TOWN OF MARATHON
ZONING BY-LAW
NO. 1873

May 2016

PREPARED BY:

Quartek

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BY-LAW NO. 1873

A By-law to regulate the use of land, and the character, location and use of buildings and structures in the Town of Marathon.

WHEREAS the Council of The Corporation of the Town of Marathon deems it necessary in the public interest to pass a restricted area by-law in order to regulate the use of land and the erection and use of buildings and structures;

AND WHEREAS authority is granted under Section 34 of the Planning Act, R.S.O., 1990, subject to the approval of the Ontario Municipal Board, to pass this By-law;

AND WHEREAS the Council of the Corporation of the Town of Marathon has adopted an Official Plan for the municipality which has been approved by the Minister of Municipal Affairs and Housing, Council deems it advisable to implement the Official Plan of the Town of Marathon;

NOW THEREFORE the Council of the Corporation of the Town of Marathon ENACTS AS FOLLOWS:

SECTION 1 - INTERPRETATION AND ADMINISTRATION

1.1 Title
This By-law shall be known as the "Zoning By-law" of the Corporation of the Town of Marathon.

1.2 Application
The provisions of this By-law shall apply to all lands within the boundaries of the Municipality as now or hereafter are legally constituted.

1.3 Scope
No lands shall be used and no buildings or structures shall be erected, altered, enlarged or used within the Town of Marathon except in conformity with the provisions of this By-law.

1.4 Minimum Requirements
In interpreting and applying the provisions of this By-law, they are held to be the minimum requirements for the promotion of the health, safety, comfort, convenience, and general welfare of the inhabitants of the Municipality.

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

1.6 Meaning of Shall
In this By-law, the word "shall" shall always be construed as mandatory.

1.7 Number and Gender
In this By-law, unless the contrary intention appears, words imparting the singular number or the masculine gender only shall include more persons, parties, or things of the same kind than one, and females as well as males, and the converse.

1.8 Administration
This By-law shall be administered by the Chief Building Official and/or such other persons or persons as the Council of the Town of Marathon designates.

1.9 Licenses and Permits
No person shall be entitled to a municipal permit, certificate, or license where the

said permit is required for a proposed use of land or a proposed erection, alteration, enlargement or use of any building or structure that is in violation of any provisions of this By-law.

1.10 Building to be Moved

No building, residential or otherwise, shall be moved within the limits of the Municipality or shall be moved into the Municipality from outside, without a permit from the Chief Building Official.

1.11 Repeal of Existing By-laws

From the coming into force of this By-law, all previous by-laws passed under Section 34 of the Planning Act, or a predecessor thereof, shall be deemed to have been repealed except to the extent that any of the said by-laws prohibits the use of any land, building or structure for a purpose that is also prohibited by this By-law.

1.12 Application of Other By-laws

Nothing in this By-law shall serve to relieve any person from the obligation to comply with the requirements of any By-law of the Municipality, in force from time to time, or the obligation to obtain any license, permit, authority or approval required under any By-law of the Municipality.

1.13 Validity

Should any section, clause or provision of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected.

1.14 Violations and Penalties

a) Every person who uses any lot, or erects or uses any building or structure or any part of any lot, building or structure, in a manner contrary to any requirement of this By-law, or who causes or permits such use or erection, or who contravenes any provision of this By-law or causes or permits a contravention, shall be guilty of an offence and upon conviction therefore, shall be liable:

   i) on a first conviction to a fine of not more than $25,000; and
   ii) on a subsequent conviction to a fine of not more than $10,000 from each day or part thereof upon which the contravention has continued after the day on which the conviction was first made.

b) Where a corporation is convicted under Section 1.14(a) of this By-law, the maximum penalty that may be imposed is:

   i) on a first conviction, a fine of not more than $50,000; and
   ii) on a subsequent conviction, a fine of not more than $25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

c) Every such penalty as set out in Section 1.14 of this By-law shall be

recoverable under the Section 67 of the Planning Act, and/or the Provincial Offenses Act and/or any other legislation applicable.

1.15 Remedies

In case any buildings or structure or any part thereof is to be erected, altered, reconstructed or extended, or any lot is being used or is to be used, in contravention of any requirement of this By-law, such contravention may be restrained by action at the instance of any rate-payer or of the Municipality, pursuant to the provisions of the Planning Act, and/or the Municipal Act and/or any other legislation applicable.

SECTION 2 - DEFINITIONS

For the purpose of this By-law, the definitions and interpretations given herein shall govern.

2.1 Abandoned
Means the failure, in the opinion of the Chief Building Official, to proceed expeditiously with construction work or to undertake construction work during any continuous 12 month period.

2.2 Abattoir
Means a building, structure or lot or part thereof, used for the slaughter of livestock, poultry or other animals for purpose of processing or rendering.

2.3 Accessory Building or Structure
Means a detached building or structure that is not used for human habitation except where a residential use is a permitted accessory use, but the use of which is naturally and normally incidental to, subordinate to, or exclusively devoted to a principal use or building and located on the same lot therewith and includes a detached private garage, detached carport, detached deck and dock.

2.4 Accessory Use
Means a use naturally and normally incidental to, subordinate to, or exclusively devoted to a principal use and located on the same lot therewith.

2.5 Aggregate
Means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite and rock, other than metallic ores.

2.6 Aggregate Pit
Means 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, and includes the processing thereof for commercial purposes including screening, sorting, washing, crushing, and other similar operations, together with required buildings and structures, but does not include a wayside pit.

2.7 Agricultural Use
Means the cultivation of land, the production of crops and the selling, packing, storage of such products on the premises, and the breeding, and raising of livestock and the selling of the product of such livestock raised on the premises, and includes animal husbandry, dairying, and the raising and harvesting of bog, marsh, field, bush or tree crops, market gardening, nurseries, bee-keeping and

greenhouses, bait fish culture and harvesting, and peat harvesting.

2.8 Airport

Means the use of land, including water, runway, or other facility designed, used or intended to be used, either publicly or by any person or persons, for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage, tie-down areas, hangars and other necessary buildings, structures and open spaces.

2.9 Alter

a) When used in reference to a building or structure or part thereof, shall mean to change the use or the external dimensions of such building or structure or to change the type of construction of the exterior walls or roof thereof;
b) When used in reference to a lot, the word "alter" means to increase the width, depth or area thereof or to decrease the width, depth or area of any required yard, setback, landscaped open space, or parking area, or to change the location of any boundary of such lot with respect to a road or lane, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise; or
c) When used in reference to a use, to discontinue and replace a use with a use which is defined herein as being distinct from the discontinued use.

2.10 Animal Hospital or Veterinary Clinic

Means a building wherein domestic animals/pets, birds, or livestock and farm animals are treated or kept under the care of a licensed veterinary surgeon, but shall not include an animal kennel or boarding facilities for gain or profit.

2.11 Animal Shelter

Means a building or portion thereof where small domestic animals/pets, birds, livestock or farm animals are given temporary shelter, where minor treatment is given, and includes a public pound and crematorium but does not include any establishment engaged primarily in the retail sale of animals or in the breeding or training of animals for gain or profit.

2.12 Apartment Building

Means a building that contains 4 or more dwelling units which have one or more common entrances from road level and are served by a common corridor, and the occupants of the units have the right to use in common the corridors, stairs, elevators, yards or one or more of them.

2.13 Arena

Means a facility for sport activities and includes ice surfaces for hockey and curling and other surfaces for any sporting activity.

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

2.15 Attached
Means a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.

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

2.17 Automobile Body Repair Shop
Means a building or structure used primarily for making repairs or alterations to the body or paint work of any vehicle.

2.18 Automobile Service Station
Means a building, or part of a building, or a clearly defined space on a lot used primarily for the retail sale of lubrication oils, gasoline, diesel fuel and propane for motor vehicles, and may include the sale of automobile accessories, and the servicing and repairing essential to the operation of motor vehicles and may include a gas bar, but does not include a car washing establishment.

2.19 Automotive Sales and Service
Means a commercial establishment used for the display and sale of new or used vehicles and may include the servicing and repair of vehicles, automobile body repair, the sale of automobile parts and accessories and related products and the leasing or renting of vehicles.

2.20 Bake Shop
Means a bakery where the prepared food products of such bakery are offered for retail sale on the same premises.

2.21 Basement or Cellar
Means that portion of a building between two floor levels which is more than 50% below the ground level at the exterior walls. No part of the basement or cellar of an unfinished dwelling may be used for sleeping accommodation.

2.22 Bed and Breakfast Establishment
Means a dwelling in which not more than 3 bedrooms for overnight lodging are provided for gain, with breakfast included, for the temporary accommodation of the traveling or vacationing public and includes the living accommodation of the residents of the dwelling, but shall not include a hotel, motel, resort, trailer camp, seasonal camp or camping establishment. The principal use of the dwelling unit shall be for residential purposes and the bed and breakfast establishment shall be an ancillary use to the main residential use. Guest bedrooms shall not be located in the basement or cellar of the residence.

2.23 Boarding House or Rooming House
Means a building or portion thereof, in which the proprietor supplies to other persons, for hire or gain, lodging, meals or both, but shall not include a hotel, motel, hospital, home for the young or the aged, or institution, or restaurant accommodating the general public.

2.24 Boat House
Means a detached accessory building or structure constructed for the purpose of sheltering or storage of boats or other form of water transportation and accessories, but it shall not include a dwelling unit.

2.25 Buffer Strip
Means an area of land used for no other purpose than for the erection of a fence, or the planting and maintaining of a continuous row of natural evergreens or a continuous hedgerow of natural shrubs and the remainder of which is to be used for landscaping.

2.26 Building
Means any structure, whether temporary or permanent, used or intended for sheltering any use or occupancy, but shall not include a boundary wall or fence or any vehicle as defined herein.

2.27 Building Area
Means the greatest horizontal area of a storey above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of firewalls.

2.28 Bulk Sales and Storage Establishment
Means the use of land for the purpose of storing, buying and selling coal, fuel oil, propane, wood, lumber, building materials, ice and allied chemicals, but does not include any manufacturing, assembling or processing uses.

2.29 Business Office
Means a building in which one or more persons are employed in the management, direction, or conducting of a business or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatments but does not include a body-rub parlour or any adult entertainment parlour as defined in the Municipal Act.

2.30 By-law Enforcement Officer
Means a person appointed by Council and charged with the duty of enforcing the provisions of the Zoning By-law and any amendments hereto. This person may include the Chief Building Official.

2.31 Cabin
Means a "cottage" as defined in this By-law.

2.32 Campground
Means a parcel of land used for short-term occupancy by campers using travel trailers, tents, tent trailers, or other moveable dwellings, rooms or sleeping quarters of any kind for short-term occupancy.

2.33 Car Wash
Means an establishment where motor vehicles are washed, cleaned or polished for compensation, including a coin wash, but does not include an automobile service station or public garage.

2.34 Cemetery
Means a cemetery or columbarium within the meaning of the Cemetery Act, as amended from time to time.

2.35 Child Care Centre
Means a premises that receives more than 5 children who are not of a common parentage, primarily for the purpose of providing temporary care, or guidance, or both, for a continuous period, not exceeding twenty-four hours where the children are:

a) under eighteen years of age in the case of a child care centre for children with a developmental handicap; and
b) under thirteen years of age in all other cases;

In accordance with the Child Care and Early Years Act, as amended or revised from time to time.

2.36 Clinic
Means a building or structure that is used or intended for use by one or more physicians, dentists, chiropractors and/or drugless practitioners, or any one or

more of them, as well as their staff and patients, for the purpose of consultation, diagnosis and office treatment.

2.37 Club
Means a building or part of a building used as a meeting place for members of an organization and includes a lodge, an athletic, social or recreational organization, a fraternity or sorority house and a labour union hall.

2.38 Commercial Use
Means the use of land or buildings for the purpose of buying and/or selling commodities and supplying services separate from such uses as manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar uses.

2.39 Community Centre
Means a building used primarily for community activities and occasionally for commercial purposes, the control of which is vested in the Municipality, a local board, or commission.

2.40 Community Support Service Organization
Means a non-government, non-profit, non-commercial organization whose primary function is to carry on social, cultural, recreational, or welfare programmes.

2.41 Condominium
Means a building, structure or land wherein the owner holds title to his/her own dwelling unit and/or land while sharing title to common areas of the development and sharing maintenance/operating costs with other dwelling unit or land owners through a condominium corporation incorporated under the Condominium Act.

2.42 Contaminated Site
Means land that is contaminated from past land use activities relating to, but not limiting to, industrial uses, transportation or utility purposes including municipal and Ministry of Transportation refuelling yards, waste disposal sites, and commercial uses such as gas stations, auto repair shops and lands where filling has occurred.

2.43 Convenience Store
Means a retail store serving the daily or occasional needs of the residents of the immediate area with a variety of good such as groceries, meats, dairy products, patent medicines, sundries, tobacco, stationery, hardware, magazines and/or newspapers.

2.44 Cottage
Means a detached building used as an occasional and seasonal residential dwelling for recreation, but not occupied continuously or as a principal residence or as a year-round permanent dwelling.

2.45 Council
Means the Municipal Council of the Corporation of the Town of Marathon.

2.46 Demolition
Means the doing of anything in the removal of a building or any part thereof.

2.47 Detached
Means "not attached".

2.48 Development
Means the construction or erection of buildings or structures on, or the excavation and grading of land.

2.49 Dock
Means a structure on land or in the water to be used for transferring goods or passengers to or from a boat or airplane.

2.50 Dormitory
Means a permanent or temporary building providing sleeping accommodation for persons not living as a family and may include communal cooking and laundry facilities, attached or detached from a main building.

2.51 Dwelling
Means a building, occupied or designed to be occupied exclusively as a home, residence or sleeping place by one or more persons, but shall not include hotels, boarding houses, lodging houses, fraternities, sororities, group homes or institutions.

2.52 Dwelling, Duplex
Means a building that is divided horizontally into 2 dwelling units, each of which has an independent entrance either directly or through a common vestibule.

2.53 Dwelling, Multiple
Means a building used, designed, or intended to be used for occupancy as 3 or more dwelling units independently of each other.

2.54 Dwelling, Semi-detached
Means a building that is divided vertically into 2 dwelling units designed or intended to be used for occupancy as a single dwelling unit and which dwelling units may be held in separate ownership. This definition shall not include a mobile home as defined herein.

2.55 Dwelling, Single-detached
Means a separate building or factory built twin-wide or double-wide modular home designed, used, or intended to be used for occupancy as a single dwelling. This definition shall not include a mobile home as defined herein.

2.56 Dwelling, Townhouse Block
Means a building containing not less than 3 and not more than 8 attached dwelling units with a common masonry wall dividing each of the abutting dwelling units vertically, each with an independent entrance from the outside. The attachment along the common wall may include a dwelling unit wall and/or a garage wall.

2.57 Dwelling, Townhouse Street
Means a townhouse or rowhouse dwelling which has direct access and frontage along a public street. Each dwelling unit may be located on a separate lot. For street townhouses, the maximum number of attached units shall be 8 units.

2.58 Dwelling Unit
Means one or more habitable rooms occupied or designated to be occupied by an individual or family, as an independent and separate housekeeping establishment, in which separate kitchen and sanitary facilities are provided for the use of such individuals or family, with a private entrance from outside the building or from a common hallway or stairway inside the building.

2.59 Dwelling Unit, Bachelor
Means a dwelling unit in which only one room or part thereof contains sleeping accommodation, and which room is used as a living or dining room or both, as well as for sleeping purposes, but does not mean or include a dwelling unit containing one or more rooms designed exclusively for sleeping accommodation

2.60 Dwelling Unit, Secondary
Means a dwelling unit either in or added to an existing single detached, semi-detached, duplex, or townhouse, for use as an independent living facility with self-contained kitchen and sanitary facilities

2.61 Easement
Means "Right-of-Way" as defined in this By-law.

2.62 Entertainment Facility
Means a building or facility for the use of a motion picture or other theatre, arena, auditorium, public hall, bingo hall, billiard or pool room, arcade, bowling alley, ice or roller skating rink, but does not include an adult entertainment establishment designed to appeal to erotic or sexual inclinations.

2.63 Equipment Sales and Service Establishment
Means a building or part thereof, used for the maintenance or general repair of equipment, tools, bicycles, appliances, household articles and small motors but does not include an automobile body shop, automotive machine shop or automobile service station.

2.64 Erect
Means to build, construct, re-construct or relocate any building or structure and includes, without limiting the generality of the foregoing:

a) The performance of any preliminary physical operation, such as excavating, grading, filling or draining;
b) The alteration of a building or structure by an addition, enlargement or extension; or
c) Any work for which a building permit is required under the *Ontario Building Code,* as amended.

"Erected" and "erection" shall have corresponding meanings.

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

2.66 Financial Institution
Means a commercial establishment such as a bank, trust company, credit union or other similar business or institution where money is deposited, kept, lent and exchanged.

2.67 Flood Fringe
Means the outer portion of the flood plain between the floodway and the limit of the regulatory flood.

2.68 Flood Plain
Means the area, usually low lands, adjoining a watercourse which has been, or may be covered by flood water.

2.69 Floodproofing
Means the combination of structural changes and/or adjustments incorporated into the basic design and/or construction or alteration of individual buildings, structures or properties subject to flooding so as to reduce or eliminate flood changes. The word "floodproofed" has a corresponding meaning.

2.70 Floodway
Means the channel of a watercourse and that inner portion of the flood plain where flood depths and velocities are generally higher than those experienced in the flood fringe. The floodway represents that area required for the safe passage of flood flows and that area where flood depths and velocities are considered as such that they pose a potential threat to life and property.

2.71 Floor Area
Means the sum of the areas of all of the floors of a building or structure measured from the outside of all outside walls, exclusive of any attached accessory building, terrace, veranda, unfinished attic, basement, cellar, open or enclosed porch or sunroom, unless such sunroom or enclosed porch is an integral part of the building and habitable in all seasons.

2.72 Floor Area, Ground
Means the maximum area of that portion of a lot occupied by a building or structure measured to the outside walls, excluding a private garage in the case of a dwelling.

2.73 Forestry Use
Means the raising and harvesting of wood and, without limiting the generality of the foregoing, includes the raising and cutting of fuel wood, pulp wood, lumber, Christmas trees, and other forest products.

2.74 Fuel Depot
Means a lot where bulk storage of fuel, including petroleum products and propane takes place and where wholesaling and retailing of these products is carried on.

2.75 Garage, Private or Carport
Means a building or portion of a building designed for the storage of private passenger motor vehicles wherein no service for profit is rendered; where such structure is attached to the main building, it shall be deemed to be part of the main building and not an accessory building.

2.76 Gas Bar
Means a lot containing gasoline, diesel fuel or propane dispensing devices and a structure used for the sale of fuel and lubricants for vehicles.

2.77 Golf Course
Means a public or private area operated for the purposes of playing golf and does not include golf driving ranges.

2.78 Golf Driving Range
Means a public or private area for the purpose of practicing golf driving techniques and is equipped with distance markers, lighting, safety nets, parking areas, golf equipment rental facilities and washrooms, but does not include a golf course.

2.79 Grade
Means the average level of finished ground adjoining a building at all exterior walls.

2.80 Group Home
Means a supervised living accommodation unit in a dwelling unit to accommodate persons requiring a group living arrangement for their well-being, by reason of emotional, mental, physical, social or legal impairment. The residents live under responsible supervision consistent with the particular requirements of its residents. The group home shall conform with municipal By-laws and shall be licensed and/or approved by the Province of Ontario.

2.81 Guest Cottage
Means a dwelling unit for guest accommodation accessory to a cottage which contains no provision for cooking or any water or sewage treatment systems and is not used year-round for human habitation.

2.82 Habitable Room
Means a room in a dwelling used for human occupancy but does not include a bathroom, toilet room, serving or storage pantry, laundry and corridor.

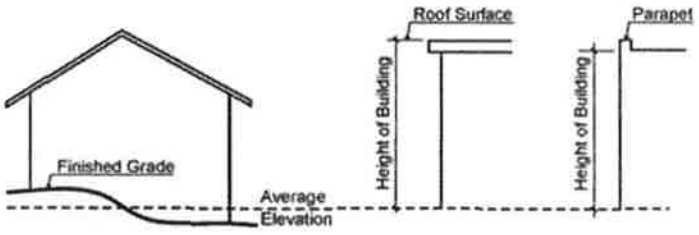
2.83 Hazard Land
Means land which exhibits, or potentially exhibits, a hazardous condition as a result of its susceptibility to flooding, erosion, subsidence, inundation, as the

presence of organic soils 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.

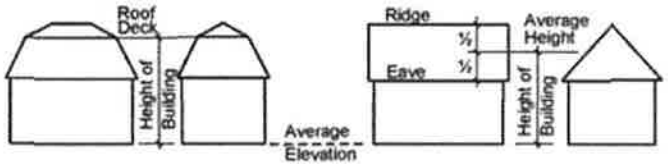
2.84 Height

Means the vertical distance between the average elevation of the finished grade of the ground and a horizontal plane through to:

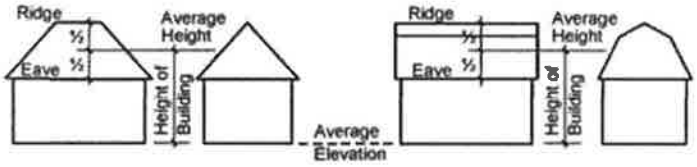
a) the highest point of the roof in the case of a building with a flat roof; or
b) the average point between eaves and ridges in the case of a gable, gambrel, shed or hip roof; or
c) the underside of a roof deck in the case of a mansard roof.



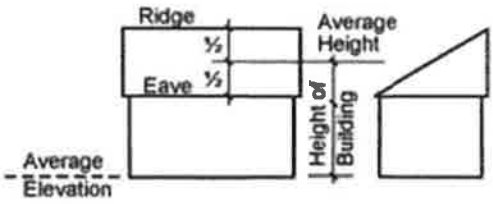
Average Elevation Flat Roof



Mansard Roof Gable Roof



Hip Roof Gambrel Roof



Shed Roof

2.85 Home Day Care
Means a dwelling unit where a maximum of 5 children, who are not residents of the dwelling, are provided temporary care, guidance, or both for a continuous period, not exceeding 24 hours.

2.86 Home Occupation
Means the use of part of a dwelling unit for an occupation, trade, craft or business which is clearly secondary to the main residential use of the dwelling unit, carried on entirely within part of a dwelling unit by at least 1 of the permanent residents of such dwelling unit for gain, profit or reward, and does not compete with existing businesses in the commercial areas of the Town. A home occupation shall be licenced in accordance with the Business Licence By-law and shall include such home occupations as surveying, engineering, architecture, accounting, shoe and leather working and repairs, real estate, bookkeeping, computer services, dressmaking, molding, painting, sculpting, weaving, engraving, and instruction in arts, crafts and music.

2.87 Hotel
Means any hotel, tavern, inn, lounge, or public house in one main building or in two or more buildings used mainly for the purposes of catering to the needs of the travelling public by supplying food and furnishing sleeping accommodations of not less than 6 guest rooms, and shall include all buildings liable to be licensed under the Liquor License Act, and operating under the Tourist Act, as revised or amended from time to time.

2.88 Hunt Camp
Means an area where one or more buildings and/or tents are used for sleeping, accommodations, the preparation and serving of food and/or sports or recreation facilities and are intended for uses as a base camp for hunting, fishing, trapping, mining or forestry. A hunt camp is to be used on a temporary or seasonal basis.

2.89 Industrial Use
Means the use of land, buildings or structures primarily for manufacturing, processing and assembling of goods or raw materials warehousing and bulk storage of goods and repair and servicing of goods including transportation terminals.

2.90 Interpretive Centre
A building or group of buildings that provide interpretation of a place of interest, such as the natural environment through a variety of media, such as video displays, information panels and exhibitions of material, and which may also include facilities such as a refreshment stand or gift shop.

2.91 Institutional Use
Means the use of land, buildings or other structures for some public or social purpose and may include governmental, religious, educational, charitable, philanthropic, hospital or other similar uses.

2.92 Kennel, Animal
Means any lot, building or structure on or within which 4 or more domesticated animals of more than 4 months of age are housed, groomed, bred, boarded, trained or sold, and which may offer minor medical treatment but does not include a veterinary clinic or animal hospital.

2.93 Landscaped Area
Means an area not built upon and not used for any purpose other than as a landscaped area, which may include grass, shrubs, flowers, trees and similar types of vegetation and appurtenances, but does not include parking areas, parking lots, driveways or ramps.

2.94 Lane
Means a public thoroughfare or way, not more than 9 metres wide, which affords only secondary means of access to abutting lots.

2.95 Loading Space
Means a space or bay located on a lot which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise or materials used in connection with the main use of the lot or any buildings thereto, and which has unobstructed access to a road or lane.

2.96 Lot
Means a parcel or tract of land which is capable of being legally conveyed in accordance with the Planning Act, as amended or revised from time to time.

2.97 Lot Area
Means the total horizontal area within the lot lines of a lot.

2.98 Lot, Corner
Means a lot situated at the intersection of, or abutting upon, two or more roads, provided that the angle of intersection of such roads is not more than 135 degrees and each of which is at least 10 metres wide, where such adjacent sides are curved, the angle of intersection of such street lines shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the interior lot lines, and the corner of the lot shall be deemed to be that point of intersection of the said tangents.

2.99 Lot Coverage
Means the combined area of all buildings or structures on the lot measured at the level of the lowest storey above grade, including all porches and verandahs open or covered, but excluding open, unenclosed terraces, at grade, steps, cornices, eaves, bay windows, chimney breasts, corbelling and similar projections, outdoor swimming pools and open parking areas.

2.100 Lot Depth
Means the horizontal distance between the midpoints of the front and rear lot line, lot depth means the horizontal distance between the midpoint of the front lot line and the apex of the triangle formed by the side lot lines.

2.101 Lot Frontage
Means the horizontal distance between the side lot lines of a lot measured at right angles, but where such lot lines are not parallel, the lot frontage shall be measured perpendicularly to the line joining the midpoint of the front and midpoint of the rear lot lines at a point 7.5 metres back from the front lot line. Where the side lines meet, the lot frontage shall be measured perpendicularly to the line joining the apex of the triangle formed by the side lot lines and the midpoint of the front lot line at a point measured 7.5 metres back from the front lot line. Where the front lot lines are curved, the lot frontage shall be measured along the line between the interior side lot line and the intersection or the tangents to the street line, drawn through the front lot line and exterior side lot line.

2.102 Lot, Interior
Means a lot, other than a corner lot, which is situated between adjacent lots and has access to one road.

2.103 Lot Lines
Means the boundary lines of a lot defined as follows:

a) Front Lot Line shall mean:
   i) in the case of an interior lot, the lot line dividing the lot from the road;
   ii) in the case of a corner lot, the shorter lot line abutting the road unless each lot line is of equal length, in which case the front lot line shall be the lot line where the principal access to the lot is provided;
   iii) in the case of a through lot, the front lot line shall be the lot line where the principal access to the lot is provided;
   iv) in the case of a waterfront lot, either the shoreline or streetline shall be deemed the front lot line;

b) Rear Lot Line shall mean the lot line farthest from and opposite the front lot line.
c) Side Lot Line shall mean a lot line other than a front or rear lot line.
d) Side Lot Line, Exterior shall mean a side lot line that is also a street line.

2.104 Lot, Through

Means a lot bounded on two opposite sides by roads each of which is at least 10 metres wide, provided, however, that if any lot qualifies as being both a corner lot and a through lot, such lot shall be conclusively deemed to be a corner lot.

2.105 Lot, Waterfront

Means a lot which abuts a shoreline or shoreline reserve and may or may not also abut a street or lane.

2.106 Main Building

Means the building or structure in which is conducted the principal use for which the lot is used.

2.107 Manufacturing

Means a building or part of a building used for the production, compounding, processing, packaging, crating, bottling or assembly of raw or semi-processed or fully processed goods or materials.

2.108 Main Wall

Means the structural sheeting or foundation wall of the exterior front, sides or rear wall of a building and all structural members to the support of a fully enclosed space or roof.

2.109 Marina

Means a commercial establishment where a boathouse, boat storage, boat repair facilities boat rental, pier, dock or jetty facilities, or any combination thereof, are available for marine craft and may include a pump for the fuelling of marine craft and a building or structure for the sale or repair of marine craft and accessories.

2.110 Mine Hazard

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

2.111 Mining Operation

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

2.112 Mobile Home

Means any dwelling, that does not include a basement, which is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed.

2.113 Mobile Home Park
Means a lot managed by a mobile home park operator, for the permanent placement of not less than 10 mobile homes or factory built park model homes or double-wide homes on individual mobile home sites, which are connected to public water supply and sanitary sewage facilities and may include a park or place of recreation.

2.114 Mobile Home Site
Means a parcel of land within a mobile home park which is serviced and intended for the placement of one mobile home.

2.115 Motel
Means one building, or 2 or more detached buildings, for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodations with or without supplying food, and shall include a motor court, auto court, and all buildings liable to be licensed under the Liquor License Act, and/or operating under the Tourist Act, as amended or revised from time to time.

2.116 Municipality
Means the Corporation of the Town of Marathon.

2.117 Navigable Waterway
Means a navigable body of water or stream as deemed under the Beds of Navigable Waters Act, and includes any body of water which is capable in its natural state or at normal water level of being navigated by floating vessels for the purpose of transportation, recreation or commerce.

2.118 Non-Complying
Means a use, building, or structure which is existing but does not meet, comply or agree with the regulations of this By-law, but is a permitted use, building or structure within the zone in which it is located.

2.119 Non-Conforming
Means a use, building or structure which is existing but which is not permitted in the zone in which it is located.

2.120 Non-Residential
Means a building, structure or use designed, intended or used for purposes other than those of a dwelling.

2.121 Nursing Home
Means a place where accommodation and care are provided for one or more persons, who, by reason of age or infirmity, are in need of same.

2.122 Obnoxious Use
Means an offensive trade within the meaning of the Public Health Act, or any use which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas fumes, vibration or refuse matter.

2.123 Outside Storage
Means the storage of goods, merchandise or equipment in the open air and in unenclosed portions of buildings which are open to the air on one or more sides.

2.124 Park, Private
Means a park controlled or owned by a private individual, group or organization and which may not be open to the public.

2.125 Park, Public
Means a park controlled or owned by the Municipality or a public authority and which is normally open to the public.

2.126 Parking Lot, or Parking Area
Means an area for the parking of vehicles and may include aisles, parking spaces and related entrance and exit lanes, but shall not include any part of a road.

2.127 Parking Space
Means an area 2.8 metres by 6 metres enclosed in a building including a garage, or unenclosed, and set aside for the temporary storage of a vehicle.

2.128 Parking, Tandem
Means the parking of two or more vehicles one behind the another in a row.

2.129 Permitted
Means permitted by this By-law.

2.130 Person
Means an individual, an association, a firm, a partnership, a corporation, a trust, a incorporated company, an organization, a trustee or agent and their heirs, executers or other legal representatives of a person to whom the same can apply according to law.

2.131 Personal Service Establishment
Means a building or part thereof in which persons are employed in furnishing services and otherwise administering to individual and personal needs and may include the premises of a barber, hairdresser, beautician, florist, laundromat, and shoe repair establishment, but shall not include an adult entertainment parlour. The sale of merchandise shall be permitted only as an accessory use to the personal service provided.

2.132 Place of Worship
Means a building dedicated to religious worship and may include a hall, auditorium, educational space, convent, parish hall, and child care centre.

2.133 Portable Asphalt Plant
Means a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process. A portable asphalt plant is not of permanent construction, but is designed to be dismantled and moved to another location as required.

2.134 Pre-fabricated Shipping Container
Means a pre-fabricated metal container that is conventionally used for the purpose of shipping goods, but does not include a truck body, trailer or transport trailer. For the purpose of this definition, a pre-fabricated shipping container does not have wheels **shall be deemed to be a structure and shall comply with Ontario Building Code** and cannot be capable of human habitation.

2.135 Public Authority
Means any Federal or Provincial agency, school board, public utility commission, transportation commission, public library board, board of parks management, board of health, board of commissioners of police, planning board or other board or commission or committee or local authority established or exercising any power or authority under any general or special statute of Ontario or Canada with respect to any of the affairs or purposes of the Municipality or any portion thereof, and includes any committee or local authority established by By-law of the Municipality and Ontario Power Generation.

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

2.137 Quarry
Means a place where consolidated rock has been or is being removed by means of an open excavation, and includes the processing thereof for commercial purposes

including screening, sorting, washing, crushing, and other similar operations, required buildings and structures.

2.138 Recreation Use

Means the use of land for parks, trails, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres, snow skiing and other similar uses, together with necessary and accessory buildings and structures, but does not include a track for racing animals, motor vehicles, snowmobiles, all-terrain vehicles or motorcycles.

2.139 Redevelopment

Means the creation of new residential units on land previously used for residential or non-residential purposes, where demolition of the previous structure is to take place or has taken place.

2.140 Renovate

Means to restore by improving or repairing to an earlier condition.

2.141 Research and Development Centre

Means a place used for systematic research, data collection and manipulation, or technical or scientific development of information or new products, and may include a research laboratory; but excludes industrial and manufacturing operations other than those required as part of the research.

2.142 Residential Intensification

Means the creation of new residential units or accommodation in existing buildings or on previously developed land generally including the creation of accessory dwelling units, conversion of non-residential uses to residential uses, infilling and redevelopment.

2.143 Residential Unit

Means a set of self-contained habitable rooms located in a building or structure that is used or intended for use as a residential premises which contains kitchen and bathroom facilities that are intended for the exclusive use of the unit and has a private means of egress to the outside of the building or structure, or from a common hallway or stairway inside the building or structure in which it is located.

2.144 Residential Use

Means the use of a building or structure or parts thereof as a dwelling or residential unit.

2.145 Residential Use, Seasonal
Means a dwelling which is used for intermittent residential occupancy for the enjoyment of the surrounding natural environment and such dwelling shall be a single detached dwelling that is not used for continuous habitation or as a permanent residence.

2.146 Resort
Means a tourist commercial use that operates throughout all or part of the year and that has facilities for serving meals and furnishing equipment, supplies or services to persons in connection with recreational purposes.

2.147 Resource Management
Means the use of land solely for the preservation and enhancement of the natural environment.

2.148 Restaurant
Means a building used for the purpose of serving food and/or refreshments including a licensed establishment, and may include take-out food facilities as an accessory use.

2.149 Retail Store
Means a building or part of a building where goods, wares, merchandise or articles are offered or kept for sale directly to the public and includes storage on or about the premises.

2.150 Right-of-Way or Easement
Means any right, liberty or privilege in, or along or under land which a person may have with respect to any land in the Municipality.

2.151 Road
Means a public highway under the jurisdiction of the Municipality or the Province or as shown on a plan of subdivision with respect to which a subdivision agreement has been entered into which affords the principal means of access to abutting lots, but does not include a public lane or right-of-way.

2.152 Road Allowance
Means land held under public ownership for the purpose of providing a road.

2.153 Salvage Yard
Means a lot, building or structure used for wrecking, dismantling, storing or selling used goods, wares or materials including, but not so as to limit the generality of the foregoing, rags, bottles, metals, clothing, furniture, paper, machinery, building

materials, vehicles and parts thereof but does not include a wrecking yard.

2.154 School
Means a school under the jurisdiction of a Board as defined in the Education Act, a college, a university or any other education establishment including, but not necessarily restricted to, a nursery school or a boarding school having accessory dormitory facilities.

2.155 School, Commercial
Means a school operated by one or more persons for gain or profit.

2.156 School, Private
Means a school, other than a public school or a commercial school, under the jurisdiction of a private board or trustees or governors, a religious organization or charitable institution.

2.157 School, Public
Means a school under the jurisdiction of a public agency.

2.158 Seaplane Base
Means the use of land, buildings, or structures for the purposes of docking, storing or repairing seaplanes and for the supplying of associated services.

2.159 Seasonal Camp
Means an establishment that is owned and operated by a private club or organization for the boarding and lodging of children during the summer months only, and may include such recreational activities as boating, swimming, crafts, riding, archery, etc.

2.160 Semi-Trailer
Means a trailer designed to be operated with the forward part of its body or chassis resting upon the body or chassis of a towing vehicle.

2.161 Service Establishment
Means a commercial establishment associated with the provision of a non-personal service or trade including a plumber's shop, painter's shop, carpenter's shop, electrician's shop, contractor's shop, which provide an installations service and may include areas for indoor product storage and display, the sale or repair of household articles including radio, television, and household appliances but does not include industrial or manufacturing uses or vehicle repair shops.

2.162 Setback
Means the horizontal distance between the nearest part of any main wall of any building or structure and the centre line of a road allowance measured at right angles to such centre line.

2.163 Setback From Top of Bank
Means the horizontal distance from the point of the slope or bank where the downward inclination of the land begins or the upward inclination of the land levels off to the nearest part of any main wall of any building or structure.

2.164 Setback From Water
Means the horizontal distance between the normal or controlled high water mark of any navigable waterway and the nearest part of any main wall of any building or structure.

2.165 Shopping Centre
Means a building or group of buildings planned, designed, developed or managed as a unit, having off-road parking provided on the same lot, and which building or buildings contain one or more retail stores, and offices.

2.166 Shoreline
Means any lot line or portion thereof which abuts a navigable waterway.

2.167 Sight Triangle
Means the area determined by connecting two points which are obtained by measuring a distance of 6.0 metres drawn along each lot line abutting the street line from a point where the tangents of the lot lines abutting the street lines intersect. Where a railway right-of-way and street line intersect, no buildings or structures, vehicles, open storage, landscaping, signage or any other use exceeding 6.0 metres of the street elevation shall be located within a 15.0 metre radius measured in all directions from the boundary of the railway right-of-way.

2.168 Storey
Means that portion of a building:

a) which is situated between the surface of any floor and the surface of the floor next above it and if there is no floor above it, that portion between the surface of any floor and the ceiling above it;
b) which is more than 50% above the average finished grade; and
c) which has a height of not less than 2 metres and includes an attic having not less than 2 metres headroom for at least 50% of the attic floor area.

2.169 Street or Highway
Means "Road" as defined in this By-law.

2.170 Structure
Means anything that is erected, built or constructed of parts joined together and which is fixed to or supported by the soil but not a terrace, patio, sign, boundary wall, fence, bridge or culvert.

2.171 Swimming Pool, Above Ground or In-ground
Means a body of water constructed for swimming, diving, or bathing which has a possible water depth of greater than 0.6 m (2 ft).

2.172 Tavern
Means a building, where alcoholic beverages are sold to be consumed on the premises and shall include all such buildings operating or liable to be licensed under the Liquor License Act, as amended or revised from time to time.

2.173 Temporary Accommodation
Means a building or a group of buildings designed to provide sleeping accommodation with common kitchen facilities, dining areas and amenity areas.

2.174 Temporary Buildings
Means the temporary use of buildings and structures, including mobile homes, incidental to and accessory for lawful construction work, will be permitted in all zones, but only for so long as the same are necessary for the construction work and if a building permit has been issued.

2.175 Tourist Home
Means a single-detached dwelling for hire for a single night or for less than a month at a time.

2.176 Tourist Outfitters Establishment
Mean an establishment that sells and/or rents recreational equipment and may provide tours.

2.177 Trailer
Means a vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by a motor vehicle and capable of being used for temporary living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked up or that its running gear is removed. This definition shall not include a mobile home as defined herein.

2.178 Un-licensed Day Care

Means:

i. The child care is provided for no more than five children at any one time or, if a lesser number is prescribed by the regulations, no more than the prescribed number of children at any one time.

ii. There is no agreement between a home child care agency and the child care provider that provides for the agency's oversight of the provision of care.

iii. The group of children does not include more than two children who are younger than two years old.

2.179 Unserviced

Means land that is not serviced by municipal sanitary sewer services and, may, or may not be serviced by municipal water services.

2.180 Use

Means, when used as a noun, the purpose for which any land, building or structure is designed, used or intended to be used.

2.181 Use, Continuous

Means, in the context of Section 4.20, Non-Conforming Uses, the continuous use of a lot, building or structure, notwithstanding a change of ownership of the property where the use is located. Use shall further be deemed to be continuous if, after having ceased, the same use recommenced within a period of one year from the date of cessation, and/or if a structure is destroyed or damaged, it is rebuilt or repaired for the same use within a period of one year from the date of its destruction or damage. This is in addition to the protection afforded by Section 34(9) of the Planning Act.

2.182 Vehicle

Means a motor vehicle, trailer, traction engine, farm tractor, road-building machine, motorized snow vehicle and any vehicle drawn, propelled or driven by any kind of power.

2.183 Vehicle Repair Shop

Means a building or part thereof which contains facilities for the repair and maintenance of vehicle and/or recreational vehicles on the premises, and in which vehicle accessories are sold and vehicle maintenance and repair operations are performed in return for remuneration, but does not include a body shop or any establishment engaged in the retail sale of vehicle fuels.

2.184 Warehouse

Means a building or part thereof which is used primarily for the housing, storage, adapting for sale, packaging or distribution of goods, wares, merchandise,

foodstuff, substances, articles or things, and includes the premises of a warehouseman, but does not include; a fuel depot, storage of oil, gasoline, petroleum products, cleaning products, pesticides, herbicides, fungicides, chemicals, resins, paints, varnish, printing inks, adhesives and dyes.

2.185 Waste Disposal Area
Means a place where garbage, refuse, or domestic or industrial waste is disposed of or dumped.

2.186 Watercourse
Means the natural channel for a stream of water and for the purpose of this By-law, includes any watercourse shown on Schedule "A" through "D" of this By-law.

2.187 Waterfrontage
Means the boundary of a lot directly abutting an original shoreline reserve.

2.188 Wayside Pit or Quarry
Means a temporary open excavation made for the removal of soil, earth, clay, marl, silt, sand, gravel or consolidated rock, opened and used by a public road authority, or person or company operating under the authority of the Ministry of Transportation, solely for the purposes of road construction.

2.189 Wrecking Yard or Automobile Wrecking Yard
Means an area of land licensed by the Ministry of the Environment for the storage and processing of derelict vehicles where processing means the collection, handling, storage, or processing including removing contaminants, dismantling for parts, flattening, crushing, and shredding. An derelict vehicle is considered to be a vehicle that: is inoperable, and has no market value as a means of transportation, or has a market value as a means of transportation that is less than the cost of repairs required to put it into operable condition.

2.190 Yard
Means an open space on the same lot with a main building or structure, unoccupied and unobstructed from the ground to the sky, except as otherwise permitted by this By-law. In determining yard measurements the minimum horizontal distance between the nearest wall of the main building or structure and the respective lot lines measured perpendicular from the lot line shall be used:

a) Front Yard shall mean a yard extending across the full width of a lot between the front lot line and nearest main wall of the main building or structure on the lot;
b) Rear Yard shall mean a yard extending across the full width of a lot between the rear lot line and the nearest main wall of the main building or structure on the lot;

c) Side Yard shall mean a yard between the nearest side wall of the main building or structure on the lot and the side lot line and extending from the front yard to the rear yard;
d) Exterior Side Yard shall mean a side yard immediately adjoining a public or private street or abutting a reserve on the opposite side of which is located a private or public street; and
e) Interior Side Yard shall mean a yard extending from the front yard to the rear yard and from the interior side lot line to the nearest part of the principal building, structure or excavation on the lot.

2.191 Zone
Means a designated area of land shown on Schedule "A" through "D" hereto.

2.192 Zoned Area
Means all those lands lying within the corporate limits of the Town of Marathon.

SECTION 3 - ZONES AND ZONE MAP

3.1 Establishment of Zones

For the purpose of this By-law, the maps hereto attached as Schedule "A" and Schedule "B" shall be referred to as the "Zoning Maps" for the Town of Marathon and the said zoning maps shall be divided into the following zones:

Zone	Symbol
Rural Zone	RU
Rural Residential Zone	RR
Residential 1 Zone	R1
Residential Mobile Home Zone	R2
Residential Multiple Zone	RM-1
Temporary Accommodations Zone	RM-2
Seasonal Residential	SR
Neighbourhood Commercial Zone	C1
General Commercial Zone	C2
Highway Commercial Zone	C3
Tourist Commercial Zone	TC
Enterprise Zone	E
Light Industrial Zone	M1
Heavy Industrial Zone	M2
Institutional Zone	I
Open Space Zone	OS
Environmental Protection Zone	EP
Holding Zone	H

3.2 Use of Zone Symbols

The symbols listed in Section 3.1 shall be used to refer to land, buildings and structures and uses thereof permitted by this By-law in the said zones, and wherever in this By-law the word "Zone" is used preceded by any of the said symbols, such zones shall mean any area within the Town of Marathon delineated on the zoning maps and designated therein by the said symbol.

3.3 Interpretation of Zone Boundaries

Where any uncertainty exists as to the location of the boundary of any of the said zones, as shown on the zoning maps, the following shall apply:

a) Unless otherwise shown, the boundary of the zones as shown on the zoning maps and the centre lines of the road allowance or lot lines and the projection thereof;
b) Where zone boundaries are indicated as approximately following lot lines shown on a plan of subdivision, such lot lines shall be deemed to be the said boundary;
c) Where zone boundaries are indicated as approximately parallel to the line of any road and the distance from such road is not indicated, such zone boundaries shall be construed as being parallel to such road and the distance therefrom shall be determined by the use of the scale shown on the zoning maps;
d) Unless otherwise indicated, a road, lane, or watercourse included on the

zoning maps, is included within the zone of the adjoining property on either side thereof; and where such road, lane, right-of-way or watercourse serves as a boundary between two or more different zones, a line midway in such road, lane, right-of-way or watercourse and extending in the general direction of the long division thereof is considered the boundary between zones, unless specifically indicated otherwise;

e) In the event a dedicated road, lane or right-of-way shown on the zone maps is closed, the property formerly in said road lane or right-of-way shall be included within the zone of the adjoining property or either side of the said closed road lane right-of-way and the zone boundary shall be the former centre line of the closed road, lane or right-of-way;

f) Where any zone boundary is left uncertain after application of the preceding provisions, then the boundary line shall be determined according to the scale on the zoning maps in the office of the Chief Building Official; and

g) Wherever it occurs, the municipal limit of the Town of Marathon is the boundary of the zone adjacent to it.

3.4 Special Provisions

Whenever lands on any Zoning Schedule have the zone symbol followed directly by a dash (-) and a number, i.e. C2-1, such lands shall be considered to have a "Special Provision" number and to have referenced to a zone category. The said lands shall be subject to the provisions of the relevant zone category and all other provisions contained herein, and in addition, shall be subject to any special provisions provided for within the relevant special provision subsection of the relevant zone category.

SECTION 4 - GENERAL PROVISIONS

4.1 Application

The provisions of this section apply in all zones except as may be indicated otherwise.

4.2 Accessory Uses, Buildings and Structures

Accessory buildings or structures, are permitted in any yard, in any zone, subject to the provisions of this By-law for the particular zone in which said building, structure, or use is located, and provided that the accessory building, structure or use:

a) shall not be used for human habitation, except where an accessory residential use is a permitted use. Accessory residential units above boat houses shall not be permitted;
b) shall not be built closer to the front lot line than the minimum distance required by this By-law for the main building on the lot unless otherwise specified;
c) in a residential zone, shall not be located in the front yard and may be permitted in an exterior side yard provided sight lines are maintained;
d) in a commercial and industrial zone shall not be built closer to the street than the main building is to that street;
e) shall not be built closer than 1.5 metres to any lot line;
f) no detached accessory building or structure shall be located closer than 2.0 metres to a main building;
g) shall not exceed 10 percent coverage of the total lot area;
h) in a residential zone shall not exceed 4.5 metres in height, or contain more than one storey, except that where a dwelling unit is a permitted accessory use it shall not exceed 6.0 metres in height, or contain more than two storeys. In all other zones the maximum height shall not exceed 6.0 metres;
i) shall not be considered as an accessory building or structure if attached to the main building in any way except for an accessory apartment unit that is permitted above or behind a commercial or industrial use;
j) shall not be considered an accessory building or structure if located completely underground;
k) may be permitted in the front yard of a lot having frontage on a lake or river;
l) where a commercial retail use is permitted as an accessory use in an industrial zone, it shall be located within the main building or within 2.0 metres of the main building and shall not exceed 10% of the total floor area of the main building to a maximum of 280 square metres; and
m) Despite any other provisions to the contrary, an outdoor swimming pool and its associated mechanical equipment, shall be located, altered, erected or renovated in accordance with the following provisions:
    i. An outdoor swimming pool shall be set back a minimum of 1.5 m (5 ft) from any lot line;
    ii. No outdoor swimming pool accessory to a permitted residential use shall be located in any part of a front or exterior side yard; and
    iii. Any filter, pumps, or similar operating machines are a minimum distance of 0.6 metres from any lot line and a minimum distance of 3.0 meters from any main building.

4.3 Automobile Wrecking Yards and Salvage Yards

Where land is used for the purpose of an automobile wrecking yard or salvage yard or similar use, the storage of derelict automobiles, scrap metal, junk and other material shall not be carried out in that part of the land designated herein as the required front, side or rear yards. A natural or artificial screen or buffer strip shall be provided to obscure the subject property from the street on which the lands abut and from any adjoining properties to the side or rear of the subject property and shall be a minimum of 6.0 metres in width in compliance with Section 4.5 of this By-law.

4.4 Bed and Breakfast Establishments

Where permitted, a bed and breakfast establishment shall be subject to the requirements of the zone in which it is located and the following:

a) be permitted only within an existing single detached dwelling;
b) be clearly secondary to the main residential use;
c) be operated by a resident of the dwelling, in which the bed and breakfast establishment is located;
d) not contain more than 3 guest bedrooms;
e) in addition to any off-street parking required for the dwelling containing the bed and breakfast establishment, there shall be a minimum of one (1) parking space provided on the lot for each guest bedroom, and said parking spaces shall not be located in the required front yard. The required parking spaces may include tandem or stacked parking to a depth of 2 vehicles in an existing driveway;
f) shall have sufficient site area to accommodate on-site outdoor amenity area(s) and provide adequate buffering for adjacent uses;
g) bed and breakfast establishments must obtain an annual license from the Town and pay an annual licensing fee in order to operate;
h) a bed and breakfast establishment is not permitted in combination with any other type of accommodation such as roomers and boarders and accessory apartments;
i) shall not be licensed to serve alcoholic beverages; and
j) in the Residential area, no outside display or advertising shall be permitted, other than a non-illuminated sign which shall not exceed 1.5m^2 in area indicating the name of the bed and breakfast establishment.

4.5 Buffer Strips

a) a buffer strip shall be used for no other purpose than for the erection of a fence or the planting of a continuous row of natural evergreens or natural shrubs, immediately adjacent to the lot line or portion thereof along which such buffer strip is required hereunder, the remainder of the strip shall be landscaped and planted with ornamental shrubs, flowering shrubs, flower beds or a combination thereof;
b) where a buffer strip is required in any zone, it shall be of a minimum width as specified in the regulations for that zone;
c) a buffer strip shall be located within the zone for which it is required;
d) a buffer strip shall be planted, nurtured and maintained by the owner of the lot on which the buffer strip is located and the replacement of trees and plants shall be made, as necessary; and
e) a buffer strip may form part of any required landscaped open space.

4.6 Certain Uses Not Restricted

Notwithstanding any other provisions of this By-law, the provisions of this By-law shall not apply to:

a) playgrounds;
b) public streets or public walkways;
c) a statue, monument, cenotaph, fountain, flag pole, light standard or other such memorial or ornamental structure, except in a Residential zone;
d) facilities for the transformation, transmission or distribution of electrical energy or bio-heating facilities utilizing bio mass pellets or wood chips;
e) a pumping station for water or sewage;
f) a filtration plant, but not including a storage yard;
g) an underground transmission line for hot air, steam, gas, oil or other fluids;
h) an approved traffic signal;
i) a public election list or government proclamation, any sign or notice of the Provincial or Municipal government, or any other sign or notice contemplated by statute for the promotion of the public interest;
j) a watermain, sewer main, or gas main maintained by the appropriate authority;
k) a retaining wall for decorative, landscaping or bank stability purposes.

4.7 Corner Lot Sight Restrictions

Notwithstanding any other provisions of this By-law, and except in a Commercial Zone on a corner lot, within the triangular space included between the street lines for a distance of 6 metres from the point of intersection, no building or structure including a fence or sign shall be erected and no shrubs or foliage shall be planted or maintained which obstruct the view of a driver or a vehicle approaching intersection.

4.8 Dangerous Uses

No land, building or structure shall be used in the Town for the industrial manufacture or distribution of coal oil, rock oil, fuel oil, burning fluid gas, naphtha, benzene, gasoline, dynamite, dualene, nitroglycerine, gunpowder, petroleum products or other combustible or inflammable or liquid material which is likely to create danger to health, or danger from fire or explosion except as otherwise specifically provided for in this By-law.

4.9 Existing Lots

An existing lot, having less than minimum frontage or lot area required by this By-law, may be developed for all uses in the appropriate zone, provided all other regulations of this By-law are satisfied; and

a) such lots can be serviced by public water supply and public sanitary sewer services, or alternatively can be safely serviced by private individual water and sanitary services in accordance with the requirements of the Health Unit; and
b) such lots have a minimum frontage of 7.5 metres on a publically maintained year round open road.

4.10 Fences

Fences are permitted in all zones subject to any corner lot sight restrictions and the following:

a) in any Residential zone, fences in the required front yard shall not exceed 1.2 metres in height, except that privacy fencing to a maximum of 2.0 metres for semi-detached dwellings may be permitted in a required front yard provided that it is located along the common lot line separating the 2 attached units, it does not exceed 3.0 metres in length and it is not closer than 5.0 metres to the front lot line. In any Residential zone, fences in a required side yard or rear yard shall not exceed 2.0 metres in height. When a driveway intersects a side or rear lot line which abuts a street, no fence shall be located within 5.0 metres of the lot line abutting the street.

b) in all other zones, fences in a required front yard shall not exceed 1.0 metre in height.

4.11 Greater Restrictions to Apply

Where regulations or requirements of any government agency impose greater restrictions for any use, building or structure than the restrictions imposed by this By-law, then such greater restrictions shall apply to such use, building or structure.

4.12 Group Homes

A group home, licensed by the appropriate Provincial Ministry and crisis residence that is licenced or funded by the Province or other government agency, or combination thereof, shall be permitted within any single detached dwelling, a semi-detached or duplex dwelling, subject to the requirements of this subsection:

a) a group home and crisis residence shall have a maximum of 5 residents, excluding staff or receiving family;

b) a group home shall have 23 square metres of common habitable area and not less than 7 square metres of habitable area for each resident, exclusive of staff or receiving family; and

c) save as hereinafter provided, a group home shall not be within 350 metres of another group home.

4.13 Height Exceptions

The height regulations shall not apply to any ornamental dome, chimney, communications tower, power transmission tower, storage silo, barn, cupola, steeple, church spire, water storage tank, elevator enclosure, flag pole, television or radio antennae, grain elevator, mine headframe, windmill or weather monitoring device.

4.14 Home Occupations

Where a home occupation is permitted in a particular zone, it shall:

a) not change the character of the dwelling as a private residence or create or become a nuisance;

b) have at least one permanent resident of the dwelling unit engaged in the business;
c) shall not compete with an existing business in the commercial areas of the Town;
d) shall be licenced in accordance the Business Licence By-law of the Town;
e) have no external display or advertisement;
f) have no external storage of materials, containers, finished products, or equipment associated with the home occupation or home profession on the lot;
g) have no parking of trucks or commercial vehicles associated with the home occupation or home profession on the lot;
h) the home occupation or home profession shall be wholly confined to the dwelling unit and not occupy more than 25% of the floor area of the dwelling unit including the floor area of any basement area used as living quarters and any basement area used for the home occupation or home profession;
i) there shall be no goods, wares, or merchandise other than those produced on the premises, offered or exposed for sale or rent on such premises;
j) access approval from the Ministry of Transportation will be required for those home occupations that front onto a Provincial highway;
k) shall meet the requirements of any other regulatory agency or licencing body; and
l) have not more than one person employed, including a contractor, who is not a permanent resident of the dwelling unit.

4.15 Land Without Buildings

Where land is used for or in connection with any use, but without any buildings or structures therein, all yards required by the By-law on a lot in the respective use zone shall be provided and maintained as yards and the applicable regulations shall apply, except where the land or lot is used for gardening or open space purposes not prohibited by this By-law in such use zone.

4.16 Loading Spaces

No person shall erect or use any building or structure in any Commercial or Industrial Zone which involves the movement of goods, merchandise of materials, unless loading spaces are provided and maintained in accordance with the following provisions:

a) one loading space shall be provided for each 280 m^2 or fraction thereof of the total floor area;
b) loading spaces shall have dimensions not less than 3.0 metres by 7.5 metres; and
c) loading spaces shall not have less than 4.5 metres of vertical clearance.

4.17 Loading Spaces Standards

Where in this By-law, loading spaces are required or permitted, the following standards shall apply:

a) adequate driveway space to permit the safe manoeuvring, loading and unloading of vehicles on the lot such that they do not cause an obstruction or

a hazardous condition on adjacent streets, properties or sidewalks;

b) adequate drainage facilities in accordance with the requirements of the Town;

c) illumination of loading spaces shall be so arranged as to be diverted away from any adjacent Residential, Institutional or Open Space Zone;

d) the location of loading spaces to be restricted to the rear yard where a lot has access at both the front and rear to a street or road; and

e) loading spaces and approaches shall be surfaced with concrete, asphalt, crushed stone, gravel or a combination thereof with a stable surface treated to prevent the raising of dust or loose particles.

4.18 Lots with More than One Zone

Where a lot is divided into more than one zone, each such portion of said lot shall be considered separately for the purposes of determining zone provisions such as permitted uses, lot area, setbacks, building height, etc. and each such portion shall conform to the provisions of the appropriate zone, but no lot shall have more than 1 dwelling on the whole except as specifically provided in this By-law.

4.19 Main Buildings on a Lot

No person shall erect more than 1 dwelling unit on a lot unless specifically allowed in a zone. No person shall erect more than 1 main building on a lot except for:

a) commercial and industrial buildings located in commercial and industrial zones; and

b) farm related buildings located on an active farm.

4.20 Mobile Homes

Mobile homes shall only be permitted where specifically listed as permitted within a particular zone. An addition may be permitted to a mobile home up to 25% of the original floor area of the mobile home, provided the addition complies with lot coverage requirements of the particular zone in which the mobile home is located.

4.21 Non-Compliance with Minimum Lot or Yard Requirements

Where an existing building is located on a lot having less than the minimum frontage or area required by this By-law, or having less than the minimum front yard, side yard, or rear yard required by this By-law, the said building may be enlarged, reconstructed, repaired or renovated provided that:

a) the enlargement, reconstruction, repair or renovation does not further reduce the front yard, side yard, or rear yard to which it does not comply; and

b) all other applicable provisions of this By-law are complied with.

4.22 Non-Conforming Uses

The provisions of this By-law shall not apply or prevent:

a) the use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building or structure was lawfully used for such purpose on the date of passing of this by-law providing such use has been continuous

since that date. A use is deemed to be continuous if having ceased for any reason, the use is re-established within 1 year;

b) the use for any purpose prohibited by this By-law of any building or structures the plans for which have, prior to the date of the passing of the By-law, been approved by the Chief Building Official 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 erection of such building or structure is commenced within 6 months after the date of the passing of the By-law, and such building or structure is completed forthwith after the erection thereof is commenced;

c) the reconstruction of any existing legal non-conforming building or structure that is substantially damaged or destroyed by causes beyond the control of the owner provided that the dimensions of the original building or structure are not increased and the use of the building or structure is not changed, however any building or structure that sustains damage greater than 75% of its value must be reconstructed to conform to the By-law; or

d) the strengthening or restoration to a safe condition of any existing legal non-conforming building or structure provided the improvements are located within the perimeter of the existing non-conforming building or structure.

4.23 Obnoxious Uses

Nothing in this By-law shall be construed to permit the use of land for the erection or use of a building or structure for any purpose:

a) that is or is likely to become a nuisance or offensive:
   i) by the creation of noise or vibrations; or
   ii) by reason of the emission of gas, fumes, dust or objectionable odour; or
   iii) by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter or other such material; and

b) which by the nature of the materials used therein is declared under the Public Health Act, as amended or revised, or any regulations thereunder to be a noxious or offensive trade, business or manufacture.

4.24 Occupancy of Partially Completed Buildings

No new building, except in the case of an apartment building, shall be occupied before the main walls and roof have been erected and the external siding and roofing have been completed, water and sanitary services are installed, kitchen and heating facilities have been installed and an occupancy permit has been issued by the Chief Building Official. Any dwelling unit in an apartment building may be occupied, provided that all of the above conditions are satisfied, notwithstanding that one or more of the dwelling units have not been completed.

4.25 Outdoor Wood Burning Furnaces

Where an outdoor wood stove or furnace is established for heating of the primary building or structure, it shall be considered as part of such building or structure and shall conform to the provisions of the *Forest Fires Prevention Act,* and all yard requirements of the applicable zone. Outdoor wood burning furnaces are subject to the following provisions:

a) shall be permitted only in the RU zone;
b) may only be installed on lots having an area of 0.8 hectares or greater;
c) shall be supported by a non-combustible base or foundation that is designed according to the manufacturer's instructions to support the weight of the appliance. The base must in all cases extend a minimum of 0.3 m in all directions from the appliance on all sides;
d) the top of the chimney for an appliance using solid fuel and installed and erected outdoors shall be a minimum of 5 m above the adjacent ground and shall be equipped with a spark arrestor and a rain cap;
e) shall be located at least 15 m from any property line;
f) shall be located at least 3 m from any trees or non-habitable structures;
g) shall not be located in a front yard.

4.26 Outside Storage

Where outside storage is a permitted accessory use the following provisions shall apply:

a) storage of goods and materials including refuse containers are not permitted within 6.0 metres of a Residential zone;
b) storage and goods and materials including refuse containers shall be permitted in the required rear yard and interior side yard and in the case of a corner lot, not within the required exterior side yard setback; and
c) storage areas are to be screened from view by means of solid board fencing and/or landscaping features 3.0 metres in height.

4.27 Parking Area Standards

Where in this By-law parking areas designed for 4 or more vehicles are required or permitted:

a) adequate drainage facilities shall be provided and maintained in accordance with the requirements of the Town;
b) the parking area and approaches shall be surfaced with concrete, asphalt, crushed stone, gravel or a combination thereof;
c) the lights used for illumination of parking areas shall be so arranged and located as to divert the light away from adjacent lots and directed on the parking area;
d) parking areas shall be within 90.0 metres of the location which it is intended to serve and shall be situated in the same zone;
e) each parking space shall be 2.8 metres by 6.0 metres and shall be provided with unobstructed access to a street by a driveway, aisle or lane; and
f) a strip of buffer strip of land not less than 3.0 metres wide lying within the lot in which the parking area is located and along the boundaries of the parking area, shall be used for landscaping, excluding those areas used as entrances and exits.

4.28 Parking, Accessible Requirements

Accessible parking spaces shall be a minimum of 3.7 metres by 6.0 metres and the minimum number required to be provided shall be as follows:

TOTAL NUMBER OF PARKING SPACES	REQUIRED NUMBER OF ACCESSIBLE SPACES
0-12	1
13-100	4% of the required parking
101-200	1 space + 3% of the required parking
201-1000	2 spaces + 2% of the required parking
1000	11 spaces + 1% of the required parking

4.29 Parking Requirements

a) No person shall, within any Residential Zone, use any part of any front yard except the driveway for the parking of tent trailers, motor homes, travel trailers, boats and boat trailers, snow mobiles and snow mobile trailers, truck campers, school buses, converted buses or fifth wheel units, while the temporary storage of these vehicles can take place in the rear and side yards only;

b) where a building or structure accommodates more than one use, the required parking spaces shall be the sum of the required parking spaces for each use;

c) where a building or structure has deficient parking spaces at the date of passing of this By-law to comply with the requirements herein, this By-law shall not be construed to require the deficiency be made up prior to the construction of any addition. However, no addition may be built and no change in use may occur, the effect of which would increase the number of deficient parking spaces;

d) tandem parking of vehicles is permitted to accommodate the parking requirements for single detached dwellings, semi-detached dwelling units, duplex units, townhouse units, mobile homes, group homes, home occupations and home professions; and

e) the parking of commercial vehicles over 40 feet in length is prohibited within any Residential Zone in the townsite of Marathon.

Off-street parking shall be provided in accordance with the following provisions:

USE	MINIMUM PARKING REQUIRED
single detached dwellings, semi-detached dwellings, duplexes and mobile home	1.25 spaces per dwelling unit rounded to the next highest number
multiple unit dwellings, townhouses, apartment dwellings	1 space per dwelling unit
senior citizens apartment house	1 space per dwelling unit
schools	1 space for each teaching staff member, plus 1 additional space for each 20 m^2 of auditorium or gymnasium floor space
places of worship	1 space for every 10 seats or 6.0 metres of bench space of its maximum seating capacity
hospital, nursing home	1 space for every 4 beds
libraries	a minimum of 10 spaces or 1 space per 28 m^2 of building floor space, whichever is greater
home profession	1 space in addition to the parking required for the dwelling
group homes,	1 space for each staff member on duty at any one time plus 1 space for every 2 beds
boarding house, rooming house, and bed and breakfast establishment	1 space for every room rented
clinic	1 space per 28 m^2 of floor area
offices	1 space per 28 m^2 of floor area
retail or service stores	1 space per 28 m^2 of retail floor area
shopping centre	1 space per 25 m^2 of rentable floor area
bowling alley	3 spaces per bowling lane
curling rink	4 spaces per curling sheet
restaurants, take out restaurant	1 space per 9 m^2 of floor space or 10 spaces, whichever is greater
auditoriums, theaters, arenas, community centres, private clubs and other places of assembly, except where one or more of these uses are located in a shopping centre these uses shall be exempt from the parking requirements	where there are fixed seats, 1 space for every 5 seats or for every 3.0 metres of bench space; where there are no fixed seats, 1 space for each 9 m^2 of floor area devoted to public use
golf course	2 spaces per hole

USE	MINIMUM PARKING REQUIRED
golf driving range	1 space for every 2 persons who can be accommodated at one time
riding stable	1 space for every 4 horses available for public riding
marina	1 space per 28 m^2 of retail floor area plus 1 space for each boat slip
hotels, motels, taverns	1 space per rental unit, plus 1 additional space for each 9 m^2 of floor area devoted to public uses such as restaurants, taverns and other eating places associated with motels and staff houses
industrial uses	1 space for each 93 m^2 of floor area or for each 3 employees whichever is greater

4.30 Permitted Encroachments in Yards

a) Every part of any yard required by this By-law shall be open and unobstructed by any structure, other than fence, deck or patio, from the ground to the sky, provided however that those structures listed in the following table shall be permitted to project into the yards indicated for the distances specified:

STRUCTURE	YARD IN WHICH PROJECTION IS PERMITTED	MAX. PROJECTION FROM MAIN WALL PERMITTED
sills, belt courses, cornices, eaves, gutters, chimneys, parapets or pilasters	Any yard	0.5 metres
fire escapes	Rear yard only	1.5 metres

STRUCTURE	YARD IN WHICH PROJECTION IS PERMITTED	MAX. PROJECTION FROM MAIN WALL PERMITTED
exterior stairs	Front and Rear yards only	1.5 metres
window bays	Front and Rear yards only	1.0 metres
balconies	Front and Rear yards for single detached, semi-detached and duplex dwellings; any yard for apartment buildings	2.0 metres
open roofed porches not exceeding one storey in height; covered terraces	Front and Rear yards only	2.5 metres including eaves and cornices
canopies over entrances	Front and Rear yards only	3.0 metres
gate house	Any yard in a Commercial or Industrial Zone	1.0 metres from property boundary

b) Notwithstanding the requirements of Section 4.26 (a), any structures, buildings or accessory uses will be permitted to encroach onto any yard required by this By-law up to a maximum of 0.1 metre.

4.31 Permitted Public Uses

Notwithstanding anything else in this By-law, the provisions of this By-law shall not apply to the use of any land or to the erection or use of any building or structure by any public authority provided that:

a) the lot coverage, setback and yard requirements prescribed for the zone in which such land, building or structure is located are complied with, except electric power facilities;
b) no goods, material, or equipment are stored in the open in a residential zone, or within 60.0 metres of a residential zone;
c) any building erected in a residential zone under the authority of this paragraph is designed and maintained in general harmony with residential buildings of the type permitted in the said residential zone; and
d) any parking and loading regulations are complied with.

4.32 Portable Asphalt Plants

Where in this By-law, a portable asphalt plant is permitted in a particular zone, it shall:

a) not be located within the townsite of Marathon;
b) not be located within 400 metres of an existing residential use; and
c) not be located in an area where severe environmental disruption would occur.

4.33 Pre-fabricated Shipping Container

Pre-fabricated shipping containers shall be seen as an accessory structure not to exceed the following requirements:

(a) Pre-fabricated shipping containers are only permitted in the Rural, Rural Residential and Residential 1 Zones.
(b) 1 pre-fabricated shipping container per lot.
(c) Maximum size of shipping container shall be 2.5m in height, 2.5m in width and 6m in length.
(d) Pre-fabricated shipping are prohibited in the front yard and exterior side yard but permitted to be located in the interior side yard and rear yard.
(e) Pre-fabricated shipping containers shall be no closer than 1 m to any lot line.

4.34 Prohibited Uses

It shall be prohibited to use any land or to erect and use any building or other structure in any zone for the purpose of wrecking yards, automobile salvage yards, a waste disposal site or processing facility, a pit or quarry, the collection of rags, junk, any refuse, scrap iron, or other scrap metals, an abattoir and an adult entertainment parlour unless such uses are specifically listed as permitted uses within a particular zone.

4.35 Road Frontage Required

No person shall erect any building or structure for permanent, year-round or full-time use unless the lot upon which such building or structure is to be erected, except as otherwise specifically permitted by this By-law, has lot frontage upon a road which has been assumed by the Town, Province of Ontario or some other road authority, and is maintained year round by such authority in such a manner so as to permit its use by vehicular traffic. Notwithstanding the foregoing, a building or structure may be erected upon a lot within a registered plan of subdivision or plan of condominium in accordance with the provisions of a subdivision agreement and/or condominium agreement in respect of such plan by subdivision or condominium notwithstanding that the roads within such plan of subdivision or condominium have not been assumed and are not being maintained by the Municipality.

Notwithstanding anything to the contrary in this clause:

a) buildings and structures accessory to forestry and mining uses, but not for human habitation are permitted in appropriate zones where publicly

maintained road frontage is not available; and

b) recreational and tourist commercial uses such as hunting and fishing camps are permitted where public road frontage is not available provided there is navigable water access.

4.36 Secondary Dwelling Units

Where a secondary dwelling unit is permitted, the following provisions shall apply:

i) Only one secondary dwelling unit shall be permitted per lot and shall be located within the main dwelling unit;

ii) A secondary dwelling unit shall only be permitted in a single detached or semi-detached dwelling;

iii) The primary dwelling unit must be serviced by full municipal water and sewer services;

iv) One additional on-site parking space is provided exclusively for the secondary dwelling unit; and

v) The external appearance of the front façade of a building or any other façade of a building facing a street on which the lot has frontage shall not be altered.

4.37 Semi Trailers Parked, Stored or Used as Storage Facilities

The parking or storage of, and/or use of semi-trailers for temporary or permanent storage or warehouse facilities shall be prohibited in any Commercial, Residential, Institutional, Open Space, or Rural zone. Existing semi-trailers that are parked, stored and/or used for storage purposes on any Commercial, Residential, Institutional, Open Space or Rural zone shall be relocated in appropriately designated and zoned Industrial properties and facilities.

4.38 Service Stations, Public Garages and Gas Bars

Notwithstanding any permitted use to the contrary, no new service stations, public garages or gas bars shall be permitted within the Groundwater Protection Zones I and II as determined by the Marathon Groundwater Management Strategy. Where service stations, public garages and gas bars may be permitted they shall be subject to the following:

a) fuel pumps and fuel pump islands may be located in any required yard, however no portion of any fuel pump island shall be erected closer than 6.0 metres from any road allowance;

b) the minimum distance from the intersection of the front and side lot line to the nearest ingress or egress ramp shall not be less than 9.0 metres;

c) the maximum width of a curb ramp at the front or side lot line shall not be more than 7.0 metres;

d) the minimum distance between the ramps shall not be less than 9.0 metres;

e) a canopy or roof may be erected over fuel pumps and fuel pump islands or may be extended from the main building to the pump island, however a minimum setback of 3.0 metres is required between the extent of the canopy or the roof and any lot line; and

f) where the lot is a corner lot, no portion of any canopy or roof shall be located within any sight triangle.

4.39 Services Required

Notwithstanding any other provisions of this By-law, no lands shall be used nor any building or structure erected or used thereon unless:

a) public sanitary sewer and water services are available and capable of servicing the said land, buildings or structures; or

b) unless the requirements of the Health Unit or designated authority are met for the use of private water supply and sewage treatment services for the servicing of said land, buildings or structures.

4.40 Setbacks and Lot Frontage Requirements on Provincial Highways

A building or structure in any zone adjacent to a provincial highway is subject to the setback and lot frontage requirements of the Ministry of Transportation which may be greater than municipal requirements. In general, Ministry setbacks for residential uses along a provincial highway is 7.6 metres and all other uses require a 13.7 metres setback and the minimum lot frontage requirements within a 50 km/h speed zone is 31.5 metres and within an 80 km/h speed zone 45 metres for commercial, industrial, institutional and multiple residential uses. The Ministry of Transportation should be consulted for specific setback, lot frontage and access requirements along provincial highways.

4.41 Setback from Navigable and Non-Navigable Watercourses, Hazard Land and Municipal Surface Drains

Notwithstanding any other provisions of this By-law, a building in any zone is required to be no nearer than 15 metres from the top of the bank of any watercourse, or municipal drainage ditch permanent or intermittent, which may or may not be navigable. In the case of hazard lands, no part of any building shall be constructed closer than 15 metres to the nearest point of the area to which the hazardous condition is deemed to exist.

4.42 Setback from Waste Disposal Site

Notwithstanding any other provisions of this By-law, a residential building in any zone is required to be setback a distance of 500 metres from existing and former waste disposal sites.

4.43 Setbacks on Roads

Notwithstanding any other provisions of this By-law, a building or structure in any zone on a public road allowance which is less than 20 metres wide, shall be set back 10 metres plus the required minimum front yard for that zone measured from the centre line of the road allowance.

4.44 Signs

Nothing in this By-law shall apply to prevent the erection or use of any sign, provided that:

a) such sign complies with any By-law of the Town regulating signs; and

b) such sign complies with the provisions of this By-law regarding corner lot

sight restrictions.

4.45 Special Uses Permitted

Nothing in this By-law shall prevent the use of land or the use or erection of a building or structure for:

a) a scaffold or other temporary building or structure incidental to construction in progress on premises for which a building permit has been granted, until such time as the work has been finished or abandoned;
b) a sign having an area of not more than 4.7 m^2 incidental to construction in progress on premises for which a building permit has been granted, until such time as the work has been finished or abandoned;
c) a municipal parking meter;
d) a street traffic sign or street light or yard light;
e) an authorized sign or signal; or
f) a public election list or other proclamation of governmental authority.

4.46 Structures in Water

No person shall erect, alter or use any structure located in a navigable water except in compliance with the Lakes and Rivers Improvement Act, and the Navigable Waters Act, as revised or amended from time to time.

4.47 Temporary Buildings

The temporary use of buildings and structures, including mobile homes, incidental to and necessary for lawful construction work will be permitted in all zones, but only for as long as the same are necessary for the construction work subject to an agreement with the Town.

4.48 Truck, Bus and Coach Bodies or Trailers or Tents used for Human Habitation

Except as expressly permitted by this By-law:

a) no truck, bus, railroad car, caboose, coach or streetcar body shall be used for human habitation whether the same is mounted on wheels or not; and
b) the use of tents and trailers for human habitation is prohibited provided, however, that this provision shall not prevent the use of tents or trailers for children's play or for picnics, or for the occasional accommodation of guests in a Residential Zone.

4.49 Wayside Pits and Quarries

Where in this By-law, a wayside pit and quarry is permitted in a particular zone, it shall:

a) not be located within 90 metres of an existing residential use or on lands zoned for residential purposes; and
b) not be located in an area where environmental disruption would occur.

4.50 Yard and Open Space Provision for all Zones

No part of a yard or other open space required abutting any building for the purpose of complying with the provisions of this By-law shall be included as part of a yard or other open space similarly required for another building.

SECTION 5 - RURAL ZONE (RU) REGULATIONS

5.1 Permitted Uses

No land shall be used in the Rural Zone (RU) except for the following purposes:

a) single detached dwelling
b) mobile home
c) bed and breakfast establishment
d) home occupation
e) animal kennel
f) agricultural use
g) stable or a riding academy
h) forestry use
i) interpretive centre
j) tourist information centre
k) conservation use
l) marina
m) mineral exploration
n) wayside pit and quarry
o) portable asphalt plant
p) accessory uses, buildings and structures in accordance with Section 4.2

5.2 Zone Provisions

a)	Minimum Lot Area	4.0 hectares
b)	Minimum Lot Frontage	100.0 metres
c)	Maximum Lot Coverage	10%
d)	Minimum Front Yard	15.0 metres
e)	Minimum Side Yard	15.0 metres
f)	Minimum Exterior Side Yard	15.0 metres
g)	Minimum Rear Yard	15.0 metres
h)	Maximum Height	10.5 metres
i)	Minimum Dwelling Unit Area	
	i) mobile home	45 square metres
	ii) all other dwelling units	90 square metres

5.3 Other Provisions

Notwithstanding the provisions of Section 5.2, the required setback for any building used to house livestock shall be determined through the Minimum Distance Separation Formula II, as amended from time to time and the required setback for any new residential use adjacent to an existing livestock operation shall be determined through the Minimum Distance Separation Formula I, as amended from time to time.

SECTION 6 - RURAL RESIDENTIAL ZONE (RR) REGULATIONS

6.1 Permitted Uses

No land shall be used in the Rural Residential Zone (RR) except for the following purposes:

a) single detached dwelling
b) mobile home
c) bed and breakfast establishment
d) home occupation or home profession
e) accessory uses, buildings or structures in accordance with Section 4.2

6.2 Zone Provisions

a)	Minimum Lot Area	1.2 hectare
b)	Minimum Lot Frontage	30.0 metres
c)	Maximum Lot Coverage	35%
d)	Minimum Front Yard	15.0 metres
e)	Minimum Side Yard	7.5 metres
f)	Minimum Exterior Side Yard	10.0 metres
g)	Minimum Rear Yard	12.0 metres
h)	Maximum Building Height	10.5 metres
i)	Minimum Dwelling Unit Area	
	i) mobile home	45 square metres
	ii) all other dwelling units	90 square metres

6.3 Other Provisions

The required setback for any new residential use adjacent to an existing livestock operation shall be determined through the Minimum Distance Separation Formula I, as amended from time to time.

SECTION 7 - RESIDENTIAL 1 ZONE (R1) REGULATIONS

7.1 Permitted Uses

No land shall be used in the Residential 1 Zone (R1) except for the following purposes:

a) single detached dwelling
b) semi-detached dwelling or duplex
c) bed and breakfast establishment
d) home occupation
e) group home
f) tourist home
g) accessory uses, building or structures in accordance with Section 4.2

7.2 Zone Provisions

a)	Minimum Lot Area	500 square metres
b)	Minimum Lot Frontage	15.0 metres
c)	Maximum Lot Coverage	35%
d)	Minimum Front Yard	7.5 metres
e)	Minimum Side Yard	1.5 metres, except that where there is a side entrance to a dwelling, the minimum side yard shall be 3.0 metres
f)	Minimum Exterior Side Yard	4.5 metres, except that where an entrance to a garage faces an exterior side yard, the minimum exterior side yard shall be 6.0 metres
g)	Minimum Rear Yard	7.5 metres
h)	Maximum Building Height	10.5 metres
i)	Minimum Dwelling Unit Area	85 square metres

7.3 Zone Provisions for Semi-Detached Dwellings

a)	Minimum Lot Area per Unit	325 square metres
b)	Minimum Lot Frontage	9.0 metres
c)	Maximum Lot Coverage	40%
d)	Minimum Front Yard	7.5 metres
e)	Minimum Side Yard	1.5 metres, no side yard is required for a semi-detached dwelling between the common vertical wall dividing one unit from another
g)	Minimum Exterior Side Yard	4.5 metres on each side, except that where an entrance to a garage faces an exterior side yard, the exterior side yard shall be 6.0 metres
h)	Minimum Rear Yard	7.5 metres
i)	Maximum Building Height	10.5 metres
j)	Minimum Dwelling Unit Area	60 square metres

7.4 Zone Provisions for a Duplex Dwelling

a)	Minimum Lot Area	650 square metres
b)	Minimum Lot Frontage	18.0 metres
c)	Maximum Lot Coverage	35%
d)	Minimum Front Yard	7.5 metres
e)	Minimum Side Yard	1.5 metres
f)	Minimum Exterior Side Yard	4.5 metres on each side, except that where an entrance to a garage faces an exterior side yard, the exterior side yard shall be 6.0 metres
g)	Minimum Rear Yard	7.5 metres
h)	Maximum Building Height	10.5 metres
i)	Minimum Dwelling Unit Area	60 square metres

SECTION 8 - MOBILE HOME RESIDENTIAL ZONE (R2) REGULATIONS

8.1 Permitted Uses

No land shall be used in the Mobile Home Residential Zone (R2) except for the following purposes:

a) mobile home
b) modular dwelling
c) accessory uses, buildings and structures in accordance with Section 4.2

8.2 Zone Provisions

a)	Minimum Lot Area	500 square metres
b)	Minimum Lot Frontage	15.0 metres
c)	Maximum Lot Coverage	35%
d)	Minimum Front Yard	7.5 metres
e)	Minimum Side Yard	1.5 metres on one side and 4.5 metres on the other side
f)	Minimum Exterior Side Yard	4.5 metres
g)	Minimum Rear Yard	7.5 metres
h)	Maximum Dwelling Height	4.0 metres
i)	Minimum Dwelling Unit Area	45.0 square metres

SECTION 9 - RESIDENTIAL MULTIPLE ZONE (RM-1) REGULATIONS

9.1 Permitted Uses

No land shall be used in the Residential Multiple Zone (RM-1) except for the following purposes:

a) multiple dwelling unit
b) street townhouse dwellings
c) block townhouse dwellings
d) apartment building
e) boarding house, rooming house
f) accessory uses, buildings and structures in accordance with Section 4.2

9.2 Zone Provisions for a Multiple Dwelling Unit

a)	Minimum Lot Area	700 square metres
b)	Minimum Lot Frontage	20.0 metres
c)	Maximum Lot Coverage	35%
d)	Minimum Front Yard	7.5 metres
e)	Minimum Side Yard	1.5 metres, except that where there is a side entrance to a dwelling, the minimum side yard shall be 3.0 metres
f)	Minimum Exterior Side Yard	4.5 metres, except that where an entrance to a garage faces an exterior side yard, the exterior side yard shall be 6.0 metres
g)	Minimum Rear Yard	9.0 metres
h)	Minimum Landscaped Area	20%
i)	Maximum Dwelling Height	10.5 metres
j)	Minimum Dwelling Unit Area	80 square metres

9.3 Zone Provisions for Street Townhouse Dwellings

a)	Minimum Lot Area per Unit	230 square metres
b)	Minimum Lot Frontage per Unit	6.7 metres for interior units and 9.0 metres for exterior/end units
c)	Maximum Lot Coverage	40%
d)	Minimum Front Yard	6.0 metres
e)	Minimum Side Yard	3.0 metres for end units. No interior side yard is required between the common vertical wall dividing one unit from another
f)	Minimum Exterior Side Yard	4.5 metres, except where an entrance to a garage faces an exterior side yard, the minimum exterior side yard shall be 6.0 metres
g)	Minimum Rear Yard	7.5 metres
h)	Maximum Dwelling Height	10.5 metres
i)	Minimum Dwelling Unit Area	80 square metres

9.4 Zone Provisions for Block Townhouse Dwellings

a)	Minimum Lot Area per Unit	285 square metres
b)	Minimum Lot Frontage	30.0 metres
c)	Maximum Lot Coverage	35%
d)	Minimum Front Yard	7.5 metres
e)	Minimum Side Yard	7.5 metres
f)	Minimum Exterior Side Yard	7.5 metres
g)	Minimum Rear Yard	7.5 metres
h)	Minimum Distance Between any Townhouse Dwelling and an Internal Roadway or Parking Area	6.0 metres
i)	Minimum Landscaped Area	25%
j)	Maximum Dwelling Height	10.5 metres
k)	Minimum Dwelling Unit Area	80 square metres

9.5 Zone Provisions for Apartment Building

a)	Minimum Lot Area per Unit	135 square metres
b)	Minimum Lot Frontage	30.0 metres
c)	Maximum Lot Coverage	35%
d)	Minimum Front Yard	7.5 metres
e)	Minimum Side Yard	6.0 metres, except that where the interior lot line abuts an R1, R2 or R3 Zone, a minimum side yard equal to the building height is required, or whichever is greater
f)	Minimum Exterior Side Yard	7.5 metres
g)	Minimum Rear Yard	7.5 metres, except that where the rear lot line abuts an R1, R2 or R3 Zone, a minimum rear yard equal to the building height is required, or whichever is greater
h)	Minimum Distance Between Apartment Buildings on the Same Lot	15 metres
i)	Minimum Landscaped Open Space	30%
j)	Maximum Dwelling Height	12.0 metres
k)	Minimum Dwelling Unit Area	
	i) Bachelor Unit	37 square metres
	ii) One Bedroom Unit	55 square metres
	iii) Two Bedroom or More	65 square metres
l)	Buffer Strip	Where an apartment building abuts a R1, R2 or R3 Zone, a buffer strip shall be provided along the adjoining property line having a minimum width of 3.0 metres in compliance with Section 4.5

9.6 Zone Provisions for a Boarding House, Rooming House

a)	Minimum Lot Area	790 square metres

b)	Minimum Lot Frontage	25.0 metres
c)	Maximum Lot Coverage	35%
d)	Minimum Front Yard	7.5 metres
e)	Minimum Side Yard	3.0 metres, except for buildings higher than 10.5 metres in which case the minimum side yard shall be 4.5 metres
f)	Minimum Exterior Side Yard	4.5 metres, except that where an entrance to a garage faces an exterior side yard, the minimum exterior side yard shall be 6.0 metres
g)	Minimum Rear Yard	9.0 metres
h)	Minimum Landscaped Area	30%
i)	Maximum Dwelling Height	12.0 metres
j)	Minimum Dwelling Unit Area	110 square metres
k)	Minimum Guest Room Area	9 square metres

SECTION 10—TEMPORARY ACCOMMODATIONS ZONE (RM-2) REGULATIONS

10.1 Permitted Uses

a) temporary accommodations
b) accessory uses, buildings and structures in accordance with Section 4.2

10.2 Zone Provisions for Temporary Accommodations

a)	Minimum Lot Frontage	30.0 metres
b)	Maximum Lot Coverage	40%
c)	Minimum Front Yard	7.5 metres
d)	Minimum Side Yard	6.0 metres, except that where the interior lot line abuts an R1, R2 or R3 Zone, a minimum side yard equal to the building height is required, or whichever is greater
e)	Minimum Exterior Side Yard	7.5 metres
f)	Minimum Rear Yard	7.5 metres, except that where the rear lot line abuts an R1, R2 or R3 Zone, a minimum rear yard equal to the building height is required, or whichever is greater
g)	Minimum Landscaped Area	30%
h)	Maximum Building Height	12.0 metres
i)	Buffer Strip	Where a temporary accommodation and parking area abuts a R1, R2 or R3 Zone, a buffer strip shall be provided along the adjoining property line having a minimum width of 3.0 metres in compliance with Section 4.5

SECTION 11 - SEASONAL RESIDENTIAL ZONE (SR) REGULATIONS

11.1 Permitted Uses

No land shall be used in the Seasonal Residential Zone (SR) except for the following purposes:

a) cottage or cabin
b) accessory uses, buildings and structures in accordance with Section 4.2

11.2 Zone Provisions

a)	Minimum Lot Area	0.4 hectares
b)	Minimum Lot Frontage	45.0 metres
c)	Maximum Lot Coverage	15%
d)	Minimum Setback from Water	
	i) docks, boathouses, pump houses	nil
	ii) other uses	15.0 metres
e)	Minimum Front Yard	15.0 metres
f)	Minimum Side Yard	10.0 metres
g)	Minimum Rear Yard	15.0 metres
h)	Maximum Dwelling Height	7.5 metres
i)	Minimum Dwelling Unit Area	37 square metres

11.3 Access

Lots with water frontage or water access only must have boat launching, docking and vehicle parking facilities to support the water access.

SECTION 12 - NEIGHBOURHOOD COMMERCIAL ZONE (C1) REGULATIONS

12.1 Permitted Uses

No land shall be used in the Neighbourhood Commercial Zone (C1) except for the following purposes:

a) convenience store
b) personal service establishment
c) accessory uses, buildings and structures in accordance with Section 4.2, including an accessory apartment dwelling unit

12.2 Zone Provisions for Commercial Uses

a)	Minimum Lot Area	500 square metres
b)	Minimum Lot Frontage	15.0 metres
c)	Maximum Lot Coverage	40%
d)	Minimum Front Yard	7.5 metres
e)	Minimum Side Yard	3.0 metres, except where the interior side yard abuts a Residential Zone or use, 6.0 metres is required
f)	Minimum Exterior Side Yard	4.5 metres
g)	Minimum Rear Yard	7.5 metres, except where the rear yard abuts a Residential Zone or use, 9.0 metres is required
h)	Minimum Landscaped Area	20%
i)	Maximum Height	10.5 metres
j)	Minimum Floor Area	60 square metres
k)	Outside Storage	none permitted

12.3 Zone Provisions for Accessory Apartment Dwelling Unit

a)	Location	Dwelling units may be permitted above or behind a commercial use, but are not permitted in a cellar or basement
b)	Minimum Dwelling Unit Area	
	i) Bachelor Unit	37 square metres
	ii) One Bedroom Unit	55 square metres
	iii) Two Bedroom or More	65 square metres
c)	Minimum Amenity Area for the Accessory Apartment Unit	9 square metres

SECTION 13 - GENERAL COMMERCIAL ZONE (C2) REGULATIONS

13.1 Permitted Uses

No land shall be used in the General Commercial Zone (C2) except for the following purposes:

a) assembly hall
b) bake shop
c) building supply outlet
d) bus terminal
e) business office
f) car wash
g) clinic
h) commercial school
i) commercial or private club
j) community centre
k) community support service organization
l) entertainment facility
m) financial institution
n) gardening centre
o) hotel or motel
p) motor vehicle or recreation vehicle sales, leasing and storage establishment, excluding vehicle repair
q) museum
r) parking lot
s) personal service establishment
t) post office
u) restaurant, tavern
v) retail store
w) service establishment
x) shopping centre
y) taxi establishment
z) theatre
aa) tourist outfitters establishment
bb) train station
cc) undertaking establishment
dd) accessory uses, buildings and structures in accordance with Section 4.2, including an accessory apartment dwelling unit

13.2 Zone Provisions for Commercial Uses

a)	Minimum Lot Area	500 square metres for hotels or motels, all other uses 230 square metres, plus 60 square metres for an accessory apartment unit
b)	Minimum Lot Frontage	30.0 metres for hotels or motels, 15.0 metres for all other uses
a)	Maximum Lot Coverage	50%
b)	Minimum Front Yard	1.0 metres
c)	Minimum Side Yard	1.0 metres, except for hotels and motels the minimum side yard shall be

		6.0 metres except where a hotel or motel abuts a Residential Zone the minimum side yard shall be 9.0 metres
d)	Minimum Exterior Side Yard	4.5 metres
e)	Minimum Rear Yard	6.0 metres
f)	Minimum Landscaped Area	20% for hotels and motels, all other uses 0%
g)	Maximum Height	10.5 metres for hotels and motels, all other uses 12.0 metres
h)	Minimum Floor Area	60 square metres
i)	Buffer Strip	Where a General Commercial Zone (C2) abuts a residential, institutional or open space zone, a buffer strip shall be provided along the adjoining property line having a minimum width of 3.0 metres in compliance with Section 4.5

13.3 Zone Provisions for Accessory Apartment Dwelling Unit
In accordance with the provisions set out in Section 12.3

SECTION 14 - HIGHWAY COMMERCIAL ZONE (C3) REGULATIONS

14.1 Permitted Uses

No land shall be used in the Highway Commercial Zone (C3) except for the following purposes:

a) automobile service station
b) bulk storage and sales establishment
c) gas bar
d) hotel
e) motel
f) restaurant
g) tavern
h) tourist outfitters establishment
i) vehicle sales, leasing, equipment and service establishment
j) manufacturing incidental to a permitted use provided it does not exceed 50% of the floor area and is for the manufacturing of products sold on the premises
k) accessory uses, buildings and structures in accordance with Section 4.2, including an accessory dwelling unit or mobile home for a caretaker, owner or manager of a permitted use

14.2 Zone Provisions for Commercial Uses

a)	Minimum Lot Area	
	i) Unserviced	0.8 hectare
	ii) Serviced	1,000 square metres
b)	Minimum Lot Frontage	
	i) Unserviced	45.0 metres
	ii) Serviced	30.0 metres
c)	Maximum Lot Coverage	
	i) Unserviced	30%
	ii) Serviced	50%
d)	Minimum Front Yard	15.0 metres
e)	Minimum Side Yard	7.5 metres
f)	Minimum Exterior Side Yard	10.0 metres
g)	Minimum Rear Yard	7.5 metres
h)	Minimum Landscaped Area	20%
i)	Maximum Height	12.0 metres
j)	Minimum Floor Area	60 square metres
k)	Buffer Strip	Where a Highway Commercial Zone (C3) abuts a residential, institutional or open space zone, a buffer strip shall be provided along the adjoining property line having a minimum width of 3.0 metres in compliance with Section 4.5

14.3 Zone Provisions for Gas Bar, Automobile Service Stations and Public Garages

Notwithstanding any other provision of this By-law, where a lot is used for an automobile service station or public garage, the following regulations shall apply:

a)	Minimum Lot Area	
	i) Unserviced	0.8 hectare
	ii) Serviced	1000 square metres
b)	Minimum Lot Frontage	
	i) Unserviced	36.0 metres
	ii) Serviced	25.0 metres
c)	Maximum Lot Coverage	35%
d)	Minimum Front Yard	15.0 metres
e)	Minimum Side Yard	4.5 metres
f)	Minimum Exterior Side Yard	7.5 metres
g)	Minimum Rear Yard	7.5 metres
h)	Minimum Landscaped Area	10%
i)	Maximum Building Height	10.5 metres
j)	Minimum Floor Area	40 square metres
k)	Buffer Strip	Where a gas bar, automobile service station or public garage abut a residential, institutional or open space use, a buffer strip shall be provided along the adjoining property line having a minimum width of 3.0 metres in compliance with Section 4.5

14.4 Zone Provisions for Accessory Dwelling Unit

a)	Minimum Front Yard	15.0 metres
b)	Minimum Side Yard	15.0 metres
c)	Minimum Rear Yard	15.0 metres
d)	Maximum Building Height	10.5 metres
e)	Maximum Dwelling Unit Area	45 square metres

SECTION 15 - TOURIST COMMERCIAL ZONE (TC) REGULATIONS

15.1 Permitted Uses

No land shall be used in the Tourist Commercial Zone (TC) except for the following purposes:

a) boat launch and docking facilities
b) marina
c) public park
d) restaurant
e) seaplane base
f) tavern
g) tourist outfitters establishment
h) accessory uses, buildings and structures in accordance with Section 4.2, including accessory convenience store and gift shop

15.2 Zone Provisions

a)	Minimum Lot Area	0.8 hectares
b)	Minimum Lot Frontage	50.0 metres
c)	Maximum Lot Coverage	35%
d)	Minimum Front Yard	15.0 metres
e)	Minimum Side Yard	10.0 metres
f)	Minimum Exterior Side Yard	15.0 metres
g)	Minimum Rear Yard	10.0 metres
h)	Minimum Setback from Water	
	i) docks, boathouses, pumphouses	nil
	ii) other uses	15.0 metres
i)	Maximum Building Height	12.0 metres
k)	Buffer Strip	Where a Tourist Commercial Zone (TC) abuts a residential, institutional or open space use, a buffer strip shall be provided along the adjoining property line having a minimum width of 3.0 metres in compliance with Section 4.5

15.3 Zone Provisions for Seaplane Base

a)	Minimum Lot Area	0.6 hectare
b)	Minimum Lot Frontage	46.0 metres
c)	Maximum Lot Coverage	30 percent
d)	Minimum Front Yard	
	i) abutting a road	9.0 metres
	ii) abutting water	20.0 metres
e)	Minimum Side Yard	7.5 metres
f)	Minimum Exterior Side Yard	10.0 metres
g)	Minimum Rear Yard	9.0 metres
h)	Maximum Building Height	9.0 metres

i)	Minimum Floor Area	55 square metres
j)	Buffer Strip	Where a seaplane base abuts a residential, institutional or open space zone, a buffer strip shall be provided along the property line having a minimum width of 3.0 metres in compliance with Section 4.5

15.4 Access

Lots with water frontage and water access only must have boat launching, docking, vehicular parking facilities and/or float plane access to support the water access.

SECTION 16 - ENTERPRISE ZONE (E) REGULATIONS

16.1 Permitted Uses

No land shall be used in the Enterprise Zone (E) except for the following purposes:

a) automotive sales and service
b) automotive parts and accessory sales
c) business office
d) equipment sales and service establishment
e) financial institution
f) gas bar
g) hotel
h) motel
i) printing and publishing establishment
j) research and development centre
k) restaurant
l) retail store
m) service shop
n) warehouse and bulk storage of goods and products except for oil, gasoline, petroleum products, cleaning products, pesticides, herbicides, fungicides, chemicals, resins, paints, varnish, printing inks, adhesives and dyes
o) accessory uses, buildings and structures in accordance with Section 4.2

16.2 Zone Provisions for Industrial Uses

a)	Minimum Lot Area	500 square metres
b)	Minimum Lot Frontage	30 metres
c)	Maximum Lot Coverage	50%
d)	Minimum Front Yard	10.0 metres
e)	Minimum Side Yard	7.5 metres
f)	Minimum Exterior Side Yard	10.0 metres
g)	Minimum Rear Yard	10.0 metres
h)	Minimum Yard abutting a Residential, Institutional or Open Space Use	20.0 metres
	Minimum Landscaped Area	10%
i)	Maximum Building Height	12 metres
j)	Minimum Floor Area	120 square metres
k)	Buffer Strip	Where a use abuts a residential, institutional or open space use, a buffer strip shall be provided along the property line having a minimum width of 3.0 metres in compliance with Section 4.5
l)	Loading Dock or Space	No loading dock or space for unloading in connection with any use shall be located between the front wall of the main building and the street line.
m)	Building and Structure Material	No building or structure shall be erected along Penn Lake Road or Peninsula Road unless the front and

		side walls of the building or structure are constructed of brick, stone, stucco on masonry, glazed block, marble, enamel or composite panels other than wood and shall not be formed of corrugated materials, asbestos sheeting on steel unless the exterior surface has a permanent coloured, factory applied finish.
n)	Outside Storage	Outside storage shall be permitted in compliance with Section 4.26.

SECTION 17 - LIGHT INDUSTRIAL ZONE (M1) REGULATIONS

17.1 Permitted Uses

No land shall be used in the Light Industrial Zone (M1) except for the following purposes:

a) carpenter or joiner's shop
b) communication and satellite transmission facilities
c) contractor's building and yard
d) equipment sales and service establishment
e) heavy equipment service and repair
f) manufacturing printing and publishing establishment
g) research and development centre
h) vehicle sales and service
i) warehouse and bulk storage of goods and products except for oil, gasoline, petroleum products, cleaning products, pesticides, herbicides, fungicides, chemicals, resins, paints, varnish, printing inks, adhesives and dyes
j) accessory uses, buildings and structures in accordance with Section 4.2 including offices, retail uses and an accessory bachelor apartment unit for an owner, manager, caretaker or one person employed by a manufacturing or industrial operation or permitted use

17.2 Zone Provisions for Industrial Uses

a)	Minimum Lot Area	
	i) Unserviced	1.2 hectare
	ii) Serviced	1000 square metres
b)	Minimum Lot Frontage	
	i) Unserviced	45.0 metres
	ii) Serviced	30.0 metres
c)	Maximum Lot Coverage	
	a) Unserviced	35%
	b) Serviced	50%
d)	Minimum Front Yard	10.0 metres
e)	Minimum Side Yard	7.5 metres
f)	Minimum Exterior Side Yard	10.0 metres
g)	Minimum Rear Yard	10.0 metres
h)	Minimum Yard abutting a Residential, Institutional or Open Space Use	20.0 metres
i)	Minimum Landscaped Area	10%
j)	Maximum Building Height	12 metres
k)	Minimum Floor Area	120 square metres
l)	Buffer Strip	Where an industrial use abuts a residential, institutional or open space use, a buffer strip shall be provided along the property line having a minimum width of 3.0 metres in compliance with Section 4.5
m)	Retail Use Area	Maximum of 25% of the ground floor area or 280 square metres, whichever is the greater.
n)	Outside Storage	Outside storage shall be permitted in

compliance with Section 4.26.

17.3 Zone Provisions for Accessory Dwelling Unit

a)	Location	Dwelling units may be permitted above or behind an industrial use, but are not permitted in a cellar or basement
b)	Maximum Dwelling Unit Area	37 square metres

SECTION 18 - HEAVY INDUSTRIAL ZONE (M2) REGULATIONS

18.1 Permitted Uses

No land shall be used in the Heavy Industrial Zone (M2) except for the following purposes:

a) abattoir
b) aggregate extraction and processing including crushing, screening, washing
c) airport and airport related buildings
d) blacksmith or welder's shop
e) bulk sales and storage establishment
f) communication transmission facility
g) hydro generating or distribution station
h) machine shop
i) manufacturing
j) mining operation
k) pulp and paper mill
l) propane storage and sales
m) railway and railway yard
n) road maintenance and works yards
o) salvage yard
p) sawmill
q) sewage treatment plant
r) snow storage and disposal facilities
s) trucking depot and transportation terminal
t) warehouse
u) waste disposal site
v) water treatment plant
w) wayside pit and quarry
x) wrecking yard
y) accessory uses, buildings and structures in accordance with Section 4.2 including offices, retail uses and an accessory bachelor apartment unit for an owner, manager, caretaker or one person employed by a manufacturing or industrial operation or permitted use

18.2 Zone Provisions for Industrial Uses

a)	Minimum Lot Area	
	i) Unserviced	1.2 hectare
	ii) Serviced	2000 square metres
b)	Minimum Lot Frontage	
	i) Unserviced	45.0 metres
	ii) Serviced	30.0 metres
c)	Maximum Lot Coverage	
	i) Unserviced	35%
	ii) Serviced	50%
d)	Minimum Front Yard	10.0 metres
e)	Minimum Side Yard	7.5 metres
f)	Minimum Exterior Side Yard	10.0 metres
g)	Minimum Rear Yard	10.0 metres
h)	Minimum Yard abutting a	

	Residential, Institutional or Open Space Use	20.0 metres
i)	Minimum Landscaped Area	10%
j)	Minimum Floor Area	120 square metres
k)	Buffer Strip	Where an industrial use abuts a residential, institutional or open space use, a buffer strip shall be provided along the property line having a minimum width of 3.0 metres in compliance with Section 4.5 except automobile wrecking yards and salvage yards shall be in compliance with Section 4.3
l)	Retail Use Area	Maximum of 25% of the ground floor area or 280 square metres, whichever is the greater

18.3 Zone Provisions for Waste Disposal Sites

a)	Minimum Lot Area	20.0 hectare
b)	Minimum Lot Frontage	100.0 metres
c)	Maximum Lot Coverage	1%
d)	Minimum Front Yard	30.0 metres
e)	Minimum Side Yard	30.0 metres
f)	Minimum Rear Yard	30.0 metres
g)	Minimum Yard abutting a Residential, Institutional or Open Space Use	45.0 metres
h)	Maximum Building Height	10.5 metres
i)	Buffer Strip	Where a waste disposal site abuts a residential, institutional or open space zone a buffer strip, together with screening measures shall be provided along the property line having a minimum width of 6.0 metres in compliance with Section 4.5

18.4 Zone Provisions for Aggregate Extraction and Processing Uses

a)	Minimum Lot Area		2.0 hectare
b)	Minimum Lot Frontage		100.0 metres
c)	Maximum Lot Coverage		1%
d)	Minimum Excavation Setback		
	i)	from lot line	15.0 metres
	ii)	from road allowance	30.0 metres
	iii)	from abutting lands used for residential, institutional, commercial or recreational uses	30.0 metres
	iv)	from abutting any lands zoned for Residential uses	30.0 metres

e)	Minimum Setback for Building, Equipment, Machinery, or Stockpiling		
	i)	from lot line	30.0 metres
	ii)	from road allowance	30.0 metres
	iii)	from lands used or zoned for residential purposes	90.0 metres
f)	Minimum Setback for Blasting Operations		450 metres
g)	Buffer Strip		Where an aggregate use abuts a residential, institutional, commercial or open space use, a buffer strip together with screening measures shall be provided along the property line having a minimum width of 6.0 metres in compliance with Section 4.5

18.5 Zone Provisions for Mining Operations

a)	Minimum Lots Area	5.0 hectares
b)	Minimum Lot Frontage	200.0 metres
c)	Maximum Lot Coverage	5%
d)	Minimum Front Yard	30.0 metres
e)	Minimum Side Yard	30.0 metres
f)	Minimum Rear Yard	30.0 metres
g)	Minimum Yard abutting a Residential, Institutional or Open Space Use	150.0 metres
h)	Maximum Building Height	7.5 metres
i)	Buffer Strip	Where a mining operation abuts a Residential, Institutional, Open Space or a Tourist Commercial Zone, a buffer strip 120.0 metres in width is required

18.6 Zone Provisions for Accessory Dwelling Unit

In accordance with the provisions set out in Section 17.3.

SECTION 19 - INSTITUTIONAL ZONE (I) REGULATIONS

19.1 Permitted Uses

No land shall be used in the Institutional Zone (I) except for the following purposes:

a) hospital
b) clinic
c) school or other educational institution
d) place of worship
e) library or cultural institution
f) government office
g) post office
h) fire hall
i) arena
j) museum
k) community centre including a senior citizen centre
l) animal shelter
m) assembly hall, club
n) cemetery
o) tourist information centre
p) police station
q) ambulance station
r) nursing home
s) accessory uses, buildings and structures in accordance with Section 4.2

19.2 Zone Provisions

a)	Minimum Lot Area	
	i) Unserviced	1.2 hectares
	ii) Serviced	600 square metres
b)	Minimum Lot Frontage	
	i) Unserviced	45.0 metres
	ii) Serviced	18.0 metres
c)	Maximum Lot Coverage	50%
d)	Minimum Front Yard	7.5 metres
e)	Minimum Side Yard	3.0 metres
f)	Minimum Exterior Side Yard	6.0 metres
g)	Minimum Rear Yard	7.5 metres
h)	Maximum Building Height	12.0 metres

SECTION 20 - OPEN SPACE ZONE (OS) REGULATIONS

20.1 Permitted Uses

No land shall be used in the Open Space Zone (OS) except for the following purposes:

a) campground
b) conservation area
c) marina
d) golf course
e) golf driving range
f) gun club
g) recreation use
h) tourist information centre
i) accessory uses, buildings and structures in accordance with Section 4.2

20.2 Zone Provisions

a)	Minimum Lot Area	
	i) Unserviced	0.4 hectares
	ii) Serviced	no minimum required
b)	Minimum Lot Frontage	
	i) Unserviced	45.0 metres
	ii) Serviced	no minimum required
a)	Maximum Lot Coverage	30%
b)	Minimum Front Yard	7.5 metres
c)	Minimum Side Yard	4.5 metres
d)	Minimum Rear Yard	10.0 metres
e)	Maximum Building Height	12.0 metres

SECTION 21 - ENVIRONMENTAL PROTECTION ZONE (EP) REGULATIONS

21.1 Permitted Uses

No land shall be used in the Environmental Protection Zone (EP) except for the following purposes:

a) docks, boathouses and pump houses
b) electric power generation and transmission
c) forestry management uses
d) mineral exploration
e) public and private parks, including playgrounds, picnic facilities, sport fields, tennis courts, golf course, outdoor natural rinks and hiking/cross country skiing trails
f) wildlife management, conservation area
g) dwellings existing at the date of the passing of this By-law, and uses, buildings and structures accessory thereto, but not conversions or enlargements thereof

21.2 Fill

No fill shall be placed on or removed from land in the Environmental Protection Zone (EP) whether originating on such lands or elsewhere

SECTION 22 - HOLDING ZONE (H) REGULATIONS

22.1

The Holding Zone (H) when used in conjunction with another zone category, limits development on lots to which it applies until such time as Council adopts a by-law, pursuant to Section 35 of the Planning Act, 1990, removing the Holding (H) symbol. When the Holding (H) symbol is removed, the regulations of the parent zone which applies to the lot will come into force.

22.2 Permitted Uses

No land with the Holding (H) Zone symbol in place shall be used, except for the following purposes:

a) existing uses
b) accessory uses

22.3 Zone Provisions

Minimum Lot Area	as existing
Minimum Lot Frontage	as existing
Maximum Lot Coverage	10 percent
Maximum Height	12.0 metres
Minimum Floor Area	70 square metres
Minimum Front Yard	7.5 metres
Minimum Side Yard	7.5 metres
Minimum Rear Yard	7.5 metres

TOWN OF MARATHON **ZONING BY-LAW NO. 1873**

If no notice of objection is filed with the Clerk within the time provided, this By-law shall come into force and take effect on the date of passing by the Council of the Corporation of the Town of Marathon, in accordance with Section 34 of the Planning Act.

If a notice of objection is filed with the Clerk, this By-law shall become effective on the date of passing hereof, subject to receiving the approval of the Ontario Municipal Board.

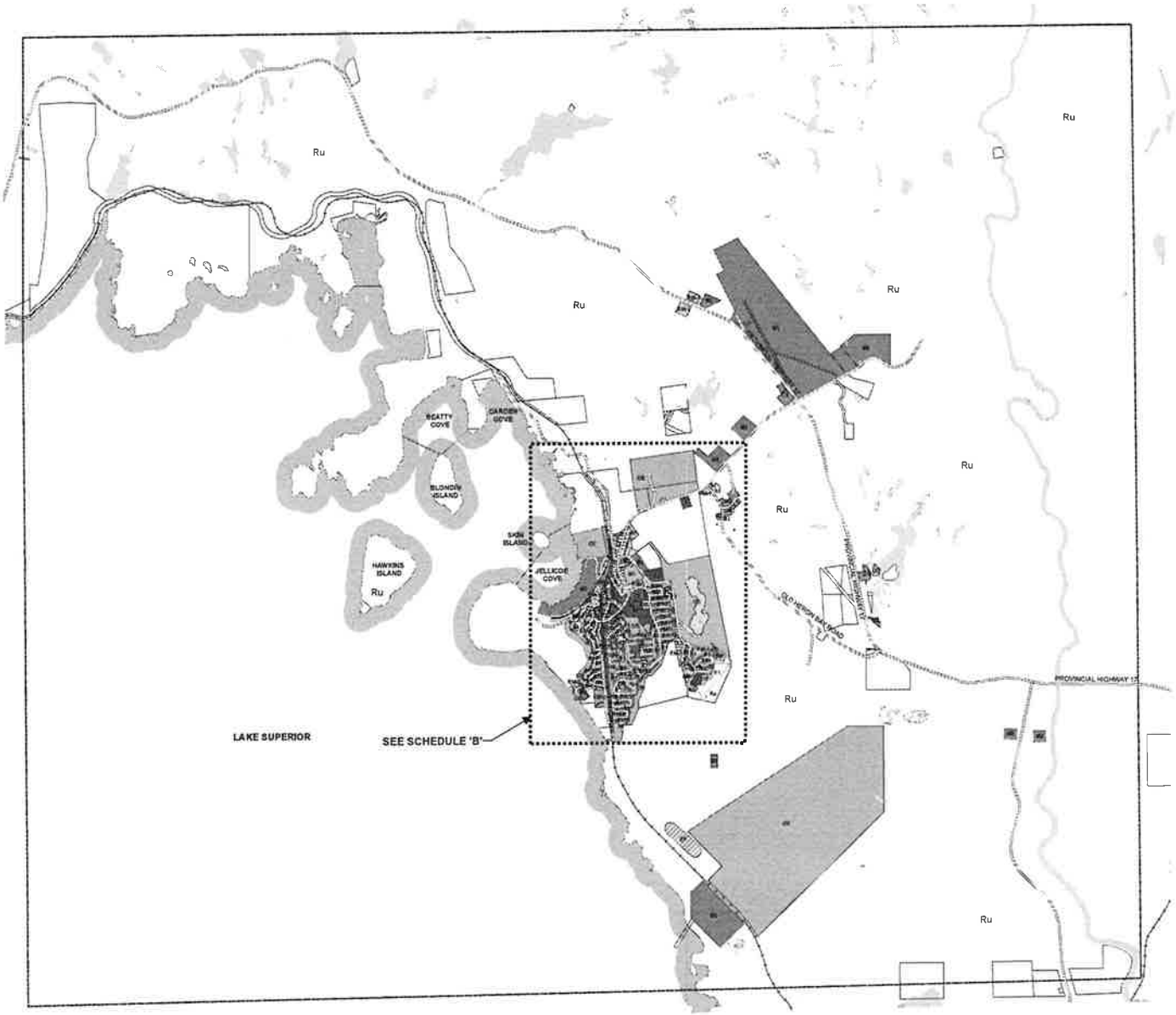
Read a first and second time this 30th day of May, 2016.

Read a third time and finally passed this 30th day of May, 2016.

Mayor - R. Dumas

Clerk

SCHEDULE "A" - TOWN OF MARATHON



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TOWN OF MARATHON,
ZONING BY-LAW

SCHEDULE 'A'

ZONING MAP

950 475 0 750 1,500 Meters
3,000 1,500 0 2,500 5,000 Feet

Legend

- ROADS
- RAILWAY
- STREAMS
- MUNICIPAL BOUNDARY
- RURAL (Ru)
- NEIGHBOURHOOD COMMERCIAL (C1)
- GENERAL COMMERCIAL (C2)
- HIGHWAY COMMERCIAL (C3)
- TOURIST COMMERCIAL (TC)
- ENTERPRISE (E)
- LIGHT INDUSTRIAL (M1)
- HEAVY INDUSTRIAL (M2)
- INSTITUTIONAL (I)
- RESIDENTIAL 1 (R1)
- MOBILE HOME (R2)
- RESIDENTIAL MULTIPLE (RM-1)
- RESIDENTIAL MULTIPLE (RM-2)
- OPEN SPACE (OS)
- ENVIRONMENTAL PROTECTION
- WETLAND
- LAKES
- LAKE SUPERIOR

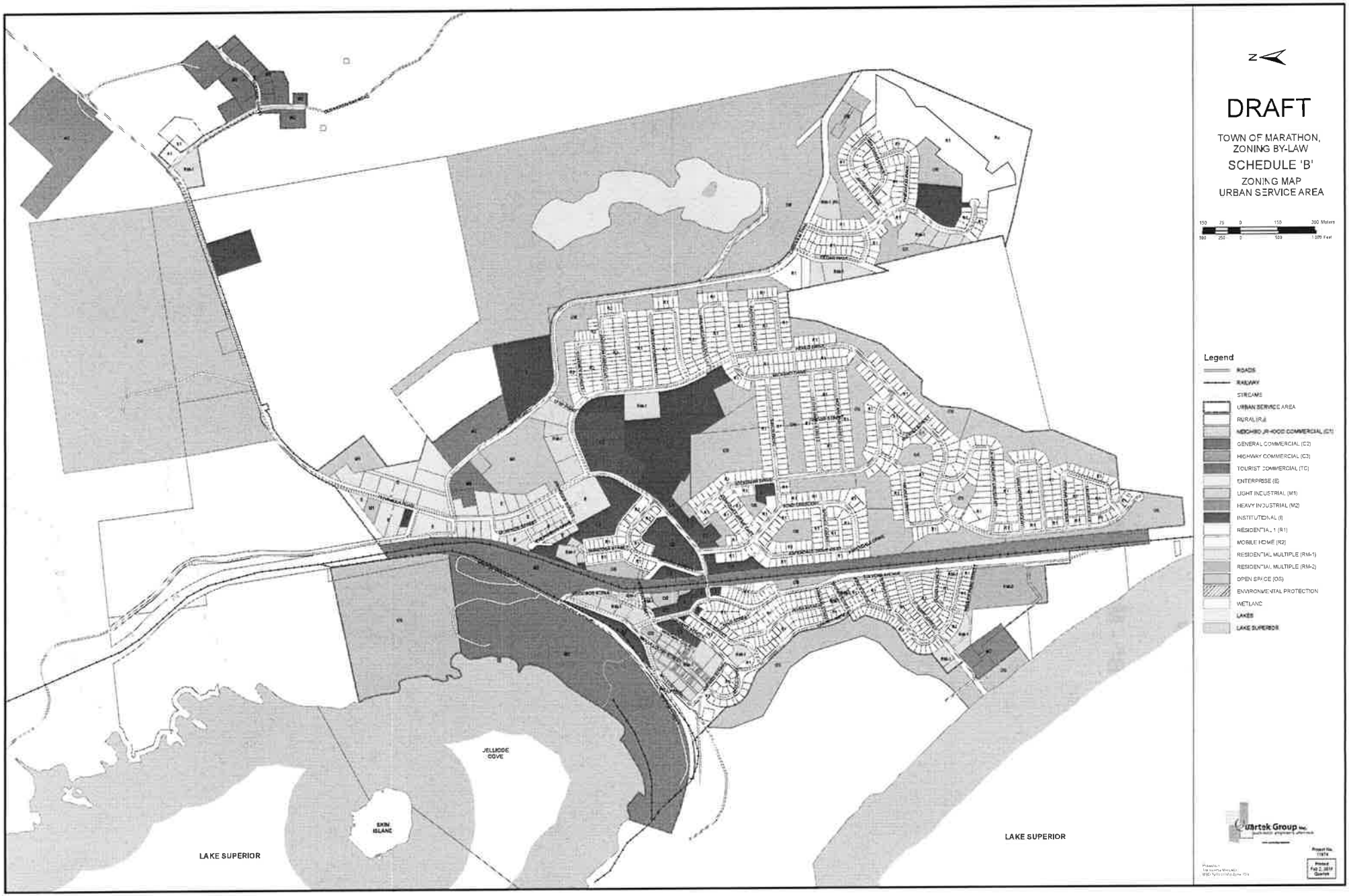
Quartek Group Inc.

Project No.
11874

Printed
Feb 2, 2018
Source

Projection
Transverse Mercator
NAD 1983 UTM Zone 16N

SCHEDULE "B" - MARATHON TOWNSITE


DRAFT
TOWN OF MARATHON,
ZONING BY-LAW
SCHEDULE 'B'
ZONING MAP
URBAN SERVICE AREA
Legend
ROADS
RAILWAY
STREAMS
URBAN SERVICE AREA
RURAL (R)
NEIGHBOURHOOD COMMERCIAL (C1)
GENERAL COMMERCIAL (C2)
HIGHWAY COMMERCIAL (C3)
TOURIST COMMERCIAL (TC)
ENTERPRISE (E)
LIGHT INDUSTRIAL (M1)
HEAVY INDUSTRIAL (M2)
INSTITUTIONAL (I)
RESIDENTIAL 1 (R1)
MOBILE HOME (R2)
RESIDENTIAL MULTIPLE (RM-1)
RESIDENTIAL MULTIPLE (RM-2)
OPEN SPACE (OS)
ENVIRONMENTAL PROTECTION
WETLAND
LAKES
LAKE SUPERIOR
JELLICOE COVE
SKIN ISLAND
LAKE SUPERIOR
LAKE SUPERIOR

TOWN OF MARATHON

CONVERSION TABLE (APPROXIMATE)

Metres	Feet	Square Metres	Square Feet
0.5	2.0	1	10
1.0	3.0	9.0	100
1.5	5.0	16.75	180
2.0	6.5	20.0	215
2.5	8.0	28.0	300
3.0	10.0	37.0	400
3.5	11.0	45.0	484
4.0	13.0	55.0	592
4.5	15.0	60.0	645
6.0	20.0	65.0	700
7.5	25.0	80.0	860
9.0	30.0	85.0	915
10.0	33.0	110.0	1180
10.5	34.0	140.0	1500
12.0	39.0	232.0	2500
15.0	49.0	275.0	2960
18.0	59.0	372.0	4000
20.0	66.0	465.0	5000
24.4	80.0	557.0	6000
30.0	98.0	650.0	7000
90	295.0	700	7535
100.0	328.0	744	8000

Hectares	Acres
0.4	1.0
0.8	2.0
1.2	3.0
4.0	10.0
20.0	50.0
32.0	80.0

Conversion Factors

Metres to Feet multiply by 3.2808

Square Metres to Square Feet multiply by 10.7642

Hectares to Acres multiply by 2.4707

NOTE: The above tables are for convenience only and do not form part of this By-law.