



# Zoning By-law

Municipality of Markstay-Warren

Adopted by Council | June 17, 2014

By-law No. 2014-27





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## PREAMBLE

This preamble is intended to assist readers in understanding how to use and interpret the Zoning By-law for Municipality of Markstay-Warren. This Preamble does not form an operative part of the Zoning By-law, but is provided for convenience only.

### PURPOSE OF THIS ZONING BY-LAW

The purpose of the Zoning By-law is to regulate the use of land and the character, form, height, location and dimensions of buildings and structures. The By-law has been prepared to conform to and to implement the policies of the Official Plan for the Sudbury East Planning Area. By regulating the use of land, buildings and structures, this By-law helps to ensure compatibility between different land uses and minimize land use conflicts.

### AUTHORITY TO PREPARE THIS ZONING BY-LAW

The Zoning By-law has been prepared in accordance with Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended. The *Planning Act* specifies what a Zoning By-law can regulate. In general terms, the Zoning By-law may:

- Regulate the use of land, including outlining the types of uses that are permitted or prohibited;
- Regulate the type of construction and the height, bulk, size, location, floor area, spacing and the use of buildings and structures;
- Regulate lot frontages and depths;
- Regulate the proportion of a lot that may be covered by buildings and structures;
- Regulate minimum elevations of doors, windows and other openings in buildings and structures;
- Require that parking and loading facilities be provided and maintained;
- Prohibit uses, buildings and structures on lands that are considered hazardous; and/or
- Prohibit uses, buildings and structures on lands that are sensitive, such as groundwater recharge areas, aquifers, significant habitat, wetlands, woodlands, shorelines, or archaeological resources, for example.

### STRUCTURE OF THE ZONING BY-LAW

The Zoning By-law is divided into 8 sections in addition to Schedule A. Following is a brief description of each of the sections:

1. **Section 1 - Zoning By-law:** This section establishes the name of the Zoning By-law.
2. **Section 2 – Defined area:** This section describes which lands in the Municipality are subject to this By-law.
3. **Section 3 – Interpretation:** This section contains provisions establishing how the By-law is to be interpreted. For example, it describes how the zone boundaries on Schedule A are to be interpreted.
4. **Section 4 – Administration:** This section contains provisions regarding how this By-law is to be administered and enforced by the Municipality.
5. **Section 5 – Definitions:** This section defines many terms used throughout the By-law.
6. **Section 6 – General Regulations – All Zones:** This section contains provisions that affect all lands in the municipality. Some provisions are applicable only to certain uses, buildings or structures (e.g., home occupations and swimming pools) or to specific situations (e.g., provisions for lands near railways).
7. **Section 7 – Zone Provisions:** This section contains the permitted uses and lot and building requirements for each of the zone classifications.
8. **Section 8 – Special Provisions for Specific Lands:** This section contains special provisions that apply only to specific lands in the Municipality, as delineated on Schedule A.
9. **Schedule A:** Schedule A is attached to and forms part of the Zoning By-law. Schedule A consists of a series of maps that delineate the zoning for all lands in the Municipality.

### HOW TO CHECK ZONING AND IDENTIFY APPLICABLE REGULATIONS FOR A PROPERTY

To identify the applicable zoning and regulations for a property, the reader should review and follow these steps:



### 1. Locate the Property on Schedule A

The reader should identify the zone classification that is shown on their property on Schedule A, attached to and forming an operative part of the Zoning By-law. For example, a property may be zoned 'RU', which is the symbol that represents the Rural zone classification. The zone classifications are also listed in Section 7.1. Schedule A provides the key map to a series of smaller maps, which show the zoning of areas within the Municipality. Schedules A1 to A11, forming part of Schedule A, illustrate the zoning for:

- Schedule A1 – Village of Markstay;
- Schedule A2 – Village of Hagar;
- Schedule A3 – Community of Warren;
- Schedule A4 – Street Township;
- Schedule A5 – Loughrin Township;
- Schedule A6 – Henry Township;
- Schedule A7 – Awrey Township;
- Schedule A8 – Hagar Township;
- Schedule A9 – Ratter Township;
- Schedule A10 – Hawley Township; and
- Schedule A11 – Dunnet Township.

Zone classifications are represented on the schedules by the colours shown in the legend.

### 2. Identify Applicable Zone Provisions

Once the reader has identified the applicable zone classification associated with the property of interest, the next step is to identify the applicable zone provisions for that zone. Section 7 of the By-law identifies the uses that are permitted and the standards for buildings and structures for each of the zone classifications. Only uses that are listed are specifically permitted. For most zones, standards include minimum lot frontage, minimum lot area, maximum lot coverage, minimum front/interior side/exterior side/rear yards, and maximum building height. Buildings and structures must be in compliance with the listed standards.

In some cases, the zone classification noted on Schedule A will be subject to special provisions, sometimes called a site-specific

exception. On Schedule A, a property that is subject to special provisions will be hatched, as indicated in the legend, and will be subject to the symbol SX, where “X” is a number, on Schedule A. For example, S1 is subject to the provisions of S1 in Section 8. Note that in some cases, the special provisions indicated in Section 8 are the only provisions that apply to the property. However, in most cases, the special provisions will apply in addition to the provisions for the applicable zone, as indicated in Section 7. Where there is conflict between the special provisions and the zone classification provisions, the special provisions in Section 8 will prevail.

### **3. Review Definitions**

The definitions in Section 5 are intended to assist in the interpretation of the Zoning By-law. For example, a term such as “building height” is defined to ensure that building height is properly calculated. Additionally, the permitted uses listed for each zone classification in Section 7 are defined in Section 5. The reader should always refer to Section 5 as they read the By-law, to identify applicable definitions and ensure they are interpreting the Zoning By-law correctly.

### **4. Identify Applicable General Provisions**

Section 6 provides a list of provisions that apply to all properties in all zones throughout the Municipality, unless specifically noted otherwise. For example, general provisions contain standards that regulate certain uses and structures, such as accessory buildings, as well as corner lot requirements, fencing, flood plains, and various other matters. Additionally, the general provisions include requirements for parking and loading facilities.

Not all general provisions will apply to all situations. The reader should review all general provisions to identify which general provisions will apply to their property and their specific situation.

### **5. Understand the Application of ‘Legal Non-Conforming’ and ‘Legal Non-Complying’ Provisions**

Land uses are considered to be legal non-conforming uses if they were legally established prior to the passing of the Zoning By-law, but are no longer permitted by the current Zoning By-law. In order to conform to and implement the Official Plan, some uses that were previously permitted in the Zoning By-law may no longer be permitted. Consequently, uses which were legally established may no longer be permitted by the Zoning By-law.

## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

Subsection 34(9) of the *Planning Act* establishes an owner's rights to continue to use a property for a use that was legally established. A non-conforming use remains legal where the use has been continuous, and there has been no intent of abandonment of the use. Where a legal non-conforming use has been interrupted due to damage, the legal non-conforming use is considered to be continuous, provided that the owner has maintained an intent to reconstruct, repair or re-establish the use.

The Zoning By-law does not prevent the continued legal use, alteration or expansion of buildings and structures that no longer conform to the permitted uses in the Zoning By-law. Additionally, the Zoning By-law does not prevent the erection of a building or structure for a legal non-conforming use or establishment of a legal non-conforming use where a building permit has been issued in accordance with the *Building Code Act*. In other words, if a building permit was issued and the Zoning By-law was amended to no longer permit the use, the owner may still construct the building or structure or establish the use according to the building permit.

Section 6.32 of the Zoning By-law applies to legal non-conforming uses.

Buildings and structures are considered to be legal non-complying if they were established legally prior to the passing of the zoning by-law but no longer comply with the new provisions of the Zoning By-law. The Zoning By-law may have implemented different lot provisions, such as minimum lot size, minimum front yard, minimum frontage, etc., than were previously required. As such, buildings and structures which previously complied with these provisions may no longer comply with the new standards. For example, if a legally existing building has an existing rear yard of 10 metres, but the new Zoning By-law requires a minimum rear yard of 12.5 metres, a zoning amendment or minor variance will be required to permit a further encroachment into the rear yard.

The Zoning By-law does not prevent the continued use, alteration or expansion of legally existing buildings and structures which no longer comply with the Zoning By-law.

Section 6.31 of the Zoning By-law applies to legal non-complying buildings and structures.

### 6. Zoning By-law Amendments

A Zoning By-law is amended over time as land use needs and demands change. Before proceeding any further, the reader should verify that the property is not the subject of an earlier Zoning By-law Amendment. While the Municipality and Sudbury East Planning Board strive to keep this By-law up to date, more recent amendments may not be included in the version of the By-law the reader is using. Planning staff will be able to assist the reader to confirm if the property has been subject to a more recent By-law amendment.

**MUNICIPALITY OF MARKSTAY-  
WARREN  
BY-LAW NO. 2014-27**

A By-law to regulate the use of land and the character, location and use of buildings and structures in the Municipality of Markstay-Warren.

WHEREAS it is considered desirable to regulate the use of land, the character, location and use of buildings and structures within the Municipality of Markstay-Warren;

AND WHEREAS authority is granted under Section 34.1 of the *Planning Act* R.S.O. 1990 to the Council of the Municipality of Markstay-Warren to exercise such powers subject to the approval of the Ontario Municipal Board;

NOW THEREFORE the Council of the Municipality of Markstay-Warren enacts as follows:

## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

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# 1 ZONING BY-LAW

This By-law shall be known as the "Zoning By-law for the Municipality of Markstay-Warren".

## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

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## 2 DEFINED AREA

This By-law applies to all land within the boundaries of the Municipality of Markstay-Warren, hereafter known as the “Municipality”, and to the adjoining shores of various lakes and rivers including land covered by water wherever there is or may be erected any jetty, dock, boathouse, pier or other building or structure.

## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

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## **3 INTERPRETATION**

### **3.1 GENERAL**

In their interpretation and application, the provisions of this By-law shall be held to be the minimum requirement adopted for the promotion of the public health, safety, convenience or general welfare. Whenever the requirements of this By-law are at variance with the requirements of any other By-law, the more restrictive, or the By-law imposing the higher standards, shall govern and apply. Nothing in this By-law shall be construed to exempt any person from complying with the requirements of any other By-law of the Municipality or from any law of the Province of Ontario or the Government of Canada.

### **3.2 ZONING SCHEDULE**

Schedule A, attached hereto, together with notations and references shown thereon, is hereby declared to form part of this By-law.

### **3.3 ZONE BOUNDARIES**

When determining the boundary of any Zone as shown on Schedule A, forming part of this By-law, the following provisions shall apply:

- (a) a boundary indicated as following a highway, street or lane shall be the centre line of such highway, street or lane;
- (b) a boundary indicated as following a watercourse, creek, stream or the right-of-way of a railway or an electrical, gas or oil transmission line shall be the centre line of such watercourse, creek, stream or right-of-way;
- (c) a boundary indicated as following a shoreline, either the shoreline of the mainland or the shoreline of an island, shall follow such shoreline, except as noted in clause (g) of this subsection, and in the event of change in the shoreline, the boundary shall be construed as moving with the actual shoreline;
- (d) a boundary indicated as approximately following lot lines shown on a registered plan of subdivision or on a land patent, shall follow such lot lines;

## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

- (e) a boundary indicated as approximately parallel to a street line or other feature indicated in clauses (a), (b) or (c) of this subsection, and the distance from such street line or other feature is not indicated, and clause (d) above is not applicable, such boundary shall be construed as being parallel to such street line or other feature, and the distance therefrom shall be determined according to the scale shown on Schedule A;
- (f) a boundary indicated as following the limits of the Municipality shall follow such limits; and
- (g) where any zone on Schedule A abuts the shoreline of a lake, such zone shall be deemed to extend into the lake and to apply to any water lots or to any land created by changing lake levels, or to any jetty, dock, boathouse, pier or other building or structure.

### 3.4 CLOSINGS

In the event a dedicated street or lane shown on Schedule A of this By-law is closed, the property formerly in such street or lane shall be included within the zone of the adjoining property on either side of such closed street, or lane. If a closed street or lane is the boundary between two different zones, the new zone boundaries shall be the former centre line of the closed street or lane.

### 3.5 CERTAIN WORDS

In this By-law, words used in the present tense include future; words in the singular number include the plural; words in the plural include the singular number; and the word “used” includes “arranged, designed or intended to be used”; the word “shall” is mandatory and not discretionary.

Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction “and”, “or”, or “either-or”, the conjunction shall be interpreted as follows:

- (a) “and” indicates that all connected items, conditions, provisions or events shall apply in any combination;

- (b) “or” indicates that the connected items, conditions, provisions or events may apply single or in combination;
- (c) “either-or” indicates that the connected items, conditions, provisions or events shall apply single but not in combination.

### **3.6 INTERPRETATIONS OF SIMILAR PERMITTED USES**

Uses other than those hereinafter specifically permitted as uses in each of the zones, may be permitted therein, provided such uses are similar to those specifically mentioned and are, in the opinion of Council, as evidenced by a resolution, not more obnoxious or detrimental to the welfare of the community, than the permitted uses specifically mentioned in the respective zones.

### **3.7 MULTIPLE USES ON ONE LOT**

Notwithstanding any other provisions of this By-law, where any land, building or structure is used for more than one permitted use, all provisions of this By-law shall be complied with for each use, except in the case of lot area, lot frontage, coverage and minimum yard requirements in which case the most restrictive or stringent requirement shall apply.

### **3.8 PROPERTIES WITH MORE THAN ONE ZONE**

Where a lot is divided into more than one zone, each such portion of said lot shall be considered separately for the purposes of determining zone provisions such as lot area, lot frontage, required front yard, side and rear yards, and each such portion shall conform to the provisions of the appropriate zone, but no lot shall have more than one dwelling unit on the lot, except as specifically provided for in this By-law.

### **3.9 TRANSITION PROVISIONS**

#### **3.9.1 Consent**

- (a) Where:
  - i. an application is made for consent to convey land under Section 53 of the *Planning Act*, prior to enactment of this By-law;

## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

- ii. that consent is granted and that land is conveyed before the consent lapses; and
- iii. that consent results in the creation of one or more lots which do not comply with the lot frontage or lot area requirements of this By-law; then

each such lot created is deemed to comply with the lot frontage and lot area requirements of this By-law provided the lot created complies with the lot frontage and lot area requirements of the applicable zoning prior to the date of adoption of this By-law.

(b) Where:

- i. an application for consent has been approved and a long form certificate has been issued by the Municipality in accordance with Section 53(42) of the *Planning Act*; and
- ii. the conveyance has not occurred prior to the date of adoption of this By-law; then

such lot shall be deemed to comply with the lot frontage and lot area of the zone in which the lot is located provided such lot complied with the lot frontage and lot area requirements of the applicable zoning prior to the date of adoption of this By-law.

### 3.9.2 Building Permits

Where a building permit has been issued prior to the effective date of this By-law, and where said building permit has not been revoked, cancelled, or denied by the Municipality or Planning Board, the provisions of this By-law, as they apply to such lands, buildings or structures, shall be deemed to be modified to the extent necessary to give effect to such building permit.

### 3.10 INTERPRETATION OF FRONTAGES, YARDS, ETC. FOR WATERFRONT LOTS VERSUS NON-WATERFRONT LOTS

In this By-law, the definitions and interpretations of front lot line, front yard, rear yard and other lot and yard terminology depend on whether the subject property has water frontage. In some cases, the provisions of this By-law may not address all situations, such as whether a lot fronts on water. As a result, it may be necessary to alter the text of the by-law to give effect to the intent of certain

provisions. The final interpretation of the intended use of the terms including, but not limited to, front lot line, rear lot line, front yard and rear yard, shall be at the discretion of the Chief Building Official, in consideration of whether the subject property is a waterfront lot or does not have water frontage. In no case shall this provision exempt any lot from conforming to the applicable requirements.

## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

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## 4 ADMINISTRATION

### 4.1 ADMINISTRATION AND ENFORCEMENT

This By-law shall be administered by the Chief Building Official or such other person as Council shall designate, and no permit for the use of land or for the erection of any building or structure or approval of any municipal licence shall be issued where the proposed use, building or structure would be in violation of any provisions of this By-law.

### 4.2 APPLICATIONS AND PLANS

- (a) In addition to the requirements of this Zoning By-law, every application for a building permit shall be accompanied by plans, in duplicate, drawn to an appropriate scale and based upon an actual survey at the discretion of the Chief Building Official and showing:
- i. the true shape and dimensions of the lot to be used or upon which it is proposed to erect any building or structure;
  - ii. the current and proposed use of the lot and any current or proposed buildings or structures thereon;
  - iii. the proposed location, height and dimensions of the building, structure or work in respect of which the permit is applied;
  - iv. the location of every building or structure already erected on or partly erected on such lot, and the location of every use, building or structure upon adjacent lots;
  - v. the proposed location of parking spaces, loading spaces, driveways, landscaping areas or planting strips as may be required; and
  - vi. other such information as may be necessary to determine whether or not every such building, structure and work conforms to the requirements of this By-law.
- (b) Every such application shall be signed by the owner of the lot or the owner's agent duly authorized in writing and by the Chief Building Official.

### 4.3 CONFORMITY

No land shall hereafter be used and no building or structure shall hereafter be erected or used except in accordance with the general and special provisions of this By-law, but nothing in this By-law shall prevent the use of any land, building or structure for any use prohibited by this By-law if such land, building or structure was lawfully used for such purpose on the day this By-law comes into effect.

### 4.4 INSPECTION

The authority having jurisdiction to enforce this By-law from time to time is hereby authorized, after reasonable notice to the owner or assessed owner, occupant or apparent occupant of the property in question, to enter at all reasonable hours for the purposes of inspection.

### 4.5 REMEDIES

In the case where any building or structure is or is proposed to be erected, reconstructed, extended or enlarged, or any building or structure or part thereof is or is proposed to be used, or any land is or is proposed to be used, in contravention of any requirements of this By-law such contravention may be restrained by action at the instance of any ratepayer or of the Municipality pursuant to the provisions of the *Planning Act*.

### 4.6 SCOPE

No building, structure or land shall be used, and no building or structure shall be hereafter erected within the Municipality except in conformity with the provisions of this By-law.

### 4.7 VIOLATION AND PENALTY

Any person who uses any land or erects or uses any building or structure in a manner contrary to any requirements of this By-law, or who causes or permits such use or erection, or who violates any provisions of this By-law or causes or permits a violation, is guilty of an offence and upon conviction therefore, shall be liable to a fine not exceeding \$5,000.00, exclusive of costs, which shall be recoverable under the *Provincial Offences Act* R.S.O., 1990 as amended.

**4.8 REPETITION OF OFFENCE**

The conviction of an offender upon a breach of any of the provisions of this By-law shall not prevent prosecution against the same offender upon any subsequent breach of the same or any other provision of this By-law.

**4.9 SEVERABILITY**

Should any section or part of a section of this By-law for any reason be held to be invalid, it is the intention that all the remaining provisions shall remain in full force and effect.

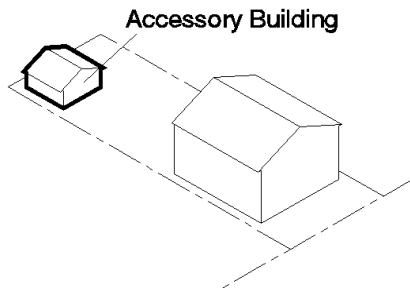
## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

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## 5 DEFINITIONS

For the purpose of this By-law, the definitions in this section shall apply to interpreting certain words.

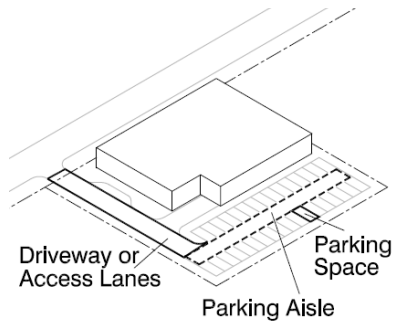
1. **Abut** shall mean having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.
2. **Abutting** shall mean a lot line that has any point in common with another lot line that is not part of street line or lane. Abutting may also mean two or more parcels sharing a common boundary of at least 1 point.
3. **Access Driveway** shall mean the area between the travelled portion of a roadway and off-street parking or loading facility used by motor vehicles for access to and from such facilities, but does not include an aisle.
4. **Accessible** shall mean continuous, unobstructed ingress and egress to a lot, building, or structure.
5. **Access onto Assumed Road** shall mean direct means of vehicular passage onto a public right-of-way that is maintained on a year-round basis.
6. **Accessory** shall mean a building or a use that is commonly incidental, subordinate, and exclusively devoted to the principal building or use situated on the same lot.
7. **Accessory Office Use** shall mean a business or professional office which is an accessory use and which occupies less than 50 percent of the gross floor area of the premises with which it is associated.
8. **Accessory Retail** shall mean a retail store which is accessory to a non-residential use.
9. **Adequate Services** shall mean the provision of sufficient utility and sewerage services to meet the needs of the permitted use(s) of a given lot.
10. **Adult Entertainment Establishment** shall mean any premises or part thereof in which is provided, in



## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

pursuance of a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations. For the purpose of this paragraph, the following shall apply:

- (a) Provided shall mean furnished, performed, solicited or given such services;
  - (b) Services shall mean activities, facilities, performances, exhibitions, viewings and encounters; and
  - (c) Services appealing to or designed to appeal to erotic or sexual appetites or inclinations shall mean services of which a principal feature or characteristic is the nudity or partial nudity of any person or services in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy” or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement, and includes an adult video store.
11. **Adult Video Store** shall mean an establishment having, as a substantial or significant portion of its stock-in trade, videos which are distinguished or related to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material.
12. **Agricultural Use** shall mean an area of land with or without accessory buildings, structures or outdoor storage that is used primarily for the growing and harvesting of vegetables, fruits, field crops, mushrooms, berries, trees, flowers or landscape material; the breeding, training, raising or boarding of animals of any kind; the erection and use of greenhouses; the packing, crating, storing and sale of produce grown on the premises; or other similar uses customarily carried on in the field of general agriculture, but does not include a kennel.
13. **Airport** shall mean any area of land and/or water designed and set aside to function as a facility for the landing, take-off, movement, or servicing of aircraft and associated cargo; and includes any associated buildings, installations, open space, equipment and

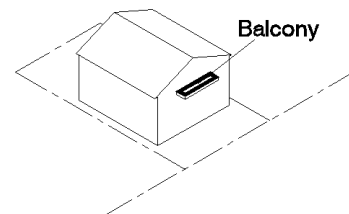


the short-term accommodation of passengers and crew.

14. **Aisle or Parking Aisle** shall mean the area used by motor vehicles for access to and from all off-street parking or loading facilities, but does not include an access driveway
15. **Alter** shall mean to change any one or more of the external dimensions of a building or part thereof, or to change the type of construction of the exterior walls or roof thereof. Such changes apply to any bearing wall or partition, column, beam, girder or other supporting member of a building or structure, or any increase in the area of cubic contents of a building or structure. When used in reference to a lot, the word 'alter' shall mean to change the area frontage, or depth thereof, to change the width, depth or area of any required yard, landscaped open space or parking area, or to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of such lot or otherwise. When used in reference to use, 'alter' shall mean to discontinue and replace the use with a use which is defined herein as being distinct from the discontinued use.
16. **Amenity Area** shall mean an area comprised of on-site common or private, indoor or outdoor space, designed for active or passive recreational use.
17. **Amusement Arcade** shall mean a building, or part thereof, wherein 6 or more coin or token operated machines, devices, contrivances, or games are provided for public amusement, but does not include any machine that provides exclusively musical entertainment, rides, food, or drink.
18. **Animal Shelter** shall mean a lot and/or building or part thereof used for the care of lost, abandoned or neglected animals.
19. **Attic** shall mean the portion of a building situated wholly or in part, within the roof and which is not a one-half storey.
20. **Automotive Accessories Store** – See 'Motor Vehicle Accessories Store'

## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

21. **Automotive Service Station** – see ‘Motor Vehicle Service Station’
22. **Bakery** shall mean a factory for producing, mixing, compounding or baking bread, biscuits, ice cream cones, cakes, pies, buns or any other bakery product of which flour or meal is the principal ingredient, but does not include an eating establishment or any other premise where any such product is consumed on the premises, and does not include a bake shop except as an accessory retail use in accordance with the provisions of this By-law.
23. **Bake Shop** shall mean an establishment in which the principal activity is the retailing of baked goods, with baking or cooking as an incidental activity.
24. **Balcony** shall mean a platform that may be partially enclosed projecting from the main wall of a building, which is not supported by vertical uprights other than the wall itself except when located above a porch/verandah and which is only accessible from within the building.
25. **Basement** shall mean that portion of a building which has its floor below grade but 50.0% or more of its height, from floor to finished ceiling, located above finished grade level.
26. **Basement, Walkout** shall mean that portion of a building which is partly underground, but which has more than 50% of the floor area not greater than 1.0 metres below grade, and which has an entrance and exit at grade level. This definition shall only apply in an area where the natural terrain permits construction of a walkout basement.
27. **Bed and Breakfast Establishment** shall mean a single detached dwelling unit, or part thereof, in which the proprietor resides and provides not more than 3 bedrooms for the accommodation of the travelling or vacationing public, in which the owner supplies lodgings with or without meals for the accommodated persons, but does not include a rooming house, group home, sleep cabin or tourist establishment. Required parking must be provided on the same lot, subject to provisions of this Zoning By-law.





28. **Board** shall mean the Sudbury East Planning Board.
29. **Boathouse** shall mean a detached accessory building, used for the berthing or sheltering of watercraft or watercraft related equipment, floating on or anchored in water near the shoreline of a navigable waterway or on land and may include sleeping accommodation and a bathroom but no kitchen facilities.
30. **Boundary Adjustment** shall mean the alteration of a lot line resulting from a decision made by the Planning Board or Municipality, or by other legal means, but shall not include any alteration that results in the creation of a new lot.
31. **Building** shall mean a structure, whether temporary or permanent consisting of a wall, roof, or floor, or any one or more of these which is used or intended to be used for the shelter, accommodation, or enclosure of persons, animals, goods, or materials, but shall not include a lawful boundary wall or fence. For the purposes of this By-law:
  - (a) a deck or a dock shall be included within the meaning of the term 'building'; and
  - (b) the word 'structure' shall mean the same as building.
32. **Building, Principal** shall mean the building in which the principal use is conducted. For the purposes of this By-law, any deck or any other like or similar structure attached to the principal building, shall be considered as part of such building and shall be subject to the regulations applicable to the principal building.
33. **Building Supplies Outlet** shall mean a building, or part thereof, and land adjacent thereto, in which building or construction and home improvement materials are offered or kept for sale at retail and may include the fabrication of certain materials related to home improvements.
34. **Bulk Storage Tank** shall mean a tank for the bulk storage of petroleum, gasoline, diesel, or other fuels, oil, gas, or flammable liquid or fluid.

## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

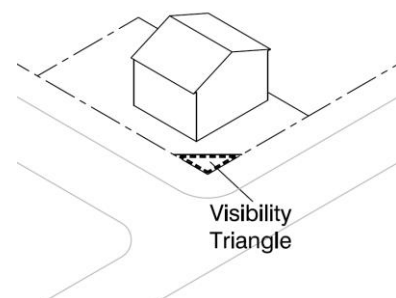
35. **Business or Professional Office** shall mean a building, or part thereof, in which any business is carried on or any profession is practised, but does not include a medical clinic or medical office.
36. **By-law Enforcement Officer** shall mean an employee of the Municipality charged with the duty of enforcing this and other by-laws.
37. **Camper** – See ‘Travel Trailer’
38. **Campground** shall mean a parcel of land managed as a unit operated privately or by the Municipality or the Province of Ontario on a commercial basis for campers who provide their own temporary sleeping facilities such as tents or travel trailers, provided that such campers are provided with sanitary and waste disposal facilities by the operator of the campground.
39. **Campsite** shall mean that part of a campground which is occupied on a temporary basis only, by a trailer, motorized home, truck camper, camper or tent.
40. **Canopy, Weather** shall mean a permanent unenclosed roof structure erected for the purpose of sheltering motor vehicle fuel pumps and dispenser islands from the weather.
41. **Cargo Container** shall mean an industrial, standardized reusable vessel that was (a) originally, specifically, or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or (b) designed for or capable of being mounted or moved on a rail car; and/or (c) designed for or capable of being mounted on a chassis or bogie for movement by truck-trailer or loaded on a ship.
42. **Carnival** – See ‘Fairground’
43. **Carwash** – See ‘Motor Vehicle Washing Establishment’
44. **Cellar** shall mean that portion of a building which has less than 50.0% of its height, from floor to finished ceiling, located above finished grade level.

## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

45. **Cemetery** shall mean land that is reserved or used for interring the dead or placing or burying the remains or ashes of human bodies, but does not include a funeral home.
46. **Chief Building Official** shall mean the officer or employee of the Municipality charged with the duty of enforcing by-law provisions relating to building design/ construction.
47. **Chip Stand** shall mean a motorized or non-motorized mobile unit where food is prepared and sold over a counter through a window.
48. **Club** shall mean an association of persons, whether incorporated or not, united by some common interest, meeting periodically for co-operation or conviviality. Club shall also mean, where the context requires, premises owned or occupied by members of such associations within which the activities of the club are conducted.
49. **Commercial** shall mean the use of land, a building, or structure for the purpose of buying or selling commodities and supplying of services as distinguished from such uses as manufacturing or assembling of goods, warehousing, construction and other similar uses.
50. **Commercial Motor Vehicle** – See ‘Motor Vehicle, Commercial’
51. **Commercial Recreation** shall mean the use of land, water or a building, or part thereof, for a fee, for the provision of athletic and amusement facilities involving the active participation of the user-public in a sports-related activity and includes without limiting the generality of the foregoing, such facilities as racquet courts, fitness clubs, billiard parlours, bowling alleys, miniature golf courses, but shall not include amusement arcades or a fairground.
52. **Community Recreation Centre** shall mean premises used for community activities, whether used for commercial purposes or not, and the control of which is vested in the Municipality, a local board or agent thereof, and is operated under the *Community Recreation Centres Act*, as amended.

## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

53. **Conservation Use** shall mean the preservation and protection of the natural environment through comprehensive management and maintenance for individual or public use.
54. **Construction Use** shall mean a building, structure, trailer, or scaffold that is incidental to the construction of a principal building, which is permitted in all zones if required while construction work is in progress.
55. **Contractor's Establishment** shall mean the yard of a contractor or a construction company used as a depot for the storage and maintenance of equipment used by the contractor or company, and includes facilities for the administration or management of the business and the stockpiling or storage of supplies or home improvement supplies.
56. **Convenience Store** shall mean a retail food store, confectionery, delicatessen, grocery store or groceteria or any such similar use where a variety of both household and grocery items are offered for sale primarily to serve the residents of the surrounding area and may include such accessory uses as the rental of videos, an automated teller machine or depots for such items as film or postal services.
57. **Corner Visibility Triangle** shall mean a triangular area free of buildings or structures formed within a corner lot by the intersecting street lines or the projections thereof and a straight line connecting them from their point of intersection.
58. **Corporation** shall mean the Corporation of the Municipality of Markstay-Warren.
59. **Council** shall mean the Council of the Corporation of the Municipality of Markstay-Warren.
60. **Craftsman Shop** shall mean an establishment composed of buildings and used for the creation, finishing, refinishing, or similar production of custom or hand-made commodities, together with the retailing of such commodities.
61. **Crown Lands** shall mean lands owned by the Province of Ontario, which cannot be controlled by

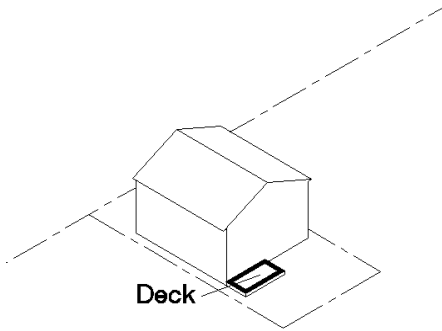


the Municipality or Planning Board in terms of their use or disposition.

62. **Crown Reserve** shall mean a road reserved along the shore of a navigable waterway by the Crown, but not an allowance that has become an open public road.

63. **Day Nursery** shall mean a premises that provides temporary care, or guidance, or both temporary care and guidance for children in accordance with the *Day Nurseries Act* R.S.O. 1990, c.D.2, as amended.

64. **Deck** shall mean a structure with no solid roof or walls, which may be constructed on piers or foundations and which includes landings and stairs but does not include a balcony, porch/verandah.



65. **Dentist** – See ‘Medical Practitioner’

66. **Development** shall mean the creation of a new lot, a change in land use or the construction of buildings and structures, requiring the approval under the *Planning Act* or the *Public Lands Act*, but does not include activities that create or maintain infrastructure authorized under an environmental assessment process, or works subject to the *Drainage Act*.

67. **Dock** shall mean an accessory structure floating on or anchored in water at which watercraft are berthed or secured to and which may provide a foundation for a boathouse.

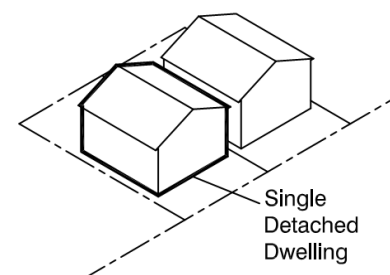
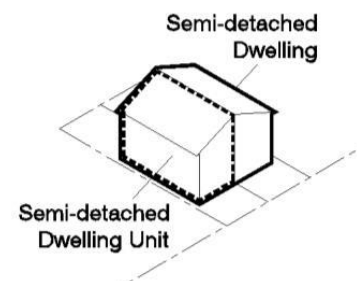
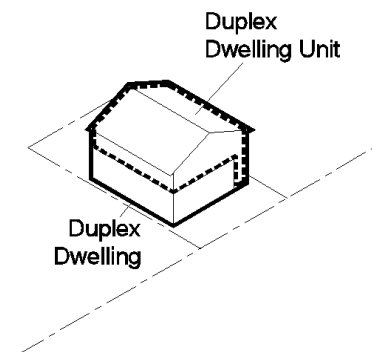
68. **Drugless Practitioner** shall mean a person who practices the treatment of ailments, diseases, and/or disability by manipulation, adjustment, manual or electro-therapy, without the use of drugs, and shall include, without limiting the generality of the foregoing, a naturopathic doctor registered in accordance with the *Drugless Practitioners Act* of Ontario.

69. **Dry Industry** shall mean an industry which by nature of its operation, process, or fabrication of raw materials or service rendered does not require a water supply other than that available from within the limits of the lot upon which the use is located, does not discharge effluent from the limits of the lot upon

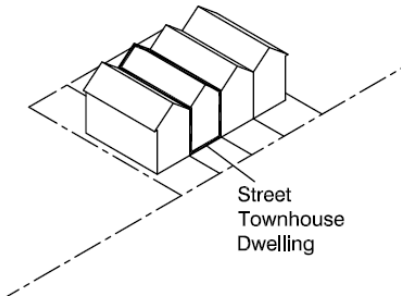
## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

which the use is located and from which the only sewage effluent to be disposed of within the limits of the said lot will be that produced from normal sanitary and eating facilities required for the employees.

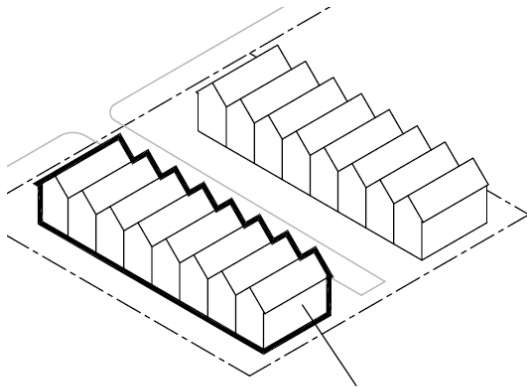
70. **Dwelling, Converted** shall mean a single detached dwelling unit altered to contain more than 1 but less than 5 self-contained dwelling units.
71. **Dwelling, Duplex** shall mean a building divided horizontally into 2 dwelling units.
72. **Dwelling, Fourplex** shall mean a building divided horizontally and/or vertically into 4 dwelling units, but does not include street townhouse dwellings as defined herein.
73. **Dwelling, Garden Suite** shall mean a one-unit detached residential structure containing bathroom and kitchen facilities that is permitted as a temporary accessory use to an existing principal residential structure and that is designed to be portable.
74. **Dwelling, Mobile Home** shall mean any dwelling unit that is designed to be made mobile and constructed or manufactured to provide a permanent residence, but does not include a modular home, dwelling, travel trailer, tent trailer, or motor home otherwise designed.
75. **Dwelling, Modular Home** shall mean a dwelling unit constructed in accordance with the Ontario Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation, but does not include a mobile home dwelling.
76. **Dwelling, Multiple** shall mean a building containing 3 or more dwelling units, but shall not include a street townhouse dwelling unit.
77. **Dwelling, Semi-detached** shall mean a building divided vertically to provide 2 dwelling units separated by a common wall.
78. **Dwelling, Single Detached** shall mean a building containing 1 dwelling unit that may be occupied on a



## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN



Street  
Townhouse  
Dwelling



Townhouse Dwelling

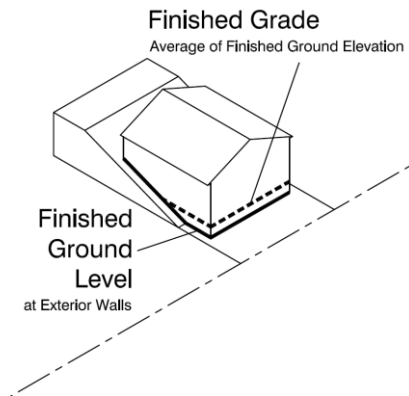
- permanent or seasonal basis, and shall include a modular home.
79. **Dwelling, Street Townhouse** shall mean a building divided vertically into 3 or more dwelling units with each unit designed to be located on a separate lot having frontage on a street.
80. **Dwelling Townhouse** shall mean a building divided vertically into 3 or more dwelling units with each unit accessed from a separate outdoor entrance, and the units are grouped on the same lot.
81. **Dwelling, Triplex** shall mean a building divided horizontally into 3 dwelling units.
82. **Dwelling Unit** shall mean a suite of habitable rooms which:
- (a) is located in a building;
  - (b) is used or intended to be used in common by the occupants as a single, independent, and separate housekeeping establishment; and
  - (c) contains food preparation and sanitary facilities provided for the exclusive common use of the occupants thereof.
83. **Dwelling Unit, Secondary** shall mean a legally existing separate dwelling unit, which is ancillary to a single detached dwelling, a semi-detached dwelling or a street townhouse dwelling, and includes a separate access, kitchen, washroom, and living space.
84. **Eating Establishment** shall mean a building or part thereof where food is offered for sale or sold to the public for immediate consumption and includes such uses as a restaurant, café, cafeteria, 'take-out' counter, ice cream parlour, tea, or lunch room, dairy bar, coffee shop, snack bar or refreshment room/stand; but does not include any other use as defined herein.
85. **Educational Establishment** shall mean a place of instruction under the jurisdiction of a governmental authority and a place of instruction offering courses equivalent to those customarily offered in a place of

## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

instruction under the jurisdiction of a governmental authority.

86. **Erect** shall mean to build, construct, reconstruct, alter and relocate, and without limiting the generality of the foregoing shall be taken to include any preliminary physical operations, such as excavating, berming, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.
87. **Established Building Line** shall mean the distance between the front, side, or rear lot line(s) and an existing building on a lot. For the purposes of this By-law, the established building line shall be determined on an individual building basis.
88. **Existing** shall mean existing as of the date of the passing of this By-law.
89. **Fairground** shall mean:
  - (a) Land devoted to entertainment on a seasonal or temporary basis and may include grandstands, barns and other accessory buildings normally associated with such a use.
  - (b) The use of land, or building, or structure where the temporary exhibition of music, art, goods, wares, vehicles, and the like are displayed and made available for sale and shall include a midway and a place of amusement.
  - (c) An agricultural fairground where farm produce is on display for judging and for sale, and livestock shows, horseracing, and other sports events are held and on occasion for auctions, flea markets, and concession stands.
90. **Farm** shall mean land and buildings used for the tillage of soil and the growing of vegetables, fruits, grains, and other staple crops including livestock raising, dairying, or woodlots, a farm residence and may include a roadside stand for the selling of agricultural products raised or grown on the farm.
91. **Fence** shall mean a structure that forms a barrier for enclosing, bounding, delineating or protecting land.





92. **Financial Establishment** shall mean a building, or part thereof, which is used to provide for financial services in which money is deposited, kept, lent, or exchanged, including accessory clerical functions and shall include a bank, trust company, credit union, or other similar banking service but does not mean a free-standing automated teller machine.

93. **Finished Grade** shall mean:

- (a) The final elevation of the ground surface after development.
- (b) The average elevation of the finished surface of the ground at ground level measured on all sides of a building or structure.

94. **Floodplain** shall mean the area, usually low lands, adjoining a navigable waterway which has been, or may be covered by floodwater.

95. **Floodproofing** shall mean a combination of building changes or adjustments incorporated into the basic design, construction, or alteration of individual buildings or properties subject to flooding so as to reduce or eliminate flood damages.

96. **Floor Area, Gross** shall mean

- (a) For a dwelling or dwelling unit, the total area of the storeys contained within the outside walls of the dwelling or dwelling unit, exclusive of any garage, carport, porch, verandah/balcony, sunroom, unfinished attic, unfinished basement or unfinished cellar;
- (b) For a building or part of a building other than a dwelling or dwelling unit, the total area of all the storeys contained within the outside walls of the building.
- (c) In all cases, on the floor area having a clear height to the ceiling of at least 2.2 metres shall be considered in the calculation of the floor area.

97. **Floor Area, Ground** shall mean the total footprint of the lowest storey of a building, approximately at or first above the finished grade level, excluding any

## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

basement, cellar, or sub-cellar, which is measured between the exterior faces of the exterior walls at the floor level of such storey, but excludes car parking areas within the building. For the purpose of this definition, the walls of an inner court shall be deemed to be exterior walls.

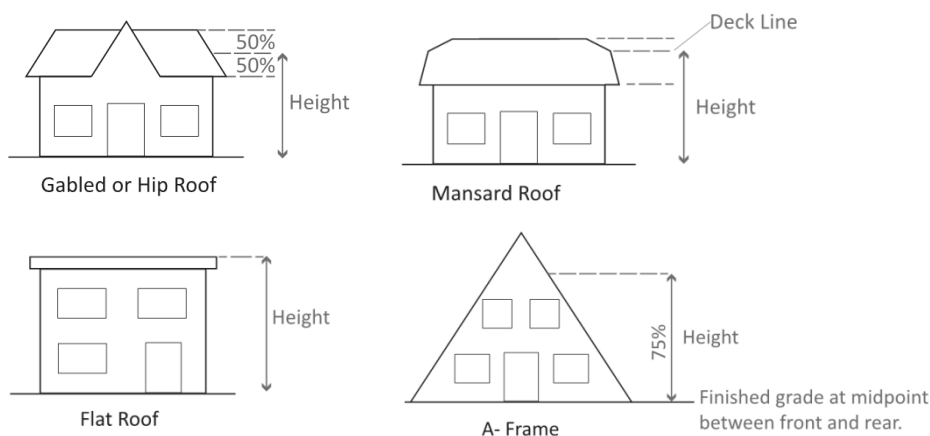
98. **Forestry Use** shall mean the general raising and harvesting of wood and without limiting the generality of the foregoing shall include the raising and cutting of fuel wood, pulp, wood, lumber, Christmas trees, and other products.
99. **Funeral Home** shall mean a building, or part thereof, designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for interment or cremation.
100. **Garage or Garage, Private** shall mean a separate building or part of the principal building used for the temporary parking or storage of licensed vehicles of not more than 3 tonnes gross vehicle weight, but shall not include a temporary structure.
101. **Garage, Attached** shall mean a building, which is designed or used for the sheltering of motor vehicles and the storage of household equipment incidental to the residential occupancy and in which there are no facilities for repairing or servicing of such vehicles for remuneration or commercial use, and is accessory to a dwelling unit on the same lot and attached by a common wall and/or common roof structure provided however, for the purpose of determining lines of setback and side yard, an attached garage shall be considered part of the main building. Also for the purposes of this definition, a wall between a house and an attached garage may be considered "common" as long as at least 40.0% of the length of the attached garage wall is common with the dwelling unit wall.
102. **Garage, Detached** shall mean a detached accessory building which is designed or used for the sheltering of motor vehicles and the storage of household equipment incidental to the residential occupancy and in which there are no facilities for repairing or servicing of such vehicles for remuneration or commercial use.

103. **Garage, Public** shall mean a building or place other than a private garage where motor vehicles are kept or stored for remuneration or repair, including, or separate from, a motor vehicle washing establishment.
104. **Garden Centre** shall mean means a retail establishment devoted primarily to the sale of nursery stock and may also include the sale of related accessory supplies as well as the sale of fruits and vegetables. **Garden Suite** – See ‘Dwelling, Garden Suite’
105. **Golf Course** shall mean a public or private area that operates for the purpose of playing golf, and includes associated accessory structures and uses such as a club house and recreational facilities, accessory driving range, miniature golf course, tennis court, and swimming pool.
106. **Gross Floor Area** – See ‘Floor Area, Gross’
107. **Ground Floor Area** – See ‘Floor Area, Ground’
108. **Group Home** shall mean a Provincially licensed or approved facility in which 3 to 10 residents are accommodated, exclusive of staff, who live under supervision and who, by reason of their emotional, mental, social or physical condition, or legal status, require a group living arrangement for their well-being.
109. **Hazard Land** shall mean land which exhibits or potentially exhibits, a hazardous condition as a result of its susceptibility to flooding, erosion, subsidence, inundation or the presence of organic soil or steep slopes, or where, by reason of its low lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive, or where, as a consequence of mining operations, is characterized by the presence of mine tailings containing toxic materials.
110. **Height, Building** shall mean:
  - (a) the midpoint between the eaves and ridge of a gabled or hip roof;
  - (b) the highest point of a flat roof;

## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

- (c) The deck line of a mansard roof;
- (d) 75.0% of the distance between the finished grade measured at the midpoint of the front and rear of the building and the ridge for an A-Frame. The ridge of an A-frame building shall have a maximum height of 11.0 metres.

For the purposes of this definition and without limiting the generality of the foregoing, antennae, chimneys, spires, cupolas, elevator penthouses, flag poles, water tanks, windmills, air conditioner ducts, barns, silos, a drive-in theatre screen or incidental equipment associated with internal building equipment, or other similar structures, shall be disregarded in calculating building height.



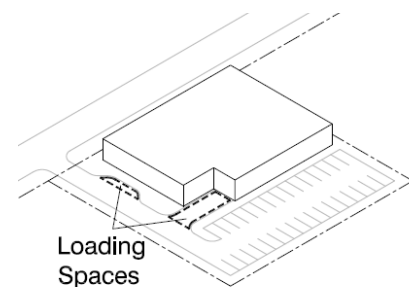
- 111. **Hereafter** shall mean after the date of the passing of this By-law.
- 112. **Herein** shall mean anywhere in this By-law.
- 113. **High Water Mark** shall mean the mark by the action of water under natural conditions on the shore or bank of a body of water which action has been so common and usual 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 and soil on the other side of the mark.
- 114. **Home for the Aged** – See 'Senior Citizens' Home'
- 115. **Home Industry** shall mean a craft, trade, guild or service, excluding a motor vehicle repair shop and motor vehicle body shop, conducted in whole or in

part in an accessory building to a single detached dwelling unit.

116. **Home Occupation** shall mean a gainful occupation conducted within a dwelling unit that is secondary to the use of the dwelling unit as a private residence and the nature and scope of which is compatible with the residential character of the dwelling unit. The proprietor carrying out the occupation shall reside within the dwelling unit.
117. **Hospital** shall mean any institution, building, or other premises established for the treatment of persons afflicted with or suffering from sickness, disease, or injury, for the treatment of convalescent or chronically ill persons that is approved under the *Public Hospitals Act* as a public hospital.
118. **Hotel** shall mean a building or structure used for the purpose of catering to the needs of the traveling public by supplying temporary sleeping accommodations, food and refreshments, and which may contain a public dining area, meeting rooms or an accessory banquet hall. The guest rooms contained within a hotel are accessed from common interior hallways. Hotel shall include an inn, but does not include a bed and breakfast establishment.
119. **Hunt Camp** shall mean a building occupied not more than 60 days in any 12-month period and used for the purpose of accommodating hunters or other similar recreational users on a non-commercial basis.
120. **Impound Yard** shall mean a place to which disabled motor vehicles, and motor vehicles or other mobile equipment impounded for a breach of the law, may be taken or towed and stored temporarily until reclaimed, but does not include an automobile service station, gas bar, public garage, junk yard, salvage yard or wrecker's yard.
121. **Industrial Use** shall mean the use of land, building or structures for the manufacturing, processing, fabricating, or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses.

## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

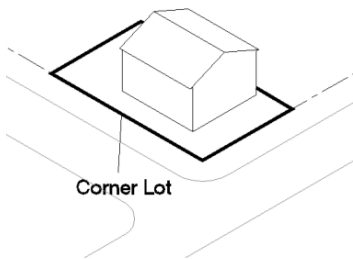
122. **Institutional Use** shall mean the use of land, buildings or structures for a public or non-profit purpose and without limiting the generality of the foregoing, may include such uses as schools, places of worship, indoor recreation facilities, community recreation centres, public hospitals and government buildings.
123. **Kennel** shall mean an establishment for the keeping, breeding, raising and training of 3 or more dogs for profit or gain, but shall not apply to the keeping of animals in a veterinary establishment for the purpose of medical treatment.
124. **Landscaping** shall mean 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/or to provide a screen to mitigate any objectionable adjacent land use but does not include parking areas, patios, walkways, driveways or ramps.
125. **Lane** shall mean a public thoroughfare which affords only a secondary means of access to abutting lots and which is not intended for general traffic circulation.
126. **Lane, Private** shall mean a thoroughfare which affords a secondary means of access to abutting lots, which is not dedicated as a street or assumed by the Municipality, but is owned privately.
127. **Legally Existing** shall mean legally existing on the date of passing of this By-law.
128. **Livestock** shall mean farm animals kept for use, for propagation, or for intended profit or gain and without limiting the generality of the foregoing includes: dairy and beef cattle, horses, swine, sheep, laying hens, chicken and turkey broilers, turkeys, goats, geese, mink, and rabbit.
129. **Loading Space** shall mean a space or bay located on a lot which is used or intended to be used for the temporary parking of any commercial motor vehicle while loading or unloading goods, merchandise, or materials used in connection with the main use of the



lot and which has an unobstructed access to a street or land.

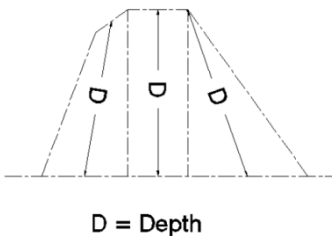
130. **Lot** shall mean a parcel of land which can be legally conveyed pursuant to Section 53 of the *Planning Act*, R.S.O. 1990, chapter P.13. For the purposes of this By-law, any lands below the Optimal Summer Water Level shall not be used to satisfy any regulations herein.

131. **Lot Area** shall mean the total horizontal area bounded by the lot lines of a lot and in the case of a corner lot having street lines rounding at the corner, the lot area of such lot shall be calculated as if the lot lines were projected to their point of intersection.



132. **Lot, Corner** shall mean a lot situated at the intersection of and abutting 2 streets, or parts of the same street, the adjacent sides of which street or streets (or in the case of a curved corner, the tangents of which) contain an angle of not more than 135.0 degrees.

133. **Lot Coverage** shall mean that percentage of the lot area covered by all buildings and structures. For the purposes of this definition, the calculation of lot coverage shall include a weather canopy, and exclude decks or those buildings and structures within the Shoreline Development Area.



134. **Lot Depth** shall mean the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the mid points of the front and rear lot lines. Where the front lot line is a shoreline, lot depth shall be the length of a line joining the mid points of the line used to define the lot frontage and the rear lot line.

135. **Lot Frontage** shall mean:

- (a) the horizontal distance between the side lot lines measured along the front lot line, except where the front lot line is not a straight line, or where the side lot lines are not parallel, the lot frontage is to be measured by either a line measured back from the minimum front yard from and parallel to the chord of the front lot line, or by the chord of the front lot line,

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whichever is greater, and for the purpose of this paragraph, the chord of the front lot line shall be measured as a straight line joining the 2 points where the side lot lines intersect the front lot line.

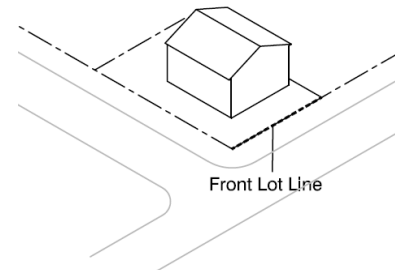
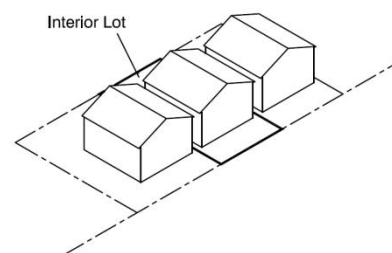
- (b) Where the front lot line is a shoreline, lot frontage shall mean the horizontal distance between the side lot lines, measured from the points where the side lot lines intersect the shoreline.
- (c) Where the lot occupies all of an island, the lot frontage shall be the horizontal distance between the 2 most distant points on the island.

136. **Lot, Interior** shall mean a lot that is not a corner lot or a through lot.

137. **Lot Line** shall mean the line formed by the boundary of any lot. In the case where a lot abuts a navigable waterway, the Optimal Summer Water Level of such waterway shall be deemed to be a lot line.

138. **Lot Line, Front** shall mean in the case of:

- (a) an interior lot, the lot line abutting a street to which access is available; or
- (b) a lot abutting a navigable waterway or an original shore road allowance, the line formed by the Optimal Summer Water Level except where the side lot lines are not parallel, the shoreline is to be measured by either a line measured back the minimum front yard from and parallel to the chord of the front lot line, or by the chord of the front lot line, whichever is greater, and for the purposes of this paragraph, the chord of the front lot line shall be measured as a straight line joining the 2 points where the side lot lines intersect the front lot line; or
- (c) a corner lot, the shortest of the lot lines which abuts the streets; or
- (d) a through lot;





- vii. if it abuts 2 streets, the lot line abutting the street from which access is primarily gained to the lot;
  - viii. if it abuts a street and a navigable waterway, the lot line along the navigable waterway;
  - ix. if it abuts a street and a navigable waterway, where a portion of the lands is flooded, the lot line along the Optimal Summer Water Level;
  - x. if it abuts a street and an original shore road allowance not under the ownership of the abutting property owner or is a Crown Reserve, the lot line abutting the original shore road allowance;
  - xi. if it abuts 2 original shore road allowances not under the ownership of the abutting property owner or is a Crown Reserve or abuts 2 navigable waterways, the longer of the 2 lot lines abutting each; or
  - xii. if it abuts a navigable waterway and an original shore road allowance not under the ownership of the abutting property owner or is a Crown Reserve, the longer of the 2 lot lines abutting each.
139. **Lot Line, Rear** shall mean the lot line furthest from and opposite to the front lot line, or in the case of a triangular lot, shall be that point formed by the intersection of the side lot lines.
140. **Lot Line, Side** shall mean a lot line other than a front or rear lot line.
141. **Lot Line, Side, Exterior** shall mean a side lot line that abuts a street.
142. **Lot Line, Side, Interior** shall mean a side lot line other than a side lot line that immediately adjoins a street.
143. **Lot of Record** shall mean a lot or parcel of land that can legally be conveyed and which includes a lot on a registered plan of subdivision, a parcel created by consent in accordance with the *Planning Act*, a parcel created by a land patent or any other distinct and separate holding, the deed to which is registered

in the Land Registry office and which lot or parcel of land was legally created prior to the date of passing of this By-law. For the purposes of this definition, a lot of record shall not include a lot on a registered plan of subdivision which has been deemed not to be a registered plan of subdivision for the purposes of Section 50 (4) of the *Planning Act* R.S.O. 1990.

144. **Lot, Through** shall mean a lot bounded on both the front lot line and the rear lot line by streets, or in the case of a lot on a navigable waterway, by an original shore road allowance, Crown Reserve or Optimal Summer Water Level on the front lot line and by a street, or original shore road allowance, Crown Reserve or Optimal Summer Water Level on the rear lot line.
145. **Main Wall** shall mean the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully or partially enclosed space or roof, where such members are nearer to a lot line than the said exterior wall.
146. **Marina** shall mean a commercial establishment where a boathouse, boat storage, boat repair facilities, boat rental, pier, dock or jetty facilities or any combination of the foregoing are available for all types of marine - pleasure craft and may include a gasoline pump for the fuelling of marine craft, sewage pump-out facilities, potable water supply and a building or structure for the sale of marine craft, accessories and/or refreshments.
147. **Market Place** shall mean an area of land consisting of buildings, stalls, or an open area used primarily for the display and retailing of, and without limiting the generality of the foregoing, farm produce, meat, poultry, foodstuffs, wares or commodities.
148. **Medical Clinic** shall mean a building, or part thereof, which is used jointly by 3 or more medical practitioners for the purpose of consultation, diagnosis, or treatment of patients and which may include ancillary administrative offices, waiting rooms, treatment rooms, laboratories, dispensaries, or other similar functions, but shall not include accommodation for in-patient care or facilities for major surgical practice.

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149. **Medical Office** shall mean a building, or part thereof, in which a maximum of 2 medical practitioners provide consultative, diagnostic, or treatment services.
150. **Medical Practitioner** shall mean a doctor, dentist, chiropractor, chiropodist, optometrist, drugless practitioner or oculist, but, for the purposes of this By-law, shall not include a veterinarian.
151. **Mineral Aggregate Extraction Operation** shall mean a place where sand, gravel, shale, limestone, dolostone, sandstone and other mineral materials suitable for construction, industrial manufacturing or maintenance purposes, are being or have been removed by means of an open excavation, excluding a wayside pit or wayside quarry operation or open pit metal mine.
152. **Mobile Home** – See ‘Dwelling, Mobile Home’
153. **Mobile Home Park** shall mean a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use.
154. **Mobile Home Stand** shall mean the part of an individual mobile home lot, which has been reserved for placement of the mobile home, appurtenant structures, or additions.
155. **Modular Home** – See ‘Dwelling, Modular Home’
156. **Motel** shall mean premises that contain rooms with no private cooking facilities that are rented on a temporary basis to the public with each room being accessed from the outside. Meals may or may not be provided.
157. **Motor Home** shall mean a self-propelled vehicle capable of being used for the temporary living, sleeping, eating or accommodation of persons.
158. **Motor Vehicle** shall mean an automobile, truck, motorcycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor,

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self-propelled implement of husbandry or road building machine.

159. **Motor Vehicle, Commercial** shall mean a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, buses and tractors used for hauling purposes on the highways.
160. **Motor Vehicle Accessories Store** shall mean a building or portion thereof where motor vehicle accessories are displayed and sold by a retail business on the same lot.
161. **Motor Vehicle Body Shop** shall mean a building or place used as a motor vehicle repair shop including auto body repairs and spray painting and where motor vehicle fuelling, application of lubricants and related mechanical repairs, washing or cleaning of motor vehicles may be carried out.
162. **Motor Vehicle Repair Shop** shall mean a building or place used for the repair of motor vehicles and commercial motor vehicles, but does not include a motor vehicle body shop.
163. **Motor Vehicle Sales Area** shall mean an area that includes a building or place where new and/or used motor vehicles are kept for display and sale by an agent or dealer and shall include a lot used solely in connection therewith.
164. **Motor Vehicle Service Station** shall mean a building, or a clearly defined space on a lot, where motor vehicle fuel is sold by retail, including a gas bar, and where motor vehicle accessories, parts, and repairs may be available for purchase, but does not include premises where the sole use is one or more of a motor vehicle repair shop, transmission shop, muffler shop, or other like or similar use.
165. **Motor Vehicle Washing Establishment** shall mean a building or structure for the operation of motor vehicle washing, including self-service or automatic motor vehicle washing.
166. **Municipal Services** shall mean services such as curbs, gutters, sidewalks, pavement and roadworks, sewerage systems, sanitary and drainage systems,

water treatment plants, pumping stations, sewage treatment plants, private drain connections, watermains, service pipes, electrical services, street lights, and stormwater management controls and systems designed to service or capable of servicing a lot.

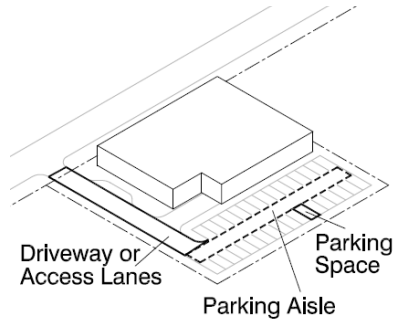
167. **Navigable Waterway** shall mean any body of water that is capable of affording reasonable passage of watercraft of any description for the purpose of transportation, recreation, or commerce.
168. **Non-complying** shall mean a lot, building or structure which is existing, but does not fulfill the requirements of the provisions for the zone in which the lot, building, structure is located.
169. **Non-conforming** shall mean a use or activity in respect of any land, building or structure that exists, but which is not within the list of permitted uses set out in this By-law for the zone in which such land, building or structure is located.
170. **Nursery** shall mean a place where young trees or other plants are grown for transplanting and for sale and may also include the sale of related accessory supplies, and may include a garden centre as an accessory use.
171. **Nursing Home** shall mean any premises in which persons are cared for, lodged, either by a charitable institution within the meaning of the appropriate statute or for hire, where, in addition to sleeping accommodation and meals, personal care, nursing services or medical care and treatment are provided or made available. For the purposes of this definition, 'personal care' means personal services such as the provision of aid to residents in walking or climbing or descending stairs, in getting in or out of bed, in feeding, dressing, bathing or in the matters of personal hygiene, and includes the preparation of special diets, the provision of tray service for meals, the supervision of medication and other similar types or personal assistance and 'resident' means a person who is cared for or lodged for hire in such premises.

## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

172. **Office Use** shall mean a use that provides professional, administrative, or business related services by the owner, lessee, or licensee.
173. **Optimal Summer Water Level** shall mean the normal or controlled high water mark.
174. **Original Shore Road Allowance** shall mean a road reserved along the shore of a navigable waterway by the Corporation, but not an allowance that has become an open public street.
175. **Outdoor Display and Sales Area** shall mean a portion of a lot used for exhibiting in an orderly manner, assembled or finished products sold by a retail business on the same lot, but does not include outdoor storage.
176. **Outdoor Storage** shall mean an area of land used in conjunction with a permitted use located on the same lot, for the storage of goods and materials. The temporary or overnight parking of motor vehicles shall not be considered outdoor storage. Open outdoor storage of goods and materials used by an industry as an integral part of its manufacturing operation shall in no way be construed to be a salvage, recycling, or scrap yard.
177. **Outdoor Storage, Open** shall mean the storage of goods in the open air and in unenclosed portions of buildings, which are open to the air on the sides.
178. **Park** shall mean an area permanently devoted to recreational uses and generally characterized by its natural, historic, or landscaped features and used for:
- (a) passive forms of recreational uses which may include a picnic area, walking trail, swimming area, botanical garden, or other like or similar uses;
  - (b) active forms of recreational uses which may include a baseball diamond, soccer pitch, tennis court, outdoor ice rink, or other like or similar uses; or

- (c) designed to serve the residents of a neighbourhood, community, region, or the Province.

179. **Parking Area** shall mean an accessory use area provided for the temporary storage of motor vehicles and includes any associated aisles, parking spaces, pedestrian walkways, and related ingress and egress lanes, but shall not include any part of a public street.



180. **Parking Lot, Public** shall mean a lot principally used as a parking area, and either operated for public use or for commercial gain.

181. **Parking Space** shall mean an area enclosed in a principal building, in an accessory building, or unenclosed, set aside for the purpose of parking 1 motor vehicle having access to a street or a lane.

182. **Person** shall mean an individual, association, firm, partnership, corporation, trust, incorporated company, corporation created under the *Condominium Act*, organization, trustee or agent, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

183. **Personal Services** shall mean a building, or part thereof, used for the provision of services involving the health, beauty, or grooming of a person or the maintenance or cleaning of their apparel and shall also include a self-service laundry facility.

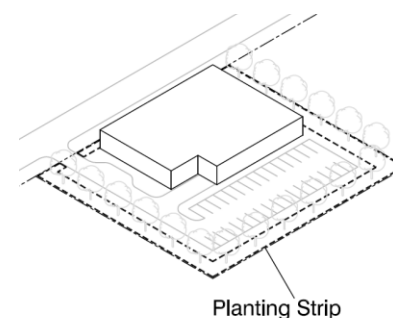
184. **Pharmacy** shall mean a retail store in which the principal use is the retail sale of drugs, pharmaceutical products, medicines, and similar sundries.

185. **Physician** – See ‘Medical Practitioner’

186. **Pit** shall mean a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral, or other material is being or has been removed by means of an open excavation to supply material for construction, industrial, or manufacturing purposes, but does not include a wayside pit.

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187. **Pit, Sand or Gravel** shall mean any pit or excavation made for the removal of any soil, sand or gravel for commercial and/or municipal purposes, but shall not include a stone quarry or a topsoil or peat extraction operation, an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Municipality, an excavation incidental to the construction of any public works, or a soil processing operation.
188. **Place of Assembly** shall mean a building, or part thereof, in which facilities are provided for such purposes as meetings for civic, theatrical, musical, political, religious, cultural or social purposes, and shall include without limiting the generality of the foregoing, an auditorium, banquet hall, concert hall, gymnasium, club, playhouse, or other similar uses.
189. **Place of Entertainment** shall mean the use of a building, or part thereof, for a fee for the provision of entertainment or amusement without the necessity of active participation by the user and includes without limiting the generality of the foregoing, such uses as movie theatres, drive-in theatres, bingo and other assembly halls, and shall also include public dance halls and music halls, but does not include an adult entertainment establishment.
190. **Place of Worship** shall mean a building, or part thereof, used by any religious organization for public worship or other ecclesiastical functions and may include a rectory or manse, a church hall, daycare facility, and educational or recreational uses associated with or accessory thereto.
191. **Planting Strip** shall mean a row of trees, a continuous hedgerow of evergreens or shrubs, a berm, a wall, or a privacy fence not less than 1.5 metres high, which is immediately adjacent to a lot line or portion thereof along which such planting strip is required hereunder, arranged in such a way as to form a dense or opaque screen.
192. **Plaza Complex** shall mean a group of commercial or industrial business establishments which are planned, developed, managed, and operated as an entity with shared on-site parking and contain 3 or more separated spaces for lease or occupancy.





193. **Porch/Verandah** shall mean a structure abutting the main wall of a building, having a roof, but with walls that are generally open and unenclosed.
194. **Portable Asphalt Plant** shall mean 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. Such facility is not of permanent construction and is designed to be dismantled and moved to another location as required.
195. **Principal Use** shall mean the predominant purpose for which any land, building, or premises, or part thereof, is used, designed, arranged, occupied, or maintained.
196. **Private Home Daycare** shall mean the temporary care for reward or compensation of 5 children or less who are under 12 years of age where such care is provided in a private residence, other than the home of a parent or guardian of any such child, for a continuous period not exceeding 24 hours, and is licensed by the Province in accordance with the *Day Nurseries Act*.
197. **Private Road** – See ‘Road, Private’
198. **Provincial Highway** shall mean a street under the jurisdiction of the Province of Ontario.
199. **Public Authority** shall mean:
- (a) the Corporation, the Government of Ontario, the Government of Canada, or any board, school board, authority, or commission of any of them; or
  - (b) any utility company providing communications/ telecommunications, electrical, or natural gas services; or
  - (c) any railway company authorized under the *Railway Act of Canada*; or
  - (d) any corporation providing services to the public, that has an operating budget entirely

## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

funded by one or more entities described in clause (a).

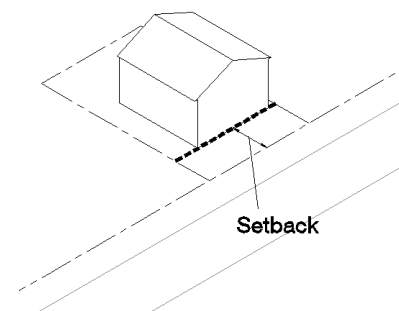
200. **Public Use** shall mean the use of a lot or a building by a public authority, for the purpose of providing its services to the public, or carrying out its public mandate.
201. **Public Utility** shall mean a water supply system or distribution system, a sewage collection and treatment system, electrical power or energy generating, transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system or a communications/telecommunications or data transmission system to serve the public and includes any lands, buildings or equipment required for the administration or operation of any such system and such utilities may be publicly or privately owned.
202. **Quarry** shall mean a place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial, or manufacturing purposes, but does not include a wayside quarry or open pit metal mine.
203. **Reconstruction/Renovation** shall mean the repair and restoration of a building to good condition which may include its replacement.
204. **Recreational Vehicle** shall mean a vehicle designed and built to be carried or towed by a motor vehicle, or a unit designed and built to be transported on its own wheels or on water, for purposes of providing temporary living accommodation or recreational enjoyment and shall include, for example, motor homes, travel trailers, tent trailers, watercraft, personal watercraft, snowmobiles, or other like or similar equipment, but does not include bicycles.
205. **Redevelopment** shall mean the removal of buildings from land and the construction or erection of other buildings.
206. **Regulatory Flood** shall mean the approved standard(s) used in a particular watershed to define the limit of the floodplain for regulatory purposes.

207. **Repair or Service Shop** shall mean a building or part of a building not otherwise classified or defined in this By-law and whether conducted in conjunction with a retail establishment or not, for the servicing, repairing or renting, of articles, goods, materials, but does not include the manufacture or assembly of articles, goods or materials, bicycles, wheel chairs, orthopaedic and prosthetic appliances and articles for fabric mending, window glazing, metal repeating, painting and refinishing furniture and other household goods and includes a key shop, a custom picture framing shop, the business of renting small tools and appliances, costumes, chairs, tables, musical instruments and public address systems and other like articles and equipment, but shall not include the renting of motor vehicles, construction equipment or other similar articles.
208. **Restaurant** – see ‘Eating Establishment.’
209. **Retail Store** shall mean a building, or part thereof, where goods, wares, apparel, footwear, merchandise, commodities, substances, foodstuffs, or articles of any kind are stored, kept, offered, or displayed for retail sale or rental to the general public.
210. **Retirement Home** shall mean a dwelling providing accommodation primarily for retired persons where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall, but where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms, and medical care facilities may also be provided.
211. **Road** – See ‘Street’
212. **Road, Private** shall mean a private right-of-way over private property, which affords access to abutting lots and is not maintained by a public body.
213. **Road, Public** shall mean a public right-of-way on lands maintained by a public authority.
214. **Rooming House** means a building or portion thereof in which the proprietor resides and supplies for hire or gain to more than 2 persons, lodging and/or

## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

meals, but shall not include a bed and breakfast establishment, a hotel, hospital or nursing home.

215. **Salvage or Scrap Yard** shall mean a lot or premises for the storage or handling or sale of scrap or used materials, which without limiting the generality of the foregoing, shall include waster paper, rags, tires wood, bottles, bicycles, vehicles, metal or other scrap material, and salvage and includes a junk yard, a scrap metal yard, and a motor vehicle wrecking yard, including an ancillary motor vehicle sales and service establishment and premises.
216. **Secondary Suite** – See ‘Dwelling Unit, Secondary’
217. **Self-Storage** shall mean a building consisting of individual self-contained units that are leased or owned for the storage of business and household goods or contractors’ supplies.
218. **Setback** shall mean the distance between a lot line and the nearest wall of a principal and/or accessory building or structure, as indicated in the context in which the term is used.
219. **Shipping and Storage Container** – See ‘Cargo Container’
220. **Shoreline** shall mean the edge of a body of water, as defined by the Optimal Summer Water Level.
221. **Shoreline Development Area** shall mean the cumulative total area, expressed in square metres, of all buildings or structures permitted within 20.0 metres of the Optimal Summer Water Level. For the purposes of this By-law, the shoreline development area shall also include those buildings and uses, which are attached to the lands which form the bed of any navigable waterway and/or are floating on any navigable waterway. For the purposes of this definition, buildings or structures shall mean a boathouse, deck, dock, gazebo, pump house, sauna, stairs or like or similar uses.
222. **Sight Triangle** – See ‘Corner Visibility Triangle’
223. **Sign** shall mean any sign or sign structure which is expressly designed for temporary or permanent placement or erection on a site which is constructed

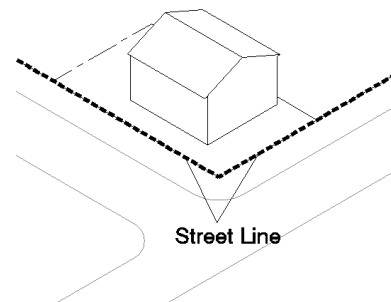


to support, carry, or display an area designed for the temporary placing of copy, letters, or messages.

224. **Site Plan** shall mean a scaled drawing showing the relationship between the lot lines and the uses, buildings or structures existing or proposed on a lot, including such details as parking areas, driveways, walkways, landscaped areas, building areas, minimum yards, building heights, floor areas, densities and areas for special uses.
225. **Site Plan Agreement** shall mean an agreement between a property owner and the Corporation, which is registered on title, and which relates to the lot design and the design/location of any building or structure on a site.
226. **Sleeping Cabin** shall mean an accessory building not attached to the principal residential dwelling unit, for the non-commercial accommodation of persons, and which may include a bathroom but does not contain kitchen facilities.
227. **Storey** shall mean that portion of a building other than an attic, basement, or cellar which lies between the surface of the floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling or roof next above it.
228. **Storey, One-Half** shall mean the portion of a building located wholly or partly within a sloping roof having a floor area of not less than 33.3% or more than 66.6% of the floor area of the storey next below, sidewalls not less than 1.2 metres in height and a ceiling with a minimum height of 2.3 metres over an area equal to at least 50.0% of its floor area.
229. **Street or Road** shall mean a highway as defined by the *Municipal Act* and the *Highway Traffic Act* and shall exclude a lane or any private right-of-way or unopened road allowance, or any street which is shown on a registered plan of subdivision which has been deemed not to be a registered plan of subdivision under Section 50 (4) of the *Planning Act*, or which has not been assumed and is not being maintained by/and under the jurisdiction of the Municipality of Markstay-Warren or the Province of Ontario.

## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

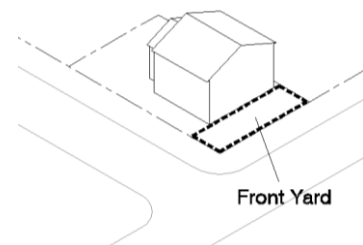
230. **Street Line** shall mean the line forming a boundary between a lot and the lateral limit of a street or the shoreline of a navigable waterway.
231. **Structure** shall mean anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil and/or any other structure. For the purposes of this By-law, a fence not exceeding 1.5 metres in height shall not be deemed to be a structure.
232. **Studio** shall mean premises used for portrait and commercial photography, painting, sculpting, or other forms of art and craft making, and which may include the sale of art, crafts and photography created or developed on the premises, or the ancillary retail sale of equipment used by photographers or artists.
233. **Tourist Establishment** shall mean a commercial establishment designed for the travelling or vacationing public, and that has facilities for accommodation and may serve meals or provide kitchen facilities and may furnish equipment, supplies, or services to persons for recreational purposes but does not include a campground or a youth or adult camp.
234. **Trailer Park** shall mean any land in or upon which any travel or tent trailer is used or intended to be used for temporary human occupation by the travelling public, and shall not include a mobile home park.
235. **Trail System** shall mean an area used for hiking, horseback riding, cross country skiing, or other similar forms of non-motorized recreational travel.
236. **Transportation Depot** shall mean any building or land where buses, trucks, or tractor trailers are rented, leased, kept for hire, stored, or parked for commercial purposes only.
237. **Travel Trailer** shall mean an object designed for accommodation intended and used exclusively for travel, recreation and vacation, and which is capable of being drawn or propelled by a motor vehicle or is self-propelled and includes tent trailers or similar transportable accommodation, but does not include a mobile home.



238. **Use** shall mean the purpose for which any land, building, structure or premises, or part thereof, is arranged, designed or intended to be used, or is or may be occupied or maintained and the word 'used' has a corresponding meaning.
239. **Vehicle** – See 'Motor Vehicle'
240. **Verandah** – see 'Porch/Verandah'
241. **Veterinary Establishment** shall mean any building or land intended for the provision of services by veterinarians for purposes of consultation, diagnosis, or treatment of animals and the necessary boarding thereof, and which may also include incidentally thereto, the retailing of pets and pet supplies.
242. **Warehouse** shall mean a building, or part thereof, and may include accessory buildings, used for the storage and distribution of goods, wares, merchandise, substances, or articles and may include facilities for wholesaling, or for accessory retail sales of goods, wares, merchandise, substances or articles otherwise stored within the building, but shall not include a transportation depot, and provided that such accessory retail sales component does not exceed a maximum gross floor area of 200.0 square metres.
243. **Waste Disposal Area** shall mean a place where garbage, refuse, or domestic or industrial waste is disposed of or dumped.
244. **Waste Recycling Transfer Station** shall mean a facility used for the communal disposal of materials to be transferred to a waste disposal area or similar use by the Municipality or designated authority and without limiting the generality of the foregoing, may include materials and goods such as newsprint, glass, plastic, and tin containers.
245. **Water Access** shall mean unobstructed access to a property via water.
246. **Waterbody** shall mean any bay, lake, natural watercourse or canal, other than a drainage or irrigation channel.

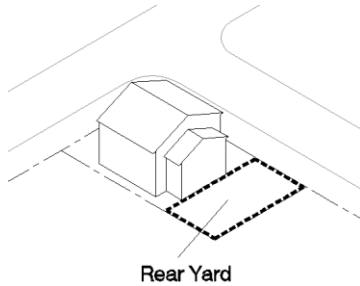
## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

247. **Watercourse** shall mean any surface stream or river including an intermittent stream, drainage ditch, municipal drain, or flowing stream or river, but this does not include a ditch constructed within a road allowance for the specific purpose of draining a street.
248. **Watercraft Launching Facility** shall mean a commercial facility for launching watercraft from trailers into a navigable waterbody, including a ramp or mechanical lift and may include the temporary storage of watercraft trailers, the temporary parking of motor vehicles and docks but does not include other uses otherwise permitted in a marina.
249. **Watercraft Mooring Facility** shall mean an area of land or an accessory structure floating on or anchored near the shoreline of a navigable waterway used for the berthing of watercraft.
250. **Watercraft Storage Facility** shall mean a commercial facility for the off-season storage of watercraft, watercraft trailers and may include the storage of recreational vehicles.
251. **Wayside Pit/Wayside Quarry** shall mean a temporary pit or quarry opened and used by a public authority for road or infrastructure construction purposes, which may include a temporary asphalt plant, but which cannot be not located within the right-of-way of a street or any sensitive natural environment area.
252. **Weather Canopy** – See ‘Canopy, Weather’.
253. **Wholesaling** shall mean the sale and distribution of goods or materials for resale purposes only.
254. **Wholesale Outlet** shall mean a building or place where goods are purchased and/or sold in large quantities to business owners and/or the general public.
255. **Yard** shall mean that part of a lot extending from a lot line into the lot to the nearest building and measured at right angles to the lot line.
256. **Yard, Front** shall mean a yard extending across the full width of a lot between the front lot line and the





nearest wall of any building or structure on the lot and the "Minimum" front yard means the minimum depth of a front yard on a lot between the front lot line and the nearest main wall of any principal building or structure on the lot.



257. **Yard, Rear** shall mean a yard extending across the full width of a lot between the rear lot line and the nearest wall of any principal building or structure on the lot and the "Minimum" rear yard means the minimum depth of a rear yard on a lot between the rear lot line and the nearest main wall of any principal building or structure on the lot.

258. **Yard, Required** shall mean the minimum yard required by the provisions of this By-law.

259. **Yard, Side** shall mean a yard extending from the front yard to the rear yard between a side lot line and the nearest wall of any building or structure on the lot and the "Minimum" side yard means the minimum width of a side yard on a lot between a side lot line and the nearest main wall of any main building or structure on the lot.

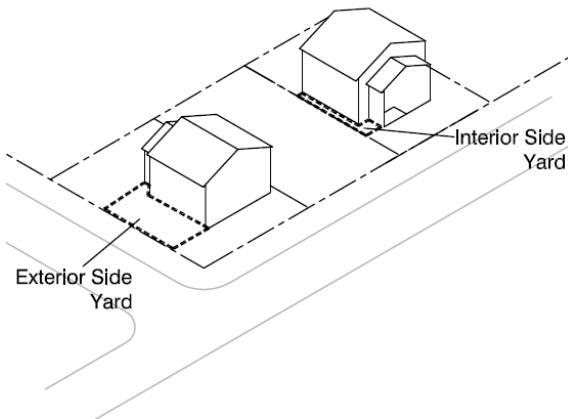
260. **Yard, Side, Exterior** shall mean a side yard that abuts a street or road.

261. **Yard, Side, Interior** shall mean a side yard other than a side yard that abuts a street or road.

262. **Youth or Adult Camp** shall mean premises where campers spend all or part of the summer living in tents, cabins or dormitories, participating in organized activities, sports, and arts and crafts and usually eating together in a central dining facility and may also include other buildings, structures, boathouses and docks accessory to the youth or adult camp.

263. **Zone** shall mean a designated area of land use shown on Schedule A to this By-law, and established and designated by this By-law for a specific use or group of uses.

264. **Zone Maps/Schedules** shall mean Schedule A, the zoning schedules attached to and forming part of this By-law.



## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

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## 6 GENERAL PROVISIONS

Unless specifically exempted or regulated elsewhere in this By-law, the following regulations shall apply to all lands covered by this By-law.

### 6.1 ABANDONED MOTOR VEHICLES AND EQUIPMENT

The parking or storage of abandoned, unused or discarded motor vehicles or equipment is prohibited in all zones except:

- (a) if such vehicles or equipment are stored inside a garage;
- (b) if the vehicles are licensed for only part of the year, up to 3 vehicles may be stored on the same lot from which they are normally operated but not in the front yard; and
- (c) vehicles and equipment used directly in the mining or forestry industry may be stored on an industrial site from which they are operated, provided that they are kept in operating condition.

### 6.2 ACCESSORY BUILDINGS AND USES

#### 6.2.1 Permitted Uses

Where this By-law provides that a lot may be used or a building may be erected or used for a purpose, that purpose shall include any accessory building or accessory use, but shall not include the following:

- (a) any occupation for gain or profit conducted within or accessory to a dwelling unit or on such lot associated therewith, except as is specifically permitted in accordance with this By-law; or
- (b) any accessory building used for human habitation except as is specifically permitted in accordance with this By-law.

#### 6.2.2 Limitation

- (a) No accessory building shall be erected on any lot until the principal building to which it is to be accessory thereto has been erected with the exception of a dock on a lot accessible only by water or except where it is

## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

necessary for the storage of tools and materials for use in connection with the construction of such dwelling unit; no accessory building shall be used prior to the erection of such dwelling unit for any purpose other than such storage.

- (b) Any accessory building or use which is not part of the principal building shall not be erected in any of the required yards, except in accordance with the applicable provisions of this By-law pertaining to accessory buildings.
- (c) No accessory building shall exceed a height of 5.0 metres and for the purposes of this By-law, no accessory building shall have more than 1 storey. However, an attic, as defined in Section 5 of this By-law, shall be permitted.
- (d) No accessory building or part thereof, other than a sleeping cabin, shall be used for the provisions of sleeping accommodations.
- (e) No accessory building shall be built within 1.5 metres of the principal building in any zone.
- (f) For the purpose of this By-law, barns, implement buildings, silos and other like or similar uses are not considered accessory buildings and uses.

### **6.3 BED AND BREAKFAST ESTABLISHMENT**

- (a) A bed and breakfast establishment shall be permitted in any single detached dwelling provided that the bed and breakfast establishment is in accordance with the parking provisions of this By-law.
- (b) A bed and breakfast establishment is not permitted in conjunction with a home occupation, a day nursery, a private home daycare, or a rooming house.

### **6.4 BOATHOUSES**

- (a) A boathouse may contain sleeping accommodations but shall not contain a kitchen, leisure room, a recreation room, or other similar uses. A boathouse containing sleeping accommodations is also deemed to be a sleep cabin for the purpose of calculating the number of sleep cabins on a residential lot.

- (b) Any exterior floating deck or dock attached to a boathouse and no greater than 1.0 metres above water level is not deemed to be part of the boathouse for the purposes for calculating the gross floor area of the boathouse.
- (c) No water-based boathouse, deck, dock, or other similar use shall encroach into a side yard setback of 3.0 metres, if the side lot lines were extended into the water.

**6.5 BUILDING REPAIR AND RECONSTRUCTION**

- (a) Nothing in this By-law shall prevent the reconstruction of any legal non-conforming building or structure that is damaged or destroyed by causes beyond the control of the owner, and such building or structure may be reconstructed in accordance with the previous existing standards, even if such building or structure did not conform with one or more of the provisions of this By-law, provided that the non-conformity is not further increased.
- (b) Notwithstanding the above, for those properties abutting a navigable waterway, all reconstructed buildings, with the exception of a boathouse or a dock, on such lands shall be floodproofed in accordance with the requirements of the Ministry of Natural Resources.
- (c) Nothing in this By-law shall prevent the strengthening to a safe condition or the reconstruction of a building or structure that is a non-complying use, and/or a non-conforming use, provided that such repair or reconstruction does not further contravene the provisions of this By-law, because of a change in the height, size or volume, or by changing the use of such building or structure.

**6.6 BUILDINGS TO BE MOVED**

In all zones, no building, residential or otherwise normally requiring a building permit for construction shall be moved within the area covered by this By-law or shall be moved into the limits of the area covered by this By-law without a permit from the Chief Building Official.

### 6.7 CHANGE OF USE

Where the use of a lot, building or structure which, under the provisions hereof, is not permissible within the zone in which such lot, building or structure is located, the use shall not be changed except to a use which is permitted within such zone. A change of use shall not be permitted without a permit from the Chief Building Official.

### 6.8 COMMERCIAL MOTOR VEHICLE PARKING

In any Residential Zone, the temporary parking of one commercial motor vehicle shall be permitted provided that:

- (a) the gross weight of the vehicle is not greater than 4,475.0 kilograms;
- (b) the vehicle is operated by the owner or occupant of the dwelling unit on the lot;
- (c) the vehicle is not parked in the front yard; and
- (d) the vehicle is not stored on the lot.

### 6.9 CORNER LOTS IN RESIDENTIAL ZONES

Notwithstanding any other provision of this By-law, on a corner lot in any Residential Zone, the required exterior side yard shall be no less than the required front yard in that Zone.

### 6.10 CORNER VISIBILITY TRIANGLES

On a corner lot, a fence, sign, hedge, shrub, bush or tree, or any other structure or vegetation shall not be erected or permitted to grow to a height greater than 1.0 metres above the grade of the streets that abut the lot within the triangular area included within the street line for a distance of 6.0 metres from their point of intersection and no parked motor vehicle or travel trailer shall impede the view of oncoming motor vehicle and/or pedestrian traffic.

### 6.11 DWELLING UNIT BELOW GRADE

A dwelling unit may be permitted below grade provided that the dwelling unit meets the requirements of the Ontario Building Code and is in accordance with this By-law.

**6.12 DWELLING UNIT IN A COMMERCIAL OR INDUSTRIAL BUILDING**

- (a) No person shall use any lot, or erect, alter or use any building or structure for the purpose of a dwelling unit on a lot zoned for commercial or industrial use, other than within a portion of the commercial or industrial building and in accordance with the provisions of this By-law.
- (b) In no case shall a dwelling unit be permitted on the same lot as a bulk storage tank or a gas bar.

**6.13 FILLING OR DREDGING**

Filling or dredging, or other alteration designed to artificially increase lot area on any lot abutting a navigable waterway, shall not confer additional development potential based on such increase in lot area.

**6.14 FENCING**

- (a) Where a fence is provided for or is required to be provided for by this By-law, such fence shall meet the following provisions:
  - i. No fence shall exceed a height of 2.0 metres or be located beyond the established front building line in any Residential Zone or Rural Zone.
  - ii. No fence shall exceed a height of 2.5 metres or be located beyond the established front building line in any Commercial Zone.
- (b) Where a fence is required by this By-law, such fence shall not exceed a height of 2.0 metres in the required side yard or rear yard.
- (c) Fencing height provisions in this section shall not prevent the erection of an open mesh fence enclosing a school site or public or private outdoor swimming pool.
- (d) Notwithstanding the above, where a lot abuts a Provincial Highway or is within a corner visibility triangle, a fence shall not exceed a height of 1.0 metres within 15.0 metres of the front lot line of such lot.

### 6.15 FLOOD PLAIN

In addition to the standards set out elsewhere in this By-law, for all zones abutting the shore of a navigable waterway, habitable buildings or structures shall not be constructed within the 1:100 year flood plain, except:

- (a) where such building or structure is intended for flood or erosion control; or
- (b) where the building or structure is a water based boathouse.

### 6.16 FRONTAGE ON A PUBLIC ROAD OR STREET

- (a) The location of an existing single detached dwelling unit on a lot which does not have frontage on a street, which existed on the date of the passing of this By-law, shall be deemed to comply with the minimum lot frontage requirements of this By-law. Where a lot does not have frontage on a street, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line.
- (b) No person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected fronts upon an open public street or has access by a legal right-of-way which is registered on title or is accessed by water only.
- (c) Notwithstanding the foregoing:
  - i. a dwelling unit may be erected on a lot that existed prior to the passing of this By-law or on a lot for which a consent has subsequently been granted where the lot abuts a right-of-way that existed prior to the passing of this By-law and that provides access to a street that is open and maintained year round;
  - ii. a dwelling unit may be erected on a lot having only water access provided there is a watercraft launching facility to serve the lot; and
  - iii. a hunt camp may be erected on a lot that existed prior to the passing of this By-law.



**6.17 GARBAGE AND REFUSE STORAGE**

- (a) No garbage or refuse shall be stored on any lot in any zone except within the following:
  - i. the principal building or accessory building;
  - ii. a commercial garbage bin; or
  - iii. a roadside garbage container in the Residential Rural (RR) Zone, or the Waterfront Residential (WR) Zone.
- (b) A roadside garbage container shall have a maximum height of 1.5 metres and shall be set back a maximum of 1.5 metres from the lot line abutting the street.

**6.18 GARDEN SUITES**

- (a) A garden suite shall be permitted by way of a temporary use by-law as a temporary accessory use to a principal residential use, provided that all provisions of this By-law are met and that the provision of adequate services is approved by the Planning Board.

**6.19 NO GARDEN SUITE SHALL BE PERMITTED WITHIN THE WATERFRONT RESIDENTIAL (WR) ZONE.GREATER RESTRICTIONS**

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

**6.20 HEIGHT EXCEPTIONS**

Notwithstanding the height provisions of this By-law, nothing in this By-law shall apply to prevent the erection of a spire associated with a place of worship, flag pole, belfry, clock tower, chimney, water storage tank, solar energy collection device, or a tower, antenna, or other similar structure for communications/ telecommunications.

**6.21 HOLDING ZONE (H) PROVISIONS**

Where the zoning applying to any lot includes the holding symbol (h) suffixed to its zone symbol, only existing uses shall be permitted until such time when the (h) is removed in accordance with the criteria established by way of a site-specific Zoning By-law Amendment.

### 6.22 HOME INDUSTRY

A home industry shall be permitted as an accessory use to a single detached dwelling, in accordance with the following provisions:

- (a) there is no external advertising other than a sign erected in accordance with any by-laws of the Municipality regulating signs;
- (b) there is no outdoor storage of goods, materials or equipment;
- (c) such home industry is not an obnoxious trade, business or manufacturer, and does not create a public nuisance with respect to traffic, parking, noise, and odour;
- (d) such home industry does not have a gross floor area greater than 40% of the ground floor area of the dwelling unit;
- (e) not more than 2 persons, other than the owner of the dwelling unit, are employed therein on a full-time basis;
- (f) for every person other than the owner of the dwelling unit employed therein on a full-time basis, one on-site parking space shall be provided, and such parking space(s) shall not be located in the front yard;
- (g) one on-site parking space shall be provided for patrons of the home industry and such parking space shall be provided, and such parking space shall not be located in the front yard;
- (h) an accessory building used for a home industry shall not be located in the front yard or exterior side yard; and
- (i) notwithstanding any of the provisions of this By-law, an accessory building used for a home industry shall have a minimum setback from the interior and exterior side lot lines of 5.0 metres.

### 6.23 HOME OCCUPATION

A home occupation shall be permitted as an accessory use to a residential dwelling, subject to the following provisions:

## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

- (a) no person, other than a resident of the dwelling unit and one non-resident employee may be employed in the home occupation;
- (b) there is no display, other than an unlit sign not greater than 0.2 square metres in size, to indicate to persons outside that any part of the dwelling unit or lot is being used for a purpose other than a dwelling unit;
- (c) there is no outdoor storage of goods or materials;
- (d) retail sales are limited to those products produced on-site;
- (e) not more than 25.0% of the gross floor area of the dwelling unit or 46.0 square metres, whichever is the lesser, is used for the purposes of a home occupation;
- (f) such home occupation uses may include a repair or service shop, a personal service shop, tradesperson, the office of a doctor, dentist, lawyer, or a real estate agent, insurance agent, planner, architect, or engineer, professional offices; and
- (g) a clinic, a hospital, a nursing home, a tea room and a veterinary establishment shall not be deemed to be home occupations.

### 6.24 LICENSES, PERMITS AND OTHER BY-LAWS

Nothing in this By-law shall exempt any person from complying with requirements of any other By-law in force within the Municipality or from obtaining any permit, license, permission, authority or approval required by this or any other By-law of the Municipality or by any other law in force from time to time.

### 6.25 LOADING SPACES

No commercial or industrial building to which, or from which, regular deliveries are made shall be used or erected unless off-street spaces for the standing, loading, or unloading of motor vehicles are provided in conformity with the following regulations:

- (a) Access to loading or unloading spaces shall be by means of a driveway at least 6.0 metres wide.
- (b) The driveways, loading and unloading spaces shall be constructed and maintained with a stable surface,

which is treated so as to prevent the raising of dust or loose particles and with provisions for drainage facilities.

- (c) The loading space or spaces required shall be located in the interior side or rear yard unless set back from the street line a minimum distance of 25.0 metres.
- (d) Size: Each off-street loading space in a Commercial or Industrial Zone shall have minimum dimensions of 3.0 metres by 10.5 metres and 4.5 metres by 15.0 metres respectively.
- (e) When a building or structure has insufficient loading space at the date of the passing of this By-law to comply with the requirements herein, this By-law shall not be construed to require that the deficiency be made up prior to the construction of any addition.
- (f) Every commercial or industrial building having in excess of 200.0 square metres of floor area, located on a lot having access from a municipal road, one loading space for the first 800.0 square metres of floor area plus one space for every additional 800.0 square metres of floor area, or portion thereof, shall be provided.

### **6.26 LOT AREA OR LOT FRONTAGE LESS THAN REQUIRED**

- (a) Where an existing lot has less than the minimum lot area or minimum lot frontage than is required herein, and the lot is or has been held under distinct and separate ownership from abutting lots or was legally created prior to the passing of this By-law or was created as a result of a natural severance such as the presence of a public road, a navigable waterway or a railway then the lot shall be deemed to comply with the requirements of this By-law with respect to lot area and lot frontage and may be used for a purpose permitted in the zone in which such lot is located, provided that all other applicable provisions of this By-law are complied with.
- (b) Where a lot zoned Waterfront Residential (WR) lot is comprised of all of an island that has less area than is required by the zone, then the lot shall be deemed to comply with the requirement of this By-law with regard to lot area.

- (c) Where a lot meets the criteria as set out in this section, or is a lot, as defined in this By-law and lands are added to such lot, the resulting lot shall be deemed to comply with the minimum lot area and the minimum lot frontage requirements of this By-law and may be used for a purpose permitted in the zone in which such lot is located, provided that all other applicable provisions of this By-law are complied with. Additionally, the location of any building and structure, with respect to the resultant lot lines created as a result of the addition of the abutting lands shall be deemed to comply with front, side and rear yards. Enlargements, extensions or reconstruction of said buildings or structures shall be permitted to extend along the established building line in the yard in which the enlargement, extension, or reconstruction is to be constructed, provided that any new deficient setbacks are not created and the principal use of such building or structure does not change.

#### **6.27 MINIMUM DISTANCE SEPARATION**

Agriculture or agriculture-related uses shall be permitted provided in accordance with the following provisions:

- (a) New and expanded livestock facilities, manure storage facilities, and anaerobic digesters are subject to the Minimum Distance Separation II (MDS II) requirements according to the Minimum Distance Separation (MDS) Formulae;
- (b) The location of a new dwelling on a lot in proximity to an agricultural use in the Rural (RU) Zone is subject to Minimum Distance Separation I (MDS I) requirements according to the MDS Formulae. An existing off-site dwelling, destroyed by a catastrophic event, may be replaced by a new dwelling provided that the new dwelling is sited no closer to the lot on which the livestock facility is located than the previously existing dwelling; and
- (c) A new livestock facility may replace a former livestock facility destroyed by a catastrophic event, provided that the new livestock facility does not result in increases in the values of Factors A, B or D, of the MDS Formulae, compared to what existed at the livestock facility prior to the catastrophic event, such that there is no switch to a livestock type with a higher odour potential, there is no increase in the number of

nutrient units housed and there is no switch to a manure system type with a higher odour potential.

**6.28 MOBILE HOMES**

Mobile homes as defined in Section 5.0 shall only permitted in the Rural (RU) and Rural Residential (RR) Zones.

**6.29 MOTOR VEHICLE SERVICE STATIONS AND GAS BARS**

Where motor vehicle service stations and gas bars are permitted by this By-law, the following provisions shall apply:

- |                       | Interior<br>Lot (m) | Corner<br>Lot (m) |
|-----------------------|---------------------|-------------------|
| (a) Min. Lot Frontage | 60.0                | 60.0              |
| (b) Min. Lot Depth    | 45.0                | 60.0              |
- (c) no portion of any pump island on a motor vehicle service station or gasoline bar lot shall be located closer than 6.0 metres from the street line of any street;
  - (d) the minimum distance from the intersection of two street lines to the nearest ingress or egress ramp shall not be less than 9.0 metres;
  - (e) the maximum width of a curb ramp at the street line shall not be more than 9.0 metres and the minimum width not less than 8.0 metres.
  - (f) the minimum distance between ramps shall not be less than 9.0 metres;
  - (g) the minimum distance between the property line of the lot at the street line and the nearest ramp shall be 3.0 metres;
  - (h) the area included between ramps or between ramps and a street line or property line as required by this By-law shall not be used for any purpose other than landscaping; and

- (i) the following minimum provisions shall apply to buildings and pumps associated with this use:
  - i. Front Yard 7.5 metres
  - ii. Side Yard 4.5 metres
  - iii. Rear Yard 7.5 metres

**6.30 MULTIPLE ZONES ON ONE LOT**

- (a) Where a lot is divided into more than one zone under the provisions of this By-law, each portion of such lot shall be used in accordance with the zone provisions of this By-law, as they apply to each zone established hereunder.
- (b) The minimum lot size for the lot shall be the largest minimum lot size of any zone that applies to the lot.
- (c) Where there is a conflict with respect to zone provisions, the more stringent provision shall apply.
- (d) Parking provisions for the permitted uses in each zone shall be in accordance with Section 6.35.

**6.31 NON-COMPLYING BUILDINGS AND STRUCTURES**

Nothing in this By-law shall prevent the rebuilding, repair or use of a building, structure or fence which is either lawfully non-complying itself or is situated on a lawfully non-complying lot, provided that the use of the building or structure is conforming and that the non-compliance, if any, of the original building, structure or fence is not increased, and the yards appurtenant thereto are not reduced except in accordance with the provisions of this By-law.

Enlargements, additions or alterations are permitted to buildings or structures, which are either lawfully non-complying themselves, or are situated on lawfully non-complying lots, provided that:

- (a) the use of the lot and the building or structure is conforming;
- (b) the extent to which the building, structure or lot does not meet the requirements of this By-law is not increased; and

- (c) no requirement of this By-law that was not infringed by the building or structure as it existed immediately prior to the construction of any enlargement, addition or alteration hereby permitted, are affected.

### 6.32 NON-CONFORMING USES

Nothing in this By-law shall apply:

- (a) to prevent the use of any land, building or structure for any purpose prohibited by this By-law if such land, building or structure was lawfully used for such purpose on the day of the passing of this By-law, so long as it continues to be used for that purpose; or
- (b) to prevent the erection or use for a purpose prohibited by this By-law of any building or structure for which a building permit has been issued under the provisions of the *Building Code Act*, prior to the day of the passing of this By-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under the provisions of the *Building Code Act*.

### 6.33 OCCUPATION OF UNCOMPLETED BUILDINGS

Prior to a building being occupied, a certificate of compliance for occupation of a building may be issued by the Chief Building Official or the authority having jurisdiction under the regulation of the Ontario Building Code and/or the Municipal Building By-law.

### 6.34 OUTDOOR STORAGE IN FRONT YARD

Outdoor storage is not permitted in the front yard of any zone. In the Industrial General (MG) Zone, outdoor storage shall be permitted in the front yard except where the front yard of the lot abuts a navigable waterway in which case outdoor storage in the front yard is not permitted.

### 6.35 PARKING AREA REGULATIONS

Parking spaces and areas are required under this By-law in accordance with the following provisions:

- (a) Parking Space Requirements



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The owner of every building or structure erected or used for any of the purposes hereinafter set forth, except those located on islands or not accessible by a public road, shall provide and maintain for the sole use of the owner, occupant or other persons entering upon or making use of the said premises from time to time, parking spaces as follows:

Type of Building	Minimum Parking Required
i. Single detached, semi-detached, duplex and street townhouse dwelling units	2.0 parking spaces per dwelling unit.
ii. Multiple dwelling units, including triplex dwelling units, fourplex dwelling units, and converted dwelling units	1.0 parking spaces per dwelling unit plus 0.25 spaces per dwelling unit for visitor parking.
iii. Accessory apartments and secondary dwelling units	1.0 parking spaces per apartment.
iv. Auditorium, Theatre, Arena, Hall, Private Club, or other Places of Assembly	Where there are fixed seats, 1.0 parking spaces for every 5.0 seats or 3.0 metres of bench space, where there are no fixed seats, or 1.0 parking spaces for each 23.0 square metres of floor area devoted to public use.
v. Bed and Breakfast Establishment	1.0 parking spaces per guest room in addition to the parking required for the main dwelling unit.
vi. Bowling Alleys, Curling Rinks and Arenas	1.0 parking spaces for each 2.0 persons in the designed capacity of the establishment (designed capacity shall mean 6.0 persons per bowling lane and 8.0 persons per curling sheet).
vii. Eating Establishment	1.0 parking spaces for each 9.0 square metres of eating establishment floor space.

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Type of Building	Minimum Parking Required
viii. Home Industry	1.0 parking spaces per employee plus 1.0 parking spaces for patrons.
ix. Hospital or Other Institutional Use	1.0 parking spaces for each 2.0 beds or 40.0 square metres of floor area whichever is greater plus 1.0 additional parking space for each resident doctor or resident employee.
x. Hotel, Motel and Tourist Establishments	1.0 parking spaces per unit or guestroom, and 1.0 additional parking spaces for each 20.0 square metres of floor area devoted to public use.
xi. Industrial Use	At least 1.0 parking spaces for every 150.0 square metres of total floor area.
xii. Marina	1.0 parking spaces for each 20.0 square metres of total retail floor area, plus 1.0 parking spaces for each non-transient boat slip provided plus 10.0 additional parking spaces.
xiii. Medical, Dental or Drugless Practitioner's Office or Clinic	5.0 parking spaces for each practitioner.
xiv. Office, including a Home Occupation	1.0 parking spaces per 30.0 square metres of floor area.
xv. Other Commercial and Commercial Community Uses	1.0 parking spaces for each 30.0 square metres of total commercial floor area of building.
xvi. Place of Worship or Funeral Home	Where there are fixed seats, 1.0 parking spaces for every 5.0 seats or 2.5 metres of bench space, where there are no fixed seats, or 1.0 parking spaces for each 23.0 square metres of floor area devoted to public use.
xvii. School, Elementary	1.0 parking spaces for each teaching area.

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Type of Building	Minimum Parking Required
xviii. School, Secondary	1.0 parking spaces for each teaching area, plus 25.0 parking spaces for student parking.
xix. Secondary Dwelling Unit	1.0 parking spaces per dwelling unit.
xx. Sleep Cabin	1.0 parking spaces per cabin.
xxi. Tourist Establishment	1.0 parking spaces per guest room, 1.0 parking spaces per dwelling unit plus 1.0 parking spaces per 20.0 square metres of building floor area for public accessory uses.

### (b) Parking Area Requirements

The owner of every building or structure erected or used for any of the purposes hereinafter set forth, except those located on islands or not accessible by a public road, shall provide and maintain for the sole use of the owner, occupant or other persons entering upon or making use of the said premises from time to time, parking areas shall conform to the following requirements:

- i. the parking area shall be located on the same lot as the use it is intended to serve except in the case of a water access lot where the parking area shall be located in a zone where such use is permitted by this By-law;
- ii. each parking space shall be at least 3.0 metres by 6.0 metres and shall be provided with unobstructed access to a street by a driveway, aisle, lane or private road;
- iii. any parking area designed to serve water access lots shall be screened and shall not be visible from the water during the summer months;
- iv. where the number of parking spaces on a lot is greater than 10, a minimum of 1 parking space or 1.0% of the total number of parking spaces, whichever is greater, shall be designed and designated for physically disabled persons. Parking spaces for physically disabled persons shall:

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- I. have minimum rectangular dimensions of 4.5 metres by 6.0 metres;
- II. be located on level ground readily accessible to an entrance to such building; and
- III. be clearly identified and reserved for the exclusive use of physically disabled persons.

### (c) Parking Area Surface

In a Commercial Zone, a parking area and driveway connecting the parking area with a street shall be maintained with a stable surface, which is treated so as to prevent the raising of dust or loose particles. They shall, before being used, be constructed of crushed stone, slag, gravel, crushed brick (or tile), cinders, asphalt, concrete, Portland cement binder or like material and with provisions for drainage facilities.

### (d) Ingress and Egress

- i. Ingress and egress to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways at least 4.0 metres but not more than 9.0 metres in perpendicular width.
- ii. The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 9.0 metres.
- iii. The minimum distance between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 10.0 metres.
- iv. The minimum angle of intersection between a driveway and a street line shall be 60.0°.
- v. Every lot shall be limited to the following number of driveways:
  - I. up to the first 30.0 metres of frontage not more than 2.0 driveways; and
  - II. for each additional 30.0 metres of frontage not more than 1.0 additional driveway.

### (e) Illumination

Where parking areas are illuminated, lighting fixtures shall be so arranged that no part of any fixture shall be more than 9.0 metres above the finished grade of the parking area. Fixtures shall be so designed and installed that the light is directed downward and deflected away from adjacent lots, roads and streets.

(f) Addition to Building or Structure

When a building or structure has insufficient parking area on the date of the passing of this By-law to comply with the requirements herein, this By-law shall not be construed to require that the deficiency be made up prior to the construction of any addition. No addition may be built, however, and no change of use may occur, the effect of which would be an increase in that deficiency.

(g) Use of Parking Spaces and Areas

Any area where off-street parking is permitted under this By-law shall be used for no other parking purpose than for the parking of operative passenger vehicles and commercial vehicles used in operations incidental to the permitted uses on the lot, all bearing currently valid licence plates.

(h) Notwithstanding the foregoing, no person shall within any Zone, use any part of any front yard except the driveway or designated parking area for the parking or temporary storage of tent trailers, motor homes, land cruisers, truck campers, or boats.

(i) No person shall, except where specifically permitted by this By-law, use any tourist or travel trailer for the purpose of providing temporary or permanent living or eating accommodation.

(j) Calculation of Required Spaces:

- i. Rounding: Where the calculation of parking space requirements in accordance with this By-law results in a fraction of a parking space being required for a lot, any fraction in excess of 0.5 shall be rounded up to the next whole number.
- ii. More than one use: Except as expressly provided elsewhere in this By-law, where more than one type of use is located on a lot, the total number of parking spaces required for such lot

shall be the sum of the parking space requirements for such separate uses.

- iii. Buffer Area: Where a parking area is designed to accommodate more than 6.0 motor vehicles, a strip of land not less than 3.0 metres wide, around the periphery of the said parking area and within the lot in which said parking area is located, shall not be used for any purpose other than landscaping but this shall not prevent the provision of entrances and exits to said parking area across the strip.
- iv. Exclusive Use: Any parking spaces required to be provided by this By-law shall be exclusive of the parking spaces used or intended to be used for the storage or parking of motor vehicles or recreational vehicles for sale or rental.
- v. Commercial Use Parking: Where a specific type of retail use is specified in Section 6.35 (a) above as having a different parking requirement than the generic 'commercial' requirement, the parking requirement for the specific type of retail use shall apply.
- vi. Visitor Parking: Where off-street parking spaces are required to be provided for the use of visitors to a multiple dwelling, such parking spaces shall be clearly defined and identified as being reserved for the exclusive use of such visitors.
- vii. Special Vehicles: The parking or storage of recreational vehicles shall not be permitted in any yard other than an interior side yard or a rear yard or in a garage, carport, or other building and such storage shall not be permitted closer than 1.5 metres of an interior side lot line or rear lot line.
- viii. Vacant Lots: No storage or parking of recreational vehicles shall be permitted on any vacant lot in a Residential Zone except where such vehicles are located on the rear half of the lot and the lot is owned by the owner of the adjacent lot. Such vehicles shall be stored for personal use only and shall not be stored for a fee.
- ix. Travel Trailers: No travel trailer shall be located and used on a parcel of land in any zone other

than a zone which specifically lists such travel trailer as being a permitted use.

**6.36 PLANTING STRIPS**

Where a lot is used for a Commercial or an Industrial purpose and the interior side or rear lot line abuts a Residential Zone, a strip adjoining such abutting lot line shall be used for no purpose other than a planting strip in accordance with the following provisions:

- (a) The minimum width of the planting strip shall be 3.0 metres.
- (b) The planting strip shall be used for no other purpose than a continuous fence or hedge row of evergreens or shrubs, not less than 1.5 metres high immediately adjoining the lot line or portion thereof along which such planting strip is required herein, provided that no fence or hedgerow shall be required or permitted to a height in excess of 1.0 metres closer to a street line than the required yard depth.
- (c) In all cases where ingress and egress driveways or walks extend through a planting strip, it shall be permissible to interrupt the strip within 3.0 metres of the edge of such driveway or within 1.5 metres of the edge of such walk.
- (d) A planting strip referred to in this subsection may be included in the calculation of any required landscaped open space required by this By-law.
- (e) Where a planting strip is required, it shall be planted, nurtured, and maintained by the owner or owners of the lot on which such strip is located.

**6.37 PROHIBITED USES**

Notwithstanding any other provisions contained in this By-law, the following uses are prohibited in the Municipality:

- (a) no use shall be permitted which from its nature or the materials used therein is declared by the Local Board of Health or Council of the Municipality to be a noxious trade, business or manufacturer under the *Public Health Act* or regulations thereunder, as amended;
- (b) a dwelling unit in a basement having a height of less than 2.0 metres from floor to ceiling;

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- (c) a dwelling unit in a cellar;
- (d) blood or bone boiling;
- (e) extracting oil from fish or animal matter; and
- (f) manufacturing or storage of fertilizer from animals.

### 6.38 PUBLIC USES PERMITTED

- (a) Notwithstanding any other provisions of this By-law, any public authority may, for the purposes of the public service, use any land or erect or use any building in any zone subject to the use or building being in compliance with the regulations prescribed for such zone or use and subject to there being no outdoor storage of goods, materials, or equipment in any required yard abutting a Residential Zone. This exemption for use in any zone, however, shall not apply to any land or building used by said companies for executive or administrative offices, or retail purposes.
- (b) Nothing in this By-law shall prevent the installation of a watermain, sanitary sewer, storm sewer, gas main, pipe line or overhead or underground hydro and communications/telecommunications line, provided that the Municipality has approved the location of such pipe or line.

### 6.39 RAILWAYS

- (a) Where any road or street crosses a railway at the same grade, no building or structure shall hereafter be erected closer than 45.0 metres to the point of intersection of the centre line of both the railway and the road or street.
- (b) The minimum building setback for any industrial use shall be a minimum of 15.0 metres from the railway right-of-way in conjunction with a 2.0 metre high earthen berm, unless the topography provides the equivalent protection.
- (c) Where no berm is provided or where the topography does not provide equivalent protection in accordance with clauses (a) and (b) of this Subsection, the minimum setback of any building shall be 120.0 metres.



- (d) The minimum building setback for any residential, commercial, institutional, open space or rural use shall be a minimum of 30.0 metres from the railway right-of-way in conjunction with a 2.5 metre high earthen berm shall be constructed, unless the topography provides the equivalent protection.
- (e) Where an earthen berm is required by this By-law, it shall have side slopes of 2.5 to 1 adjoining and parallel to the right-of-way with returns at the ends.
- (f) A 1.83 metre high chain link security fence shall be required along the mutual property line of any residential, commercial, institutional, open space or industrial use and a railway right-of-way. Such a fence shall be installed and maintained at the expense of the owner.
- (g) Where no fence is provided in accordance with clause (f) of this Subsection, the minimum building setback shall be 120.0 metres.

### **6.40 REDUCTION OF REQUIREMENTS**

No person shall change the purpose for which any land or building is used or erect any new building or addition to any existing building or sever any lands from an existing parcel if the effect of such action is to cause the original adjoining or remaining buildings or lands to be in contravention of this By-law.

### **6.41 ROAD SETBACKS AND ACCESS**

- (a) No person shall construct any building or structure unless such building or structure complies with the following setback requirements from the centreline of the abutting street:
  - i. Provincial Highway: 18.0 metres or the minimum front yard setback required for such use in the zone where it is located, whichever is greater.
  - ii. Major Road: 15.0 metres or the minimum front yard setback required for such use in the zone where it is located, whichever is greater.
  - iii. Local Street: 10.0 metres or the minimum front yard setback required for such use in the zone where it is located, whichever is greater.

- (b) The development of multiple dwellings, street townhouse dwellings, converted dwellings, and walk-up apartment dwellings shall only be permitted provided that there is year-round direct access to and frontage on a local road.

### 6.42 SECONDARY DWELLING UNITS

- (a) Secondary dwelling units shall be permitted in all single detached dwellings, semi-detached dwellings, and street townhouse dwellings, as well as accessory buildings to such dwellings, in all residential zones.
- (b) Where a secondary dwelling unit is located on a lot, no garden suite or rooming house shall be permitted.
- (c) All secondary dwelling units shall meet provisions of the Ontario Building Code, as amended, and obtain necessary Building Permits.
- (d) A maximum of one secondary dwelling unit shall be permitted on a lot.
- (e) A secondary dwelling unit shall have a gross floor area not exceeding 40% of the gross floor area of the principal dwelling unit or 90 square metres, whichever is lesser. For the purposes of this provision, calculations for gross floor area shall refer to the total area of each floor, including finished attic spaces, whether located above, at, or below grade, measured from the interior of outside walls and including floor area occupied by interior walls, but excluding:
  - i. floor area occupied by mechanical, service, and electrical equipment that serve the building
  - ii. an open porch or balcony
  - iii. areas internal to the building that are not intended for the storage of vehicles
- (f) Notwithstanding anything to the contrary in this By-law, the required parking for the secondary dwelling unit may be provided through a tandem or stacked arrangement, provided that the parking space meets all yard provisions of the zone.
- (g) An additional driveway shall only be permitted on corner lots in Residential One (R1) zoned lots not serviced by municipal water and sewerage systems, as well as Rural (RU) zoned lots.

- (h) Where an additional driveway is permitted, it shall be located in the interior side yard of a permitted corner lot, setback a maximum of 1.0 metres from the interior side lot line, and meet all corner visibility triangle requirements of this By-law.
- (i) A secondary dwelling unit shall have separate access from the principal dwelling unit. Access shall be provided at the front of the building, or through a minimum 1.2 metre wide unobstructed walkway from the front of the lot to the side or rear of the building.
- (j) No person shall create a secondary dwelling unit without adequate municipal water and sewerage systems, as determined by the Municipality, or adequate private water and sewerage systems that are approved by the applicable approval authority, as determined in consultation with the Municipality.

### **6.43 SERVICING REQUIREMENTS**

No person shall erect, alter or use any building or structure in any zone or defined area within the Municipality unless such land, building, or structure is adequately serviced by municipal water and sewerage systems or private water and sewerage systems that are approved by the applicable approval authority, as determined in consultation with the Municipality.

### **6.44 SHORELINE DEVELOPMENT AREA**

The coverage of the shoreline development area, inclusive of the area within 20.0 metres of the Optimal Summer Water Level or the Inner Limit of the Crown Reserve, shall be a maximum of 25%.

### **6.45 SIGNS**

No person shall install, erect or display a billboard or pillar sign except in accordance with the following provisions:

- (a) a minimum of 5.0 metres from the intersection of two street lines or to the intersection of a driveway with any street line;
- (b) a minimum of 3.0 metres from any street line or any other property line; and

- (c) the provisions of this By-law shall not apply to prevent the erection, alteration, or use of any sign, provided such sign complies with the By-laws regulating signs within the Municipality.

### 6.46 SLEEP CABINS

Sleep cabins are permitted on lots in the Waterfront Residential (WR) Zone and Rural (RU) Zone, where such lots abut a navigable waterway, in accordance with the following provisions:

- (a) Only one sleep cabin shall be permitted for each existing lot which contains a principal dwelling unit.
- (b) The maximum height of the sleep cabin shall be 5.0 metres or 1.5 storeys, whichever is the lesser.
- (c) The maximum gross floor area of the sleep cabin shall not exceed 46.5 square metres.
- (d) The sleep cabin, unless located in a boathouse, shall not be located closer to a navigable waterway than the minimum setback for the principal dwelling unit, whichever is the greater.
- (e) The sleep cabin may have bathroom facilities provided the same are connected to a sewage disposal system.
- (f) For the purpose of calculating the number of sleep cabins on a lot, a boathouse or a detached garage with sleeping accommodations is deemed to be a sleep cabin.

### 6.47 SWIMMING POOLS

- (a) Permitted in Side Yard:

A swimming pool erected in any zone shall be permitted in the side yard of any lot provided that:

- i. no part of such pool shall be located closer than 1.5 metres from an interior side lot line or within 6.0 metres of an exterior side lot line;
- ii. the maximum height of such pool shall be 1.5 metres above the average finished grade level of the ground both adjoining and within 4.5 metres of such pool; and

- iii. any building or structure, other than the main building, required for changing clothing or for pumping or filtering facilities, or other similar accessory uses, shall be in accordance with the provisions applicable to accessory buildings on such lot.

(b) Permitted in Rear Yard:

A swimming pool erected in any zone shall be permitted in the rear yard of any lot provided that no part of such pool shall be located closer to any lot line or street line than the minimum distance required for an accessory building located on such lot.

(c) No person shall fill a pool with water or allow a pool to be filled with water until an enclosure, complying with the provisions of this Section has been erected.

- i. Where an enclosure is required by this By-law around an outdoor swimming pool, such enclosure shall mean a fence, wall, or other structure including doors and gates, completely surrounding such pool.
- ii. Such enclosure shall extend from the ground to a height of not less than 1.5 metres. The clearance at the bottom of all fences shall not be more than 10.0 centimetres from the ground, where applicable.
- iii. A fence forming all or part of an enclosure, shall not be located closer than 1.5 metres to the water's edge of the pool.
- iv. No rails or other horizontal or diagonal bracing or attachments shall be located on the outside of an enclosure that would facilitate climbing.
- v. All gates shall have a self-closing mechanism and be lockable.

**6.48 TEMPORARY USES PERMITTED**

(a) The following uses are permitted in all zones within the Municipality:

- i. temporary camps used in the construction of public works but only for so long as it is necessary for such works as may be constructed

adjacent to the camp and only until such time as the work is completed, or abandoned; or

- ii. temporary sleeping and eating quarters, a tool shed, scaffold or other building or structure incidental to the construction of the building or structure on the lot where it is situated and only for so long as it is necessary for the work in progress and until the work is completed or abandoned.

- (b) For the purposes of this section, abandoned shall mean the failure to proceed expeditiously with the construction of a work, specifically abeyance of construction for 6 months.

**6.49 TRUCK, BUS AND COACH BODIES**

- (a) No truck, bus, coach body or similar vehicle may be used as a permanent dwelling unit, whether or not the same is mounted on wheels. The aforementioned shall also not be used to store goods and materials.
- (b) No cargo container shall be permitted as a permanent structure in any zone.

**6.50 USE FOR HAZARDOUS PURPOSE**

No land, building or structure shall be used for a commercial or industrial purpose as is likely to create a public nuisance or danger to health or danger from fire or explosion, except in accordance with the provisions of or regulations under the *Technical Standards and Safety Act*, S.O. 2000, or any other legislation.

**6.51 USES PERMITTED IN ALL ZONES**

Nothing in this By-law shall apply to prevent or otherwise restrict in any way the following uses:

- (a) streets or the installation of a watermain, sanitary sewer main, storm sewer main, gas main, pipeline, or overhead or underground hydro, communications/telecommunications, or other supply or communication line;
- (b) existing railway rights-of-way, including any accessory building or structure thereto;

- (c) existing agricultural uses, until such time as redevelopment for the permitted use that the lands are zoned for occurs; and
- (d) fish, wildlife and forest conservation or management.

### **6.52 VISUAL BARRIER**

Where in any zone a visual barrier is required to be provided and maintained, such barrier shall act as a screen between uses and be constructed to a minimum height in accordance with the requirements of this By-law and shall consist of the following:

- (a) a wall, fence;
- (b) a continuous unpierced planting of suitable trees or shrubs, together with a reserved width of planting area appropriate for healthy plant growth;
- (c) an earth berm; or
- (d) any combination of the above.

### **6.53 WAYSIDE PITS AND QUARRIES**

Wayside pits and quarries shall be permitted in all zones except the Residential and Open Space zones, provided that no part of any wayside pit or quarry is within 300.0 metres of a Residential zone.

### **6.54 YARD EXCEPTION, TERRAIN UNSUITABILITY**

Where in this By-law, a front, side or rear yard is required, and part of the area of the lot is usually covered by water or marsh or swale or is beyond the rim of a river bank or watercourse or between the top of the bank and the bottom of the bank having a slope of 45.0 degrees or more from the horizontal, then the required yard shall be measured from the nearest main wall of the main building or structure on the lot to the edge of said area covered by water or marsh, or to the rim of said river bank or watercourse, or to the top of the said bank or embankment if such area is closer than the lot line.

### **6.55 YARD AND SETBACK PROJECTIONS PERMITTED**

- (a) In the case of a lot between two existing principal buildings both of which encroach upon the required front yard, a principal building may be located on such

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lot so that the front face of the principal building is no closer to the street line than the front face of that existing principal building which is located furthest from the street line.

- (b) Notwithstanding the setback requirements of any zone, the following yard projections are permitted:
- i. sills, belt courses, cornices, eaves or canopies, gutters, chimneys or pilasters may encroach into any yard a maximum of 0.6 metres;
  - ii. fire escapes and exterior staircases may encroach into the rear and exterior side yards a maximum of 1.5 metres;
  - iii. bay windows with a maximum width of 3.0 metres may encroach into the front, rear and exterior side yards a maximum of 1.0 metres;
  - iv. balconies may encroach into the front, rear and exterior side yards a maximum of 2.0 metres;
  - v. on lots that do not front on water, decks, where the average height from the surface of the deck to the finished grade is less than 1.2 metres, may encroach into the rear yard a maximum of 3.0 metres; and
  - vi. on lots that front on water, decks, where the average height from the surface of the deck to the finished grade is less than 1.2 metres, may encroach into the front yard, interior side yard or exterior side yard a maximum of 3.0 metres.
- (c) This section does not apply to the setback of a principal building in the Waterfront Residential (WR) Zone from the Optimal Summer Water Level.



## 7 ZONES

### 7.1 ESTABLISHMENT OF ZONES

For the purposes of this By-law, the following zone classifications are established and are shown on Schedule A, which are attached to and form part of this By-law:

<b>Zone</b>	<b>Symbol</b>
<b><i>Residential Zones:</i></b>	
Residential One	(R1)
Residential Two	(R2)
Residential Three	(R3)
Residential Mobile Home Park	(RMH)
Residential Rural	(RR)
Waterfront Residential	(WR)
<b><i>Commercial Zones:</i></b>	
Commercial Community	(CC)
Commercial Highway	(CH)
Commercial Neighbourhood	(CN)
Commercial Tourist	(CT)
Waterfront Commercial Tourist	(WCT)
<b><i>Industrial Zones:</i></b>	
Industrial Rural	(MR)
Industrial General	(MG)
Waste Disposal	(MD)
Mineral/Mining Extraction	(MX)
<b><i>Institutional Zones:</i></b>	
Institutional One	(I1)

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<b>Zone</b>	<b>Symbol</b>
Institutional Two	(I2)
<b><i>Open Space Zones:</i></b>	
Open Space	(OS)
Waterfront Open Space	(WOS)
Waterfront Landing	(WL)
<b><i>Rural Zone:</i></b>	
Rural	(RU)

**7.2 RESIDENTIAL ONE (R1) ZONE**

**7.2.1 Permitted Uses**

No person shall within any Residential One (R1) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- (a) bed and breakfast establishment
- (b) dwelling, duplex
- (c) dwelling, semi-detached
- (d) dwelling, single detached
- (e) group home
- (f) home occupation
- (g) private home daycare

**7.2.2 Zone Requirements**

No person shall within any Residential One (R1) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this Section, the applicable provisions of Section 6 - General Provisions, Section 8 - Special Provisions and the following:

- (a) The lot:
  - i. Minimum lot frontage with municipal sewer services 18.0 metres
  - ii. Minimum lot frontage without municipal sewer services 30.0 metres
  - iii. Minimum lot area with municipal sewer services 0.07 hectares
  - iv. Minimum lot area without municipal sewer services 0.14 hectares
  - v. Maximum lot coverage 30.0 percent
- (b) Any dwelling unit:
  - i. Minimum front yard 6.0 metres
  - ii. Minimum interior side yard 1.5 metres

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- |      |   |             |
|------|---|-------------|
| iii. | Minimum distance between attached semi-detached units | 0.0 metres  |
| iv.  | Minimum exterior side yard                            | 6.0 metres  |
| v.   | Minimum rear yard                                     | 8.0 metres  |
| vi.  | Maximum building height                               | 11.0 metres |
- (c) All accessory buildings:
- |      |  |            |
|------|--|------------|
| i.   | Minimum interior side yard and rear yard | 1.5 metres |
| ii.  | Minimum exterior side yard               | 6.0 metres |
| iii. | Maximum building height                  | 5.0 metres |

### 7.2.3 Zone Provisions

- (a) A garden suite is permitted, subject to the passage of a temporary use by-law.

**7.3 RESIDENTIAL TWO (R2) ZONE**

**7.3.1 Permitted Uses**

No person shall within any Residential Two (R2) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- (a) bed and breakfast establishment
- (b) dwelling, converted
- (c) dwelling, fourplex
- (d) dwelling, multiple
- (e) dwelling, street townhouse
- (f) dwelling, triplex
- (g) group home
- (h) home occupation
- (i) private home daycare
- (j) rooming house

**7.3.2 Zone Requirements**

No person shall within any Residential Two (R2) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this Section, the applicable provisions of Section 6 - General Provisions, Section 8 - Special Provisions and the following:

- (a) The lot:
  - i. Maximum lot coverage 30.0 percent
- (b) A rooming house, converted dwelling or multiple dwelling lot:
  - i. Minimum lot frontage with municipal sewer services 23.0 metres
  - ii. Minimum lot frontage without municipal sewer services 25.0 metres

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- iii. Minimum lot area with municipal sewer services 0.15 hectares
  - iv. Minimum lot area without municipal sewer services 0.4 hectares
- (c) A street townhouse dwelling lot:
- i. Minimum interior lot frontage with municipal sewer services 7.0 metres
  - ii. Minimum exterior lot frontage with municipal sewer services 10.0 metres
  - iii. Minimum interior lot area with municipal sewer services 235.0 square metres
  - iv. Minimum exterior lot area with municipal sewer services 335.0 square metres
- (d) Any dwelling unit:
- i. Minimum front yard 6.0 metres
  - ii. Minimum interior side yard 1.5 metres
  - iii. Minimum distance between attached street townhouse units 0.0 metres
  - iv. Minimum exterior side yard 6.0 metres
  - v. Minimum rear yard 8.0 metres
  - vi. Maximum building height 11.0 metres
- (e) All accessory buildings:
- i. Minimum interior side yard and rear yard 1.5 metres
  - ii. Minimum exterior side yard 6.0 metres
  - iii. Maximum building height 5.0 metres

### 7.3.3 Zone Provisions

- (a) A rooming house is not permitted in conjunction with a private home daycare.

## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

- (b) Converted dwellings shall contain more than two dwelling units.

**7.4 RESIDENTIAL THREE (R3) ZONE**

**7.4.1 Permitted Uses**

No person shall within any Residential Three (R3) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- (a) group home
- (b) nursing home
- (c) retirement home
- (d) rooming house

**7.4.2 Zone Requirements**

No person shall within any Residential Three (R3) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this Section, the applicable provisions of Section 6 - General Provisions, Section 8 - Special Provisions and the following:

- (a) The lot:
  - i. Minimum lot frontage with municipal sewer services 23.0 metres
  - ii. Minimum lot frontage without municipal sewer services 25.0 metres
  - iii. Minimum lot area with municipal sewer services 0.25 hectares
  - iv. Minimum lot area without municipal sewer services 0.75 hectares
  - v. Maximum lot coverage 30.0 percent
- (b) Any dwelling unit:
  - i. Minimum front yard 6.0 metres
  - ii. Minimum interior side yard 3.0 metres
  - iii. Minimum exterior side yard 6.0 metres
  - iv. Minimum rear yard 8.0 metres
  - v. Maximum building height 11.0 metres



## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

(c) All accessory buildings:

- |   |            |
|---|------------|
| i. Minimum interior side yard and rear yard | 1.5 metres |
| ii. Minimum exterior side yard              | 6.0 metres |
| iii. Maximum building height                | 4.0 metres |

### 7.4.3 Zone Provisions

None

**7.5 RESIDENTIAL MOBILE HOME PARK (RMH) ZONE**

**7.5.1 Permitted Uses**

No person shall within any Residential Mobile Home Park (RMH) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- (a) existing mobile home park
- (b) mobile home
- (c) park

**7.5.2 Zone Requirements**

No person shall within any Residential Mobile Home Park (RMH) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this Section, the applicable provisions of Section 6 - General Provisions, Section 8 - Special Provisions and the following:

- (a) The lot:
  - i. Minimum lot frontage  
100.0 metres or 15.0 metres per mobile home site, whichever is less
  - ii. Minimum lot area  
2.0 hectares or 460.0 square metres per mobile home site, whichever is less
  - iii. The maximum permissible density for a Mobile Home Park shall be ten (10) units per gross hectare.
- (b) Any dwelling unit:
  - i. Minimum front yard 4.5 metres
  - ii. Minimum interior side yard 4.5 metres
  - iii. Minimum exterior side yard 4.5 metres
  - iv. Minimum rear yard 4.5 metres
  - v. Maximum building height 4.0 metres

- (c) All accessory buildings:
  - i. Minimum interior side yard 1.5 metres
  - ii. Minimum exterior side yard 4.5 metres
  - iii. Minimum rear yard 1.5 metres
  - iv. Maximum building height 4.0 metres

### 7.5.3 Zone Provisions

- (a) All mobile homes shall be provided with a mobile home stand to screen the view of the undercarriage or foundation supports and any accessory structure shall be so designed to harmonize with the mobile or modular home.
- (b) Not less than 10% of the gross area of a Mobile Home Park shall be used as an amenity area. Such amenity area shall not include areas designated as planting strips. Where the required amenity area exceeds 500.0 square metres, two or more such areas shall be provided.
- (c) Notwithstanding the provisions of Section 6, each mobile home site shall be provided with at least 1.0 parking spaces and in addition, visitor parking shall be provided in the amount of 1.0 parking spaces for every four mobile home sites, and shall be dispersed throughout the Mobile Home Park at locations convenient to the site it is intended to serve. Such visitor parking shall not be used for the storage of boats or trailers.
- (d) Each mobile home site shall be accessible by means of an internal roadway system that may include municipal roads.
- (e) Each mobile home site shall be provided with underground services, which shall include piped water supply and sewage disposal facilities, and may also include electrical service and fuel supply.
- (f) Mobile homes and any part thereof shall be separated from each other or from any other building by not less than 6.0 metres. Any porch, carport or addition to a mobile or modular home shall be regarded as part of the mobile home for the purpose of separation.

### 7.6 RESIDENTIAL RURAL (RR) ZONE

#### 7.6.1 Permitted Uses

No person shall within any Residential Rural (RR) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- (a) bed and breakfast establishment
- (b) dwelling, single detached
- (c) home industry
- (d) home occupation

#### 7.6.2 Zone Requirements

No person shall within any Residential Rural (RR) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this Section, the applicable provisions of Section 6 - General Provisions, Section 8 - Special Provisions and the following:

- (a) The lot:
  - i. Minimum lot frontage 60.0 metres
  - ii. Minimum lot area 0.8 hectares
  - iii. Maximum lot coverage 10.0 percent
- (b) Any dwelling unit:
  - i. Minimum front yard 10.0 metres
  - ii. Minimum interior side yard 6.0 metres
  - iii. Minimum exterior side yard 10.0 metres
  - iv. Minimum rear yard 10.0 metres
  - v. Maximum building height 11.0 metres
- (c) All accessory buildings:
  - i. Minimum interior side yard 3.0 metres
  - ii. Minimum exterior side yard 6.0 metres
  - iii. Minimum rear yard 3.0 metres
  - iv. Maximum building height 5.0 metres

**7.6.3 Zone Provisions**

- (a) A garden suite is permitted, subject to the passage of a temporary use by-law.
- (b) A bed and breakfast establishment is not permitted in conjunction with a home occupation or a home industry.
- (c) A mobile home is permitted provided the lot for such a use does not have frontage on a Provincial Highway or is within 100.0 metres of the Village of Markstay, as shown on Schedule A1, the Village of Hagar, as shown on Schedule A2, and the Community of Warren, as shown on Schedule A3.

**7.7 WATERFRONT RESIDENTIAL (WR) ZONE**

**7.7.1 Permitted Uses**

No person shall within any Waterfront Residential (WR) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- (a) bed and breakfast establishment
- (b) boathouse
- (c) dwelling, single detached
- (d) home occupation
- (e) sleeping cabin

**7.7.2 Zone Requirements**

No person shall within any Waterfront Residential (WR) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this Section, the applicable provisions of Section 6 - General Provisions, Section 8 - Special Provisions and the following:

- (a) The lot:
  - i. Minimum lot frontage 60.0 metres
  - ii. Minimum lot area 0.80 hectares
  - iii. Maximum lot coverage 15.0 percent
- (b) Any dwelling unit:
  - i. Minimum distance from Optimal Summer Water Level:  
20.0m, except in the case where the shore road allowance is not under the ownership of the abutting property owner or is a Crown Reserve. In these cases the setback shall be 3.0m from the front lot line or 20.0m from the Optimal Summer Water Level, whichever is greater.
  - ii. Minimum interior side yard 3.0 metres
  - iii. Minimum exterior side yard 6.0 metres
  - iv. Minimum rear yard 6.0 metres

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- v. Maximum building height 11.0 metres
- (c) All accessory buildings:
  - i. Minimum distance from the Optimal Summer Water Level (except a water based boathouse)  
20.0 metres except in the case where the original shore road allowance is not under the ownership of the abutting property owner or is a Crown Reserve. In these cases the setback shall be 3.0 metres from the front lot line or 20.0 metres from the Optimal Summer Water Level, whichever is greater.
  - ii. Minimum interior side yard 1.5 metres  
In case of a water-based boathouse, the setback shall be measured from the straight line extension of the side lot line.
  - iii. Minimum exterior side yard 6.0 metres
  - iv. Minimum rear yard 3.0 metres
  - v. Maximum building height  
5.0 metres or 1.5 storeys, whichever is less
- (d) Land based boathouse:
  - i. Maximum building width and length  
6.0 metres and 10.0 metres, respectively
- (e) Water based boathouse:
  - i. Maximum building width and length  
11.0 metres and 13.0 metres, respectively
- (f) Any sleep cabin:
  - i. maximum gross floor area 46.5 square metres

### 7.7.3 Zone Provisions

- (a) A sleep cabin is not permitted in conjunction with a boathouse or a detached garage that has sleeping accommodations.
- (b) A bed and breakfast establishment is not permitted in conjunction with a home occupation.
- (c) Buildings and structures on lots that abut the shore of a navigable waterway are subject to further restrictions, as set out in Section 6.

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- (d) Development shall only be permitted provided it is connected to adequate services, as determined by the Planning Board and the Sudbury and District Health Unit.



**7.8 COMMERCIAL COMMUNITY (CC) ZONE**

**7.8.1 Permitted Uses**

No person shall within any Commercial Community (CC) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- (a) amusement arcade
- (b) bake shop
- (c) bed and breakfast establishment
- (d) building supplies outlet
- (e) business or professional office
- (f) clinic
- (g) club
- (h) club, private
- (i) commercial parking lot
- (j) commercial recreation
- (k) convenience store
- (l) craftsman shop
- (m) day nursery
- (n) dwelling, converted
- (o) dwelling, existing duplex
- (p) dwelling, existing semi-detached
- (q) dwelling, existing single detached
- (r) dwelling, multiple
- (s) eating establishment
- (t) financial establishment
- (u) funeral home

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- (v) existing group home
- (w) hotel
- (x) market place
- (y) medical clinic
- (z) medical office
- (aa) motel
- (bb) motor vehicle sales area
- (cc) motor vehicle service station
- (dd) parking lot
- (ee) personal services
- (ff) pharmacy
- (gg) place of assembly
- (hh) place of entertainment
- (ii) plaza complex
- (jj) private home daycare
- (kk) repair or service shop
- (ll) retail store
- (mm) retirement home
- (nn) rooming house
- (oo) studio
- (pp) tourist establishment
- (qq) veterinary establishment

### 7.8.2 Zone Requirements

No person shall within any Commercial Community (CC) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this Section, the applicable provisions of Section 6 - General

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Provisions, Section 8 - Special Provisions and the following:

(a) The lot:

- i. Minimum lot frontage 15.0 metres
- ii. Maximum lot coverage 75.0 percent

(b) Any principal use:

- i. Minimum front yard 0.0 metres or the established building line, whichever is greater
- ii. Minimum exterior side yard 4.5 metres
- iii. Minimum rear yard 4.5 metres
- iv. Maximum building height for a commercial use only 6.0 metres
- v. Maximum building height for a commercial use with residential above 11.0 metres

(c) All accessory buildings:

- i. Minimum interior side yard 1.5 metres
- ii. Minimum exterior side yard 4.5 metres
- iii. Minimum rear yard 1.5 metres
- iv. Maximum building height 5.0 metres
- v. Maximum floor area 46.5 square metres

### 7.8.3 Zone Provisions

- (a) Notwithstanding any other provision of this By-law, where permitted under Section 7.8.1, any dwelling unit shall form an integral part of the principal commercial building and shall be located above or to the rear of such commercial use.

### 7.9 COMMERCIAL HIGHWAY (CH) ZONE

#### 7.9.1 Permitted Uses

No person shall within any Commercial Highway (CH) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- (a) bake shop
- (b) building supplies outlet
- (c) chip stand
- (d) commercial recreation
- (e) convenience store
- (f) craftsman shop
- (g) day nursery
- (h) dwelling unit (accessory use)
- (i) eating establishment
- (j) garden centre and nursery
- (k) hotel
- (l) market place
- (m) medical clinic
- (n) medical office
- (o) model home
- (p) motel
- (q) motor vehicle accessories store
- (r) motor vehicle sales area
- (s) motor vehicle service station
- (t) motor vehicle washing establishment
- (u) pharmacy

- (v) plaza complex
- (w) repair or service shop
- (x) retail store
- (y) self-storage
- (z) studio
- (aa) tourist establishment
- (bb) veterinary establishment
- (cc) warehouse
- (dd) wholesale outlet

### 7.9.2 Zone Requirements

No person shall within any Commercial Highway (CH) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this Section, the applicable provisions of Section 6 - General Provisions, Section 8 - Special Provisions and the following:

(a) The lot:

- i. Minimum lot frontage 30.0 metres
- ii. Minimum lot area 0.8 hectares
- iii. Maximum lot coverage 75.0 percent

(b) All permitted uses:

- i. Minimum front yard 15.0 metres
- ii. Minimum interior side yard 6.0 metres
- iii. Minimum exterior side yard 15.0 metres
- iv. Minimum rear yard 3.0 metres
- v. Maximum building height 11 metres
- vi. Minimum distance from a residential lot 45.0 metres

(c) All accessory buildings:

- i. Minimum interior side yard 3.0 metres
- ii. Minimum exterior side yard 15.0 metres

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- |                             |            |
|-----------------------------|------------|
| iii. Minimum rear yard      | 3.0 metres |
| iv. Maximum building height | 5.0 metres |

### 7.9.3 Zone Provisions

- (a) Any outdoor storage areas shall be screened and/or fenced such that the materials in storage are not visible from adjacent lots and/or a public right-of-way.
- (b) Any dwelling unit shall be an accessory use to the principal commercial building. A dwelling unit shall only be permitted as an accessory use and in accordance with the provisions of Section 6.12.

**7.10 COMMERCIAL NEIGHBOURHOOD (CN) ZONE**

**7.10.1 Permitted Uses**

- (a) accessory dwelling unit in combination with a non-residential use
- (b) bake shop
- (c) convenience store
- (d) dwelling unit (accessory use)
- (e) day nursery
- (f) financial establishment
- (g) medical clinic
- (h) medical office
- (i) office use
- (j) personal services
- (k) retail use
- (l) studio

**7.10.2 Zone Requirements**

No person shall within any Commercial Neighbourhood (CN) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this Section, the applicable provisions of Section 6 - General Provisions, Section 8 - Special Provisions and the following:

- (a) The lot:
  - i. Minimum lot frontage 15.0 metres
  - ii. Maximum lot coverage 30.0 percent
- (b) Any principal use:
  - i. Minimum front yard 3.0 metres  
or the established building  
line, whichever is greater
  - ii. Minimum exterior side yard 6.0 metres

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- iii. Minimum interior side yard
    - I. not applicable where abutting a commercial zone and access is available to the rear yard by a public lane or private road;
    - II. 4.5 metres on one side where the yard abuts a commercial zone and no access is available to the rear yard except through the side yard; or
    - III. 4.5 metres where the yard abuts a residential, institutional, or an open space zone.
  - iv. Minimum rear yard:
    - I. not applicable where abutting a commercial or industrial zone and access is available to the rear yard by a public lane or private road;
    - II. 7.5 metres if abutting a commercial or industrial zone and no access is available to the rear of the said building except by means of a yard; or
    - III. 10.5 metres where the building contains or abuts residential dwellings.
  - v. Maximum building height for a commercial use only 7.5 metres
  - vi. Maximum building height for a commercial use with residential or office uses above 10.5 metres
- (c) Maximum retail floor area 300.0 square metres

### 7.10.3 Zone Provisions

- (a) Any dwelling unit shall be an accessory use to the principal commercial building. A dwelling unit shall only be permitted as an accessory use and in accordance with the provisions of Section 6.12.



**7.11 COMMERCIAL TOURIST (CT) ZONE**

**7.11.1 Permitted Uses**

No person shall within any Commercial Tourist (CT) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- (a) campground
- (b) commercial recreation
- (c) dwelling unit (accessory use)
- (d) tourist establishment
- (e) trailer park
- (f) youth or adult camp

**7.11.2 Zone Requirements**

No person shall within any Commercial Tourist (CT) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this Section, the applicable provisions of Section 6 - General Provisions, Section 8 - Special Provisions and the following:

- (a) All lots:
  - i. Minimum lot frontage 60.0 metres
  - ii. Minimum lot area 2.0 hectares
  - iii. Maximum lot coverage 25.0 percent
- (b) All permitted uses:
  - i. Minimum front yard 15.0 metres
  - ii. Minimum interior side yard 9.0 metres
  - iii. Minimum exterior side yard 15.0 metres
  - iv. Minimum rear yard 9.0 metres
  - v. Maximum building height 11.0 metres
- (c) All accessory buildings:
  - i. Minimum interior side yard 4.5 metres
  - ii. Minimum exterior side yard 15.0 metres

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- |                             |            |
|-----------------------------|------------|
| iii. Minimum rear yard      | 4.5 metres |
| iv. Maximum building height | 5.0 metres |

### 7.11.3 Zone Provisions

- (a) An eating establishment, convenience store or retail store is permitted as an accessory use to a permitted use.
- (b) Any dwelling unit shall be an accessory use to the principal commercial building. A dwelling unit shall only be permitted as an accessory use and in accordance with the provisions of Section 6.12.

**7.12 WATERFRONT COMMERCIAL TOURIST (WCT) ZONE**

**7.12.1 Permitted Uses**

No person shall within any Waterfront Commercial Tourist (WCT) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- (a) campground
- (b) dwelling unit (accessory use)
- (c) golf course
- (d) marina
- (e) tourist establishment
- (f) trailer park
- (g) watercraft mooring facility
- (h) youth or adult camp

**7.12.2 Zone Requirements**

No person shall within any Waterfront Commercial Tourist (WCT) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this Section, the applicable provisions of Section 6 - General Provisions, Section 8 - Special Provisions and the following:

- (a) The lot:
  - i. Minimum lot frontage 150.0 metres
  - ii. Minimum lot area 2.0 hectares
  - iii. Maximum lot coverage 25.0 percent
  - iv. Minimum distance from the Optimal Summer Water Level  
20.0 metres except in the case where the original shore road allowance is not under the ownership of the abutting property owner, is a Crown Reserve or the use is a marina. In the case of original shore road allowance not being under the ownership of the abutting property

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owner or a Crown Reserve the setback shall be 3.0 metres from the front lot line or 20.0 metres from the Optimal Summer Water Level, whichever is greater. In the case of a marina the setback shall be 0.0 metres.

- v. Minimum interior side yard 10.0 metres
- vi. Minimum exterior side yard 10.0 metres
- vii. Minimum rear yard 10.0 metres
- viii. Maximum building height 11.0 metres
- ix. Minimum distance between a marina and residential use  
30.0 metres, straight in distance

(b) All accessory buildings:

- i. Minimum interior side yard 5.0 metres
- ii. Minimum exterior side yard 5.0 metres
- iii. Minimum rear yard 5.0 metres
- iv. Maximum building height 5.0 metres

### 7.12.3 Zone Provisions

- (a) An eating establishment, convenience store or retail store is only permitted as an accessory use to a permitted use.
- (b) In a Waterfront Commercial Tourist Zone (WCT), a dwelling unit as an accessory use may be located in the principal commercial building or may be in a separate building and shall be subject to the provisions of Section 7.6.2 for a dwelling unit. Where permitted in a principal commercial building, the accessory dwelling unit shall be in accordance with Section 6.12.
- (c) A new tourist establishment shall only be permitted through a site-specific zoning by-law amendment provided that it has year-round access to a Provincial Highway or local road, sufficient parking, adequate services, and the necessary approved studies, as determined by the Planning Board.

**7.13 INDUSTRIAL RURAL (MR) ZONE**

**7.13.1 Permitted Uses**

No person shall within any Industrial Rural (MR) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- (a) agricultural use
- (b) building supplies outlet
- (c) bulk storage tank
- (d) contractor's establishment
- (e) craftsman shop
- (f) dry industry
- (g) dwelling unit (accessory use)
- (h) farm
- (i) forestry use
- (j) garden centre and nursery
- (k) kennel
- (l) market place
- (m) parking lot
- (n) portable asphalt plant or like or similar uses

**7.13.2 Zone Requirements**

No person shall within any Industrial Rural (MR) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this Section, the applicable provisions of Section 6 - General Provisions, Section 8 - Special Provisions and the following:

- (a) The lot:
  - i. Minimum lot frontage 60.0 metres
  - ii. Minimum lot area 2.0 hectares

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- iii. Maximum lot coverage 25.0 percent
- (b) Any permitted use:
  - i. Minimum front yard 15.0 metres
  - ii. Minimum interior side yard 4.5 metres
  - iii. Minimum exterior side yard 15.0 metres
  - iv. Minimum rear yard 15.0 metres
  - v. Maximum building height 11.0 metres
  - vi. Minimum distance from a residential lot 45.0 metres

### 7.13.3 Zone Provisions

- (a) A motor vehicle wrecking yard is permitted, subject to a rezoning.
- (b) A salvage yard or a scrap yard is permitted, subject to a rezoning.
- (c) Any dwelling unit shall be an accessory use to the principal industrial building. A dwelling unit shall only be permitted as an accessory use and in accordance with the provisions of Section 6.12.

**7.14 INDUSTRIAL GENERAL (MG) ZONE**

**7.14.1 Permitted Uses**

No person shall within any Industrial General (MG) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- (a) bakery
- (b) building supplies outlet
- (c) business or professional office
- (d) bulk storage tank
- (e) contractor's establishment
- (f) craftsman shop
- (g) dwelling unit (accessory use)
- (h) dry industry
- (i) garden centre and nursery
- (j) parking lot
- (k) self-storage
- (l) transportation depot
- (m) warehouse

**7.14.2 Zone Requirements**

No person shall within any Industrial General (MG) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this Section, the applicable provisions of Section 6 - General Provisions, Section 8 - Special Provisions and the following:

- (a) The lot:
  - i. Minimum lot frontage 60.0 metres
  - ii. Minimum lot area 2.0 hectares
  - iii. Maximum lot coverage 25.0 percent

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(b) Any permitted use:

i.	Minimum front yard	15.0 metres
ii.	Minimum interior side yard	4.5 metres
iii.	Minimum exterior side yard	15.0 metres
iv.	Minimum rear yard	15.0 metres
v.	Maximum building height	11.0 metres
vi.	Minimum distance from a residential lot	45.0 metres

### 7.14.3 Zone Provisions

- (a) Any dwelling unit shall form an integral part of the principal industrial building and shall be located above or to the rear of such industrial use. A dwelling unit shall only be permitted as an accessory use and in accordance with the provisions of Section 6.12.



**7.15 WASTE DISPOSAL (MD) ZONE**

**7.15.1 Permitted Uses**

No person shall be permitted within any Waste Disposal (MD) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- (a) waste disposal area
- (b) waste recycling transfer station

**7.15.2 Zone Requirements**

No person shall within any Waste Disposal (MD) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this Section, the applicable provisions of Section 6 - General Provisions, Section 8 - Special Provisions and the following:

- (a) No disposal of waste shall occur within:
  - i. 500.0 metres of a navigable waterway
  - ii. 150.0 metres of a street or road
  - iii. 500.0 metres of an existing dwelling

**7.15.3 Zone Provisions**

New waste disposal sites shall be subject to a rezoning in accordance with the provisions of any approvals granted by the Ministry of the Environment.

**7.16 MINERAL/MINING EXTRACTION (MX) ZONE**

**7.16.1 Permitted Uses**

No person shall within any Mineral/Mining Extraction (MX) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- (a) asphalt plant
- (b) concrete batching plant
- (c) pit
- (d) quarrying and sand and gravel pit operations
- (e) washing, screening, crushing and storage of sand, gravel, ballast, stone, aggregates and other surface and sub-surface resource materials
- (f) accessory and associated operations

**7.16.2 Zone Requirements**

No person shall within any Mineral/Mining Extraction (MX) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this Section, the applicable provisions of Section 6 - General Provisions, Section 8 - Special Provisions and the following:

- (a) The lot:
  - i. Minimum lot frontage 100.0 metres
  - ii. Minimum lot area 5.0 hectares
- (b) Any accessory buildings:
  - i. Minimum front yard 30.0 metres
  - ii. Minimum interior side yard 15.0 metres
  - iii. Minimum exterior side yard 30.0 metres
  - iv. Minimum rear yard 30.0 metres

**7.16.3 Zone Provisions**

- (a) No pit or quarry shall be excavated so that its edge is at a point less than 30.0 metres from the limit of any right-of-way and 30.0 metres from any adjoining property line. However, this lot line restriction will be waived where two extractive operations abut and are being mined at the same time thus permitting a more efficient use of the available aggregate.
- (b) Development shall only be permitted provided it is connected to adequate services, as determined by the Planning Board and the Sudbury District Health Unit.

**7.17 INSTITUTIONAL ONE (I1) ZONE**

**7.17.1 Permitted Uses**

No person shall within any Institutional One (I1) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- (a) animal shelter
- (b) community recreation centre
- (c) dwelling unit (accessory use)
- (d) educational establishment
- (e) funeral home
- (f) group home
- (g) hospital
- (h) nursing home
- (i) place of assembly
- (j) place of worship
- (k) public uses
- (l) retirement home

**7.17.2 Zone Requirements**

No person shall within any Institutional One (I1) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this Section, the applicable provisions of Section 6 - General Provisions, Section 8 - Special Provisions and the following:

- (a) The lot:
  - i. Minimum lot frontage with municipal sewer services 23.0 metres
  - ii. Minimum lot frontage without municipal sewer services 25.0 metres
  - iii. Minimum lot area with municipal sewer services 0.25 hectares

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- |      |   |               |
|------|---|---------------|
| iv.  | Minimum lot area without municipal sewer services | 0.75 hectares |
| (b)  | Any permitted use:                                |               |
| i.   | Minimum front yard                                | 6.0 metres    |
| ii.  | Minimum interior side yard                        | 3.0 metres    |
| iii. | Minimum exterior side yard                        | 6.0 metres    |
| iv.  | Minimum rear yard                                 | 6.0 metres    |
| v.   | Maximum building height                           | 15.0 metres   |

### 7.17.3 Zone Provisions

- (a) A convenience store is only permitted as an accessory use to a permitted use.
- (b) A dwelling unit shall only be permitted as an accessory use and in accordance with the provisions of Section 6.12.

**7.18 INSTITUTIONAL TWO (I2) ZONE**

**7.18.1 Permitted Uses**

No person shall within any Institutional Two (I2) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- (a) cemetery

**7.18.2 Zone Requirements**

No person shall within any Institutional Two (I2) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this Section, the applicable provisions of Section 6 - General Provisions, Section 8 - Special Provisions and the following:

- (a) The lot:

- i. Minimum lot frontage 30.0 metres
- ii. Minimum lot area 1.0 hectares

- (b) Any permitted use:

- i. Minimum front yard 6.0 metres
- ii. Minimum interior side yard 3.0 metres
- iii. Minimum exterior side yard 6.0 metres
- iv. Minimum rear yard 6.0 metres
- v. Maximum building height 11.0 metres

**7.18.3 Zone Provisions**

None.

## 7.19 OPEN SPACE (OS) ZONE

### 7.19.1 Permitted Uses

No person shall within any Open Space (OS) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- (a) conservation use
- (b) golf course
- (c) hazard land
- (d) park
- (e) trail system

### 7.19.2 Zone Requirements

No person shall within any Open Space (OS) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this Section, the applicable provisions of Section 6 - General Provisions, Section 8 - Special Provisions and the following:

- (a) The lot:
  - i. Minimum lot frontage 30.0 metres
  - ii. Minimum lot area 0.4 hectares
- (b) Any permitted use:
  - i. Minimum front yard 6.0 metres
  - ii. Minimum interior side yard 3.0 metres
  - iii. Minimum exterior side yard 6.0 metres
  - iv. Minimum rear yard 6.0 metres
  - v. Maximum building height 11.0 metres

### 7.19.3 Zone Provisions

- (a) A eating establishment, convenience store or retail store is permitted as an accessory use to a permitted use.





**7.21 WATERFRONT LANDING (WL) ZONE**

**7.21.1 Permitted Uses**

No person shall within any Waterfront Landing (WL) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- (b) conservation use
- (c) waste recycling transfer station
- (d) watercraft launching facility
- (e) watercraft mooring facility

**7.21.2 Zone Requirements**

No person shall within any Waterfront Landing (WL) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this Section, the applicable provisions of Section 6 - General Provisions, Section 8 - Special Provisions and the following:

All buildings:

- (a) Minimum distance from the Optimal Summer Water Level (except a watercraft mooring facility)

20.0 metres, except in the case where the original shore road allowance is not under the ownership of the abutting property owner, is a Crown Reserve. In the case of original shore road allowance not being under the ownership of the abutting property owner or a Crown Reserve the setback shall be 3.0 metres from the front lot line or 20.0 metres from the Optimal Summer Water Level, whichever is greater.

- (b) Minimum interior side yard 6.0 metres
- (c) Minimum exterior side yard 6.0 metres
- (d) Minimum rear yard 6.0 metres
- (e) Maximum building height 5.0 metres

**7.21.3 Zone Provisions**

None.

### 7.22 RURAL (RU) ZONE

#### 7.22.1 Permitted Uses

No person shall within any Rural (RU) Zone use any lot, or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- (a) accessory buildings
- (b) agricultural use
- (c) bed and breakfast establishment
- (d) cemetery
- (e) club
- (f) conservation
- (g) commercial equine boarding and/or riding facility
- (h) contractor's establishment
- (i) craftsman shop
- (j) dwelling, single detached
- (k) farm
- (l) group home
- (m) garden centre nursery
- (n) home industry
- (o) home occupation
- (p) hunt camp
- (q) kennel
- (r) park
- (s) portable asphalt plant
- (t) repair or service shop
- (u) rural residential lot legally existing on the date of the passing of this By-law

- (v) sleep cabin, where such a lot abuts a navigable waterway
- (w) tourist establishment
- (x) veterinary establishment
- (y) waterfront residential lot legally existing on the date of the passing of this By-law

### 7.22.2 Zone Requirements

No person shall within any Rural (RU) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this Section, the applicable provisions of Section 6 - General Provisions, Section 8 - Special Provisions and the following:

(a) The lot:

- i. Minimum lot frontage 100.0 metres
- ii. Minimum lot area 5.0 hectares

(b) Any dwelling unit:

- i. Minimum front yard 10.0 metres
- ii. Minimum distance from the Optimal Summer Water Level
- iii. 20.0 metres, except in the case where the original shore road allowance is not under the ownership of the abutting property owner, is a Crown Reserve. In the case of original shore road allowance not being under the ownership of the abutting property owner or a Crown Reserve the setback shall be 3.0 metres from the front lot line or 20.0 metres from the Optimal Summer Water Level, whichever is greater.
- iv. Minimum interior side yard 6.0 metres
- v. Minimum exterior side yard 10.0 metres
- vi. Minimum rear yard 10.0 metres
- vii. Maximum building height 11.0 metres

(c) All accessory buildings:

- i. Minimum distance from the Optimal Summer Water Level (except a water based boathouse)

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20.0 metres except in the case where the original shore road allowance is not under the ownership of the abutting property owner or is a Crown Reserve. In these cases the setback shall be 3.0 metres from the front lot line or 20.0 metres from the Optimal Summer Water Level, whichever is greater.

- ii. Minimum interior side yard                      6.0 metres

In case of a water based boathouse, the setback shall be measured from the straight line extension of the side lot line.

- iii. Minimum exterior side yard                      6.0 metres
- iv. Minimum rear yard                                      6.0 metres
- v. Maximum building height                              5.0 metres

(d) Land based boathouse:

- i. Maximum building width and length  
6.0 metres and 10.0 metres, respectively

(e) Water based boathouse:

- i. Maximum building width and length  
11.0 metres and 13.0 metres, respectively

(f) Any sleep cabin:

- i. Maximum gross floor area    46.5 square metres

### 7.22.3 Zone Provisions

- (a) A home industry is not permitted in conjunction with a home occupation or a bed and breakfast establishment.
- (b) A contractor's establishment operating as a home industry may include outdoor storage in the rear yard but the outdoor storage shall not be greater than 10% of the lot area or 90.0 square metres, whichever is less.
- (c) Buildings and structures or lots that abut a navigable waterway are subject to further restrictions under Section 6.

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- (d) A mobile home is permitted provided the lot for such a use does not have frontage on a Provincial Highway or is within 100.0 metres of the Village of Markstay, as shown on Schedule A1, the Village of Hagar, as shown on Schedule A2, and the Community of Warren, as shown on Schedule A3.
- (e) Development shall only be permitted provided it is connected to adequate services, as determined by the Planning Board and the Sudbury District Health Unit.

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## 8 SPECIAL PROVISIONS

1. Notwithstanding any provisions to the contrary of Section 7.8.1 of this By-law, within the lands zoned CC on Schedule A11 of this By-law, described as Part of Lot 2, Concession 6, in the Township of Dunnet, now in the Municipality of Markstay-Warren, being the West Part Lot 212, Plan M-2D (61 Rutland Avenue), a motor vehicle sales area shall be a permitted use. All other provisions of this By-law as applicable to a Commercial Community (CC) Zone shall apply.
  
2. Notwithstanding any provisions to the contrary of Section 7.8.1 of this By-law, within the lands zoned CC on Schedule A11 of this By-law, described as Part of Lot 2, Concession 6, in the Township of Dunnet, now in the Municipality of Markstay-Warren, being Lots 244 & 245, Plan M-2D (50 Rutland Avenue), a motor vehicle service station shall be a permitted use. All other provisions of this By-law as applicable to a Commercial Community (CC) Zone shall apply.
  
3. (None)
  
4. Notwithstanding any provisions to the contrary of Section 7.14.1 of this By-law, within the lands zoned MG on Schedule 11 of this By-law, described as Part of Lots 1 & 2, Concession 6, in the Township of Dunnet, now in the Municipality of Markstay-Warren, more particularly described in part as Part 1, Plan 53R-9256 the following shall be the only permitted uses:
  - (a) Permitted Uses:
    - i. gunsmithing
    - ii. sale of firearms, firearm accessories, and ammunition
    - iii. custom welding and fabricating
    - iv. some mechanical work that would coincide with machine shop maintenance work or gunsmithing
    - v. remanufacturing of machine shop equipment or similarly manufacture of

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related products which may include mining machinery, drilling machinery, wood industry machinery, gun shop or gunsmithing type machines or specialty parts

- vi. warehousing of company needs which have common interest to the company
- vii. yard storage of personal and company items
- viii. industrial level machining
- ix. manufacturing and producing of mining, sawmill, gun, and drilling parts.

All other provisions of this By-law as applicable to a Industrial General (MG) Zone shall apply.

5. Notwithstanding any provisions to the contrary of Section 7.2.1 of this By-law, within the lands zoned R1 on Schedule A9 of this By-law, described as Part of Lot 12, Concession 1, in the Township of Ratter, now in the Municipality of Markstay-Warren, more particularly described as Part 2, Plan 53R-9772 (Parcel 46598), a home industry shall be a permitted use. All other provisions of this By-law as applicable to a Residential One (R1) Zone shall apply.
6. Notwithstanding any provisions to the contrary of Section 7.8.1 of this By-law, within the lands zoned CC on Schedule A8 of this By-law, described as Part of Lot 12, Concession 3, in the Township of Hagar, now in the Municipality of Markstay-Warren, more particularly described as Parts 6, 7, & 8, Plan SR-865 (Parcel 32008), a garden centre and nursery shall be a permitted use. All other provisions of this By-law as applicable to a Commercial Community (CC) Zone shall apply.
7. Notwithstanding any provisions to the contrary of Sections 7.13.1, 7.13.2, and 7.13.3 of this By-law, within the lands zoned MR on Schedule A5 of this By-law, described as Part of Lot 12, Concession 1, in the Township of Loughrin, now in the Municipality of Markstay-Warren, more particularly described as Parts 1 & 2, Plan 53R-15954 (Parcel 51424), the following special provisions shall apply:

(a) Permitted Uses:



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- i. a bottled water plant and accessory buildings and structures

(b) Zone Requirements:

- i. minimum lot frontage 36.0 metres
- ii. minimum lot area 4400.0 square metres
- iii. maximum lot coverage 35.0 percent
- iv. minimum front yard 18.0 metres
- v. minimum north side yard 18.0 metres
- vi. minimum south side yard 12.0 metres
- vii. minimum rear yard 18.0 metres
- viii. maximum building height 11.0 metres

(c) Restrictions:

- i. An accessory dwelling unit is prohibited.
- ii. Outside storage is prohibited in any front or side yard.

All other provisions of this By-law as applicable to a Industrial Rural (MR) Zone shall apply.

8. Notwithstanding any provisions to the contrary of Sections 7.7.2 of this By-law, within the lands zoned WR on Schedule A7 of this By-law, described as Part of Lot 11, Concession 6, in the Township of Awrey, now in the Municipality of Markstay-Warren, more particularly described as Part 2, Plan 53R-16596 (Parcel 53300), the following special provisions shall apply:

(a) Zone Requirements:

- i. the lot frontage and the lot area shall be deemed to comply with the requirements of this By-law.

All other provisions of this By-law as applicable to a Waterfront Residential (WR) Zone shall apply.

9. Notwithstanding any provisions to the contrary of Sections 7.6.2 of this By-law, within the lands zoned RR on Schedule A7 of this By-law, described as Part of Lot 12, Concession 5, in the Township of Awrey, now in the Municipality of Markstay-Warren, more particularly described as Lot 44, Plan M-411 (Parcel 36117), the following special provisions shall apply:

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(a) Zone Requirements:

- i. minimum side yard  
(west side only) 2.5 metres
- ii. minimum rear yard 1.5 metres

All other provisions of this By-law as applicable to a Residential Rural (RR) Zone shall apply.

10. Notwithstanding any provisions to the contrary of Section 7.22.1 of this By-law, within the lands zoned RU on Schedule A8 of this By-law, described as Part of Lot 9, Concession 2, in the Township of Hagar, now in the Municipality of Markstay-Warren (Parcel 4013), a salvage yard or a scrap yard shall be a permitted use. All other provisions of this By-law as applicable to a Rural (RU) Zone shall apply.
11. Notwithstanding any provisions to the contrary of Section 7.22.2 of this By-law, within the lands zoned RU on Schedule A11 of this By-law, described as Part of Lots 7 & 8, Concession 6, in the Township of Dunnet, now in the Municipality of Markstay-Warren (Parcel 3656), the minimum front yard shall be 16.0 metres. All other provisions of this By-law as applicable to a Rural (RU) Zone shall apply.
12. Notwithstanding any provisions to the contrary of Section 7.22.1 of this By-law, within the lands zoned RU on Schedule A11 of this By-law, described as Part of Lot 7, Concession 2, in the Township of Dunnet, now in the Municipality of Markstay-Warren (Parcel 460), a dry industry shall be a permitted use. All other provisions of this By-law as applicable to a Rural (RU) Zone shall apply.
13. Notwithstanding any provisions to the contrary of Section 7.22.1 of this By-law, within the lands zoned RU on Schedule A11 of this By-law, described as Part of Lot 6, Concession 1, in the Township of Dunnet, now in the Municipality of Markstay-Warren (Parcel 643), a motor vehicle service station shall be a permitted use. All other provisions of this By-law as applicable to a Rural (RU) Zone shall apply.
14. Notwithstanding any provisions to the contrary of Section 7.22.1 of this By-law, within the lands zoned RU on Schedule A9 of this By-law, described as Part of Lot 4, Concession 2, in the Township of Ratter,

now in the Municipality of Markstay-Warren (Parcel 1357), a salvage yard or a scrap yard shall be a permitted use. All other provisions of this By-law as applicable to a Rural (RU) Zone shall apply.

15. Notwithstanding any provisions to the contrary of Sections 7.7.1, 7.7.2, and 7.7.3 of this By-law, within the lands zoned Waterfront Residential (WR) described as Part of Lot 12, Concession 6, in the Township of Awrey, now in the Municipality of Markstay-Warren, Territorial District of Sudbury, Parcel 18049 Sudbury East Section, the following special provisions shall apply:

(a) Regulations:

- i. the existing use and location of all buildings and structures is hereby recognized; and
- ii. the maximum lot coverage shall be 12.0 percent.

All other provisions of this By-law as applicable to the Waterfront Residential (WR) Zone shall apply.

16. Notwithstanding any provisions to the contrary of Section 7.7.2 of this By-law, within the lands zoned Waterfront Residential (WR), described as Part of Lot 1, Concession 4, in the Township of Hagar, now in the Municipality of Markstay-Warren, Territorial District of Sudbury, being Part 28, Plan SR-48, Parcel 31519 Sudbury East Section, the following special provisions shall apply:

(a) Regulations:

- i. the existing lot area and lot frontage shall be deemed to comply with the regulations of this Zoning By-law;
- ii. the minimum distance from the Optimal Summer Water Level shall be 10.0 metres.
- iii. the minimum interior side yard shall be 3.0 metres; and
- iv. the minimum rear yard shall be 6.0 metres.

All other provisions of this By-law as applicable to the Waterfront Residential (WR) Zone shall apply.

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17. Notwithstanding any provisions to the contrary of Section 7.22.1 of this By-law, within the lands zoned Rural (RU), described as Part of Lot 14, Concession 2, in the Township of Hagar, now in the Municipality of Markstay-Warren, Territorial District of Sudbury, being Part 1, Plan 53R 9476, Parcel 46110 Sudbury East Section, the following special provision shall apply:

(a) Permitted Uses:

- i. rooming house for a maximum of six (6) persons, exclusive of the proprietor and employees of the establishment.

All other provisions of this By-law as applicable to the Rural Zone (RU) shall apply.

18. Notwithstanding any provisions to the contrary of Section 7.17.1 of this By-law, within the lands zoned Institutional One (I1), described as Part of Lot 2, Concession 5, in the Township of Dunnet, now in the Municipality of Markstay-Warren, Territorial District of Sudbury, Parcel 11951 Sudbury East Section, the following special provisions shall apply:

(a) Permitted Uses:

- i. place of worship shall be the only permitted use

All other provisions of this By-law as applicable to the Institutional One (I1) Zone shall apply.

19. Notwithstanding any provisions to the contrary of Section 7.19.1 of this By-law, within the lands zoned Open Space (OS), described as Part of Lot 2, Concession 6, in the Township of Dunnet, now in the Municipality of Markstay-Warren, Territorial District of Sudbury, described in part as Part 1, Plan 53R-4533, Instrument Nos. 606 & 329, the following special provision shall apply:

(a) Permitted Use:

- i. the boarding and raising of a maximum of two (2) horses on the subject lands (the total combined lot area of both lots).

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All other provisions of this By-law as applicable to the Open Space Zone (OS) shall apply.

20. Notwithstanding any provisions to the contrary of Section 7.6.1 of this By-law, within the lands zoned Residential Rural (RR), described as Part of Lot 8, Concession 6, in the Township of Awrey, now in the Municipality of Markstay-Warren, Territorial District of Sudbury, being Lot 6, Plan M-408, Parcel 30600 Sudbury East Section, the following special provisions shall apply:

(a) Permitted Uses:

- i. secondary dwelling unit within the principal dwelling

All other provisions of this By-law as applicable to the Residential Rural (RR) Zone shall apply.

21. Notwithstanding any provisions to the contrary of Sections 7.6.2 of this By-law, within the lands zoned Residential Rural (RR), described as Part of Lot 11, Concession 6, in the Township of Ratter, now in the Municipality of Markstay-Warren, Territorial District of Sudbury, parcel 13074 Sudbury East Section, being proposed Lots 1 & 2 as per SEPB File Nos. B/29/08/MW and B/30/08/MW, the following special provisions shall apply:

(a) Regulations:

- i. the lot frontages for proposed Lots 1 and 2 as per SEPB File Nos. B/29/08/MW and B/30/08/MW shall be deemed to comply with the regulations of this Zoning By-law.

All other provisions of this By-law as applicable to the Residential Rural (RR) Zone shall apply.

22. Notwithstanding any provisions to the contrary of Section 7.22 of this By-law, within the lands zoned Rural (RU), described as Part of Lot 2, Concession 1, in the Township of Ratter, now in the Municipality of Markstay-Warren, Territorial District of Sudbury, Parcel 28001A Sudbury East Section, the following special provisions shall apply:

(a) Permitted Uses:

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- i. all uses permitted in section 7.20.1
- ii. telecommunications tower

(b) Regulations:

- i. minimum lot area 4.0 hectares

All other provisions of this By-law as applicable to the Rural (RU) Zone shall apply.

23. Notwithstanding any provisions to the contrary of Section(s) 7.8 of this By-law, within the lands zoned Commercial Community (CC), described as Part of Lot 2, Concession 6, in the Township of Dunnet, now in the Municipality of Markstay-Warren, Territorial District of Sudbury, being Lot 179, Plan M2D, Sudbury East Section, the following special provisions shall apply:

(a) Permitted Uses:

- i. personal services establishment consisting of a hair salon, with esthetic services.

(b) Regulations:

- i. maximum gross floor area of commercial use: 60 square metres
- ii. maximum size of signage: 0.2 square metres
- iii. maximum number of employees: 2

All other provisions of this By-law as applicable to the Commercial Community (CC) Zone shall apply.

24. Notwithstanding any provisions to the contrary of Section 7.22.1 of this By-law, within the lands zoned Rural (RU), described as Part of Lot 11, Concession 6, in the Township of Hagar, now in the Municipality of Markstay-Warren, Territorial District of Sudbury, being Part 1, Plan 53R-17333, Parcel 11597 Sudbury East Section, the following special provisions shall apply:

(a) Permitted Uses:

- i. a garden suite for a period not to exceed three (3) years after October 17, 2011.

All other provisions of this By-law as applicable to the Rural (RU) Zone shall apply.

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25. Notwithstanding any provisions to the contrary of Section(s) 7.2.1. and 7.2.2 of this By-law, within the lands zoned Residential One (R1), described as Part of Lot 2, Concession 6, in the Township of Dunnet, now in the Municipality of Markstay-Warren, Territorial District of Sudbury, being Lot 184, Plan M2D, Sudbury East Section, the following special provisions shall apply:

(a) Permitted Uses:

- i. neighbourhood commercial use consisting of a dental hygiene clinic
- ii. all other uses permitted in the Residential One (R1) Zone

(b) Regulations:

- i. maximum size of signage 1.5 square metres
- ii. maximum number of employees 2

All other provisions of this By-law as applicable to the Residential One (R1) Zone shall apply.

26. Notwithstanding any provisions to the contrary of Section 7.22 of this By-law, within the lands zoned Rural (RU), described as Part of Lot 11, Concession 4, in the Township of Dunnet, now in the Municipality of Markstay-Warren, Territorial District of Sudbury, being Parcel 1475 Sudbury East Section, the following special provisions shall apply:

(a) Permitted Uses

- i. farm-related use consisting of a winery and retail outlet

All other provisions of this By-law as applicable to the Rural (RU) Zone shall apply.

27. Notwithstanding any provisions to the contrary 7.13.1 of this By-law, within the lands zoned Industrial Rural (MR), described as Part of Lot 11, Concession 6, now in the Municipality of Markstay-Warren, Territorial District of Sudbury, being Parts 5-14, Plan 53R-12626, Parcel 49227 Sudbury East Section, the following special provisions shall apply:

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- (a) Permitted Uses:
  - i. motor vehicle repair shop
  - ii. all other uses permitted in the Industrial Rural (MR) Zone
- (b) Regulations:
  - i. maximum gross floor area of all structures  
350 square metres
  - ii. retail sales of any type are prohibited
  - iii. motor vehicle services such as truck lettering and window tinting are prohibited

All other provisions of this By-law as applicable to the Industrial Rural (MR) Zone shall apply.

28. Notwithstanding any provisions to the contrary of Section(s) 7.6.3 of this By-law, within the lands zoned Residential Rural (RR), described as Part of Lot 12, Concession 1, in the Township of Henry, now in the Municipality of Markstay-Warren, Territorial District of Sudbury, Parcels 11529 and 11026 Sudbury East Section, the following special provisions shall apply:

- (a) Regulations:
  - i. minimum lot area                      0.19 hectares
  - ii. minimum lot frontage                39.76 metres

All other provisions of this By-law as applicable to the Residential Rural (RR) Zone shall apply.

29. Notwithstanding any provisions to the contrary of Section(s) 7.17 of this By-law, within the lands zoned Institutional One (I1), described as Part of Lot 2, Concession 6, in the Township of Dunnet, now in the Municipality of Markstay-Warren, Territorial District of Sudbury, Parcel 11951 Sudbury East Section, the following special provisions shall apply:

- (a) Permitted Uses:
  - i. a place of worship
  - ii. an educational facility consisting of one (1) portable classroom



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All other provisions of this By-law as applicable to the Institutional One Zone (I1) shall apply.

30. Notwithstanding any provisions to the contrary of Section 7.22 of this By-law, within the lands zoned Rural (RU), described as Part of Lot 8, Concession 6, in the Township of Awrey, now in the Municipality of Markstay-Warren, Territorial District of Sudbury, Parcel 11553 Sudbury East Section, the following provisions shall apply:

(a) Regulations:

- i. Minimum lot frontage 60.0 metres

All other provisions of this By-law as applicable to the Rural Zone (RU) shall apply.

31. Notwithstanding any provisions to the contrary of Section 7.22 of this By-law, within the lands zoned Rural (RU), described as Part of Lot 5, Concession 2, in the Township of Loughrin, now in the Municipality of Markstay-Warren, Territorial District of Sudbury, Parcel 39896 Sudbury East Section, the following special provisions shall apply:

(a) Permitted Uses:

- i. 2 hunt camps  
ii. all other uses permitted by the Rural Zone

## ZONING BY-LAW FOR THE MUNICIPALITY OF MARKSTAY-WARREN

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## 9 ENACTMENT

1. This By-law shall come into force on its date of passing.
2. All former Zoning By-laws and Amendments are hereby repealed and replaced by this By-law.

**READ A FIRST AND SECOND TIME** this \_\_\_\_\_ day of  
\_\_\_\_\_, 2014.

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CLERK**

**READ A THIRD TIME AND FINALLY PASSED** this \_\_\_\_\_ day  
of \_\_\_\_\_, 2014.

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CLERK**