passing of this By-law, no addition may be built and no change of use may occur, unless the parking requirements are met for the entire use.

Table 4.1: Minimum parking requirements

TYPE OF USE	MINIMUM PARKING REQUIRED
<b>Residential Dwelling Unit</b>	2 parking spaces per dwelling unit
<b>Home Industry or Home Occupation</b>	1 parking space per use, in addition to parking requirements for residential use
<b>Bed and Breakfast</b>	1 parking space per guest room, in addition to parking requirements for the residential use
<b>Hotel / Motel</b>	1 parking space per guest room, plus 1 additional parking space for every four (4) persons seating capacity in any refreshment room, restaurant, dining room, or place of assembly that forms part of the Hotel



TYPE OF USE	MINIMUM PARKING REQUIRED
<b>Residential Care Facility</b>	1 parking space for every two (2) beds provided in the residential care facility
<b>Automotive Service Station</b>	1 parking space for every three (3) vehicles that can be serviced at the site at any given time
<b>Equipment Repair Establishment</b>	1 parking space for every 20 m <sup>2</sup> of floor area
<b>Industrial Use</b>	1 parking space for every 75 m <sup>2</sup> of floor area for the main building, plus 1 additional parking space for every 30 m <sup>2</sup> of accessory office and/or retail floor area
<b>Community Centre, Place of Assembly, Place of Worship, Restaurant, Taverns</b>	1 parking space for every 4 persons seating capacity
<b>Office, Medical Clinic</b>	1 parking space for every 30 m <sup>2</sup> of floor area
<b>Recreational Facility</b>	1 parking space for every 4 patrons that can be accommodated
<b>Bulk Retail Outlet</b>	1 parking space for every 90 m <sup>2</sup> of floor area
<b>Retail Store</b>	1 parking space for every 20 m <sup>2</sup> of floor area
<b>School</b>	1 parking space for each teaching staff member, plus 1 additional parking space for each 20.0 square metres of auditorium space

TYPE OF USE	MINIMUM PARKING REQUIRED
<b>Stables</b>	1 parking space for every 5 horses accommodated at the premises
<b>Storage Facility</b>	1 parking space for every individual storage unit available to the public
<b>Warehouse</b>	1 parking space for every 90 m <sup>2</sup> of floor area, plus 1 additional parking space for every 30 m <sup>2</sup> of accessory office and/or retail floor area
<b>Other Uses</b>	1 parking space for every 30 m <sup>2</sup> of floor area

#### 4.20.2 Parking Dimensions and Access

1. Each parking space and driveway connecting the parking area with a road shall be maintained with a stable surface.
2. Every parking space shall be:
  - a. a minimum of:
    - i. 3.0 metres width; and
    - ii. 6.0 metres length; and
  - b. have an area of at least 18 m<sup>2</sup>.
3. Access shall be provided by means of unobstructed driveways and aisles with a minimum of:
  - a. 7 metres in width for institutional, commercial, mineral aggregate and industrial uses; and
  - b. 3 metres in width for all other uses.

#### 4.20.3 Loading Spaces

1. No person shall erect or use any building or structure in any commercial or industrial zone which involves the movement of goods, merchandise, or materials unless loading spaces are provided and maintained on the site.

2. Loading spaces shall be provided at a rate of 1 loading space for every 278.0 square metres, or fraction thereof, of total floor area.
3. Loading spaces shall be a minimum of:
  - a. 3.0 metres wide; and
  - b. 7.5 metres long.
4. Loading spaces shall have a minimum of 4.5 metres of vertical clearance.
5. A loading space shall be accessed by adequate driveway space to permit the safe manoeuvring, loading, and unloading of vehicles on the lot, such that they do not cause an obstruction or a hazardous condition on adjacent road or sidewalks.

#### 4.21 Permitted Yard Encroachments and Obstructions

1. No part of any required yard shall be obstructed by a building or structure, except for:
  - a. sills, bay windows, chimneys, cornices, eaves, gutters, parapets and similar architectural features projecting a maximum of 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 no walls are included and which project a maximum of 2 metres into a required yard; and
  - d. open balconies projecting a maximum of 1.5 metres into a required yard.
2. No encroachment may create a hazard by obstructing the line of vision for motorists entering or exiting a property.

#### 4.22 Public Uses

1. The provisions of this By-law shall not apply to any use of land or to the erection or use of any building or structure for the purpose of public service by the Government of Canada, Province of Ontario, Corporation of the Municipality of Gillies, Hydro One, Ontario Power Generation Inc., Tbaytel, utility companies, or by any local Board thereof as defined by the Municipal Act, or as revised or amended from time to time.
2. Nothing in this By-law shall prevent land to be used as a public road or prevent the installation of a water main, sanitary sewer main, storm sewer main, gas main, pipe line, electric power generating facility, overhead or underground hydro, telephone or other supply and/or communication line.

#### 4.23 Signs

1. Unless otherwise stated in this By-law, signs shall be permitted only in accordance with the Signs By-law(s) of the Municipality.

#### 4.24 Temporary Buildings or Structures During Construction

1. Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure, scaffold or other equipment essential to construction works for which a building permit has been granted, but only until such time as the work has been finished or abandoned or such equipment is no longer required.
2. Temporary accommodation for a business which is intended to occupy a building or structure which is under construction may be temporarily permitted on the same lot in the form of a mobile, relocatable, portable or transportable building or structure provided:
  - a. A Building Permit is obtained from the Township; and,
  - b. Such temporary accommodation is removed from the lot immediately upon completion of construction or abandonment of construction.

#### 4.25 Wayside Pits and Wayside Quarries

1. A wayside pit or a wayside quarry, and buildings or structures accessory to them on the same lot, are permitted in every zone, except the Environmental Protection Zone and Use Limitation Overlay Area, as demonstrated on Zoning Maps "A" and "B".

#### 4.26 Yard Requirements for New Wells

1. Despite any other provisions of this By-law, the required front, required side and required rear yards for any new well shall be 30 metres.

## 5 Zones and Zoning Maps

### 5.1 Establishment of Zones

For the purposes of this By-law, the maps hereto annexed as Zoning Maps "A" and "B" shall be referred to as the "Zoning Maps of the Township of Gillies" and the said zoning maps shall be divided into the following zones:

Zone	Symbol
Rural Zone	RU
Village Residential Zone	VR
Commercial Zone	C
Industrial Zone	I
Extractive Industrial Zone	E
Disposal Industrial Zone	D
Institutional Zone	INS
Open Space Zone	OS

### 5.2 Use of Zone Symbols

1. The symbols listed in Section 5.1 shall be used to refer to land, buildings, and structures and the uses thereof permitted by this By-law in the said zones.
2. Wherever in this By-law the word "Zone" is used, preceded by any of the said symbols, such zones shall mean any area within the Township of Gillies delineated on the zoning maps and designated therein by the said symbol.
3. Lands shall be subject to all regulations of the applicable zone, except as otherwise provided by the special provisions.

### 5.3 Interpretation of Zone Boundaries

1. A zone boundary indicated as following a highway, street, private road or lane shall follow the centre line of such highway, street, private road or lane.

2. A zone boundary indicated as following a waterbody or the right-of-way of a railway or an electrical, gas or oil transmission line shall follow the centre line of such waterbody or right-of-way.
3. A zone boundary indicated as following the high-water mark shall follow such high-water mark, and in the event of a change in the high-water mark, the boundary shall be construed as moving with the actual high-water mark.
4. A zone boundary indicated as approximately following lot lines shown on a Registered Plan of Subdivision, or Reference Plan, or Township lot lines shall follow such lot lines.
5. Where a zone boundary is indicated as approximately parallel to a street line or other feature and the distance from such street line or other feature is not indicated, and clause (4) above is not applicable, such boundary shall be construed as being parallel to such street line or other feature, and the distance shall be determined according to the scale shown on the appropriate Zoning Map.
6. A boundary indicated as following the limits of the Township of Gillies shall follow such limits.
7. Where a dedicated street, lane or right-of-way shown on any Zoning Map forming part of this By-law is closed, the property formerly in such street, lane or right-of-way shall be included within the zone of the adjoining property on either side of such closed street, lane or right-of-way.
8. Where a closed street, lane or right-of-way is the boundary between two or more different zones, the new zone boundaries shall be the former centre line of the closed street, lane or right-of-way.
9. Where any zone boundary or a dimension is left uncertain after the application of the provisions of this section, then the boundary or dimension shall be determined from the Zoning Map using the scale bar thereon.

## 6 Rural Zone (RU)

### 6.1 General

1. No person shall within any Rural Zone (RU) use any lot or erect, alter or use any building or structure for any purpose except in accordance with the provisions of this section.

### 6.2 Permitted Uses

1. No person shall use any lot or erect, alter, or use any building or structure in the RU Zone for any purpose except for the following:
  - a. Agricultural use
  - b. Agriculture-related use
  - c. Campground
  - d. Cemetery
  - e. Community garden
  - f. Conservation use
  - g. Day care
  - h. Dwelling - Seasonal
  - i. Dwelling – Single-Detached
  - j. Dwelling Unit
  - k. Farmer's market
  - l. Forestry uses
  - m. Greenhouse
  - n. Kennel
  - o. On-farm diversified uses
  - p. Orchard
  - q. Park
  - r. Recreational use
  - s. Stable

### 6.3 Zone Provisions

PROVISION	REQUIREMENT
Minimum Lot Area	2 hectares (2 ha)
Maximum Lot Coverage	25%
Minimum Lot Frontage	20 metres (20 m)
Minimum Front Yard Setback	15.0 metres (15 m)
Minimum Side Yard Setback	15.0 metres (15 m)
Minimum Rear Yard Setback	15.0 metres (15 m)
Maximum Building Height	11.0 metres (11 m)

### 6.4 RU Subzones

#### 6.4.1 Rural Recreation Subzone (RU-RR)

1. In the RU-RR subzone, the following provisions apply:
  - a. No person shall use the lot or erect, alter or use any building or structure for any purpose except for a Remote Cottage;
  - b. The minimum lot area is 8 hectares;
  - c. The minimum setback from any building or structure to a watercourse is 30 metres;
  - d. The minimum setback from any building or structure to an abutting property is 10 metres; and,
  - e. The maximum floor area of a Remote Cottage is 65 square metres.

### 6.5 RU Exceptions

#### 6.5.1 RU-X1

1. Despite Section 6.2 of this By-law, for the lands legally described as **Lot A, Concession 2, Part 2 on 55R550, MR91, Township of Gillies**, a Communication Tower (with pad) and an Accessory Building is permitted as an additional Permitted Use.



### 6.5.2 RU-X2

2. Despite Section 6.3 of this By-law, for the lands legally described as **Lot A, Concession 2, Part 2 on 55R550, MR91, Township of Gillies:**
  - a. minimum front yard setback: 10 metres; and
  - b. minimum rear yard setback: 10 metres.

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## 7 Village Residential Zone (VR)

### 7.1 General

1. No person shall within any Village Residential Zone (VR) use any lot or erect, alter or use any building or structure for any purpose except in accordance with the provisions of this section.

### 7.2 Permitted Uses

1. No person shall use any lot or erect, alter, or use any building or structure in the VR Zone for any purpose except for the following:
  - a. Conservation uses
  - b. Day care
  - c. Dwelling – Apartment
  - d. Dwelling – Duplex
  - e. Dwelling – Row
  - f. Dwelling – Semi-Detached
  - g. Dwelling – Single-Detached
  - h. Dwelling Unit
  - i. Farmer's market
  - j. Park
  - k. Recreational use

### 7.3 Zone Provisions

PROVISION	REQUIREMENT
Minimum Lot Area	0.4 hectares (0.4 ha)
Minimum Lot Frontage	10 metres (10 m)
Minimum Front Yard Setback	10.0 metres (10 m)
Minimum Side Yard Setback	10.0 metres (10 m)
Minimum Rear Yard Setback	10.0 metres (10 m)
Maximum Building Height	11.0 metres (11 m)

## 7.4 Limited Agricultural Uses

1. Where a lot is located in a VR Zone and has a minimum lot area of 0.4 hectares:
  - a. A Dwelling may include the keeping of livestock as an accessory use, limited to:
    - i. Sheep;
    - ii. Goats;
    - iii. Donkeys;
    - iv. Mules;
    - v. Horses;
    - vi. Ponies;
    - vii. Pigs;
    - viii. Rabbits;
    - ix. Poultry; and
    - x. Bees.
  - b. An accessory use that involves the keeping of donkeys, mules, horses, and ponies under provision (a) above shall provide a minimum of 0.4 hectares of clear pasture or exercise space for each species of livestock kept on the lot.
2. Notwithstanding the provisions of 7.3, the minimum setback of a permitted livestock operation to a lot line shall be 15 metres.

## 8 Commercial Zone (C)

### 8.1 General

1. No person shall within any Commercial Zone (C) use any lot or erect, alter or use any building or structure for any purpose except in accordance with the provisions of this section.

### 8.2 Permitted Uses

1. No person shall use any lot or erect, alter, or use any building or structure in the C Zone for any purpose except for the following:
  - a. Animal hospital / shelter
  - b. Artisan shop or studio
  - c. Assembly hall
  - d. Bakery
  - e. Bank
  - f. Billiard and/or pool room
  - g. Bowling alley
  - h. Clinic
  - i. Commercial greenhouse, nursery, or garden centre
  - j. Community centre
  - k. Community garden
  - l. Conservation use
  - m. Convenience store
  - n. Craft shop
  - o. Farmer's market
  - p. Gas bar
  - q. Hotel
  - r. Motel
  - s. Office
  - t. Park

- u. Personal service establishment / shop
- v. Place of assembly
- w. Recreational use
- x. Recreational facilities
- y. Restaurant
- z. Retail store
- aa. Self-storage facility
- bb. Service outlet or shop
- cc. Studio
- dd. Taxi service establishment
- ee. Theatre

### 8.3 Zone Provisions

PROVISION	REQUIREMENT
Minimum Lot Area	2.0 hectares (2.0 ha)
Minimum Lot Frontage	20 metres (20 m)
Minimum Front Yard Setback	15.0 metres (15 m)
Minimum Side Yard Setback	15.0 metres (15 m)
Minimum Rear Yard Setback	15.0 metres (15 m)
Maximum Building Height	11.0 metres (11 m)
Maximum Lot Coverage	40%
Minimum Distance Between Main Buildings	6.0 metres (6 m)

### 8.4 Exceptions

#### 8.4.1 C-X1

1. Despite Section 8.3 of this By-law, for the lands legally described as **Lot A, Concession 2, Part 2 on 55R550, MR91, Township of Gillies**, the following provisions shall apply:

- a. The minimum lot area shall be 0.6 hectares (0.6 ha);
- b. the minimum lot frontage shall be seventy five metres (75 m); and,
- c. the minimum lot depth shall be eighty one metres (81 m).

#### 8.4.2 C-X2

1. Despite Section 8.2 of this By-law, for the lands legally described as **Lot A, Concession 2, Part 2 on 55R550, MR91, Township of Gillies**, a Storage Facility and Vehicle Storage Yard are additional permitted uses. All other provisions for the C Zone and all other applicable provisions of this By-law apply.

## 9 Industrial Zone (I)

### 9.1 General

1. No person shall within any Industrial Zone (I) use any lot or erect, alter or use any building or structure for any purpose except in accordance with the provisions of this section.

### 9.2 Permitted Uses

1. No person shall use any lot or erect, alter, or use any building or structure in the I Zone for any purpose except for the following:
  - a. Auction establishment / hall
  - b. Auto body shop
  - c. Automotive dealership / sales establishment
  - d. Automotive service station
  - e. Bulk fuel depot
  - f. Bulk retail outlet
  - g. Bulk storage yard
  - h. Car wash
  - i. Equipment sales, service, rental and repair establishment
  - j. Equipment and vehicle storage yard
  - k. Forestry use
  - l. Gas bar
  - m. Salvage yard
  - n. Self-storage facility
  - o. Service outlet or shop
  - p. Transportation depot
  - q. Truck terminal
  - r. Warehouse
  - s. Welding shop
  - t. Workshop

### 9.3 Zone Provisions

PROVISION	REQUIREMENT
Minimum Lot Area	2.0 hectares (2.0 ha)
Minimum Lot Frontage	100 metres (100 m)
Minimum Front Yard Setback	20.0 metres (20 m)
Minimum Side Yard Setback	20.0 metres (20 m)
Minimum Rear Yard Setback	15.0 metres (15 m)
Maximum Building Height	11.0 metres (11 m)
Maximum Lot Coverage	30%
Minimum Distance Between Main Buildings	6.0 metres (6 m)

### 9.4 Separation Between Other Zones

1. Where an I Zone abuts any other Commercial or Industrial Zone, the minimum required side yard setback is 15 metres.
2. Where an I Zone abuts a Residential or Open Space Zone, the minimum required side yard is 25 metres.

### 9.5 Extractive Industrial Subzone (I-E)

1. In the I-E Subzone, the following uses are permitted:
  - 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
2. In the I-E Subzone, despite the provisions of Section 9.3 and Section 9.4, the following provisions apply:
  - a. No excavation, building, equipment or stockpile shall be located within 120 metres of a building used for residential, recreational, institutional or commercial purposes.
  - b. No excavation, building, equipment or stockpile shall be located within 45 metres of a building used for industrial purposes not associated with the operation of the quarry.



- c. No excavation, building, equipment or stockpile shall be located within 15 metres of a public road, a private road, or land owned by the Corporation which is an unopened road or lane.
- d. No excavation, building, equipment or stockpile shall be located within 30 metres of any abutting property, except an abutting property which is also zoned "I-E"; and,
- e. No excavation, building, equipment or stockpile shall be located within 30 metres of any adjacent property.

## 9.6 Disposal Industrial Subzone (I-D)

- 1. In the I-D Subzone, the following uses are permitted:
  - a. Waste Disposal Site
- 2. In the I-D Subzone, despite the provisions of Section 9.3 and Section 9.4, the following provisions apply:
  - a. No waste disposal site shall be located within 500 metres of a property used for residential, recreational, institutional or commercial purposes.
  - b. No disposal site shall be located within 50 metres of any public road or land owned by a government authority constituting an unopened road or lane.

## 10 Institutional Zone (INS)

### 10.1 General

1. No person shall within any Institutional Zone (INS) use any lot or erect, alter or use any building or structure for any purpose except in accordance with the provisions of this section.

### 10.2 Permitted Uses

1. No person shall use any lot or erect, alter, or use any building or structure in the INS Zone for any purpose except for the following:
  - a. Ambulance facility
  - b. Assembly hall
  - c. Clinic
  - d. Cemetery
  - e. Conservation use
  - f. Emergency service facility
  - g. Funeral home
  - h. Hospital
  - i. Institutional use
  - j. Museum
  - k. Office
  - l. Park
  - m. Place of worship
  - n. Post office
  - o. Recreational use
  - p. Recreational facilities
  - q. School

### 10.3 Zone Provisions

<b>PROVISION</b>	<b>REQUIREMENT</b>
<b>Minimum Lot Area</b>	2.0 hectares (2.0 ha)
<b>Minimum Lot Frontage</b>	20 metres (20 m)
<b>Minimum Front Yard Setback</b>	15.0 metres (15 m)
<b>Minimum Side Yard Setback</b>	15.0 metres (15 m)
<b>Minimum Rear Yard Setback</b>	15.0 metres (15 m)
<b>Maximum Building Height</b>	11.0 metres (11 m)

# 11 Open Space Zone (OS)

## 11.1 General

1. No person shall within any Open Space Zone (OS) use any lot or erect, alter or use any building or structure for any purpose except in accordance with the provisions of this section.

## 11.2 Permitted Uses

1. No person shall use any lot or erect, alter, or use any building or structure in the OS Zone for any purpose except for the following:
  - a. Conservation Use
  - b. Park
  - c. Recreational Use
  - d. Recreational Facilities

## 11.3 Zone Provisions

1. No building or structure in an OS Zone is permitted to be located within 30 metres from the lot line of any abutting property, and from any public or private road, or land owned by the Corporation which is an unopened road or lane.

## 12 Enforcement

### 12.1 Enforcement

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

### 12.2 Offences Relating to Use

1. No person shall use any land, building or structure within a zone for a use that is not permitted within that zone.

### 12.3 Offences Relating to Change of Use

1. 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.

### 12.4 Offences Relating to Regulations

1. 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.

### 12.5 Offences Relating to Interference

1. 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.

### 12.6 Penalty Provisions

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

### 12.7 Removal of Contravening Building/Structure

1. 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.

### 12.8 Other Remedies

1. 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.

## **Zoning Maps**

**Map A: Township of Gillies Zoning Map (Entire Township)**

**Map A: Township of Gillies Zoning Map (Hymers)**