

BY-LAW NO. 587

BEING A BY-LAW TO AMEND BY-LAW NO. 432

WHEREAS the Incorporated Village of Hilton Beach has enacted By-law No. 432 to regulate the use of land and the erection, use, bulk, height and location of buildings and structures within the

AND WHEREAS the Council of the Incorporated Village of Hilton Beach finds it desirous and expedient to amend said By-law.

NOW THEREFORE the Council of the Incorporated Village of Hilton Beach enacts as follows:

1. Subsection 2.20 of By-law No. 432 is hereby deleted in its entirety and replaced by the following:
  - 2.20 "home occupation" shall mean an accessory use which is conducted entirely within a dwelling unit, or an accessory building thereto, by the occupant of the said dwelling unit, and:
    1. which is clearly secondary to the use of the subject property as a private residence; and
    2. which does not change the character of the dwelling unit as a private residence and/or the accessory building thereto; and
    3. of which no evidence is apparent from the exterior that such use is conducted therein; and
    4. which does not create or become a public nuisance, in particular, in regard to noise, traffic or parking; and
    5. which does not occupy more than 25% of the total floor area of the dwelling unit, including basement or cellar area used for such home occupation or as living quarters; or 46.5 square metres (500 sq. ft.) in an accessory building.
2. Subsection 2.21 of By-law No. 432 is hereby deleted in its entirety and replaced by the following:
  - 2.21 "lot" shall mean a parcel of land described in a registered deed or shown on a registered plan of subdivision, and which is capable of being conveyed seperately from any abutting land without contravening the Planning Act, including any of its parts which are subject to right of way or easement.

3. Subsection 3.3.4 of By-law No. 432 is hereby amended by the addition of the following:
  - 3.3.4.3 No part of any accessory building or structure on a lot having water frontage shall be located nearer to the high water mark than 27.7m (91 feet).
  - 3.3.4.4 Not more than one accessory building or structure per lot shall contain, or be used as, accessory sleeping facilities.
4. Subsection 5.1 of By-law No. 432 is hereby amended by the addition of the following permitted uses:
  - 5.1.13 (c) home occupations
  - 5.1.13 (d) upper floor residences
5. Subsection 7A.1 of By-law No. 432 is hereby amended by the addition of the following permitted uses:
  - 7A.1.6 (a) agricultural uses of all types and unless specified otherwise there may be only one single family dwelling per lot.
  - 7A.1.6 (b) home occupations
  - 7A.1.6 (c) municipal sanitary land fill sites
  - 7A.1.6 (d) municipal fire halls
  - 7A.1.6 (e) commercial logging and timbering operations provided the same are not conducted nearer than 15m (50 feet) from any road allowance and provided further that this section shall not apply to prevent the clearing of trees on bonafide farm lands for agricultural use or purpose.
6. Subsection 3.2 of By-law No. 432 is hereby amended by the addition of the following Zone:

Zone SR - Seasonal Residential
7. By-law No. 432 is hereby amended by the addition of the following new Section:

SECTION 7B - ZONE SR - SEASONAL RESIDENTIAL

  - 7B.0 No person shall hereafter use any land, building or structure or erect any building or structure on any land in Zone SR except in conformity with the provisions of this by-law and the schedules thereto.
  - 7B.1 Permitted Uses
    - 7B.1.1 seasonal residences.
    - 7B.1.2 accessory uses, including docks but excluding boat houses.

7B.2 General Regulations

7B.2.1 Signs

Signs shall be located on the same lot as the premises or use identified or advertised, and shall be governed by the following:

One sign for each dwelling unit, not exceeding 0.5m<sup>2</sup> (6. sq. ft.) in area, indicating the name of the occupant. Such sign shall be located a minimum of 3.0 metres (10 feet) from any property line.

One sign not exceeding 0.5m<sup>2</sup> (6 sq. ft.) in area advertising land or premises for sale, lease or rent.

One sign not exceeding 4.6m<sup>2</sup> (50 sq. ft.) in area in connection with a construction project during the course of work or that project, or advertising a subdivision in which lots or buildings are for sale.

Nothing herein shall be deemed to prevent the erection of signs for the purposes of naming and designating streets and controlling traffic and parking as provided for under the Highway Traffic Act.

8. Subsection 9.1 of By-law No. 432 is hereby amended by the addition of the following permitted uses:
- 9.1 (g) gas bars, service stations and repair garages.
  - 9.1 (h) restaurants
  - 9.1 (i) motels
9. Subsection 9A.2 of By-law No. 432 is hereby amended by the addition of the following permitted uses:
- 9A.2 (c) gas bars, service stations and repair garages
  - 9A.2 (d) restaurants
  - 9A.2 (e) hotels, motels and taverns
  - 9A.2 (f) souvenir and gift shops
  - 9A.2 (g) convenience stores
  - 9A.2 (h) travel information facilities

10. New Schedules A-1 and A-2 are added to By-law No. 432 as follows:

**SCHEDULE A-1  
HIGHWAY COMMERCIAL ZONE REGULATIONS**

MINIMUM LOT AREA	MINIMUM LOT FRONTAGE	MINIMUM LOT DEPTH	MAXIMUM LOT COVERAGE	MAXIMUM BUILDING HEIGHT	MINIMUM SETBACKS		
					FRONT	SIDE	REAR
1,393.5m <sup>2</sup> (15,000 sq. ft.)	24.5m (80 ft.)	30.5m (100 ft.)	35%	2 storeys or 9.0m (30 ft.)	15.0m (50 ft.)	7.5m (25 ft.)	7.5m (25 ft.)

**SCHEDULE A-2  
SERVICE CENTRE ZONE REGULATIONS**

MINIMUM LOT AREA	MINIMUM LOT FRONTAGE	MINIMUM LOT DEPTH	MAXIMUM LOT COVERAGE	MINIMUM FLOOR AREA	MAXIMUM BUILDING HEIGHT	MINIMUM SETBACKS		
						FRONT	SIDE	REAR
COMMERCIAL USES 0.40 hectares (1 acre)	61.0m (200 ft.)	61.0m (200 ft.)	15%	Nil	2 storeys or 9.0m (30 ft.)	15.0m (50 ft.)	7.5m (25 ft.)	15.0m (50 ft.)
NON-COMMERCIAL USES 0.81 hectares (2 acres)	61.0m (200 ft.)	61.0m (200 ft.)	10%	67.0m <sup>2</sup> (720 sq. ft.)	2 storeys or 9.0m (30 ft.)	15.0m (50 ft.)	1.8m (6 ft.)	15.0m (50 ft.)

12. New Schedules B-1 and B-2 are added to By-law No. 432 as follows:

SCHEDULE "B-1"

RESOURCE RECREATIONAL AREA ZONE REGULATIONS

MINIMUM LOT AREA	MINIMUM LOT FRONTAGE	MINIMUM LOT DEPTH	MAXIMUM LOT COVERAGE	MINIMUM FLOOR SPACE	MINIMUM SETBACKS FROM PROPERTY BOUNDARIES		
					FRONT	SIDE	REAR
SEASONAL RESIDENCE							
0.40 hectares (1 acre)	45.7m (150 ft.)	61.0m (200 ft.)	10%	37.0m <sup>2</sup> (400 sq. ft.)	7.5m (25 ft.)	1.8m (6 ft.)	15.0m (50 ft.)
PERMANENT RESIDENCE							
With Water Frontage							
0.40 hectares (1 acre)	45.7m (150 ft.)	61.0m (200 ft.)	10%	67.0m <sup>2</sup> (720 sq. ft.)	7.5m (25 ft.)	1.8m (6 ft.)	15.0m (50 ft.)
Without Water Frontage							
0.81 hectares (2 acres)	61.0m (200 ft.)	61.0m (200 ft.)	10%	67.0m <sup>2</sup> (720 sq. ft.)	9.0m (30 ft.)	1.8m (6 ft.)	15.0m (50 ft.)

11. Schedule "B" of By-law No. 432 is hereby deleted in its entirety and replaced by the following:

SCHEDULE "B"  
RURAL ZONE REGULATIONS

MINIMUM LOT AREA	MINIMUM LOT FRONTAGE	MINIMUM LOT DEPTH	MAXIMUM LOT COVERAGE	MINIMUM FLOOR SPACE	MINIMUM SETBACKS		
					FRONT	SIDE	REAR
SEASONAL RESIDENCE 0.40 hectares (1 acre)	45.7m (150 ft.)	61.0m (200 ft.)	10%	37.0m <sup>2</sup> (400 sq. ft.)	7.5m (25 ft.)	1.8m (6 ft.)	15.0m (50 ft.)
PERMANENT RESIDENCE With Water Frontage 0.40 hectares (1 acre)	45.7m (150 ft.) on the water	61.0m (200 ft.)	10%	67.0m <sup>2</sup> (720 sq. ft.)	7.5m (25 ft.)	1.8m (6 ft.)	15.0m (50 ft.)
Without Water Frontage 0.81 hectares (2 acres)	61.0m (200 ft.)	61.0m (200 ft.)	10%	67.0m <sup>2</sup> (720 sq. ft.)	9.0m (30 ft.)	1.8m (6 ft.)	15.0m (50 ft.)
USE UNDER SECTION 7.1.3 & 7.1.4 10.12 ha (25 acres)	106.5m (350 ft.)	183.0m (600 ft.)			30.5m (100 ft.)	15.0m (50 ft.)	15.0m (50 ft.)
USE UNDER SECTION 7.1.5, 7.1.7 7.1.9 & 7.1.13 1.2; ha (3 acres)	45.5m (150 ft.)	61.0m (200 ft.)			15.0m (50 ft.)		

SCHEDULE "B-2"

SEASONAL RESIDENTIAL ZONE REGULATIONS

MINIMUM LOT AREA	MINIMUM LOT FRONTAGE	MINIMUM LOT DEPTH	MAXIMUM LOT COVERAGE	MINIMUM FLOOR SPACE	MINIMUM SETBACK FROM PROPERTY BOUNDARIES		
					FRONT	SIDE	REAR
0.4 hectares (1 acre)	45.7m (150 ft.)	61.0m (200 ft.)	10%	37.0m <sup>2</sup> (400 sq. ft.)	7.5m (25 ft.)	1.8m (6 ft.)	15.0m (50 ft.)

13. Where a lot having lesser frontage or area than that required herein exists prior to the time of the passing of this by-law, a permitted use may be allowed and used on such smaller lot, provided that it conforms to all other requirements of this by-law and is approved by the Medical Office of Health.
14. Notwithstanding the provisions of this by-law, any development application received by the appropriate approval authority prior to the passing of this by-law shall be continued and finally disposed of in accordance with the former by-law.
15. The provisions of By-law No. 432, as amended hereby, continue to apply the lands affected by this by-law except in so far as they are inconsistent with this by-law or higher or more restrictive or onerous requirements are imposed hereby.
16. Sections 11 and 12 of this by-law shall not come into force without the approval of Amendment No. 30 to the Official Plan for the St. Joseph Island Planning Area by the Ministry of Municipal Affairs, but, subject to such approval, take effect on the date of the final passing of this by-law.

READ a First and Second time this 3rd day of June  
, 1992.

READ a Third time and FINALLY PASSED this 3rd day of  
June, 1992.

  
REEVE-

  
CLERK-



INCORPORATED VILLAGE OF HILTON BEACH

Affidavit under Section 34(22) of the Planning Act

1, Gloria Fischer, of the Township of Hilton in the District of Algoma make oath and say as follows:

1. I am the Clerk of the Incorporated Village of Hilton Beach.
2. That notice for By-law #587 of the Incorporated Village of Hilton Beach, passed by the Council of the Incorporated Village of Hilton Beach on the 3rd day of June, 1992, was given in the manner and form to the persons and agencies prescribed under Section 34(18) of the Planning Act, R.S.O. 1990.
3. That the twenty-one day objection period expired on the 1st day of February, 1994 and to this date no notice of appeal or notice of objection to the provisions of the by-law has been filed by any person in the office of the Clerk.

SWORN before me at the Village of Hilton Beach in the District of Algoma this 25th day of February, 1994.



A Commissioner, Etc.

  
Gloria Fischer  
Clerk