



Town of Marathon

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Comprehensive Zoning By-law

July 2026

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Front Cover Image: Town of Marathon
Back Cover Image: Town of Marathon website



Placeholder for Town Adopting By-law

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The Town of Marathon Comprehensive Zoning By-law No. XXXX came into effect on DATE, YEAR.

The following Table lists all of the Town of Marathon Zoning By-law Office Consolidations prepared to incorporate all amendments approved following DATE, YEAR. While every effort has been made to incorporate all approved amendments, the Town of Marathon does not warrant or guarantee that there are no errors or omissions in this Office Consolidation.

This Office Consolidation has been prepared for the purpose of convenience only. For accurate reference, the original Comprehensive Zoning By-law and amendments thereto should be consulted.

Office Consolidation Date

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The following Table lists all of the approved amendments to the Town of Marathon Zoning By-law following DATE, YEAR.

By-Law No.	Date Passed by Town Council	Effect of By-Law on Zoning By-Law Text and / or Schedules A and B

DRAFT

Town of Marathon Zoning By-law User Guide

This User Guide is provided for information purposes to assist readers in navigating the **Town of Marathon Comprehensive Zoning By-law No. XXXX (Council Adoption DATE, YEAR)**. It provides direction on how to interpret and apply provisions to a specific property of interest. The Zoning By-law User Guide does not form an operable part of the Zoning By-law.

Structure of the Zoning By-law

The Town of Marathon Zoning By-law is divided into a series of seven (7) Sections:

1. Administration

This Section outlines how the Zoning By-law is administered and enforced by the Town of Marathon, and directs how zoning provisions and the Zoning Schedules (maps) should be read and interpreted.

2. Definitions

This Section contains definitions for key terms used in the Zoning By-law, such as permitted uses. Some definitions contain illustrations to help clarify their meaning, application, and correct interpretation.

3. General Provisions

This Section contains provisions that may apply to all properties in all Zones, depending on the proposed development. For example, this includes provisions for specific uses which may be permitted in more than one Zone, such as accessory buildings and structures.

4. Parking and Loading Requirements

This Section contains provisions related to off-street parking requirements for motor vehicles, including provisions for minimum parking space rates, barrier-free parking and loading areas.

5. Zones

This Section establishes the Zones in the Town of Marathon. Each Zone subsection outlines permitted uses, regulations (i.e., standards for lots and buildings), additional provisions which may apply only to certain uses, and Exception Zones which establish provisions for specific properties.

6. Schedules

This Section sets out the Zoning Schedules for the Town of Marathon. The Zoning Schedules form part of the Zoning By-law and establish Zone boundaries in the Town.

7. Enactment

This Section contains the signing page and date of passing of this Zoning By-law.

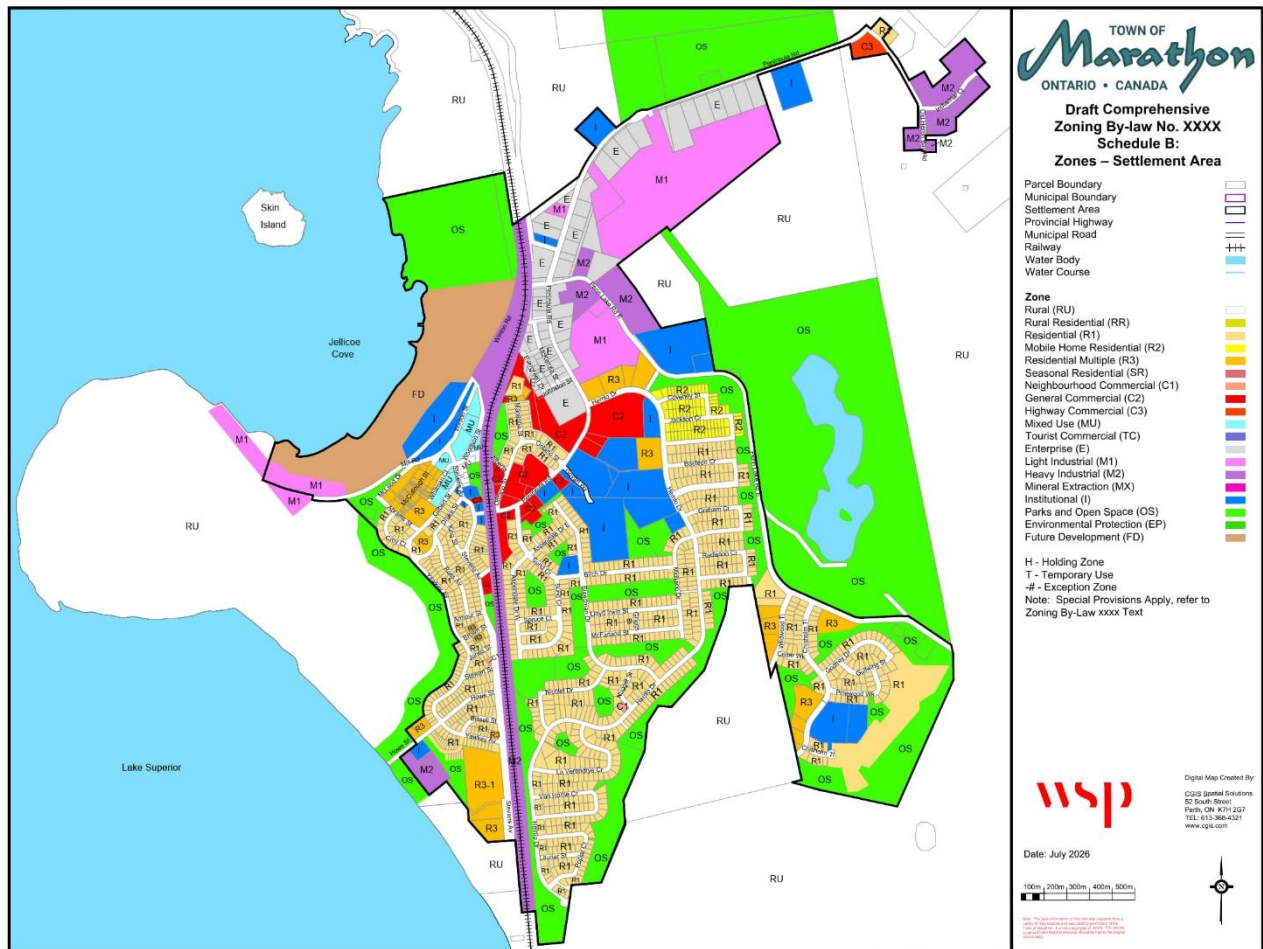
How to Determine a Property's Zoning and Identify Applicable Regulations

To determine the Zone and regulations that apply to a specific property, such as the uses that are permitted, or lot and building requirements, follow these steps:

Step 1: Identify the Property's Zoning on the Zoning Schedules

To determine the zoning applied to a property, you should first determine whether the property is within the Settlement Area of the Town, or the Rural Area. Zoning Schedule A illustrates the Zones in the Town's Rural Area, and Zoning Schedule B (**Figure 1**) shows the zoning of the Town's Settlement Area (i.e., Marathon townsite).

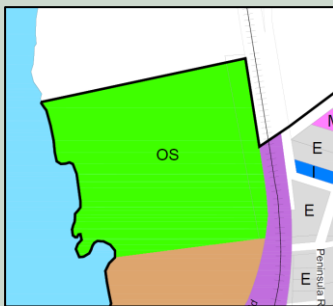
Figure 1: Town of Marathon Zoning Schedules B: Zones – Settlement Area



On Zoning **Schedules A and B**, Zone boundaries are outlined in red, and the different Zones are identified with a Zone Code, as further described below:

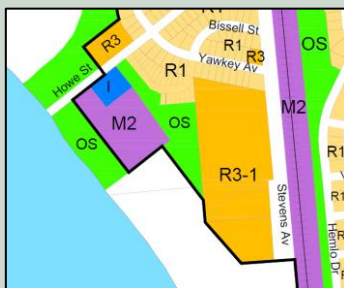
- Each property has an assigned Zone, identified by the Zone Code (e.g., Residential – R1, General Commercial – C2, Parks and Open Space – OS), as detailed in the Zoning Schedules' legend.
- Some properties will have more than one (1) Zone Code that applies. For example, some properties may be split into more than one (1) Zone or have a Zone Code that contains a suffix.

The following summarizes the meaning of the different Zone Codes and suffixes:



This is a base, or parent Zone. The Zone codes and colours for each parent Zone are explained in the Zoning Schedule legend. For example, “OS” means the Parks and Open Space Zone. Most properties in the Town are only assigned with a parent Zone.

Each parent Zone has its own section in this Zoning By-law (**Section 5**), which details permitted uses, lot and building requirements, and additional provisions that apply to all properties within that Zone.



If a dash and a number follow the Zone Code (e.g., “R3-1”), then the property is subject to a site-specific Exception Zone. The provisions for each individual Exception Zone are found in the Zoning By-law document under a subsection within the parent Zone section (e.g., **Section 5.9 Residential Multiple (R3) Zone, subsection 5.9.4 Exception Zones**).

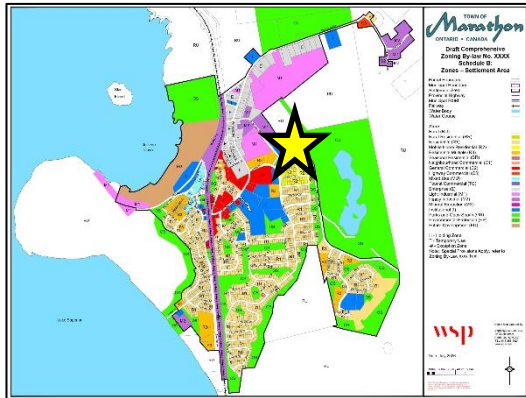
An Exception Zone contains provisions that override, or are in addition to, the parent Zone provisions, and apply only to that specific property. For example, a property with the Exception Zone RR-3 will be subject to the provisions of the Rural Residential (RR) Zone, as well as the site-specific exception provisions.

If an “(H)” symbol follows the Zone Code and site-specific Exception Zone (e.g., “RR-1(H)”), then the property is also subject to a Holding Zone. Where a Holding Zone applies, no development can occur and only legally existing uses are permitted on the property, until such time that the holding conditions are fulfilled and the Holding Zone is removed by a By-law of Council, in accordance with the specific holding provisions for that property.

The specific holding provisions for each property with a Holding Zone are found under the Exceptions subsections in each Zone section of the Zoning By-law.

Example – Identifying the Zoning for Town Municipal Office, 4 Hemlo Drive

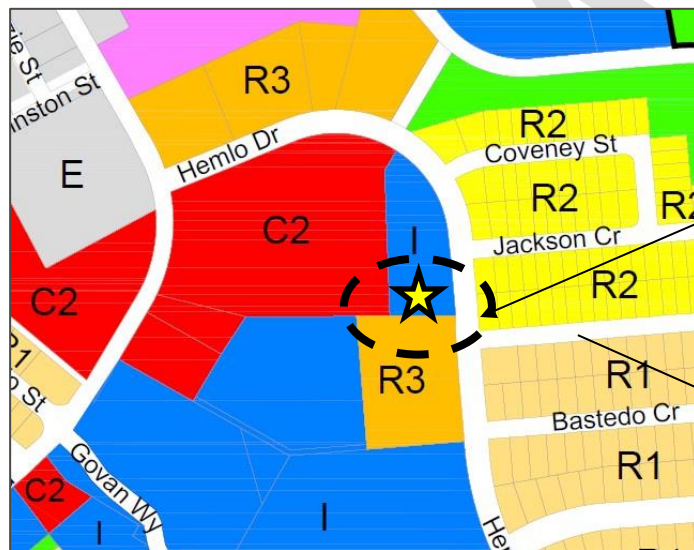
For example, let's identify the zoning for the Town Municipal Office at 4 Hemlo Drive on the



Zoning Schedules. Firstly, refer to the Zoning Schedules to determine if the general location of the Town Municipal Office is within the Town's Rural Area, shown on **Schedule A**, or the Settlement Area, shown on **Schedule B**.

The Town Municipal Office is located within the Town's Settlement Area, so you would refer to **Zoning Schedule B** to find the specific zoning for the property.

Now that you know which Zoning Schedule to use, locate the Town Municipal Office on the map and identify the Zone Code for the property. Then, refer to the Zoning Schedule legend to confirm which Zone applies to the property.



Town Municipal Office
4 Hemlo Drive

Mineral Extraction (MX)
Institutional (I)
Parks and Open Space (OS)

The Town of Marathon Municipal Office is located within the Institutional Zone (I).

Step 2: Identify Permitted Uses

Once the applicable Zone for the property of interest is identified, you should refer to the corresponding Section of the Zoning By-law document. For instance, if the property is located within the General Commercial (C2) Zone, refer to **Section 5.12 General Commercial (C2) Zone, Subsection 5.12.1 Permitted Uses** to identify the types of uses that are permitted on the property under the applicable Zone.

Each of the Zone subsections under **Section 5 Zones** of the Zoning By-law document contain a subsection entitled “Permitted Uses”, which sets out a list of uses that are permitted to be developed on properties assigned that Zone. Note that if the property of interest has a site-specific Exception Zone, as described in Step 1 of this User Guide, the Exception Zone should also be reviewed as it may contain specific provisions regarding the types of uses which are permitted or prohibited on the property, and/or specific lot and building regulations (i.e., Zone requirements).

5.7 Residential Zone (R1)

5.7.1 Permitted Uses

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

- | | |
|-----------------------------------|----------------------------|
| ▪ additional dwelling unit | ▪ group home |
| ▪ bed and breakfast establishment | ▪ modular dwelling |
| ▪ boarding house, rooming house | ▪ public use |
| ▪ community garden | ▪ semi-detached dwelling |
| ▪ duplex dwelling | ▪ single-detached dwelling |
| ▪ home-based business | ▪ tiny home dwelling |
| ▪ home day care | |
| ▪ garden suite | |

If the property is subject to a Holding Zone, only legally existing uses on the property are permitted until the holding provisions are fulfilled, and the Holding Zone is removed by a By-law of Council.

Each of the permitted uses and lot and building regulations (i.e., Zone requirements) have a corresponding definition in **Section 2 Definitions** of the Zoning By-law document.

Step 3: Identify Zone Requirements

Next, you should review the lot and building regulations that apply to the property and any proposed development. Lot and building regulations are found under the subsections entitled “Zone Requirements” under each Zone (**Section 5 Zones** in the Zoning By-law).

These Zone Requirements are organized in tables under each Zone. Different types of permitted uses may have different requirements. Zone Requirements may include such provisions as minimum lot area, minimum lot frontage, yard setbacks, maximum building height, and other requirements. In certain Zones, there may be different requirements for lots which are on full municipal water and wastewater services and lots on private services (i.e., well and/or septic systems).

5.16.2 Zone Provisions for Industrial Uses

Zone Provision	Requirement for Enterprise Zone (E)
1. Minimum Lot Area	500.0 m ²
2. Minimum Lot Frontage	30.0 m
3. Maximum Lot Coverage	50%
4. Minimum Front Yard	10.0 m
5. Minimum Side Yard	7.5 m

Step 4: Determine Applicable General Provisions

All of **Section 3 General Provisions** in the Zoning By-law document should be reviewed to determine the provisions that apply to a particular property or proposed development. The General Provisions apply to all Zones, unless specifically stated otherwise.

For example, the General Provisions contain specific requirements for buildings, structures, and uses that are accessory to permitted uses (e.g., detached garages, sheds). Other General Provisions, include requirements for non-conforming uses and non-complying lots, buildings and structures, as well as permitted encroachments into required yards (e.g., porches, steps, bay windows, etc.).

Additional, **Section 4 Parking and Loading Provisions** include detailed standards related to parking and loading facilities that should be reviewed to determine off-street parking and loading requirements for a property or proposed development.

The General Provisions also contain requirements for specific uses, such as additional residential units, home-based businesses, home industries, and the use of shipping containers on a property. This Section also contains provisions that are only applicable in certain situations, such as when properties are located within proximity to potential development constraints such as watercourses and waterbodies, rail lines and rail yards, and waste disposal areas.

Step 5: Identify Other Federal or Provincial Regulations and Requirements

Depending on a proposed development or the location of a property, other permits may be required from various Federal or Provincial regulatory authorities, such as the Ministry of Natural Resources (MNR) and Ministry of Transportation (MTO). The Zoning By-law is not intended to replace or incorporate the regulations or approval processes of other regulatory approval authorities. Additionally, other approvals from the Town of Marathon, such as a Building Permit, may be required to permit development.

Property owners should always consult with Town of Marathon staff to determine the approval requirements for a particular project. If the provisions of the Zoning By-law cannot be met, a Minor Variance or Zoning By-law Amendment application may be required.

To discuss zoning of your property, requirements for a planning development application under the Planning Act, as amended, or Building Permit application, or the general planning and development process, please contact:

Chief Building Official – Town of Marathon

P.O. Box "TM" 4 Hemlo Drive

Marathon, ON P0T 2E0

Main: 807-229-1340

Fax: 807-229-1999

Email: cbo@marathon.ca



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1 Interpretation and Administration

1.1 Title

This By-law shall be known as the "Comprehensive 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 Town of Marathon as now or hereafter are legally constituted.

1.3 Scope

1. No lands shall be used, and no buildings or structures shall be erected, altered, enlarged or used within the Town of Marathon except in compliance with the provisions of this By-law.
2. No Town permit, certificate, licence, or other approval shall be issued for a proposed use of land or proposed erection, alteration, enlargement, or use of any building or structure that is in contravention of this By-law.

1.4 Interpretation

1. This Comprehensive Zoning By-law should be read in its entirety, in conjunction with **Schedule A: Zones – Rural Area**; **Schedule B: Zones – Settlement Area**; and **Schedule C: Groundwater Protection Overlay**, to determine the provisions which apply to a lot, use, building or structure.
2. 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, and general wellbeing of the Town. The provisions of this By-law shall be held to be the minimum requirements, except where the word maximum is used, in which case the maximum requirement shall apply.
3. In this By-law, the definitions and interpretations set out in **Section 2 Definitions** shall apply, unless the context clearly requires otherwise, and any words not specifically defined in this By-law shall carry their normal and ordinary meaning.
4. 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.
5. In this By-law, the words "shall", "must", and "will" mean mandatory.

6. In this By-law, unless the contrary intention appears, context requires otherwise, words used in the singular number include the plural and vice versa; words in the present tense include the future and vice versa; and the masculine includes the feminine and vice versa.
7. Character styles are provided for convenience purposes only. The usage or omissions of the following shall not be considered to change the intent or meaning this By-law or any part thereof:
 - a) Section references, Schedules, and tables part of this By-law have been bolded;
 - b) The titles of Federal or Provincial legislation are underlined.
8. Where regulations or requirements of the Town or any public authority or public 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. In the event of a conflict between this By-law and amendments thereto, and any other general or special By-law of the Town, the most restrictive By-law shall prevail.
9. Where reference is made in this Zoning By-law to other documents, such as Federal or Provincial Acts, or other legislation, or to other documents that are not part of this By-law, it is understood that it is the latest approved version of the document that is being referenced, unless otherwise specified.
10. Where reference is made in this By-law to a Federal Department, Provincial Ministry, or other body, it shall be interpreted that it is the body as it is known at the time of reading, that is being referenced.
11. Where reference is made in this By-law to the jurisdiction of a public authority or public agency, and where the name or responsibilities of such public authority or public agency are changed hereafter, the said reference shall be deemed to include any and all successors to such public agency having jurisdiction over the matters to which the said reference applies.
12. Illustrations are provided and form part of this By-law to clarify the intent of a definition and/or provision.

1.5 Administration and Enforcement

This By-law shall be administered and enforced by the Chief Building Official and/or such other officer or employee of the Corporation of the Town of Marathon or designate, as appointed from time to time by the Council of the Town of Marathon.

1.6 Zoning Schedules

The **Zoning Schedules A: Zones – Rural Area, Schedule B: Zones – Settlement Area, and Schedule C: Groundwater Protection Overlay** contained herein are declared to form part of this By-law.

1.6.1 Interpretation of Zone Boundaries

1. Where any uncertainty exists as to the location of the boundary of any of the said Zones, as shown on the Zoning Schedules, the following shall apply:
 - a) Unless otherwise shown, the boundary of the Zones as shown on the Zoning Schedules are the actual centre lines of the street 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 street and the distance from such street is not indicated, such Zone boundaries shall be construed as being parallel to such street and the distance there from shall be determined by the use of the scale shown on the Zoning Schedules;
 - d) Unless otherwise indicated, a street, lane, right-of-way, waterbody, or watercourse included on the Zoning Schedules, is included within the Zone of the adjoining property on either side thereof; and where such street, lane, right-of-way, waterbody, or watercourse serves as a boundary between two (2) or more different Zones, a line midway in such street, lane, right-of-way, waterbody, 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 that a dedicated street, lane, or right-of-way shown on the Zoning Schedules is closed, the lot formerly located in said street, lane or right-of-way shall be included within the Zone of the adjoining lot or either side of the said closed street, lane, or right-of-way and the Zone boundary shall be considered the former centre line;
 - 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 Schedules; and
 - g) Wherever it occurs, the municipal limit of the Town of Marathon is the boundary of the Zone adjacent to it.

1.7 Building to be Moved

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

1.8 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 other By-law of the Town, in force from time to time, or the obligation to obtain any license, permit, authority, or approval required under any By-law of the Town.

1.9 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.

1.10 Violations, Penalties, and Remedies

1. 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:
 - a) On a first conviction to a fine of not more than \$25,000; and
 - b) 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.
2. Where a corporation is convicted under provision 1. of this Section, the maximum penalty that may be imposed is:
 - a) On a first conviction, a fine of not more than \$50,000; and
 - b) 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.
3. Every such penalty as set out in **Section 1.10** of this By-law shall be recoverable under the Section 67 of the Planning Act, and/or the Provincial Offences Act, and/or any other legislation applicable.
4. In case any buildings or structures 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 Town, pursuant to the provisions of the Planning Act, and/or the Municipal Act, and/or any other legislation applicable.

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 Effective Date

This By-law shall come into force the day that it was passed by Council, subject to the appeal provisions of the Planning Act, as amended.

2 Definitions

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

A

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.

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.

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 and a permit is issued by the Chief Building Official, 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, but is not limited to, a detached private garage, detached carport, detached storage shed, workshop, detached deck, dock, and any fabric covered and temporary storage structures.

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.

Addition

Means, in reference to a building or structure, an expansion of the building or structure.

Aggregate

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

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.

Aggregate Recycling Facility

Means premises used for the recycling of used aggregate materials such as concrete and asphalt into a usable product but does not include the operation of an asphalt or concrete batching plant.

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. Agricultural uses may include associated on-farm buildings and structures, including but not limited to livestock facilities, manure storage, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment. Agricultural uses shall include any use that is deemed to be consistent with normal farming practices.

Agriculture-Related Use

Means farm-related commercial and farm-related industrial uses that are directly related to the farm operations on the lot or in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a principal activity. Agriculture-related uses include, but are not limited to, a farmer's market, farm equipment repair, livestock assembly yard, abattoir, feed mill, grain dryer, and packaging and processing of agricultural products.

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.

Alter

Means:

1. When used in reference to a building, structure, or part thereof, 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;
2. When used in reference to a lot, 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

3. 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.

Alternative and Renewable Energy System

Means a facility as defined in the Electricity Act, 1998, S.O. 1998, c. 15, Sched. A, and not exempt under Section 62(1) of the Planning Act.

Amenity Area

Means an indoor and/or outdoor recreational area provided for the communal use of residents.

Ancillary

Means a use that is additional, secondary, and complementary to a principal use, but is not accessory to the principal use.

Animal Care Establishment

Means an establishment for caring, boarding, grooming, and indoor training of household pets, which may include an animal day care facility, but does not include an animal hospital or clinic, animal clinic, animal shelter, or kennel.

Animal Hospital or Clinic

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

Animal Shelter

Means a building or portion thereof where lost, abandoned, or neglected domestic animals/pets, 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.

Art Gallery

Means a building, place, or area where paintings, prints, sculptures, or other works of art are exhibited or sold.

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.

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.

Attic

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

B

Balcony

Means a raised platform or structure projecting above finished grade from the principal building, not supported by the ground, with or without steps to provide access to the ground.

Bar 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 Licence and Control Act, as amended from time to time.

Basement

Means that portion of a building between two (2) floor levels which is more than 50% below the ground level at the exterior walls. No part of the basement of an unfinished dwelling may be used for sleeping accommodation.

Bed and Breakfast Establishment

Means a single-detached dwelling in which not more than three (3) guest rooms 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, dormitory, trailer camp, seasonal camp, workforce housing, 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 principal residential use.

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, bed and breakfast establishment, dormitory, restaurant, or any other similar commercial or institutional use accommodating the general public. A boarding house is distinguished from a rooming house by the serving of meals.

Boathouse

Means a detached accessory building or structure constructed for the purpose of sheltering or storage of boats, watercraft, or other form of water transportation and accessories, but shall not include a dwelling unit or living quarters for human habitation.

Boat Launch and Docking Facility

Means a structure or facility used to launch and load boats. For the purpose of this definition, a boat launch and docking facility may be an accessory use, or a principal use as specified in this By-law.

Boat Slip

Means a single parking space for a boat or other marine vessel forming part of a dock, boathouse, or other mooring facilities.

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.

Building

A structure occupying an area greater than 10.0 m² consisting of a wall, roof, and floor or any of them, or a structure of any size that contains plumbing, as well as plumbing not located in a structure, such as a sewage system or designated structures in the Building Code.

Building Area

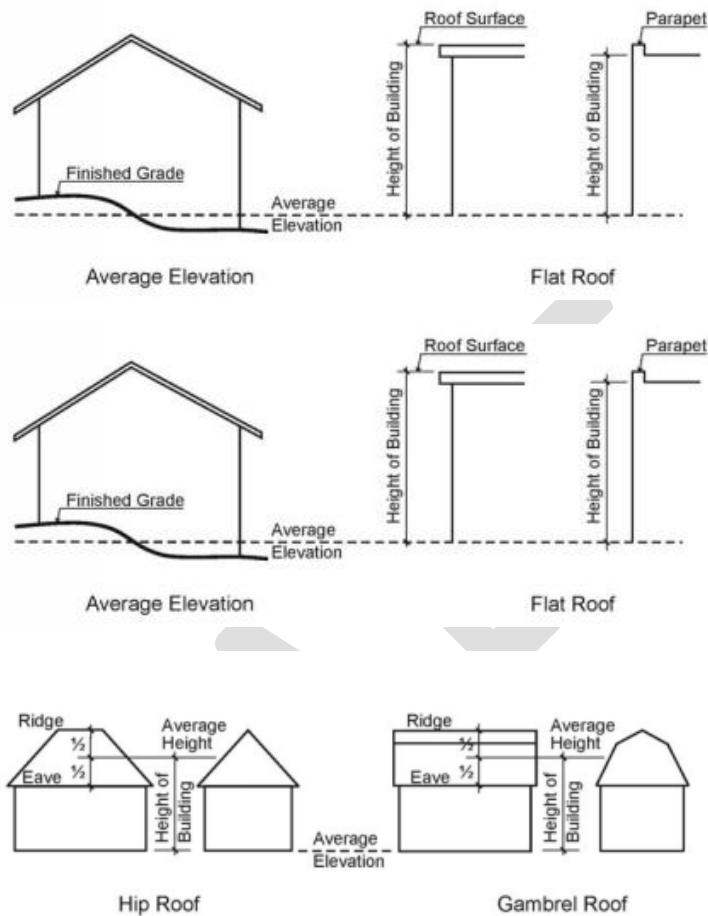
Means the greatest horizontal area of a storey above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of firewalls.

Building Height

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

- a) Highest point of the roof in the case of a building with a flat roof; or
- b) Average point between eaves and ridges in the case of a gable, gambrel, shed or hip roof;
or
- c) Underside of a roof deck in the case of a mansard roof.

Illustration of building heights:



Building Supply and Lumber Outlet

Means a building, structure, or place in which building, construction, and home improvement materials are offered or kept for display and/or sale, and may include the assembly and/or finishing of certain items and contracting the construction or installation of the items.

Bulk Fuel Depot

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

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.

By-law Enforcement Officer

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

C

Cabin

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

Campground

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

Camp Site

A parcel of land within a campground that is maintained as a site for the location and temporary occupation of a tent, travel trailer, motor home, recreational vehicle or truck camper, but not a mobile home.

Carport

A roofed parking area intended for the shelter of motor vehicles, attached to the dwelling or principal building, but which is unenclosed more than 60% of its perimeter. The main wall of the dwelling to shall not be included in the 60% calculation.

Cellar

A portion of a building below the first storey floor which is partly or wholly underground and which has more than one-half of its height, from finished floor to finished ceiling or to the underside of the floor joints of the first floor, the average finished grade level adjacent to the exterior walls of the building and having a floor to ceiling height of less than 1.8 m, or as otherwise defined in the Building Code. A cellar shall include a crawlspace.

Cemetery

Means land that has been established under the Funeral, Burial and Cremation Services Act or under a predecessor of that Act for the interment of human remains or for the scattering of cremated human remains, or for both.

Chief Building Official

Means the official employed by the Town appointed under the Building By-law or pursuant to the provisions of the Building Code Act, S.O., 1992 c.23, as amended, and shall include any Inspector likewise employed and appointed.

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.

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.

Commercial Greenhouse

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

Community Centre

Means any land, a building, or buildings used primarily for community activities whether for commercial purposes or not, the control of which is vested in the Town, a local board, or commission, and may include an auditorium, swimming pool, arena, fitness centre, and library.

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 programs.

Community Garden

Means a communal premises open to community members and operated and maintained by a public authority, residents association, or a similar organization, for the small-scale cultivation of plants including vegetables, fruits, grains, flowers, or herbs for personal use, consumption, or donation, and not for commercial purposes, and shall exclude the cultivation or production of cannabis.

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 landowners through a condominium corporation incorporated under the Condominium Act, as amended.

Conservation Use

Means the preservation, protection, and improvement of the components of the natural environment through a comprehensive management and maintenance program administered by a public authority for individual or public use.

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 (MTO) refuelling yards, waste disposal sites, and commercial uses such as gas stations, auto repair shops and lands where filling has occurred.

Contractor's Yard

A yard of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.

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.

Council

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

Crematorium

Means a building that is fitted with appliances for the purpose of cremating human remains and that has been approved as a crematorium or established as a crematorium in accordance with the requirements of Provincial legislation, and includes everything necessarily incidental and ancillary to that purpose.

Cultural Centre

Means a building or structure, which contains meeting rooms, kitchen and dining facilities, a religious sanctuary, and/or offices accessory to the cultural centre.

D

Day Care, Home

Means a dwelling unit where a maximum of five (5) children, who are not residents of the dwelling, are provided temporary care, guidance, or both for a continuous period, not exceeding 24 hours, pursuant to the Child Care and Early Years Act, 2014, S.O. 2014, c.11, as amended.

Day Care Centre

Means premises to provide for the temporary supervision or care of children or adults for a portion of a day not exceeding 24 hours and is licensed by the Province of Ontario, as may be required per the Day Nurseries Act, R.S.O. 1990, c. D.2, as amended.

Demolition

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

Detached

Means "not attached".

Development

Means the construction or erection of buildings or structures on, or the excavation and grading of, land, including the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability of such buildings and structures.

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.

Dormitory

Means a permanent or temporary building providing sleeping accommodation and may include communal cooking and laundry facilities, attached or detached from a main building.

Drive-Through Facility

Means a building or structure or part thereof where goods and/or services are offered to the public within a parked or stationery vehicle that is in a designated queuing space by way of a service window, kiosk, or automated machine where goods, money or materials are exchanged. Kiosks within a parking structure or associated with a surface parking area are not considered to be drive-through facilities.

Driveway

Means a vehicular access which connects a parking space or parking lot to a public street, and which provides ingress to and/or egress from a lot, and may include a shared driveway but not a public lane.

Dwelling

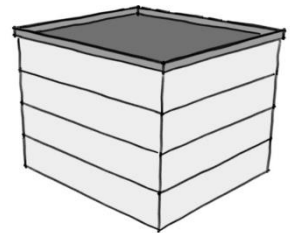
Means a building, occupied or designed to be occupied exclusively as a home, residence or sleeping place by one (1) or more persons, but shall not include hotels, motels, boarding houses or rooming houses, lodging houses, fraternities, sororities, group homes, or institutions.

Dwelling, Accessory

A use, separate building, or structure, which is usually incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure but not including a building or structure which is used as a dwelling unless specifically permitted.

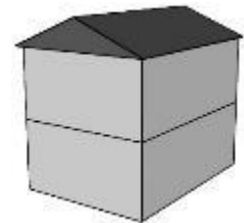
Dwelling, Apartment

Means a building that contains four (4) or more dwelling units which have one (1) or more common entrances from street level, and includes common areas such as stairwells, elevators, corridors, amenity areas, and yards.



Dwelling, Duplex

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



Dwelling, Mobile Home

Means any dwelling, that does not include a basement, which is designed to be mobile, and constructed or manufactured to provide a permanent residence in accordance with the Canadian Standards Association (CSA) Standard No. Z240, as amended,, but does not include a travel trailer or tent trailer or trailer otherwise designed.

Dwelling, Modular

A transportable, pre-fabricated dwelling unit designed to be used as a year-round occupancy and has been manufactured to comply with the Canadian Standards Association (CSA) Standard No. A-277, as amended. A modular dwelling shall be built in two (2) or more major pieces and transported to the site where it is assembled, as opposed to a dwelling built entirely on site. For the purposes of this By-law, a modular

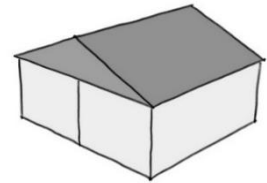
dwelling shall be considered as a single-detached dwelling, including a dwelling made of shipping containers.

Dwelling, Principal

A dwelling which is a principal place of residence.

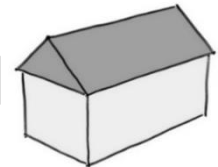
Dwelling, Semi-Detached

Means a building that is divided vertically into two (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 dwelling, as defined herein.



Dwelling, Single-Detached

Means a residential building containing one (1) dwelling unit. This definition shall not include a mobile home dwelling, as defined herein.

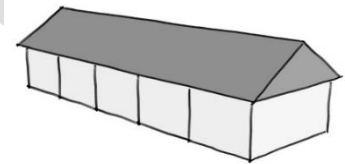


Dwelling, Tiny Home

Means a single-detached, self-contained dwelling unit with a minimum footprint of 17.5 m², on a fixed foundation, and does not include mobile trailers or recreational vehicles.

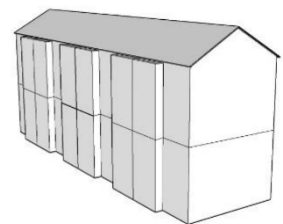
Dwelling, Townhouse

Means a building containing not less than three (3) and not more than eight (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.



Dwelling, Stacked Townhouse

Means a townhouse dwelling that is configured in a manner that a portion of the dwelling units are located entirely or partially above the other portion of the dwelling units, and where each dwelling unit has its own independent external access outside. A stacked townhouse dwelling is not required to provide access to a rear yard.



Dwelling, Triplex

Means a building used, designed, or intended to be used for occupancy and divided horizontally into three (3) or more dwelling units independently of each other, but does not include a townhouse dwelling.

Dwelling Unit

Means one (1) 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.

Dwelling Unit, Accessory

A dwelling unit accessory to a permitted non-residential use on the same lot.

Dwelling Unit, Additional

Means a self-contained dwelling unit with kitchen and bathroom facilities that are intended for the exclusive use of the unit only, which is secondary to a principal dwelling unit, and which is contained within a permitted single-detached dwelling, semi-detached dwelling, or townhouse dwelling, or which is contained in a detached building or structure that is ancillary to a permitted single-detached dwelling, semi-detached dwelling, or townhouse dwelling as per the Ontario Building Code, as amended, and which is accessed through a private entrance outside the principal dwelling unit or through a common hallway or stairway within the principal dwelling unit.

E

Easement

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

Emergency Service

Means fire, ambulance, police, and similar facilities operated by a public authority.

Equestrian Centre

Means the use of land, buildings, or structures for the boarding of horses, training of horses and riders, and staging of equestrian events, but does not include the racing of horses.

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 a motor vehicle body shop, motor vehicle repair shop, or motor vehicle service station.

Erect

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

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

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

Existing

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

F

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.

Flood Fringe

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

Flood Plain

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

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.

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.

Floor Area

Means the sum of the areas of all of the floors of a building or structure measured between exterior walls and required firewalls and including the space occupied by interior walls and partitions, but 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.

Floor Area, Ground

Means the maximum area of that portion of a lot occupied by a building or structure measured to the exterior walls, excluding, in the case of a dwelling, any private garage, carport, porch, veranda, or sunroom (unless such sunroom is habitable during all seasons).

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.

Front Wall

The main exterior wall of a residential building that is not a permitted projection or an attached private garage or carport, which is located closest to the front lot line.

Funeral Home

Means a building designed for the purpose of furnishing funeral supplies and services to the public, viewing of deceased persons, and the holding of funeral services, and includes facilities intended for the preparation of the dead human body for interment or cremation, but does not include a crematorium.

G

Garage, Private

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.

Garden Suite

Means a one-unit detached, self-contained residential structure containing bathroom and kitchen facilities that is ancillary to and located on the same lot as an existing residential dwelling, and that is designed to be portable.

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 motor vehicles.

Golf Course

Means a public or private area operated for the purposes of playing golf and may include a clubhouse, accessory driving ranges, miniature golf courses, and similar uses.

Grade

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

Group Home

Means a supervised living accommodation unit in a dwelling unit to accommodate no more than ten (10) persons, excluding staff or receiving family, 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 comply with municipal By-laws and shall be licensed and/or approved by the Province of Ontario.

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.

Guest Room

Means a room used or maintained for the accommodation of individuals to whom hospitality is extended for gain or profit.

H

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.

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.

Home-Based Business

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 one (1) of the permanent residents of such dwelling unit for gain, profit or reward. A home-based business shall be licenced in accordance with the Town's Business & Licensing By-law, as amended, 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.

Home Industry

Means an occupation or profession related to the provision of services excluding processing or manufacturing or producing products, carried on by the resident of a dwelling within their dwelling as an accessory use in connection with which there is no display, no stock in trade nor commodity sold upon the premises and no outdoor storage.

Hotel

Means any hotel, bar, inn, lounge, or public house in one (1) main building or in two (2) 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 six (6) guest rooms, and shall include all buildings liable to be licensed under the Liquor Licence and Control Act and operating under the Tourism Act, as amended from time to time.

Hospital

Means any institution, building, or other premises or place established for the purpose of providing maintenance, observation, supervision, medical, surgical, and dental care, and other treatment of patients and is approved under the Public Hospitals Act, as amended, or the Private Hospitals Act, as amended.

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.

Industrial Use, Light (Class I)

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, and has a low probability of fugitive emissions (e.g., noise, odour, dust and vibration). Such industries operate primarily in the daytime with infrequent movement of products and minimal outside storage.

Industrial Use, Medium (Class II)

Means a building or part of a building where a product is produced, manufactured, assembled, or stored, and that have point source emissions with minimal risk of adverse effects, and that may have occasional outputs of fugitive emissions (e.g., noise, odour, dust, and/or vibration). Shift operations may occur along with frequent movement of products. Outside storage of raw material, waste and/or finished products may be a normal part of the operation.

Industrial Use, Heavy (Class III)

Means a place of business for uses characterized as having regular emissions such as noise, smoke, odour, fumes and/or vibrations. Such industries may operate continuously with frequent movement of products and extensive outside storage.

Influence Area

The area or areas at, above, or below grade, associated with a facility that is subject to one (1) or more adverse effects which may be of varying duration, frequency and distance of dispersal. This is an actual influence area. A potential influence area identifies where adverse effects are generally expected to occur. An influence area or potential influence area acts as a potential constraint for sensitive land use, or conversely, on the establishment of a facility.

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, or other similar uses.

Interpretive Centre

Means land, 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.

K

Kennel

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

L

Landscaped Area

Means an unobstructed 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, as well as any surfaced walk, patio, or similar area, but does not include parking areas, parking lots, curb, retaining wall, driveways, or ramps, whether surfaced or not.

Lane

Means a public thoroughfare or way, which affords only secondary means of access to abutting lots.

Library

Means a public lending library within the meaning of the Public Libraries Act, R.S.O., 1990, as amended.

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 principal use of the lot or any buildings thereto, and which has unobstructed access to a street or lane.

Long-Term Care Facility

Means a building containing multiple rooms with common access to eating, bathrooms, recreation and leisure areas for temporary occupancy by those requiring nursing, palliative, or other care where meals, personal care, nursing services, and medical care and treatment are provided or made available, as defined under the Long-Term Care Homes Act, 2007, S.O. 2007, c. 8, as amended, Long-term care facilities include homes for the aged, nursing homes, hospice, and chronic care facilities.

Lot

Means a parcel, block, or tract of land which is capable of being legally conveyed in accordance with the Planning Act, as amended.

Lot, Corner

Means a lot situated at the intersection of, or abutting upon, two (2) or more streets, provided that the angle of intersection of such streets is not more than 135 degrees, 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.

Lot, Interior

Means a lot, other than a corner lot, which is situated between adjacent lots and has access to one(1) street.

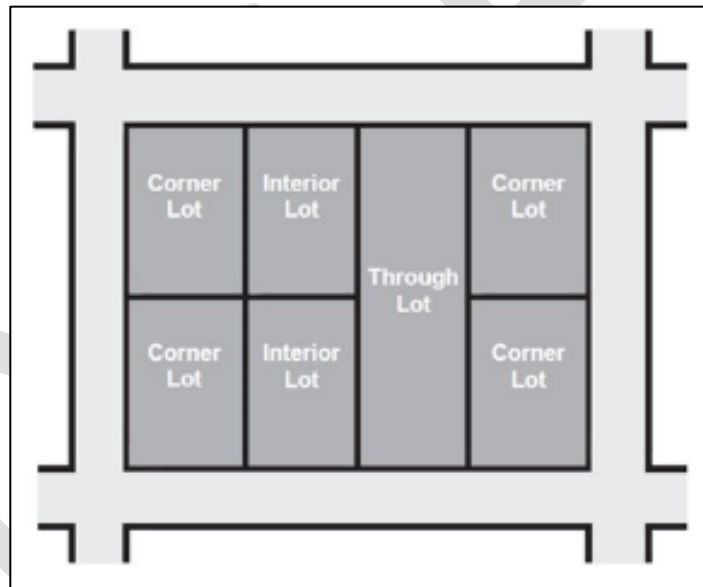
Lot, Through

Means a lot bounded on two (2) opposite sides by streets, , 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.

Lot, Waterfront

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

Illustration of lot types:



Lot Area

Means the total horizontal area within the lot lines of a lot.

Lot Coverage

Means the percent of the lot area covered by 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 driveways, decks, walkways, , steps, cornices, eaves, bay windows, chimney breasts, corbelling and similar projections, outdoor swimming pools, and parking areas.

Lot Frontage

The width of the lot measured between the intersection of the side lot lines with a line back from and parallel to the front lot line, measured at a distance equal to the minimum required front yard setback.

Lot Line

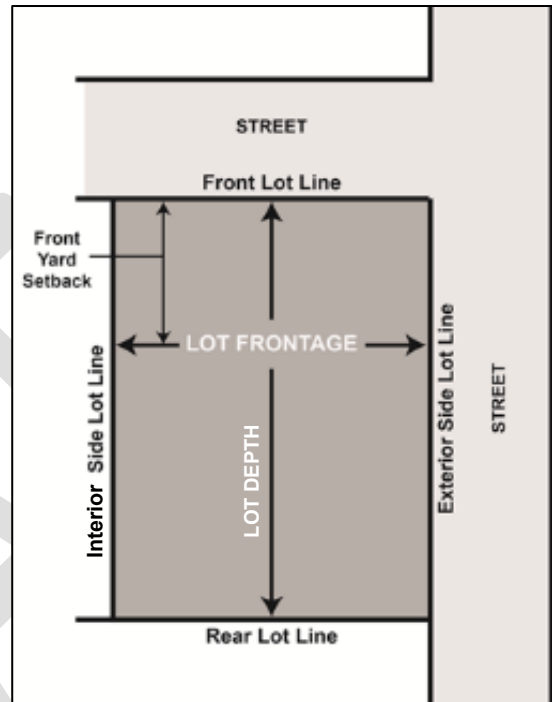
Means the boundary of a lot and the vertical projection thereof, further defined as follows:

Right: Illustration of lot lines:

Front Lot Line

Means:

- d) In the case of an interior lot, the lot line dividing the lot from the street;
- e) In the case of a corner lot, the shorter lot line abutting the street 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;
- f) 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;
- g) In the case of a waterfront lot, the lot line abutting the street shall be deemed the front lot line;



Rear Lot Line

Means the lot line farthest from and opposite the front lot line.

Side Lot Line

Means a lot line other than a front or rear lot line.

Side Lot Line, Exterior

Means a side lot line that is also a street line.

Side Lot Line, Interior

Means any side lot line that is not an exterior side lot line.

M

Main Building

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

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.

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.

Marina

Means a commercial establishment or premises where a boathouse, boat storage, boat repair facilities, boat rental, pier, dock, boat launching, or jetty facilities, or any combination thereof, are available for marine craft and may include one (1) or more pumps for the fuelling of marine craft, wastewater pumping facilities, and a building or structure for the sale or repair of marine craft and accessories.

Medical Facility

Means a building or structure that is used or intended for use by physicians, dentists, chiropractors, therapists, including massage therapists and physiotherapists, and/or drugless practitioners, as well as their staff and patients, for the purpose of consultation, diagnosis, and office treatment, and may include a medical or dental laboratory.

Micro-Brewery, Winery, or Distillery

Means a building that is used for the self-contained manufacturing, production, storage, packaging, bottling, canning, and shipping of no more than 50,000 hectolitres of beer, wine, or liquor per year authorized by a license issued by the Alcohol and Gaming Commission of Ontario, and which does not result in nuisances or emissions (e.g., noise, odour, fumes, vibrations). A micro-brewery, winery or distillery may include the following accessory uses:

- a) An area where products made on the premises and products made off the premises, or by in collaboration with another brewery, winery, or distillery, are sold to the general public for consumption on the premises;
- b) A private hospitality area for tasting and dining where products made on the premises are provided to private groups;
- c) Special events and tours; and

- d) An office for administration purposes.

Mine Hazard

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

Mineral Exploration

Means the search for minerals using geological, geophysical, geochemical or other techniques including, but not limited to sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of minerals present.

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, as regulated by the Mining Act, as amended.

Mobile Home Park

Means a lot managed by a mobile home park operator, for the permanent placement of not less than ten (10) mobile home dwellings 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, but does not include a campground .

Mobile Home Site

Means a parcel of land within a mobile home park which is serviced and intended for the placement of one (1) mobile home dwelling, but does not include a camp site.

Motel

Means one (1) 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. The guest rooms of a motel are accessed directly from the outside and may or may not be accessed from common corridors. Accessory uses may include a restaurant, bar, or meeting facilities.

Motor Vehicle

Means an automobile, truck, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act, as amended.

Motor Vehicle Body Repair Shop

Means a building or structure used primarily for making repairs or alterations to the body or paint work of any motor vehicle.

Motor Vehicle Repair Shop

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

Motor Vehicle 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 accessories, and the servicing and repairing essential to the operation of motor vehicles and may include a gas bar and a car wash.

Motor Vehicle 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.

Museum

Means an institution that is established for the purpose of acquiring, conserving, studying, interpreting, assembling, and exhibiting to the public for its instruction and enjoyment, a collection of artifacts of scientific, natural, artistic, or historical interest.

N

Navigable Waterway

Means a navigable body of water or stream as deemed under the Beds of Navigable Waters Act, as amended, 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.

Non-Conforming

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

Non-Complying

Means any lot, building, or structure that does not meet the requirements of this By-law other than the provisions of the By-law pertaining to permitted uses.

Non-Residential

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

Normal High Water Mark

The highest elevation of the water surface of a watercourse or waterbody, including seasonal flooding, as evidenced by changes in shoreline vegetation or residual water marks left on buildings, structures, vegetation, or other shoreline features. The normal high water mark shall be considered as the water's edge as defined on a survey prepared by an Ontario Land Surveyor (OLS).

O

Obligated Organization

As defined in the Accessibility for Ontarians Act, 2005 (AODA), means the Government of Ontario, the Legislative Assembly, a designated public sector organization, a large organization, and a small organization.

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.

Office

A building or part thereof, designed, intended or used for the practice of a profession, the transaction and/or management of a business, the conduct of a professional business, or the conduct of public services and administration.

On-Farm Diversified Use

A use or uses that are secondary to the principal agricultural use of the property and are limited in area, including but not limited to home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.

Outdoor Wood Burning Furnace

Means an appliance used outside of any building or structure, which is intended to heat by combustion and used for the space heating of buildings and structures.

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 (1) or more sides.

P

Park, Private

Means a park or open space other than a public park, and controlled or owned by a private individual, group or organization and which may not be open to the public.

Park, Public

Means a park or open space controlled or owned by the Town or a public authority and which is normally open to the public. A public park may include one (1) or more athletic fields, field houses, community centres, bleachers, swimming pools, greenhouses, botanical gardens, zoological gardens, bandstands, skating rinks, tennis courts, bowling greens, bathing stations, curling rinks, refreshment rooms, fair grounds, arenas, or similar uses.

Parking Aisle

Means a portion of a parking lot, which abuts one (1) or more off-street parking spaces to which it provides access and which is not used for the parking of motor vehicles.

Parking Aisle, Barrier-Free

Means an area abutting a barrier-free parking space to provide unobstructed pedestrian access to and from a barrier-free parking space.

Parking Area

Means an area for the parking of motor vehicles which is provided and maintained upon the same lot or lots upon which the principal use is located, and may include aisles, parking spaces, and related entrance and exit lanes, but shall not include any part of a street.

Parking Lot

Means a parking area forming the principal use of a lot, which may include a parking garage.

Parking Space

Means a rectangular area designated and used for the temporary parking or storage of one (1) motor vehicle, exclusive of any aisles, driveways, and ingress or egress lanes.

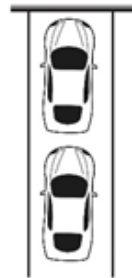
Parking Space, Barrier-Free

An unobstructed rectangular area for the exclusive use of temporary parking of a motor vehicle for persons with disabilities and displaying a permit granted from the Province, exclusive of any

aisles, driveways, and ingress or egress lanes. May include Type A or Type B spaces, as defined in the Accessibility for Ontarians with Disabilities Act, 2005 and its Regulations, as amended.

Parking, Tandem

Means the parking of two (2) or more vehicles one behind the another in a row. For example, tandem parking may include two (2) motor vehicles parked in a single width driveway, one behind the other.



Patio

Means an uncovered, surfaced, open space of land at grade, accessory to a residential or non-residential building, having a height of up to 0.6 m measured from the lowest point of grade, which is intended for use as an outdoor recreation area, but shall not include pathways or walkways.

Permitted

Means permitted by this By-law.

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, executors or other legal representatives of a person to whom the same can apply according to law.

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, esthetician, florist, laundromat, dry cleaner, tailor or seamstress, shoe repair, tattoo and piercing parlour, print and copy shop, framing and photography services, travel agency, among others. The sale of merchandise shall be permitted only as an accessory use to the personal service provided.

Place of Entertainment

Means a building or facility for the use of entertainment or fitness offered primarily indoors for gain or profit such as a cinema or other theatre, arena, auditorium, public hall, bingo hall, billiard or pool room, arcade, bowling alley, fitness centre, gym, yoga studio, ice or roller skating rink, or indoor climbing gym.

Place of Recreation

A lot, building, or structure in which various forms of outdoor recreation are provided for a fee, including amusement parks, mini-golf courses, golf driving range, but does not include a place of entertainment.

Place of Worship

Means a place or building used for the regular assembly of persons dedicated to religious worship and may include a hall, auditorium, educational space, convent, parish hall, administration office, and day care centre.

Port

Means a waterfront area or facility that is used for the berthage of vessels and watercraft in association with the shipping and receiving of goods. A port may include, but is not limited to, a pier, docks, mooring facilities, boat and container lifts, marine and boat repairs and fuelling, warehousing, and accessory uses such as offices and outside storage.

Portable Asphalt or Concrete Plant

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

Portable Processing Plant

Any equipment for the crushing, screening, or washing of sand and gravel aggregate materials, but not including a portable concrete plant or a portable asphalt plant, which equipment is capable of being readily drawn or readily propelled by a motor vehicle and is not considered permanently affixed to the site

Private Street or Road

A private right-of-way over private property or Crown Land which affords access to abutting lots and is not maintained by a public authority.

Provincial Highway

A public improved street under the jurisdiction of the Ontario Ministry of Transportation.

Principal

The primary use of land, buildings, or structures.

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 Town, or any portion

thereof, and includes any committee or local authority established by By-law of the Town, Hydro One, and Ontario Power Generation.

Public Use

Means a building, structure or land used for the provision of services or use by Town, or any public authority, boards or commissions thereof, and any department, ministry or Commission of the Governments of Ontario and Canada, any public utility corporation, or any railway company, or similar recognized agencies. A public use shall include a government office or facility, post office, among others.

Q

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.

Queuing Space

A space within a queuing lane used exclusively for the staging of motor vehicles utilizing a drive-through facility.

R

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.

Recreational Vehicle

A motorized vehicle designed to provide temporary living accommodations, but does not include a mobile home, travel trailer, modular home, or other motor vehicle defined herein.

Recycling Facility

A building or part of a building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

Renovate

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

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.

Residential Use

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

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. A resort may include an accessory restaurant, bar, office, retail store, and accommodation facilities for staff.

Resource Management

Means the use of land solely for the preservation, protection, and enhancement of the natural environment through comprehensive management and maintenance. For the purpose of this definition, resource management uses also means the management, development, and cultivation of forestry and timber resources to ensure the continuous production of wood or wood products, the provision of proper environmental conditions for wildlife, the protection against floods and erosion, the protection and production of water supplies, and the preservation of recreational resources.

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. A restaurant may include a bar, which is licensed under the Liquor License Act, outdoor patio or eating area.

Restaurant, Mobile

Means a vehicle, trailer, or cart that is not placed on permanent foundation, which is equipped for cartage, storage and the preparation of food stuffs, beverages, confections, and such items are offered directly for consumption to the general public, and includes a food truck, a mobile canteen and other refreshment vehicles, licensed by the Town, but shall not include any other restaurant type defined herein.

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. A retail store

may include, but is not limited to, a convenience store, grocery store, supermarket, food retail store, bakeshop, produce outlet, butcher, pharmacy, home renovation store, and similar uses.

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 Town.

Road Allowance

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

S

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.

School

Means a school under the jurisdiction of a Board as defined in the Education Act, as amended, 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.

School, Commercial

Means a school operated for gain or profit.

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.

School, Public

Means a school under the jurisdiction of a public agency.

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.

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.

Self-Storage Facility

Means a building containing at least three (3) separate, individual units for storage divided from the floor to the ceiling or roof, by a wall with an independent entrance to each unit, designed to be rented or leased to individuals or businesses for the storage of goods, materials and equipment.

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.

Sensitive Land Use

A building, amenity area, or outdoor space where routine or normal activities occurring at reasonably expected times would experience one (1) or more adverse effect(s) from contaminant discharges generated by a nearby facility. A sensitive land use may be part of the natural or built environment. Depending upon the particular 'facility' involved, a sensitive land use and associated activities may include one or a combination of:

- a) Residences or facilities where people sleep (e.g., single and multiple unit dwellings, long-term care facilities, hospitals, mobile home parks, campgrounds, etc.). These uses are considered to be sensitive 24 hours per day;
- b) A permanent structure for institutional uses (e.g., schools, places of worship, community centres, day care centres);
- c) Certain outdoor recreational uses deemed by a municipality or other level of government to be sensitive (e.g., trailer park, picnic area, etc.);
- d) Certain agricultural operations (e.g., cattle raising, mink farming, cash crops and orchards); and
- e) Bird/wildlife habitats or sanctuaries.

Service Shop

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 motor vehicle repair shops.

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.

Setback, 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.

Setback, 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.

Sewage Treatment Plant

Means a facility by a public authority for the collection, transmission, storage, treatment, and disposal of sewage.

Shipping Container

Means a freight container formerly designed for, or once used as, commercial shipping or storage, such as a seacan or storage container. A shipping container typically consists of four (4) units or sides locked together to form a steel box. For the purposes of this definition, a shipping container does not have wheels or include a motor vehicle or a storage trailer.

Shopping Centre

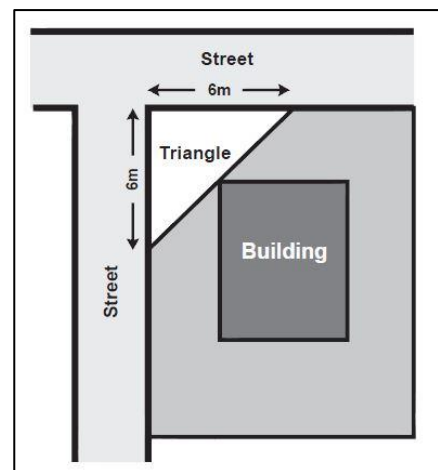
Means a building or group of buildings planned, designed, developed or managed as a unit, having off-road parking provided on the same lot, and which building or buildings contain one or more retail stores, and offices.

Shoreline

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

Sight Triangle

Means the area determined by connecting two (2) points, which are obtained by measuring a distance of 6.0 m 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 m of the street elevation shall be located within a 15.0 m radius measured in all directions from the boundary of the railway right-of-way.



Snow Storage and Disposal Facility

Means a facility to which snow is transported for storage from other off-site locations.

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 2.0 m and includes an attic having not less than 2.0 m headroom for at least 50% of the attic floor area.

Street Means a public highway under the jurisdiction of the Town 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.

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.

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.

T

Temporary Accommodation

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

Temporary Building

Means the temporary use of buildings and structures, including mobile home dwellings, 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.

Tent

Any kind of temporary shelter whether for sleeping or other that is not permanently affixed to the site and that is capable of being easily moved and is not considered a structure.

Tourist Information Centre

Means premises used for the dispensing of promotional information, including virtual information kiosks, or the providing of information to the travelling public

Tourist Outfitters Establishment

Mean an establishment that sells and/or rents recreational equipment and may provide tours.

Town Means the Corporation of the Town of Marathon.

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 include a travel trailer, boat and snowmobile trailer, and enclosed and open hauling trailers, but shall not include a mobile home dwelling as defined herein.

Transportation Depot

Means the use of land, buildings, or structures where commercial motor vehicles such as taxis and buses pick up and discharge fare paying passengers, and without limiting the generality of the foregoing, accessory uses may include a ticket office, canteen, luggage checking facilities, parcel shipping facilities, storage facilities for the parking of vehicles and ancillary offices, and parking for passengers.

U

Unserviced

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

Use

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

Use, Continuous

Means 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 (1) 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.

V

Vessel

A craft designed to float on the water including a boat, a barge or a ship.

W

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 an office for a warehouse manager or staff, but does not include a bulk fuel depot, storage of oil, gasoline, petroleum products, cleaning products, pesticides, herbicides, fungicides, chemicals, resins, paints, varnish, printing inks, adhesives and dyes.

Waste Disposal Area

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

Waterbody

Means any bay, lake, river or other natural or man-made watercourse or canal.

Watercourse

Means the natural channel for a stream of water, river, or creek.

Water Frontage

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

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 (MTO), solely for the purposes of road construction.

Windfarm

Means a grouping of more than one (1) interconnected wind turbine on one (1) lot or abutting lots used for the purpose of converting wind power to produce electricity.

Workforce Housing

Means a residential complex or commercial dwelling units used to provide temporary or permanent lodging accommodation to employees, primarily of an industrial or resource-based establishment, for remuneration or not, and which includes exclusive sleeping accommodation

units with or without semi-private or private bathroom facilities, as well as communal kitchen/dining facilities, and permitted accessory uses.

Wrecking Yard

Means an area of land licensed by the Ministry of the Environment, Conservation and Parks (MECP) for the storage and processing of derelict motor vehicles where processing means the collection, handling, storage, or processing including removing contaminants, dismantling for parts, flattening, crushing, and shredding. A derelict motor 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.

X

Reserved for future use.

Y

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. I

Exterior Side Yard

Means 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

Front Yard

Means 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.

Interior Side Yard

Means a yard extending from the front yard to the rear yard and from the interior side lot line to the nearest part of the main building, structure or excavation on the lot.

Rear Yard

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.

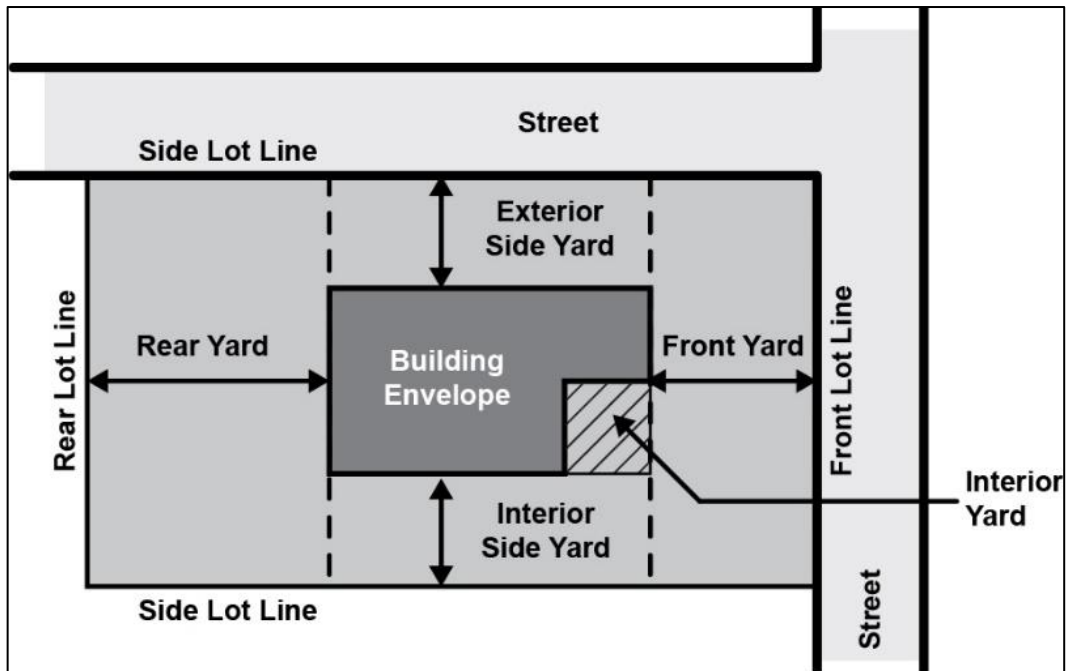
Side Yard

Means 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.

Required Yard

Means the minimum yard required by the provisions of the By-law.

Illustration of yards:



Z

Zone

Means zoned area of land, as illustrated in **Schedules A and B** and established and designated by this this By-law for the purposes of a specific use or group of uses that are erected and maintained in accordance with the provisions of this By-law.

3 General Provisions

3.1 Application

1. The provisions of this section apply to all buildings and structures erected, altered, or used in all Zones within the Town of Marathon, in addition to any other applicable provisions in this By-law.

3.2 Accessory Uses, Buildings and Structures

1. 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 meets the following provisions:
 - a) Shall not be used for human habitation, except where an additional dwelling unit is a permitted use, subject to the provisions of **Section 3.3 Additional Dwelling Units** of this By-law;
 - b) Shall not be built closer to the front lot line or exterior side 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 the required exterior side yard setback and sight triangles are maintained;
 - d) In Commercial and Industrial Zones, 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 m to any interior side or rear lot line;
 - f) No detached accessory building or structure shall be located closer than 2.0 m to a main building;
 - g) The cumulative ground floor area of all accessory buildings and structures shall not exceed 10% coverage of the total lot area;
 - h) In a Residential Zone shall not exceed 4.5 m in height, or contain more than one (1) storey, except that where a dwelling unit is a permitted additional dwelling unit, it shall not exceed 6.0 m in height, or contain more than two (2) storeys. In all other Zones, the maximum height of an accessory building or structure shall not exceed 6.0 m;

- i) Shall not be considered as an accessory building or structure if attached to the main building by a division wall or walls shared in common;
- 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 waterbody or watercourse, subject to the requirements of **Section 3.36.2 Setbacks from Waterbodies, Watercourses, and Municipal Service Drains** of this By-law; and
- 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 a detached building or structure located within 2.0 m of the main building, and shall not exceed 10% of the total floor area of the main building to a maximum of 280.0 m².

3.2.1 Outdoor Swimming Pools

1. Notwithstanding 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:
 - a) An outdoor swimming pool shall be set back a minimum of 1.5 m from any lot line;
 - b) No outdoor swimming pool accessory to a permitted residential use shall be located in any part of a front or exterior side yard;
 - c) Any filter, pumps, or similar operating machines shall be set back a minimum distance of 0.6 m from any lot line and a minimum distance of 3.0 m from any main building;
 - d) A yard containing an outdoor swimming pool shall be required to be fenced, or within the yard, the pool deck area surrounding the outdoor swimming pool shall be fenced; and
 - e) The fenced yard containing an outdoor swimming pool or the fenced pool deck area surrounding the outdoor swimming pool as required in provision 1.d), shall be required to have a locking gate with a latch at least 1.2 m above ground.

3.2.2 Boathouses, Docks, and Boat Launch and Docking Facilities

1. A boathouse, dock, and boat launching and docking facility shall be permitted as an accessory use to the principal use located on a lot with frontage on a waterbody or watercourse, and shall be permitted to be erected in the required yard located between the lot line abutting the waterbody or watercourse and the main building.
2. Notwithstanding any other yard or setback provisions of this By-law, a boathouse, dock, or boat launching ramp may not be closer than 3 m from any side lot line or projection of said lot

line into the waterbody. The projection of lot lines into the water shall be perpendicular to the shoreline at the point of intersection.

3. A boathouse shall be subject to the following provisions:
 - a) A maximum of one (1) boathouse is permitted on a lot;
 - b) The maximum height of a boathouse shall be 4.5 m. For the purposes of determining the height of a boathouse, the finished grade shall be the normal high water mark for the adjacent waterbody or watercourse; and
 - c) A boathouse shall not be used for human habitation.
4. Unless specifically identified as a principal use, docks are only permitted as an accessory structure.
5. Notwithstanding any other provisions of this By-law, docks and boat launching and docking facilities may be permitted on a vacant waterfront lot.
6. Work on shorelands below the normal high water mark may require an authorization under the Lakes and Rivers Improvement Act (LRIA) and/or Public Lands Act (PLA), as amended. Consultation with the Ministry of Natural Resources (MNR) is required before beginning any works.

3.3 Additional Dwelling Units

In addition to other provisions of this By-law, the following provisions shall apply to additional dwelling units and garden suites:

1. A maximum of two (2) additional dwelling units shall be permitted on a lot containing a single-detached dwelling, semi-detached dwelling, or townhouse dwelling, for a maximum of three (3) dwelling units on a lot in accordance with the following provisions:
 - a) Two (2) additional dwelling units (in addition to the principal dwelling unit) are permitted within a dwelling provided that no buildings or structures ancillary to the principal dwelling contain additional dwelling units;
 - b) Only one (1) additional dwelling unit is permitted in a detached ancillary building;
 - c) A garden suite on a lot constitutes a detached additional dwelling unit, and must comply with the provisions of the Town's Temporary Use By-law;
 - d) An additional dwelling unit shall not be permitted above a boat house; and
 - e) An additional dwelling unit shall not be permitted in a group home or boarding house.
2. An additional dwelling unit shall not be permitted in a regulated floodplain, regardless of the non-complying status of the existing dwelling unit.

3. An additional dwelling unit shall not be established prior to obtaining a Building Permit, and must comply with the requirements of the Ontario Building Code and Fire Code, as amended.
4. An additional dwelling unit shall only be permitted where adequate water and sanitary services are available or can be accommodated through either public or private systems, as determined through consultation with the Town.
5. Where an additional dwelling unit is established within a main building or within an ancillary building or structure, the following provisions apply:
 - a) The additional dwelling unit must not exceed the gross floor area of the principal dwelling unit;
 - b) The additional dwelling unit shall be subject to the yard and setback provisions for the principal dwelling as established in the Zone in which it is located, with the exception that the additional dwelling unit shall have a minimum rear yard setback of:
 - i. 3.0 m for newly constructed additional dwelling units; or
 - ii. 1.5 m for the conversion of a detached ancillary building or structure that lawfully existed at the time of passing of this By-law to an additional dwelling unit.
 - c) The additional dwelling unit shall not contain windows that face the interior side yard or rear yard, where these yards abut other residential lots. Placement of windows shall comply with the Ontario Building Code and Fire Code, as amended;
 - d) The additional dwelling unit may comprise a tiny home dwelling;
 - e) Within the Town's Settlement Area, a lot with an additional dwelling unit may exceed the maximum lot coverage prescribed in the Zone in which it is located, up to a maximum of 45%; and
 - f) Within the Town's Settlement Area, the minimum required separation distance between a detached additional dwelling unit and another building on the lot containing a residential use is 4.0 m.
6. An additional dwelling unit shall include the provision of address identification to be posted facing the street and/or laneway where applicable.
7. Parking shall be provided for additional dwelling units in accordance with **Section 4 Parking and Loading Requirements** of this By-law. The establishment of an additional dwelling unit must not reduce the number of parking spaces provided for the principal dwelling unit below the minimum required in this By-law.
8. The principal dwelling unit and any additional dwelling units must share the parking area and yard provided for the principal dwelling unit.

9. An existing driveway may be widened beyond the existing width to accommodate an additional parking space for an additional dwelling unit, including along the street line, provided that the driveway width does not exceed the maximum permitted width in accordance with **Section 4.3 Parking Area Standards**.
10. An additional driveway may be added for an additional dwelling unit in accordance with **Section 4.3 Parking Area Standards**, and subject to a Culvert Application to the satisfaction of the Town.
11. Where an additional dwelling unit is established, the outdoor amenity space provided must be adequate for the amenity and leisure needs of the occupants of all dwelling units on the lot.

3.4 Alternative and Renewable Energy Systems

1. Alternative and renewable energy systems, such as windfarms and battery energy storage systems, shall be subject to the relevant Provincial regulations, and necessary approvals shall be obtained from the Province and Town, as required.
2. Alternative and renewable energy systems shall only be permitted through an amendment to this By-law authorized by Council and may be subject to Site Plan Control.

3.5 Wrecking Yards and Salvage Yards

1. Where land is used for the purpose of a wrecking yard or salvage yard or similar use, the storage of derelict motor vehicles, scrap metal, junk and other material shall not be carried out in that part of the land zoned herein as the required front, side or rear yards.
2. A natural or artificial screen or buffer strip shall be provided to screen the use from the street and from adjacent lots to the side or rear of the lot, and shall be a minimum of 6.0 m in width in compliance with **Section 3.7 Buffer Strips** of this By-law.

3.6 Bed and Breakfast Establishments

A bed and breakfast establishment shall be permitted in the Rural (RU), Rural Residential (RR), and Residential (R1) Zones, and shall be subject to the requirements of the Zone in which it is located and the following provisions:

1. The operation of a bed and breakfast establishment shall be incidental and secondary to the principal residential use of the single-detached dwelling;
2. Bed and breakfast establishments are not subject to the provisions of **Section 3.14 Home-Based Businesses and Home Industries**;
3. A bed and breakfast establishment shall be operated by a resident of the single-detached dwelling, in which the bed and breakfast establishment is located;

4. A bed and breakfast establishment shall be located on a public street which is maintained year-round by the Town;
5. A bed and breakfast establishment shall not contain more than three (3) guest bedrooms; in addition to a minimum of one (1) bedroom for the occupant of the single-detached dwelling.
6. In addition to any off-street parking required for the single-detached 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 two (2) motor vehicles in an existing driveway;
7. A bed and breakfast establishment shall have sufficient site area to accommodate on-site outdoor amenity area(s) and provide adequate buffering for adjacent uses;
8. A bed and breakfast establishment must obtain an annual license and pay an annual licensing fee in order to operate, in accordance with the Town Business Licensing By-law #1574, or its successor;
9. A bed and breakfast establishment is not permitted in combination with additional dwelling units, or any other type of accommodation such as roomers and boarders, and accessory apartments;
10. A bed and breakfast establishment shall not be licensed to serve alcoholic beverages; and
11. In the Residential (R1) Zone, no outside display or advertising shall be permitted, other than a non-illuminated sign which shall not exceed 1.5 m² in area indicating the name of the bed and breakfast establishment, in accordance with the Town Sign By-law #1109, or its successor.

3.7 Buffer Strips

1. 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;
2. Where a buffer strip is required in any Zone, it shall be of a minimum width as specified in the regulations for that Zone;
3. A buffer strip shall be located within the Zone for which it is required;
4. 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

5. A buffer strip may form part of any required landscaped open space.

3.8 Certain Uses Not Restricted

1. 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, and street design features such as public benches, street lighting, and municipal parking meters;
 - c) Statues, monuments, cenotaphs, fountains, flag poles, light standards or other such memorials or ornamental structures;
 - d) Facilities for the transformation, transmission, or distribution of electrical energy or bio-heating facilities utilizing bio mass pellets or wood chips;
 - e) Pumping stations for water or sewage;
 - f) Filtration plants, but not including a storage yard;
 - g) Underground transmission lines for hot air, steam, gas, oil or other fluids;
 - h) Approved traffic signal, traffic sign, street light, or yard light;
 - i) Signs or notices issued by the Province or Town, or any other sign or notice contemplated by statute for the promotion of the public interest, in accordance with the Town Sign By-law #1109, or its successor;
 - j) Signs having an area of not more than 4.7 m² 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;
 - k) Scaffolding or other temporary buildings or structures 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;
 - l) Watermains, sewer mains, or gas mains maintained by the appropriate public authority; and
 - m) Retaining walls for decorative, landscaping, or bank stability purposes.

3.9 Crown Lands

1. The provisions of this By-law may not apply to Crown Lands, however it is intended that the Crown may have regard for the provisions of this By-law.

2. Development and use of Crown lands shall only proceed with authorization from the Ministry of Resources (MNR).

3.10 Dangerous Uses

1. 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.

3.11 Existing Lots

1. 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 Thunder Bay District Health Unit; and
 - b) Such lots have a minimum frontage of 7.5 m on a publicly maintained year-round open road.

3.12 Groundwater Protection Overlay

1. The provisions of this Section shall apply to lands within the Groundwater Protection Overlay, as shown on **Schedule C** of this By-law. On lands identified as part of Groundwater Protection Zones 1, 2, and 3 in Schedule C, the land use restrictions established in **Table 3-1** shall apply:

Table 3-1: Land Use Restrictions - Groundwater Protection Zones

Category	Type of Land Use Restricted	Groundwater Protection Zone in which Use is Prohibited
Category A	- Auto wrecking and automobile salvage yards; and - Lagoons, landfills, disposal of abattoir and rendering wastes.	Groundwater Protection Zones 1, 2, 3
Category B	- Foundries; - Non-ferrous and precious metal smelting and refining; - Metal rolling, casting and extruding operations including steel pipes and tubes; - Manufacturing of unfinished fabricated metal products and parts;	Groundwater Protection Zones 1, 2

Category	Type of Land Use Restricted	Groundwater Protection Zone in which Use is Prohibited
	• Metal finishing operations, i.e. electroplating, electrocoating, galvanizing, painting, application of baked enamel; • Manufacturing of cable, wire and wire products; • Jewellery and silverware manufacturing; • Assembly of aircraft parts, motor vehicles, truck, bus bodies, trailers, rail cars, mobile homes, ships and boats; • Manufacturing of engines, engine parts, steering and suspension parts, wheels and brakes; • Manufacturing of agricultural, commercial and industrial machinery; • Manufacturing, packaging, crating or bottling of chemicals, resins, paints, varnish, printing inks, adhesives and dyes; • Manufacturing of pharmaceuticals and medicines; • Petroleum products refining and asphalt batching; • Manufacturing of electronic components such as semiconductors, printed circuit boards and cathode ray tubes; • Manufacturing of wet electrical and industrial equipment and wet batteries; • Commercial or industrial dry cleaning of textiles and textile products; • Leather tanning and finishing; • Wood and wood product preservation and treatment; • Transportation terminals for chemicals or hazardous substances; • Warehousing and bulk storage of oil, gasoline, or petroleum products, and gasoline stations; • Warehousing of cleaning products, pesticides, herbicides, fungicides and chemicals; and • Snow storage and disposal facilities.	
Category C	• Rubber products manufacturing; • Manufacturing of electrical appliances, equipment, motors, lighting fixtures and lamps (excluding manufacturing of electrical components and metal fabrication and finishing which are Category B activities); • Manufacturing of electrical light bulbs and tubes;	Groundwater Protection Zone 1

Category	Type of Land Use Restricted	Groundwater Protection Zone in which Use is Prohibited
	• Manufacturing of dry batteries; • Manufacturing of soaps and toiletry products; • Finishing and dyeing of textiles; • Manufacturing of plastic and foam parts and products; • Furniture, casket, cabinet and other wood products manufacturing and assembly; • Manufacturing of coated glass; • Manufacturing of paper, newsprint and boxes; • Photographic development facilities (other than accessory to other retail uses); • Printing of newspaper, packaging and books; • Repair of industrial machinery; • Repair of motor vehicles, aircraft, water craft, rail vehicles, trucks, buses and machinery; • Golf courses; • Airports, train and public transit terminals; • Medical, health and other laboratories (other than clinics associated with commercial plazas); and • Contractors' establishments and yards.	
N/A	• Use of underground fuel storage tanks.	Groundwater Protection Zones 1, 2, 3

- The restricted land uses identified in provision 1. may only be permitted through an amendment to this By-law.

3.13 Group Homes

- A group home that is licensed 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 following provisions:
 - A group home shall have a maximum of ten (10) residents, excluding staff or receiving family; and
 - Group homes shall not be permitted in accessory single-detached dwellings or in additional dwelling units.

3.14 Home-Based Businesses and Home Industries

Home-based businesses and home industries are permitted accessory to residential uses in certain Zones, subject to the following provisions:

1. Where a home-based business or home industry is permitted in a particular Zone, the following provisions shall apply:
 - a) A home-based business or home industry shall be clearly secondary to the principal residential use and shall not change the character of the dwelling as a private residence or create or become a nuisance through excessive noise, hours of operation, odour, traffic generation, or other means;
 - b) A maximum of one (1) home-based business or one (1) home industry shall be permitted on a lot;
 - c) A home-based business or home industry shall have at least one (1) permanent resident of the dwelling unit engaged in the business;
 - d) A home-based business or home industry shall be licenced in accordance with the Town's Business & Licensing By-law;
 - e) No external display or advertisement shall be permitted;
 - f) With the exception of lots zoned as Rural (RU), no external storage of materials, containers, finished products, or equipment associated with the home-based business or home industry shall be permitted on the lot;
 - g) No parking of trucks or commercial vehicles associated with the home-based business shall be permitted on the lot;
 - h) For home industries, only licensed motor vehicles associated with the home industry may be parked or stored on the lot within an interior side or rear yard, in accordance with Section 4 Parking and Loading Requirements of this By-law.
 - 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 (MTO) will be required for home-based businesses or home industries that front onto a Provincial highway;
 - k) A home-based business or home industry shall meet the requirements of any other regulatory agency or licencing body; and
 - l) A home-based business or home industry shall have not more than one (1) person employed, including a contractor, who is not a permanent resident of the dwelling unit.

2. A home-based business shall be comprised of occupations or professions which are conducted entirely within a dwelling unit, including but not limited to:
 - a) Professional offices;
 - b) Personal service uses; or
 - c) Home daycare uses.
3. A home-based business shall be wholly confined to the principal dwelling unit and shall 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-based business;
4. A home industry shall be permitted in the Rural (RU) Zone, and shall only be permitted when wholly confined to a detached accessory structure on a lot containing a residential use.
5. A home industry shall be comprised of occupations related to the trades, including but not limited to:
 - a) Home repair shop;
 - b) Electrical or plumbing contractor's shop;
 - c) Workshop, including carpentry or welding; and
 - d) Metalworking.

3.15 Kennels

Where permitted by this By-law, kennels shall be subject to the following provisions:

1. A kennel shall only be permitted on a lot having a lot area of 2.0 ha or greater;
2. Any portion of a kennel shall be located a minimum 150.0 m from a dwelling unit located on a separate lot;
3. The portion of the lot used for dog kennel purposes shall be fenced from adjoining lots;
4. Kennels shall be subject to the Town's Business & Licensing By-law and all applicable regulations, including the Provincial Animal Welfare Services (PAWS) Act, 2019.

3.16 Land Without Buildings

1. Where land is used for or in connection with any use, but without any buildings or structures therein, the following provisions shall apply:
 - a) All yards required by the By-law on a lot in the respective 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; and

- b) Outdoor storage shall be prohibited on vacant lots, and may only be permitted accessory to another principal use on a lot.

3.17 Lots with More than One Zone

1. Where a lot is divided into more than one (1) Zone, each such portion of such lot shall be used in accordance with the provisions of this By-law for the applicable Zone where such portion of the lot is located. Each portion of the lot shall be considered as a separate lot for the purpose of applying yard and setback provisions of the applicable Zone.

3.18 Main Buildings on a Lot

1. No person shall erect more than one (1) dwelling unit on a lot unless specifically allowed in a Zone.
2. No person shall erect more than one (1) main building on a lot except for:
 - a) Commercial and industrial buildings located in Commercial and Industrial Zones; and
 - b) Buildings associated with an agricultural use, agriculture-related use, or on-farm diversified use.

3.19 Mobile Home Dwellings

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

3.20 Motor Vehicle Service Stations and Gas Bars

1. Where motor vehicle service stations and gas bars are permitted, they shall be subject to the following provisions:
 - 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 m from any road allowance;
 - b) The minimum distance from the intersection of the front and side lot line to the nearest ingress or egress driveway shall not be less than 9.0 m;

- c) The maximum width of a driveway located at the front or side lot line shall not be more than 7.0 m;
- d) 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 m is required between the extent of the canopy or the roof and any lot line;
- e) Where the lot is a corner lot, no portion of any canopy or roof shall be located within any sight triangle; and
- f) Where a motor vehicle service station or gas bar 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 m in compliance with **Section 3.7 Buffer Strips**.

3.21 Non-Complying Lots, Buildings, and Structures

1. Where a building or structure was lawfully used on the day of the passing of this By-law, but the building or structure did not meet the requirements of this By-law with respect to provisions other than use on that day, and its use is permitted by the Zone in which the building or structure is located, nothing in this By-law shall prevent the continued use or occupancy of such building or structure.
2. Where a building that was existing on the day of passing of this By-law is located on a lot having less than the minimum frontage or lot area required by this By-law, or having less than the minimum front yard, side yard, or rear yard required by this By-law, such 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 with which it does not comply;
 - b) The building or structure is being used for a purpose permissible within the Zone in which it is located; and
 - c) All other applicable provisions of this By-law are complied with.
3. Nothing in this By-law shall apply to prevent the reconstruction of any permitted building which is accidentally damaged or destroyed by causes beyond the control of the owner. Such permitted building may be reconstructed in accordance with the previously existing standards, even if such did not comply with one or more of the provisions of this By-law, but the non-compliance may not be further increased provided that the reconstruction occurs within twelve (12) months of the damage being done.
4. Where a lot, having a lesser lot area and/or lot frontage than required herein, existed on the date of passing of this By-law, or where such a lot is created by a public authority such smaller lot may be used and a permitted building or structure, may be erected, altered and/or

used on such smaller lot provided that all other applicable Zone provisions of this By-law are complied with.

5. A lot which has been increased in size following the passing of this By-law may also be used in accordance with this provision and the resultant lot shall be deemed to comply with all of the provisions of this By-law and all Zone provisions applicable to any existing building on the benefiting lot shall be deemed to comply with the provisions of this By-law.

3.22 Non-Conforming Uses

1. 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;
 - 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 Town 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 six (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;
 - 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.
 - e) The interior of a structure containing a non-conforming use being reconstructed or altered for the purpose of the existing non-conforming use;
 - f) Where, in any Zone a non-conforming residential use exists, the construction of a detached accessory building to such use provided that all yard and setback requirements are complied with;
2. A non-conforming use shall be considered abandoned when:
 - a) The use has been discontinued for a period of one (1) year;
 - b) The characteristic equipment and furnishings of the non-conforming use have been removed and have not been replaced within one (1) year;

- c) It has been replaced by a conforming use; or
 - d) Re-establishment has not been commenced within two (2) years of the date of destruction or damage caused by fire or natural disaster.
3. The exterior of any building or structure which was lawfully used prior to the effective date of this By-law for a purpose which is not permitted within the Zone in which it is located, prior to the effective date of this By-law, shall not be enlarged, extended more than 0.2 m, reconstructed or otherwise structurally altered, unless such building or structure is thereafter to be used for a purpose permitted within such Zone.
4. The use of any existing lot, building, or structure which is not permitted in the Zone in which it is located shall not be changed except to a use which is listed as a permitted use in such Zone. Expanding a legal non-conforming use shall require the authorization of the Committee of Adjustment. The introduction of a new use shall require the authorization of Council, unless the new use is deemed to be minor, in which case it shall require the authorization of the Committee of Adjustment.

3.23 Obnoxious Uses

1. 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:
 - iii. By the creation of noise or vibrations; or
 - iv. By reason of the emission of gas, fumes, dust or objectionable odour; or
 - v. 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 Health Protection and Promotion Act, as amended or revised, or any regulations thereunder to be a noxious or offensive trade, business or manufacture.

3.24 Occupancy of Partially Completed Buildings

1. No new building, except in the case of a building containing apartment dwellings, 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.
2. Any apartment dwelling unit in a building containing apartment dwelling units may be occupied, provided that all of the above conditions are satisfied, notwithstanding that one (1) or more of the apartment dwelling units have not been completed.

3.25 Outdoor Wood Burning Furnaces

1. Where an outdoor wood burning furnace is established for heating of the main 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.
2. Outdoor wood burning furnaces are subject to the following provisions:
 - a) Shall be permitted only in the Rural (RU) Zone;
 - b) May only be installed on lots having an area of 0.8 ha 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 5.0 m above the adjacent ground and shall be equipped with a spark arrestor and a rain cap;
 - e) Shall be located at least 15.0 m from any lot line;
 - f) Shall be located at least 3.0 m from any trees or non-habitable structures; and
 - g) Shall not be located in a front yard.

3.26 Outside Storage

1. 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; and
 - c) Storage areas are to be screened from view by means of solid board fencing and/or landscaping features a minimum of 3.0 m in height.

3.27 Permitted Height and Yard Encroachments

3.27.1 Permitted Yard Encroachments

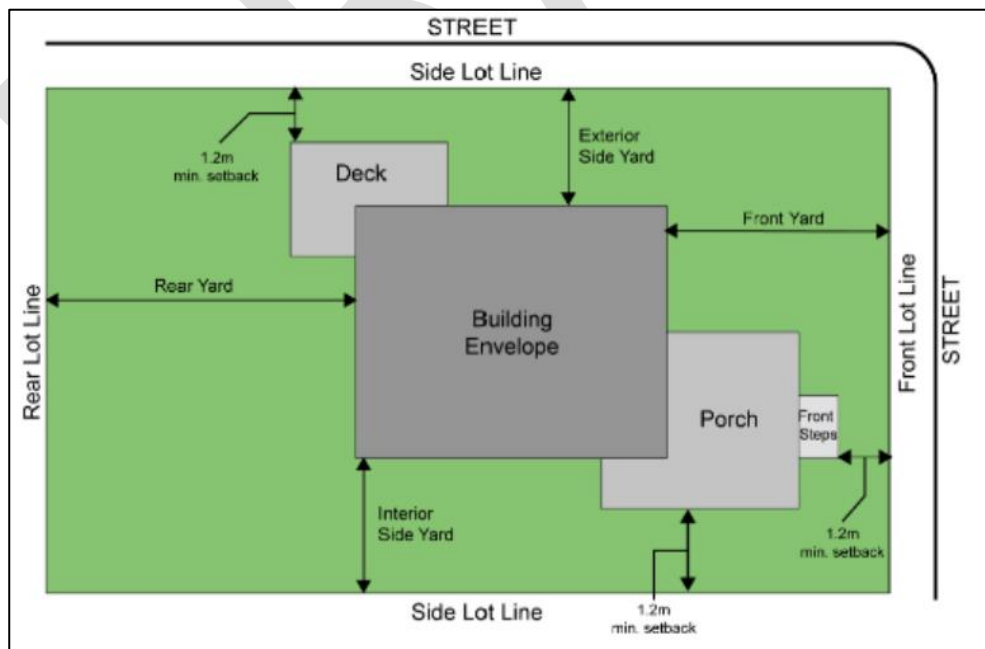
1. Every part of any yard required by this By-law shall be open and unobstructed by any structure, from the ground to the sky, except in accordance with **Table 3-2**.

Table 3-2: Permitted Yard Encroachments

Building Feature / Structure	Yard in which Projection is Permitted	Maximum Permitted Encroachment
Sills, Belt Courses, Cornices, Eaves, Gutters, Chimneys, Parapets or Pilasters	Any yard	0.5 m
Fire Escapes	Rear yard	1.5 m
Exterior Stairs	Front and rear yards	1.5 m
Window Bays	Front and rear yards	1.0 m
Balconies	Single-detached dwellings, semi-detached dwellings, duplex dwellings: Front and rear yards Apartment dwellings: Any yard	2.0 m
Open Roofed Porches Not Exceeding One Storey In Height; Covered Terraces	Front and rear yards	2.5 m including eaves and cornices
Canopies Over Entrances	Front and rear yards	3.0 m
Gate House	Any yard in a Commercial or Industrial Zone	1.0 m from any lot line
Fences	Regulated by Town By-law No. 1975.	
Enclosed Front Porch or Mudroom – up to 3 m in width	Front yard	2.5 m
Covered or Uncovered, Decks, Balconies, or Patios –	Front, interior side, and exterior side yards	May encroach 1.2 m into the required yard, but no closer than

Building Feature / Structure	Yard in which Projection is Permitted	Maximum Permitted Encroachment
0.3 to 1.2 m in height above finished grade		1.2 m to the interior side lot line. The setback shall not apply where a side lot line extends from a common wall dividing attached dwelling units
	Rear yard	No closer than 1.2 m to the rear lot line
Covered Or Uncovered, Decks, Balconies, or Patios – greater than 1.2 m in height above finished grade	All yards	None
Wheelchair Ramps	All yards	No limit
Air Conditioners, Solar Panels, Heat Pumps, Or Similar Equipment	Interior or rear yards	1.0 m, but not closer than 1.0 m to any lot line

Examples of permitted projections / encroachments



2. Notwithstanding the requirements of provision 1., 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 m.
3. Where a legal non-conforming or non-complying building encroaches onto the required yard, the maximum projection into the required yard from the main wall shall be measured from the main wall.

3.27.2 Permitted Encroachments Above Maximum Building Heights

1. The height regulations specified in each Zone shall not apply to any of the structures listed below, or to any other similar structures which may require a height in excess of the maximum building height limits in order to serve their intended purpose:
 - a) Ornamental architectural features, such as a dome, parapet, skylight, or cupola;
 - b) Chimney;
 - c) Communications tower;
 - d) Power transmission tower;
 - e) Storage silo;
 - f) Cupola,
 - g) Steeple or church spire;
 - h) Water storage tank or tower;
 - i) Elevator enclosure or other rooftop mechanical equipment such as HVAC components;
 - j) Flag pole;
 - k) Television or radio antennae;
 - l) Grain elevator;
 - m) Solar panel;
 - n) Mine headframe; and
 - o) Windmill or weather monitoring device.

3.28 Portable Asphalt and Portable Concrete Plants

1. Where in this By-law, a portable asphalt or concrete plant is permitted in a particular Zone, it shall not be located:
 - a) Within the Settlement Area of the Town of Marathon;

- b) Within 400.0 m of an existing residential use; and
- c) In an area where severe environmental disruption would occur.

3.29 Prohibited Uses

1. 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, motor vehicle 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, and an abattoir, unless such uses are specifically listed as permitted uses within a particular Zone.

3.30 Public Uses

1. Notwithstanding any other provisions of this By-law, the use of land, or the use, construction or re-construction of any building or structure for the purposes of a public use, including but not limited to an institutional use, emergency services, housing, and supportive housing, shall be permitted in all Zones.
2. Except as provided in **Section 3.36 Special Setbacks**, the provisions of this By-law shall not apply to prohibit the use of any lot or the erection or use of any building or structure for the purposes of public uses provided by the Town, or any Public Authority including any Department or Ministry of the Government of Canada or Ontario or any Conservation Authority established by the Government of Ontario and, for the purposes of this Section, shall include Hydro One, any telephone, telegraph or cable TV company and any natural gas distribution system operated by a Company distributing gas to the residents of the Town, which company possesses all the necessary powers, rights, licenses and franchises.
3. Nothing in this By-law shall prevent land from being used as a street or highway, or prevent the installation of a watermain, sanitary sewer, storm sewer, gas main, pipeline, overhead or underground hydro, communication line or high voltage electrical facilities owned, operated and maintained by Hydro One or the Public Utilities Commission.
4. The following additional provisions shall apply to public uses:
 - 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, materials, or equipment outside of the building or structure located on the lot in a Residential Zone, or within 60.0 m of a Residential Zone;
 - c) Any parking and loading regulations contained in **Section 4 Parking and Loading Requirements** of this By-law are complied with.

3.31 Recreational Vehicles, Other Vehicles, and Tents

1. Parking and storage of recreational vehicles, 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 shall only be permitted in the Residential Zones subject to the following provisions:
 - a) The maximum number of recreational vehicles and trailers shall be permitted to be stored on residential lot shall be:
 - i. One (1) for permanent storage/parking; and
 - ii. One (1) for temporary storage/parking.
 - b) From November to April, temporary parking of all-terrain vehicles, motorized snow vehicles, watercraft, and seasonal mechanical shall be permitted in a front yard or driveway.
 - c) Recreational vehicles, operable boats, trailers, all-terrain vehicles, motorized snow vehicles or watercrafts, and mechanical equipment shall be permitted to be stored in the rear yard or interior side yard, or within an accessory building or structure.
 - d) Where recreational vehicles, operable boats, trailers, all-terrain vehicles, motorized snow vehicles or watercrafts, and mechanical equipment is parked or stored in the rear yard or interior side yard, a minimum setback of 2.0 m from the lot line shall be maintained.
 - e) Use, occupancy, parking and/or storage of recreational vehicles, trailers, all-terrain vehicles, motorized snow vehicles, and mechanical equipment shall not be permitted on a vacant lot.
 - f) Except as expressly permitted by this By-law:
 - i. 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
 - ii. 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.

3.32 Services Required

1. 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 Thunder Bay District 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.

3.33 Shipping Containers

1. Pre-fabricated shipping containers shall be considered as a detached accessory structure and subject to the following requirements:
 - a) Shipping containers shall be subject to the requirements for accessory buildings and structures in **Section 3.2** of this By-law, except as provided by in this Section.
 - b) Shipping containers shall be permitted in the Rural (RU), Rural Residential (RR), Residential (R1), Mobile Home Residential (R2), Highway Commercial (C3), Enterprise (E), Light Industrial (M1), Heavy Industrial (M2), and Mineral Extraction (MX) Zones.
 - c) In Residential Zones, a maximum of one (1) shipping containers shall be permitted on a lot.
 - d) The maximum size of shipping container shall be 2.9 m in height, 2.5 m in width, and 6.0 m in length.
 - e) Shipping containers shall be located:
 - i. in interior side yard and rear yards only;
 - ii. a minimum distance of 10.0 m from any lot line abutting a Residential, Institutional (I), or Future Development (FD) Zone;
 - iii. despite Section 3.33.1(e)(ii), shipping containers on lots zoned Residential shall be set back a minimum of 1.0 m from any lot line of an abutting Residential-zoned lot;
 - iv. in all other cases, a shipping container shall be located no closer than 1.0 m to any lot line.
 - f) Shipping containers shall be buffered or screened to reduce the visual impact from any public street, and any adjacent lot in the Institutional (I), Enterprise (E), and Commercial Zones using landscaping, landscaped berms, or fencing;
 - g) A shipping container shall not be located in a required parking area or parking space, and shall not encroach into any required landscaped area or buffer strip;
 - h) A shipping container shall not be placed for the purpose of display or advertising on a property, or for the purpose of providing screening or fencing;
 - i) A shipping container shall be included in all calculations for the purpose of determining maximum lot coverage of accessory buildings or structures; and

- j) A building permit will be required for the construction and/or installation of a shipping container.
- 2. Notwithstanding any other provision of this section to the contrary, a shipping container shall be permitted as a temporary use on a construction site in any Zone subject to approval by the Chief Building Official, for the purposes of storing equipment and materials incidental to construction, provided that a shipping container shall:
 - a) Not be located in a minimum required front yard or in an exterior side yard;
 - i. Be located entirely on private property without encroaching on to a public sidewalk or street, and shall not create a sightline obstruction;
 - ii. Not exceed two (2) in number; and
 - iii. Be removed from the site within 30 days of completing construction works.

3.34 Signs

- 1. Nothing in this By-law shall apply to prevent the erection or use of any sign, provided that such sign complies with:
 - b) Town Sign By-law #1109, or its successor; and
 - c) The provisions in **Section 3.35 Sight Triangles** of this By-law.

3.35 Sight Triangles

- 1. Notwithstanding any other provisions of this By-law, within the triangular space included between the street lines for a distance of 6.0 m 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 motor vehicle approaching intersection.

3.36 Special Setbacks

3.36.1 Setbacks from Provincial Highways

- 1. All buildings and structures located within the Ministry of Transportation's (MTO) Permit Control Area shall comply with the specific setback requirements as determined by the MTO. Development permits for such lands shall be obtained from the MTO.

3.36.2 Setbacks from Waterbodies, Watercourses, and Municipal Surface Drains

- 1. Development, including the erection of buildings and structures, including septic systems, shall require a minimum setback of 30.0 m from the normal high water mark of a watercourse or waterbody, or from the stable top of bank, whichever is greater, unless it can be demonstrated through the preparation of an Environmental Impact Study in accordance with

the requirements of the Town Official Plan that there will be no negative impacts on the aquatic and fish habitat.

- a) Within the 30.0 m setback, a 15.0 m naturalized buffer shall be maintained, with non-disturbance of the native soils and very limited removal of shoreline vegetation; and
 - b) Notwithstanding a), a 3.0 m wide pathway shall be permitted within the naturalized buffer to provide access to the shoreline.
2. For existing lots of record where it is demonstrated that a 30.0 m setback cannot be achieved, new development must be set back as far back as the lot permits, with non-disturbance of the native soils and very limited removal of shoreline vegetation and adherence to applicable zoning standards, subject to review and approval by the Town.
 3. Notwithstanding any other provisions of this By-law, a building in any Zone is required to be no nearer than 15.0 m from the top of the bank of any municipal drainage ditch permanent or intermittent.

3.36.3 Setbacks from Industrial Uses

1. Separation distances are required between sensitive land uses and industrial uses, in accordance with the “D-Series” environmental land use planning guidelines published by the Ministry of the Environment, Conservation, and Parks (MECP):
 - a) Class I Industrial (Light Industrial) uses shall be subject to the following provisions:
 - i. The minimum recommended influence area of a Class I Industry shall be 70.0 m;
 - ii. No lands within the influence area of a Class I Industry shall be used for a sensitive land use; and vice versa;
 - iii. The influence area shall be calculated from lot line to lot line; and
 - iv. Where a reduced influence area is determined, in accordance with the Town of Marathon Official Plan, the separation distance between industrial uses and sensitive land use shall not be reduced by less than 20.0 m.
 - b) Class II Industries (Medium Industrial) shall be subject to the following provisions:
 - i. The minimum recommended influence area of a Class II Industry shall be 300.0 m;
 - ii. No lands within the influence area of a Class II shall be used for a sensitive land use, and vice versa.
 - iii. The influence area shall be calculated from lot line to lot line; and
 - iv. Where a reduced influence area is determined, in accordance with the Town of Marathon Official Plan, the separation distance between industrial uses and sensitive land use shall not be reduced by less than 70.0 m and shall be measured from lot line to lot line.
 - c) Class III Industries (Heavy Industrial) shall be subject to the following provisions:

- i. The minimum recommended influence area of a Class III Industry shall be 1,000.0 m;
 - ii. No lands within the influence area of a Class II shall be used for a sensitive land use, and vice versa.
2. The influence area shall be calculated from lot line to lot. On lands where hazards have been identified, no part of any building shall be constructed closer than 30.0 m to the nearest point of the area to which the hazardous condition is deemed to exist.
3. Development within 1,000.0 m of an abandoned mine hazard shall only be permitted following consultation with the Ministry of Energy and Mines (MEM).

3.36.4 Setbacks from Waste Disposal Sites

1. Notwithstanding any other provisions of this By-law, existing and former waste disposal sites shall be setback a minimum of 500.0 m from residential and institutional uses.

3.36.5 Setbacks on Roads

1. Notwithstanding any other provisions of this By-law, a building or structure in any Zone on a public street allowance which is less than 20.0 m wide, shall be set back 10.0 m, plus the required minimum front yard for that Zone measured from the centre line of the street allowance.

3.37 Street Frontage Required

1. 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 street, which has been assumed by the Town, Province of Ontario or other public authority, and is maintained year-round by such authority in such a manner so as to permit its use by vehicular traffic.
2. Notwithstanding provision 1., 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 provided that the streets are not being assumed and not to be maintained by the Town.
3. 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 street frontage is not available; and
 - b) Recreational and tourist commercial uses such as hunting and fishing camps are permitted where public street frontage is not available provided there is navigable water access.

3.38 Structures in Water

1. 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.

3.39 Temporary Buildings

1. The temporary use of buildings and structures, including mobile homes dwellings, 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.

3.40 Wayside Pits and Quarries

1. Where in this By-law, a wayside pit and quarry is permitted in a particular Zone, it shall not be located:
 - a) Within 90.0 m of an existing residential use or on lands zoned for residential purposes; and
 - b) In an area where environmental disruption would occur.

3.41 Yard and Open Space Provision for all Zones

1. 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, structure, or use.

4 Parking and Loading Requirements

4.1 Parking Requirements

1. Where a building or structure accommodates more than one (1) use:
 - a) The required parking spaces shall be the sum of the required parking spaces for each separate use;
 - b) Parking spaces required for each use shall be clearly identified and demarcated;
 - c) For mixed-use buildings containing residential uses, visitor parking shall be provided in accordance with **Section 4.2 Visitor Parking Requirements** of this By-law.
2. Where a building or structure has deficient parking spaces as of 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;
3. Tandem parking of motor vehicles is permitted to accommodate the parking requirements for single-detached dwellings, semi-detached dwelling units, duplex dwelling units, townhouse dwelling units, mobile home dwellings, additional dwelling units, garden suites, group homes, home-based businesses, and home industries; and
4. The parking of commercial motor vehicles over 11.0 min length is prohibited within any Residential Zone in the Settlement Area of Marathon.
5. Off-street parking shall be provided in accordance with **Table 4-1**. Where the calculation of required spaces exceeds a whole space of more than 0.25 spaces, the required spaces shall be the next whole number.

Table 4-1: Off-Street Parking Rates

Use	Minimum Parking Required
Residential Uses	
Single Detached Dwelling	1 space per dwelling unit
Semi-Detached Dwelling	
Duplex Dwelling	
Mobile Home Dwelling	

Use	Minimum Parking Required
Multiple Unit Dwellings Townhouse Dwelling Apartment Dwelling Additional Residential Unit Garden Suite Dwelling Unit in the Upper Storey of a Non-Residential Building	1 space per dwelling unit
Boarding House, Rooming House Bed and Breakfast Establishment	1 space for every room, or guest room rented
Group Home	1 space for each staff member on duty at any one time, plus 1 space for every 2 beds
Home-Based Business Home Industry	In addition to the parking required for the principal dwelling, 1 space per home-based business or home industry where clients or customers are attended or served on site, in addition to 1 space per non-resident employee of a home occupation or home industry, which may be provided as a tandem parking space
Mobile Home Park	1 space per mobile home site
Workforce Housing	0.25 spaces per room, plus required parking for provided accessory uses
Other Residential Uses	1 space per dwelling unit
Non-Residential Uses	
Agricultural Use Agriculture-related Use	No minimum requirement. Where applicable, parking for a single-detached dwelling shall be provided
Assembly Hall	5 spaces per 100.0 m ² of gross floor area of assembly space

Use	Minimum Parking Required
Bar	1 space per 5.5 m ² devoted for patron use, or 1 space per 6 seats of approved or licensed patron use, whichever is greater
Campground Resort	1 space for each guest room, cabin, or camp site, plus 1 space for each 9.0 m ² dedicated to a public area
Cemetery Crematorium	No requirement
Commercial Greenhouse	1 space per 50.0 m ² of gross floor area
Community Centre Place of Recreation	Where there are fixed seats, 1 space for every 6 seats, or for every 3.0 m of bench space; where there are no fixed seats, 1 space for each 9.0 m ² of floor area devoted to public use
Community Garden	No requirement
Conservation Use	No requirement
Contractor's Yard	No requirement
Day Care Centre	1 space per 100 m ² of gross floor area, plus 1 space per staff member
Equestrian Centre	1 space for every 4 horses available for public riding
Gas Bar	0.5 spaces per 100.0 m ² of gross floor area or 1 per service space, which is greater
Golf Course	2 spaces per hole
Golf Driving Range	1 space per driving range

Use	Minimum Parking Required
Hospital Long-Term Care Home	1 space 100.0 m ² of gross floor area
Hotel Motel Resort	1 space per guest room, plus 1 additional space for each 9.0 m ² of floor area devoted to public uses such as restaurants, dining room, lounge, bars, conference rooms, but exclusive of any lobby
Hunt Camp	No requirement
Industrial Use (Class I, II, III)	1 space for each 93.0 m ² of floor area or for each 3 employees, whichever is greater
Library	Minimum of 10 spaces or 1 space per 28.0 m ² of building floor space, whichever is greater
Marina	1 space per 28.0 m ² of retail floor area, plus 1 space for each boat slip
Medical Facility	1 space per 30.0 m ² of floor area
Micro-Brewery, Winery or Distillery	1 space per 100.0 m ² of gross floor area of the production area, plus 3 spaces per 100.0 m ² of gross floor area dedicated to accessory tasting and dining facilities or accessory retail sales
Mineral Exploration Mining Operation Pit or Quarry Pit, Wayside or Quarry, Wayside Portable Asphalt or Concrete Plant Portable Processing Plant	1 space per 30.0 m ² accessory office space, otherwise no requirement
Motor Vehicle Body Repair Shop Motor Vehicle Repair Shop Motor Vehicle Service Station	1 space per 100 m ² of gross floor area, plus 1 space per service bay

Use	Minimum Parking Required
Motor Vehicle Sales and Service	1 space per 100 m ² of gross floor area, plus 1 space per service bay
Office	1 space per 30.0 m ² of floor area
Personal Service Establishment	1 space per 30 m ² of gross floor area
Place of Entertainment	1 parking space for each four (4) persons that may be legally accommodated at any one time, or each 9.0 m ² , whichever is greater
Place of Worship	1 space for every 10 seats or 6.0 m of bench space of its maximum seating capacity
Recycling Facility	No requirement
Restaurant Restaurant, Take Out	1 space per 9.0 m ² of floor space or 10 spaces, whichever is greater
Retail Store Service Shop	1 space per 28.0 m ² of retail floor area
School	1 space for each teaching staff member, plus 1 additional space for each 20.0 m ² of auditorium or gymnasium floor space
Self-Storage Facility	1 space per 100.0 m ² of gross floor area, plus 1 additional space per 300.0 m ² of gross floor area in excess of 2,800.0 m ²
Shopping Centre	1 space per 25.0 m ² of rentable floor area
Uses permitted but not listed in this table	1 space per 50.0 m ² of gross floor area

4.2 Visitor Parking Requirements

1. In addition to the minimum parking space requirements of this By-law in **Table 4-1**, off-street visitor parking must be provided for the land uses at the rates specified in **Table 4-2** and shall be clearly demarcated.

Table 4-2: Minimum Visitor Parking Requirements

Land Use	Minimum Number of Visitor Parking Spaces
Apartment Dwelling	0.25 spaces per dwelling unit
Long-Term Care Facility	0.25 spaces per room
Dwelling Units in a Mixed-Use Building or Development	0.25 spaces per dwelling unit
Mobile Home Park	0.25 spaces per mobile home site
Townhouse Dwelling	0.25 spaces per dwelling unit

2. Notwithstanding provision 1. of this Section:

- a) No visitor parking spaces are required for the first ten (10) dwelling units on a lot, and no more than 30 visitor parking spaces are required per building; and
- b) In the case of a townhouse dwelling, where each dwelling unit has a driveway accessing a garage or carport located on the same lot as the dwelling unit, no visitor parking is required for that dwelling unit.

4.3 Parking Area Standards

1. Where in this By-law parking areas designed for four (4) or more motor vehicles are required or permitted, the following provisions shall apply:
 - 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;
 - a) 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;
 - b) Parking areas shall be within 90.0 m of the location which it is intended to serve and shall be situated in the same Zone;
 - c) Each parking space shall be 2.75 m by 5.5 m, and shall be provided with unobstructed access to a street by a driveway, aisle, or lane;

- d) A buffer strip of land, not less than 3.0 m 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; and
- e) Every lot fronting a street shall have one (1) or more unobstructed driveways in accordance with the following provisions:
 - i. The minimum permitted width of a single driveway shall be 3.0 m;
 - ii. The minimum permitted width of a double driveway shall be 6.0 m; and
 - iii. The maximum permitted width of a driveway shall be 9.0 m.
- f) Despite subsection 4.3.1(e), the maximum width of a driveway that requires culverts shall be consistent with the requirements of By-law #1396.
- g) Every lot shall be permitted to have more than one (1) driveway, provided that:
 - i. the cumulative width of the driveways shall not exceed 40% of the lot width; or
 - ii. if culverts are required, the maximum width permitted in By-law #1396.

4.4 Barrier-Free Parking Requirements

1. Where **parking spaces** are required in **Section 4.1 Parking Requirements** of this By-law for any non-residential use, barrier-free parking spaces shall be provided in accordance with **Table 4-4**.
2. Obligated organizations shall ensure that off-street parking facilities and areas shall meet the requirements of this Section and in accordance with the Accessibility for Ontarians with Disabilities Act, 2005 (AODA).
3. For greater clarity, barrier-free parking spaces shall not be required in addition to those parking spaces required in **Section 4.1 Parking Requirements** of this By-law, but instead shall contribute to the total number of parking spaces required.

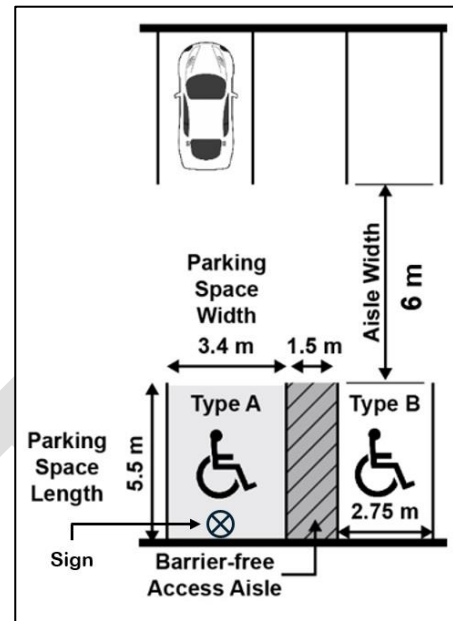
Table 4-3: Barrier-Free Parking Requirements

Total Number of Parking Spaces Required Under Section 4.1 Parking Requirements	Required Number of Barrier-Free Spaces
0-12	1 space
13-100	4% of the total number of parking spaces required
101-200	1 space, plus an additional 3% of the total number of parking spaces required

Total Number of Parking Spaces Required Under Section 4.1 Parking Requirements	Required Number of Barrier-Free Spaces
201-1,000	2 spaces, plus an additional 2% of the total number of parking spaces required
1,001 or more	11 spaces, plus an additional 1% of the total number of parking spaces required

4. The minimum number of barrier-free parking spaces shall be calculated and provided for the total number of parking spaces on the lot, and shall not solely be based on the minimum number of parking spaces required. The calculation of the total minimum number of barrier-free parking spaces required shall be in accordance with the following:
 - a) Where an even number of barrier-free parking spaces are required, an equal number of Type A and Type B barrier-free parking spaces shall be provided. Type A and Type B barrier-free parking spaces differ in their minimum width dimensions, as specified in the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) and its Regulations, as amended; and
 - b) Where an odd number of barrier-free parking spaces are required, the number of barrier-free parking spaces must be divided equally between a Type A and a Type B barrier-free parking space, while the remainder may be provided as a Type B barrier-free parking space.
5. Where Type A barrier-free parking spaces are required, each barrier-free parking space shall be designated by a sign mounted on a post or wall that is visible during the winter months. Such sign shall be mounted at least 1.5 m above grade and shall identify the space as being "van accessible".
6. Barrier-free parking spaces shall not be required in association with any parking spaces required and provided for emergency service vehicles, motor vehicles displayed for sale, or any other vehicles associated with outside storage.
7. Barrier-free parking spaces shall be paved with hard surface materials, shall be reasonably level, and accessible to the building entrance(s) as possible.

8. Barrier-free parking spaces shall be provided for, and designed in accordance with the following provisions:
 - a) Type A parking spaces shall be a minimum width of 3.4 m and a minimum length of 5.5 m;
 - b) Type B parking spaces shall be a minimum width of 2.75 m and a minimum length of 5.5 m.
9. A barrier-free access aisle shall be provided as follows:
 - a) A minimum width of 1.5 m, and a minimum length which extends the full length of the adjacent barrier-free parking space; and
 - b) Two (2) barrier-free parking spaces which are adjacent to one another may share one (1) barrier-free access aisle.



4.5 Loading Space Standards

1. No person shall erect or use any building or structure in any Residential, Mixed Use (MU), Commercial, or Industrial Zone, which involves the movement of goods, merchandise, or materials, unless loading spaces are provided and maintained in accordance with the following provisions:
 - a) Loading spaces shall be provided in accordance with **Table 4-5**.

Table 4-4: Required Loading Spaces for Permitted Uses

Permitted Uses	Minimum Number of Loading Spaces Required
Residential Uses	
Residential buildings containing more than 10 dwelling units	1 loading space
Non-Residential Uses	
Less Than 500 m ² in Gross Floor Area	No spaces required
500 – 2,500 m ² in Gross Floor Area	1 loading space
Greater Than 2,500 m ² in Gross Floor Area	2 loading spaces

- b) For dwellings in a mixed use building, loading spaces will be provided for any provided residential uses and accessory uses in accordance with **Table 4-4**.
- c) Loading spaces shall have dimensions not less than 3.5 m by 7.5 m; and
- d) Loading spaces shall not have less than 4.5 m of vertical clearance.
- e) Access to loading spaces shall be provided by a driveway with a minimum width of 3.5 m located on the lot on which the loading spaces and accessed from a street or laneway;
- f) Required loading spaces shall be located in the interior side or rear yard where a lot has access at both the front and rear to a street, unless such space or spaces are removed from the street line a minimum distance of 15.0 m; and
- g) Adequate drainage facilities shall be provided to the satisfaction of the Town;
- h) Illumination of loading spaces where provided, shall be so arranged as to be diverted away from any adjacent Residential, Institutional (I), or Parks and Open Space (OS) Zone;
- i) 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.

4.6 Semi-Trailers Parked, Stored, or Used as Storage Facilities

1. The parking, storage, and/or use of semi-trailers for temporary or permanent storage or warehouse facilities shall be prohibited in any Residential, Commercial, Institutional (I), Parks and Open Space (OS), or Rural (RU) Zone.

5 Zones

5.1 Establishment of Zones

For the purposes of this By-law, the following Zones are established, and they may be referred to by the name or by the Zone code set opposite the name of the Zone in **Table 5-1**.

Table 5-1: Establishment of Zones and Zone Symbols

Zone Code	Zone
Zones	
RU	Rural
RR	Rural Residential
R1	Residential
R2	Mobile Home Residential
R3	Residential Multiple
SR	Seasonal Residential
C1	Neighbourhood Commercial
C2	General Commercial
C3	Highway Commercial
MU	Mixed Use
TC	Tourist Commercial
E	Enterprise
M1	Light Industrial
M2	Heavy Industrial
MX	Mineral Extraction
I	Institutional

Zone Code	Zone
OS	Parks and Open Space
EP	Environmental Protection
FD	Future Development
Zone Symbols	
(H)	Holding Zone
T	Temporary Use

5.2 Use of Zone Codes

The Zone codes listed in **Section 5.1** 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 Zone codes, such Zones shall mean any area within the Town of Marathon delineated on the Zoning Schedules and designated therein by the said symbol.

5.3 Exception Zones

Where a Zone code is followed by a dash and a number, (e.g., R3-1) there are site-specific exception provisions that apply to specific properties within the Zone. These site-specific exception provisions are contained within the Section of the By-law that applies to the parent Zone.

5.4 Holding Zones (H)

1. Where a Zone code is followed by a Holding Symbol, which is denoted by the letter "H" in brackets (e.g., R2-1(H)), the lands shall only be used for existing uses and the expansion of those uses which legally existed on the date of passing of this By-law.
2. The Holding Symbol (H) when used in conjunction with a Zone, limits development on lots to which it applies until such time as Council is satisfied that all appropriate conditions under the Holding Symbol have been met, as included under any site-specific exception provisions for the property, and adopts a by-law, pursuant to Section 35 of the Planning Act, as amended, 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.

5.5 Rural Zone (RU)

5.5.1 Permitted Uses

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

- additional dwelling unit
- agricultural use
- agriculture-related use
- animal care establishment
- animal hospital or clinic
- animal shelter
- bulk sales and storage establishment
- campground
- commercial greenhouse
- conservation use
- contractor's yard
- bed and breakfast establishment
- equestrian centre
- forestry use
- garden suite
- home-based business
- home industry
- hunt camp
- interpretive centre
- kennel
- marina
- mobile home dwelling
- modular dwelling
- motel
- outside storage
- place of recreation
- portable asphalt or concrete plant
- portable processing plant
- public use
- on-farm diversified use
- resort
- resource management
- retail store
- seasonal camp
- single-detached dwelling
- tiny home dwelling
- tourist information centre
- tourist outfitter's establishment
- wayside pit and quarry

5.5.2 Zone Provisions

Zone Provision	Requirement for the Rural Zone (RU)
1. Minimum Lot Area	1.0 ha
2. Minimum Lot Frontage	45.0 m
3. Maximum Lot Coverage	10%
4. Minimum Front Yard	15.0 m
5. Minimum Side Yard	15.0 m
6. Minimum Exterior Side Yard	15.0 m
7. Minimum Rear Yard	15.0 m
8. Maximum Building Height	10.5 m

5.5.3 Additional Provisions

- Notwithstanding the provisions of **Section 5.5.2**, 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.

5.5.4 Exception Zones

RU-1 – Sturdee Cove (Biigtigong Nishnaabeg Cultural Centre)

- Notwithstanding any other provisions of this By-law, a cultural centre that is in operation on a seasonal basis shall be permitted, and may include temporary sleeping accommodations, including no more than one (1) guest room.

5.6 Rural Residential Zone (RR)

5.6.1 Permitted Uses

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

- additional dwelling unit
- bed and breakfast establishment
- garden suite
- group home
- home-based business
- home industry
- mobile home dwelling
- modular dwelling
- public use
- single-detached dwelling
- tiny home dwelling

5.6.2 Zone Provisions

Zone Provision	Requirement for the Rural Residential Zone (RR)
1. Minimum Lot Area	1.0 ha
2. Minimum Lot Frontage	30.0 m
3. Maximum Lot Coverage	35%
4. Minimum Front Yard	15.0 m
5. Minimum Side Yard	7.5 m
6. Minimum Exterior Side Yard	15.0 m
7. Minimum Rear Yard	10.0 m
8. Maximum Building Height	10.5 m

5.6.3 Additional 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.



5.6.4 Exception Zones

Reserved for future use.

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5.7 Residential Zone (R1)

5.7.1 Permitted Uses

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

- additional dwelling unit
- bed and breakfast establishment
- boarding house, rooming house
- community garden
- duplex dwelling
- home-based business
- home day care
- garden suite
- group home
- modular dwelling
- public use
- semi-detached dwelling
- single-detached dwelling
- tiny home dwelling

5.7.2 Zone Provisions

Zone Provision	Requirement for the Residential Zone (R1)			
	Semi-Detached Dwelling	Duplex Dwelling	Tiny Home Dwelling	Single-Detached Dwelling and All Other Permitted Uses
1. Minimum Lot Area	325.0 m ² per dwelling unit	650.0 m ²	250.0 m ²	450.0m ²
2. Minimum Lot Frontage	9.0 m per dwelling unit	18.0 m	10.0 m	15.0 m
3. Maximum Lot Coverage	40%	35%	35%	35%
4. Minimum Front Yard	7.5 m	7.5 m	7.5 m	7.5 m
5. Minimum Interior Side Yard	1.5 m, no side yard is required for a semi-detached dwelling between the common	1.5 m	1.5 m	1.5 m, except that where there is a side entrance to a dwelling, the minimum side

Zone Provision	Requirement for the Residential Zone (R1)			
	Semi-Detached Dwelling	Duplex Dwelling	Tiny Home Dwelling	Single-Detached Dwelling and All Other Permitted Uses
	vertical wall dividing one (1) dwelling unit from another.			yard shall be 3.0 m.
6. Minimum Exterior Side Yard	4.5 m on each side, except that where an entrance to a garage faces an exterior side yard, the exterior side yard shall be 6.0 m.	4.5 m on each side, except that where an entrance to a garage faces an exterior side yard, the exterior side yard shall be 6.0 m.	3.0 m	4.5 m, except that where an entrance to a garage faces an exterior side yard, the minimum exterior side yard shall be 6.0 m.
7. Minimum Rear Yard	7.5 m	7.5 m	6.0 m	7.5 m
8. Maximum Building Height	10.5 m	10.5 m	4.5 m	10.5 m

5.7.3 Exception Zones

Reserved for future use.

5.8 Mobile Home Residential Zone (R2)

5.8.1 Permitted Uses

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

- mobile home dwelling
- mobile home park
- modular dwelling
- public use

5.8.2 Zone Provisions

Zone Provision	Requirement for the Mobile Home Residential Zone (R2)
1. Minimum Lot Area	500.0 m ²
2. Minimum Lot Frontage	15.0 m
3. Maximum Lot Coverage	35%
4. Minimum Front Yard	7.5 m
5. Minimum Side Yard	1.5 m on one side, and 4.5 m on the other side.
6. Minimum Exterior Side Yard	4.5 m
7. Minimum Rear Yard	7.5 m
8. Maximum Building Height	4.0 m

5.8.3 Exception Zones

Reserved for future use.

5.9 Residential Multiple Zone (R3)

5.9.1 Permitted Uses

No land shall be used in the Residential Multiple Zone (R3) except for the following purposes:

- additional dwelling unit
- apartment dwelling
- boarding house, rooming house
- community garden
- garden suite
- townhouse dwelling
- stacked townhouse dwelling
- public use
- triplex dwelling

5.9.2 Zone Provisions for Permitted Medium Density Residential Uses (Triplex Dwelling, Townhouse Dwelling)

Zone Provision	Requirement for the Residential Multiple Zone (R3)		
	Triplex Dwelling	Townhouse Dwelling	Stacked Townhouse Dwelling
1. Minimum Lot Area	450.0 m ²	200.0 m ² per dwelling unit	100.0 m ² per dwelling unit
2. Minimum Lot Frontage	20.0 m	6.7 m for interior units and 9.0 m for exterior/end units	6 m per unit at grade
3. Maximum Lot Coverage	35%	40%	40%
4. Minimum Front Yard	7.5 m	6.0 m	6.0 m
5. Minimum Side Yard	1.5 m, except that where there is a side entrance to a dwelling, the minimum side yard shall be 3.0 m.	3.0 m for end units. No interior side yard is required between the common vertical wall dividing one (1) unit from another.	3.0 m for end units. No interior side yard is required between the common vertical wall dividing one (1) unit from another.
6. Minimum Exterior Side Yard	4.5 m, except that where an entrance to a garage faces an	4.5 m, except where an entrance to a garage faces an	4.5 m, except where an entrance to a garage faces an

Zone Provision	Requirement for the Residential Multiple Zone (R3)		
	Triplex Dwelling	Townhouse Dwelling	Stacked Townhouse Dwelling
	exterior side yard, the exterior side yard shall be 6.0 m.	exterior side yard, the minimum exterior side yard shall be 6.0 m.	exterior side yard, the minimum exterior side yard shall be 6.0 m.
7. Minimum Rear Yard	7.5 m	7.5 m	7.5 m
8. Minimum Landscaped Area	20%	25%	25%
9. Maximum Building Height	12.0 m	12.0 m	12.0 m

5.9.3 Zone Provisions for Apartment Dwelling

Zone Provision	Requirement for the Residential Multiple Zone (R3)
1. Minimum Lot Area per Dwelling Unit	135.0 m ²
2. Minimum Lot Frontage	30.0 m
3. Maximum Lot Coverage	35%
4. Minimum Front Yard	7.5 m
5. Minimum Interior Side Yard	6.0 m
6. Minimum Exterior Side Yard	7.5 m
7. Minimum Rear Yard	7.5 m
8. Minimum Distance Between Apartment Buildings on the Same Lot	15.0 m
9. Minimum Landscaped Open Space	30%
10. Maximum Building Height	15.0 m

Zone Provision	Requirement for the Residential Multiple Zone (R3)
11. Buffer Strip	Where an apartment dwelling abuts a R1, R2, R3, or Mixed Use (MU) Zone, a buffer strip shall be provided along the adjoining lot line having a minimum width of 3.0 m in compliance with Section 3.7 .

5.9.4 Exception Zones

R3-1 – 54 Stevens Avenue

1. Permitted uses shall be limited to: temporary accommodations, workforce housing, accessory buildings, and structures in accordance with **Section 3.2 Accessory Uses, Buildings, and Structures**.
2. The following provisions shall apply:
 - a) Minimum lot frontage: 30.0 m
 - b) Maximum lot coverage: 40%
 - c) Minimum front yard: 7.5 m
 - d) Minimum interior side yard: 6.0 m, except where the interior lot line abuts a R1, R2, or R3 Zone, a minimum interior side yard equal to the building height is required, or whichever is greater.
 - e) Minimum exterior side yard: 7.5 m
 - f) Minimum rear yard: 7.5 m, except where the rear lot line abuts a R1, R2, or R3 Zone, a minimum interior side yard equal to the building height is required, or whichever is greater.
 - g) Minimum landscaped area: 30%
 - h) Maximum building height: 12.0 m
 - i) Required buffer strip: Where a temporary accommodation and parking area abuts a R1, R2, or R3 Zone, a buffer strip with a minimum width of 3.0 m shall be provided along the adjacent lot line, and in accordance with **Section 3.7 Buffer Strips** of this By-law.

5.10 Seasonal Residential Zone (SR)

5.10.1 Permitted Uses

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

- cottage or cabin
- guest cottage
- public use

5.10.2 Zone Provisions

Zone Provision	Requirement for the Seasonal Residential Zone (SR)
1. Minimum Lot Area	Within the Settlement Area – 0.4 ha Outside the Settlement Area – 1.0 ha, subject to Section 5.10.2.2
2. Minimum Lot Frontage	45.0 m
3. Maximum Lot Coverage	15%
4. Minimum Front Yard	15.0 m
5. Minimum Side Yard	10.0 m
6. Minimum Rear Yard	15.0 m
7. Maximum Building Height	7.5 m

5.10.3 Additional Provisions

1. Lots with water frontage or water access only must have boat launching and docking facilities, and parking facilities to support the water access.
2. For seasonal residential uses which are located outside the Settlement Area and are privately serviced, the minimum lot area shall be 1.0 ha, unless it can be demonstrated that there will be no negative impacts as assessed through a Hydrogeological Assessment/Report in accordance with the MECP Guideline D-5-4, as amended.

5.10.4 Exception Zones

Reserved for future use.

5.11 Neighbourhood Commercial Zone (C1)

5.11.1 Permitted Uses

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

- accessory dwelling unit located in the rear or upper storey of the building
- day care centre
- office
- personal service establishment
- public use
- retail store, limited to a convenience store

5.11.2 Zone Provisions for Commercial Uses

Zone Provision	Requirement for Neighbourhood Commercial Zone (C1)
1. Minimum Lot Area	500.0 m ²
2. Minimum Lot Frontage	15.0 m
3. Maximum Lot Coverage	40%
4. Minimum Front Yard	7.5 metres
5. Minimum Side Yard	3.0 m, except where the interior side yard abuts a Residential Zone or use, 6.0 m is required.
6. Minimum Exterior Side Yard	4.5 m
7. Minimum Rear Yard	7.5 m, except where the rear yard abuts a Residential Zone or use, 9.0 m is required.
8. Minimum Landscaped Area	20%
9. Maximum Building Height	10.5 m
10. Outside Storage	None permitted.

5.11.3 Exception Zones

Reserved for future use.

5.12 General Commercial Zone (C2)

5.12.1 Permitted Uses

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

- accessory dwelling unit located in the rear or upper storey of the building
- art gallery
- assembly hall
- bar
- building supply outlet
- car wash
- commercial school
- commercial or private club
- community centre
- community support service organization
- day care centre
- drive-through facility
- financial institution
- funeral home
- gallery
- gas bar
- hotel
- medical facility
- motel
- motor vehicle or recreation vehicle sales, leasing and storage establishment, excluding motor vehicle repair
- museum
- office
- parking lot
- personal service establishment
- place of entertainment
- public use
- restaurant
- restaurant, mobile
- retail store
- service shop
- shopping centre
- tourist outfitters establishment
- transportation depot

5.12.2 Zone Provisions for Commercial Uses

Zone Provision	Requirement for General Commercial Zone (C1)
1. Minimum Lot Area	230.0 m ²

Zone Provision	Requirement for General Commercial Zone (C1)
2. Minimum Lot Frontage	15.0 m
3. Maximum Lot Coverage	50%
4. Minimum Front Yard	1.0 m
5. Minimum Side Yard	1.0 m
6. Minimum Exterior Side Yard	3.0m
7. Minimum Rear Yard	4.5 m
8. Minimum Landscaped Area	20%
9. Maximum Building Height	12.0 m
10. Buffer Strip	Where a General Commercial Zone (C2) abuts a Residential, Mixed Use (MU), Institutional (I), or Parks and Open Space Zone (OS), a buffer strip shall be provided along the adjoining property line having a minimum width of 3.0 m in accordance with Section 3.7 .

5.12.3 Exception Zones

Reserved for future use.

5.13 Highway Commercial Zone (C3)

5.13.1 Permitted Uses

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

- animal care establishment
- animal hospital
- automobile service station
- bar
- building supply and lumber outlet
- bulk storage and sales establishment
- commercial greenhouse
- drive-through facility
- gas bar
- financial institution
- funeral home
- hotel
- kennel
- marina
- medical facility
- micro-brewery, winery, or distillery
- motel
- motor vehicle sales, leasing, equipment and service establishment
- parking lot
- place of entertainment
- place of recreation
- public use
- retail store
- restaurant
- restaurant, mobile
- self-storage facility
- service shop
- shopping centre
- tourist information centre
- tourist outfitters establishment
- transportation depot

2. The following uses are also permitted:

- accessory dwelling unit or accessory mobile home dwelling subject to the requirements of **Section 5.13.3**
- 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
- office as an ancillary use

5.13.2 Zone Provisions for Commercial Uses

Zone Provision	Requirement for Highway Commercial Zone (C3)
1. Minimum Lot Area	
a. Unserved	0.8 ha
b. Served	1,000.0 m ²
2. Minimum Lot Frontage	
a. Unserved	45.0 m
b. Served	30.0 m
3. Maximum Lot Coverage	
a. Unserved	30%
b. Served	50%
4. Minimum Front Yard	7.5 m
5. Minimum Side Yard	6.0m
6. Minimum Exterior Side Yard	7.5m
7. Minimum Rear Yard	7.5 m
8. Minimum Landscaped Area	20%
9. Maximum Building Height	12.0 m
10. Buffer Strip	Where a Highway Commercial Zone (C3) abuts a Residential, Mixed Use (MU), Institutional (I), or Parks and Open Space Zone (OS), a buffer strip shall be provided along the adjoining lot line having a minimum width of 3.0 m in compliance with Section 3.7 .

5.13.3 Zone Provisions for Accessory Dwelling Unit

Zone Provision	Requirement for Highway Commercial Zone (C3)
1. Minimum Front Yard	15.0 m
2. Minimum Side Yard	15.0 m
3. Minimum Rear Yard	15.0 m
4. Maximum Building Height	10.5 m

5.13.4 Exception Zones

C3-1

1. Notwithstanding any other provisions of this By-law, workforce housing shall be an additional permitted use.

5.14 Mixed Use Zone (MU)

5.14.1 Permitted Uses

No land shall be used in the Mixed Use Zone (MU) except for the following purposes:

- accessory dwelling unit located in the rear or upper storey of the building
- apartment dwelling
- art gallery
- bar
- community centre
- community support service organization
- day care centre
- financial institution
- hotel
- medical facility
- micro-brewery, winery, or distillery
- office
- personal service establishment
- public use
- restaurant
- restaurant, mobile
- retail store

5.14.2 Zone Provisions

Zone Provision	Requirements for Mixed Use Zone (MU)
1. Minimum Lot Area	400.0 m ²
2. Minimum Lot Frontage	20.0 m
3. Maximum Lot Coverage	50%
4. Minimum Front Yard	10.0 m
5. Minimum Side Yard	6.0 m
6. Minimum Exterior Side Yard	7.5 m
7. Minimum Rear Yard	7.5 m
8. Maximum Building Height	15.0 m
9. Buffer Strip	Where a Mixed Use Zone (MU) abuts a residential, institutional or open space use, a buffer strip shall be provided along the adjoining lot line having a



Zone Provision	Requirements for Mixed Use Zone (MU)
	minimum width of 3.0 m in compliance with Section 3.7.

5.14.3 Exception Zones

Reserved for future use.

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5.15 Tourist Commercial Zone (TC)

5.15.1 Permitted Uses

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

- bar
- boat launch and docking facilities
- campground
- marina
- place of entertainment
- place of recreation
- public park
- public use
- restaurant
- restaurant, mobile
- sea plane base
- tourist outfitters establishment

2. The following uses are also permitted, subject to additional provisions:

- retail store, provided it is accessory to a permitted use

5.15.2 Zone Provisions

Zone Provision	Requirements for Tourist Commercial Zone (TC)
1. Minimum Lot Area	0.8 ha
2. Minimum Lot Frontage	50.0 m
3. Maximum Lot Coverage	35%
4. Minimum Front Yard	15.0 m
5. Minimum Side Yard	10.0 m
6. Minimum Exterior Side Yard	15.0 m
7. Minimum Rear Yard	10.0 m
8. Maximum Building Height	12.0 m
9. 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

Zone Provision	Requirements for Tourist Commercial Zone (TC)
	lot line having a minimum width of 3.0 m in compliance with Section 3.7 .

5.15.3 Zone Provisions for a Seaplane Base

Zone Provision	Requirement for Tourist Commercial Zone (TC)
1. Minimum Lot Area	0.6 ha
2. Minimum Lot Frontage	46.0 m
3. Maximum Lot Coverage	30%
4. Minimum Front Yard	
a. abutting a street	9.0 m
b. abutting water	20.0 m
5. Minimum Side Yard	7.5 m
6. Minimum Exterior Side Yard	10.0 m
7. Minimum Rear Yard	9.0 m
8. Maximum Building Height	9.0 m
9. Minimum Floor Area	55 m ²
10. Buffer Strip	Where a seaplane base abuts a Residential, Mixed Use (MU), Institutional (I), or Parks and Open Space (OS) Zone, a buffer strip shall be provided along the lot line having a minimum width of 3.0 m in compliance with Section 3.7 .

5.15.4 Additional Provisions

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

5.15.5 Exception Zones

Reserved for future use.

5.16 Enterprise Zone (E)

5.16.1 Permitted Uses

1. No land shall be used in the Enterprise Zone (E) except for the following purposes:
 - building supply and lumber outlet
 - commercial greenhouse
 - contractor's yard
 - drive-through facility
 - equipment sales and service establishment
 - financial institution
 - gas bar
 - hotel
 - microbrewery, distillery, winery
 - motel
 - motor vehicle body shop
 - motor vehicle sales and service
 - motor vehicle parts and accessory sale
 - office
 - personal service establishment
 - public use
 - research and development centre
 - restaurant
 - restaurant, mobile
 - retail store
 - self-storage facility
 - service shop
2. The following uses are also permitted, subject to additional provisions:
 - 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

5.16.2 Zone Provisions for Industrial Uses

Zone Provision	Requirement for Enterprise Zone (E)
1. Minimum Lot Area	500.0 m ²
2. Minimum Lot Frontage	30.0 m
3. Maximum Lot Coverage	50%
4. Minimum Front Yard	10.0 m
5. Minimum Side Yard	7.5 m

Zone Provision	Requirement for Enterprise Zone (E)
6. Minimum Exterior Side Yard	10.0 m
7. Minimum Rear Yard	10.0 m
8. Minimum Yard abutting a Residential, Institutional or Open Space Use	20.0 m
9. Minimum Landscaped Area	10%
10. Maximum Building Height	12.0 m
11. Buffer Strip	Where a use abuts a residential, institutional or open space use, a buffer strip shall be provided along the lot line having a minimum width of 3.0 m in accordance with Section 3.7 .
12. 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.
13. Outside Storage	Outside storage shall be permitted in accordance with Section 3.26 .

5.16.3 Exception Zones

Reserved for future use.

5.17 Light Industrial Zone (M1)

5.17.1 Permitted Uses

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

- contractor's yard
- building supply and lumber outlet
- cannabis production and processing facility
- crematorium
- equipment sales and service establishment
- gas bar
- industrial use, light (Class I)
- industrial use, medium (Class II)
- microbrewery, distillery, winery
- motor vehicle body shop
- motor vehicle sales and service
- outside storage
- public use
- recycling depot
- research and development centre
- self-storage facility
- service shop
- transportation depot

2. The following uses are also permitted, subject to additional provisions:

- offices, wholesale, and retail uses, provided they are accessory to a permitted industrial use
- accessory dwelling unit, provided the gross floor area of the accessory dwelling unit does not exceed more than 25% of the gross floor area of the principal non-residential use
- 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

5.17.2 Zone Provisions for Industrial Uses

Zone Provision	Requirement for Light Industrial Zone (M1)
1. Minimum Lot Area	
a. Unserviced	1.0 ha
b. Serviced	1,000.0 m ²
2. Minimum Lot Frontage	

Zone Provision	Requirement for Light Industrial Zone (M1)
a. Unserviced	45.0 m
b. Serviced	30.0 m
3. Maximum Lot Coverage	
a. Unserviced	35%
b. Serviced	50%
4. Minimum Front Yard	10.0 m
5. Minimum Side Yard	7.5 m
6. Minimum Exterior Side Yard	10.0 m
7. Minimum Rear Yard	10.0 m
8. Minimum Yard abutting a Residential, Institutional or Open Space Use	20.0 m, subject to the requirements for Class I, II, III special setbacks in Section 3.36.3 .
9. Minimum Landscaped Area	10%
10. Maximum Building Height	12.0 m
11. Buffer Strip	Where an industrial use abuts a residential, institutional or open space use, a buffer strip shall be provided along the lot line having a minimum width of 3.0 m in accordance with Section 3.7 .
12. Accessory Office or Retail Use Area	Maximum of 25% of the ground floor area or 280.0 m ² , whichever is greater.
13. Outside Storage	Outside storage shall be permitted in accordance with Section 3.26 .

5.17.3 Exception Zones

Reserved for future use.

5.18 Heavy Industrial Zone (M2)

5.18.1 Permitted Uses

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

- abattoir
- aggregate pit
- airport
- bulk sales and storage establishment
- bulk fuel depot
- crematorium
- industrial use, heavy (Class III)
- manufacturing
- public use
- salvage yard
- self-storage facility
- service shop
- sewage treatment plant
- snow storage and disposal facilities
- transportation depot
- warehouse
- waste disposal site
- wayside pit and quarry
- wrecking yard

2. The following uses are also permitted, subject to additional provisions:

- offices, wholesale, and retail uses, provided they are accessory to a permitted industrial use
- accessory dwelling unit, provided the gross floor area of the accessory dwelling unit does not exceed more than 25% of the gross floor area of the principal non-residential use

5.18.2 Zone Provisions for Industrial Uses

Zone Provision	Requirement for Heavy Industrial Zone (M2)
1. Minimum Lot Area	
a. Unserviced	1.0 ha
b. Serviced	2,000.0 m ²
1. Minimum Lot Frontage	
a. Unserviced	45.0 m

Zone Provision	Requirement for Heavy Industrial Zone (M2)
b. Serviced	30.0 m
2. Maximum Lot Coverage	
a. Unserviced	35%
b. Serviced	50%
3. Minimum Front Yard	10.0 m
4. Minimum Side Yard	7.5 m
5. Minimum Exterior Side Yard	10.0 m
6. Minimum Rear Yard	10.0 m
7. Minimum Yard abutting a Residential, Institutional or Open Space Use	20.0 m, subject to the requirements for Class I, II, III special setbacks in Section 3.36.3 .
8. Minimum Landscaped Area	10%
9. Minimum Floor Area	120.0 m ²
10. Buffer Strip	Where an industrial use abuts a residential, institutional or open space use, a buffer strip shall be provided along the lot line having a minimum width of 3.0 m in accordance with Section 3.7 , except wrecking yards and salvage yards shall be in accordance with Section 3.5 .
11. Accessory Office or Retail Use Area	Maximum of 25% of the ground floor area or 280.0 m ² , whichever is greater.

5.18.3 Zone Provisions for Waste Disposal Sites

Zone Provision	Requirement for Heavy Industrial Zone (M2)
1. Minimum Lot Area	20.0 ha
2. Minimum Lot Frontage	100.0 m

Zone Provision	Requirement for Heavy Industrial Zone (M2)
3. Maximum Lot Coverage	N/A
4. Minimum Front Yard	30.0 m
5. Minimum Side Yard	30.0 m
6. Minimum Rear Yard	30.0 m
7. Minimum Yard abutting a Residential, Institutional or Open Space Use	45.0 m
8. Maximum Building Height	10.5 m
9. Buffer Strip	Where a waste disposal site abuts a Residential, Institutional (I), or Parks and Open Space (OS) Zone, a buffer strip, together with screening measures shall be provided along the lot line having a minimum width of 6.0 m in accordance with Section 3.7 .

5.18.4 Exception Zones

Reserved for future use.

5.19 Mineral Extraction Zone (MX)

5.19.1 Permitted Uses

No land shall be used in the Mineral Extraction Zone (MX) except for the following purposes:

- accessory office
- aggregate pit
- aggregate recycling facility
- mineral exploration
- mining operation
- portable asphalt or concrete plant
- portable processing plant
- quarry
- wayside pit and quarry
- workforce housing

5.19.2 Zone Provisions for Aggregate Pits, , Quarries, and Wayside Pits and Quarries

Zone Provision	Requirement for Mineral Extraction Zone (MX)
1. Minimum Lot Area	2.0 ha
2. Minimum Lot Frontage	100.0 m
3. Maximum Lot Coverage	N/A
4. Minimum Excavation Setback	
a. from lot line	15.0 m
b. from street right-of-way	30.0 m
c. from abutting lands used for residential, institutional, commercial or recreational uses	30.0 m
d. from abutting any lands zoned for Residential uses	30.0 m
5. Minimum Setback for Building, Equipment, Machinery, or Stockpiling	
a. from lot line	30.0 m
b. from street right-of-way	30.0 m

Zone Provision	Requirement for Mineral Extraction Zone (MX)
c. from lands used or zoned for residential purposes	90.0 m, subject to the requirements for Class I, II, III special setbacks in Section 3.36.3 .
6. Minimum Setback for Blasting Operations	450.0 m
7. 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 lot line having a minimum width of 6.0 m in accordance with Section 3.7 .

5.19.3 Zone Provisions for Mining Operations and Mineral Exploration

Zone Provision	Requirement for Mineral Extraction Zone (MX)
1. Minimum Lot Area	5.0 ha
2. Minimum Lot Frontage	200.0 m
3. Maximum Lot Coverage	5%
4. Minimum Front Yard	30.0 m
5. Minimum Side Yard	30.0 m
6. Minimum Rear Yard	30.0 m
7. Minimum Yard abutting a Residential, Institutional or Open Space Use	150.0 m, subject to the requirements for Class I, II, III special setbacks in Section 3.36.3 .
8. Maximum Building Height	7.5 m
9. Buffer Strip	Where a mining operation abuts a Residential, Mixed Use (MU), Institutional (I), Parks and Open Space (OS), or the Tourist Commercial Zone (TC), a buffer strip of 120.0 m in width is required.

5.20 Institutional Zone (I)

5.20.1 Permitted Uses

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

- animal hospital
- animal shelter
- art gallery
- assembly hall
- cemetery
- club
- community centre
- community garden
- community support service organization
- day care centre
- emergency service
- hospital
- medical facility
- museum
- library
- long-term care facility
- place of recreation
- place of worship
- public use
- school
- school, private
- tourist information centre

5.20.2 Zone Provisions

Zone Provision	Requirement for Institutional Zone (I)
1. Minimum Lot Area	
a. Unserved	1.2 ha
b. Served	600.0 m ²
2. Minimum Lot Frontage	
a. Unserved	45.0 m
b. Served	18.0 m
3. Maximum Lot Coverage	50%
4. Minimum Front Yard	7.5 m



Zone Provision	Requirement for Institutional Zone (I)
5. Minimum Side Yard	3.0 m
6. Minimum Exterior Side Yard	6.0 m
7. Minimum Rear Yard	7.5 m
8. Maximum Building Height	12.0 m
9. Minimum Landscaped Area	10%

5.20.3 Exception Zones

Reserved for future use.

5.21 Parks and Open Space Zone (OS)

5.21.1 Permitted Uses

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

- boat launch and docking facilities
- camp site
- campground
- community garden
- conservation use
- marina
- golf course
- interpretative centre
- place of recreation
- private park
- public park
- public use
- recreation use
- tourist information centre

5.21.2 Zone Provisions

Zone Provision	Requirement for Parks and Open Space Zone (OS)
1. Minimum Lot Area	
a. Unserved	0.4 ha
b. Served	N/A
2. Minimum Lot Frontage	
a. Unserved	45.0 m
b. Served	N/A
3. Maximum Lot Coverage	10%
4. Minimum Front Yard	7.5 m
5. Minimum Side Yard	4.5 m
6. Minimum Rear Yard	10.0 m
7. Maximum Building Height	12.0 m



5.21.3 Exception Zones

Reserved for future use.

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5.22 Environmental Protection Zone (EP)

5.22.1 Permitted Uses

1. No land shall be used in the Environmental Protection Zone (EP) except for the following purposes:
 - conservation use
 - resource management
2. The following uses are also permitted, subject to additional provisions:
 - 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
 - docks, boathouses, and pump houses shall only be permitted with written approval from the Town and/or Thunder Bay District Health Unit. Docks, boathouses, and pump houses shall not be permitted in wetlands and watercourses.

5.22.2 Additional Provisions

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

5.22.3 Exception Zones

Reserved for future use.

5.23 Future Development Zone (FD)

5.23.1 Permitted Uses

No land shall be used in the Future Development Zone (FD) except for the following purposes:

- Existing use on the date of passing of this By-law
- Accessory building or use to an existing use on the date of passing of this By-law

5.23.2 Zone Provisions

Zone Provision	Requirement for the Future Development Zone F(D)
1. Minimum Lot Area	As existing on the date of passing of this By-law.
2. Minimum Lot Frontage	As existing on the date of passing of this By-law.
3. Maximum Lot Coverage	15%
4. Minimum Front Yard	7.5 m
5. Minimum Side Yard	7.5 m
6. Minimum Rear Yard	7.5 m
7. Maximum Building Height	12.0 m

5.23.3 Exception Zones

Reserved for future use.



6 Schedules

The Schedules forming part of this Zoning By-law include:

1. Schedule A: Zones – Rural Area
2. Schedule B: Zones – Settlement Area
3. Schedule C: Groundwater Protection Overlay

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**Draft Comprehensive
Zoning By-law No. XXXX
Schedule A:
Zones – Rural Area**

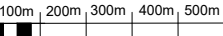
Parcel Boundary	
Municipal Boundary	
Settlement Area	
Provincial Highway	
Municipal Road	
Railway	
Water Body	
Water Course	

Zone	
Rural (RU)	
Rural Residential (RR)	
Residential (R1)	
Mobile Home Residential (R2)	
Residential Multiple (R3)	
Seasonal Residential (SR)	
Neighbourhood Commercial (C1)	
General Commercial (C2)	
Highway Commercial (C3)	
Mixed Use (MU)	
Tourist Commercial (TC)	
Enterprise (E)	
Light Industrial (M1)	
Heavy Industrial (M2)	
Mineral Extraction (MX)	
Institutional (I)	
Parks and Open Space (OS)	
Environmental Protection (EP)	
Future Development (FD)	

H - Holding Zone
T - Temporary Use
-# - Exception Zone
Note: Special Provisions Apply, refer to
Zoning By-Law xxxx Text

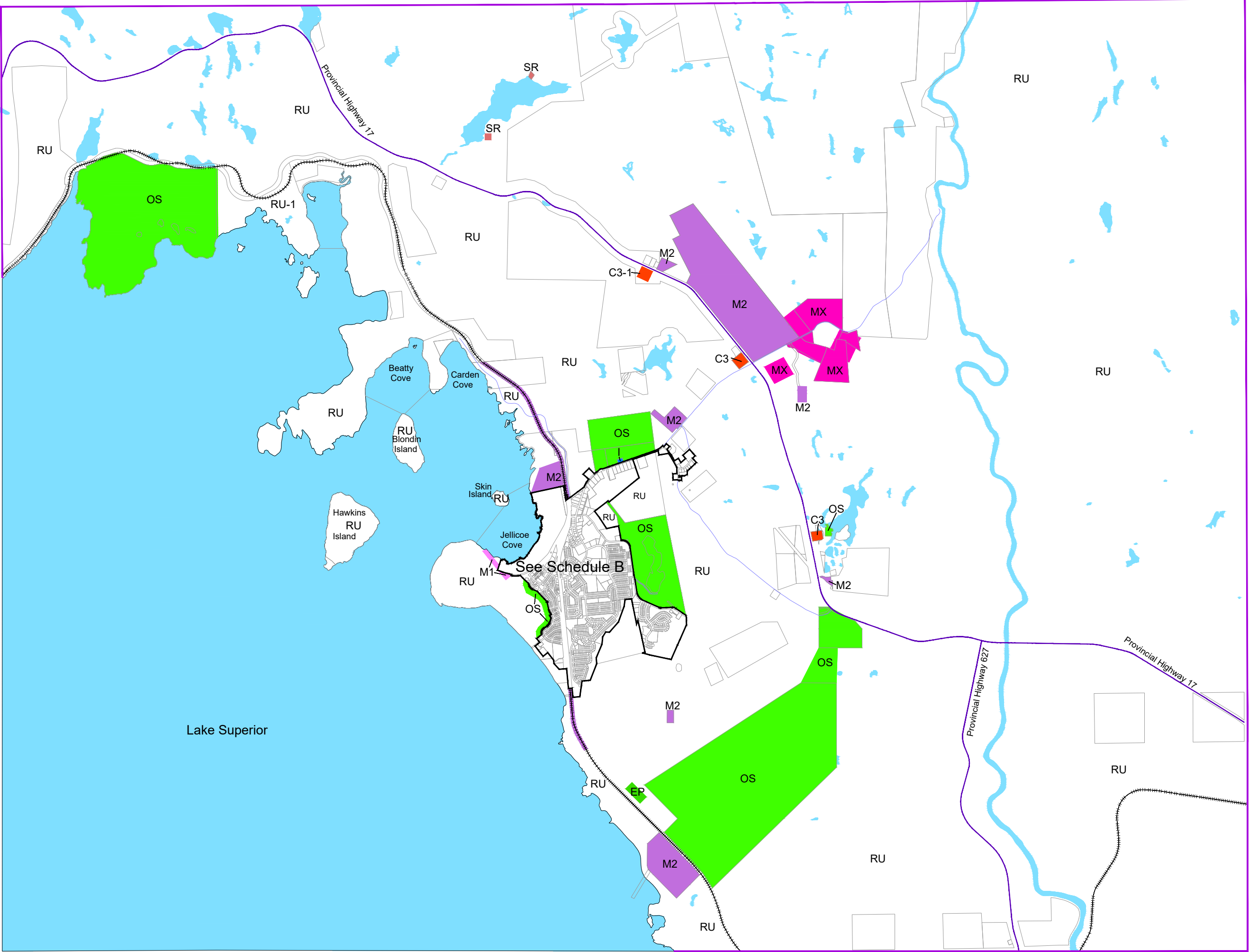


Date: July 2026



Note: The base information on this plan was prepared from a variety of map sources and was used by permission of the Town of Marathon. It is not a legal plan of survey. For precise location of plan features recourse should be had to the original source data.

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**Draft Comprehensive
Zoning By-law No. XXXX
Schedule B:
Zones – Settlement Area**

- Parcel Boundary
Municipal Boundary
Settlement Area
Provincial Highway
Municipal Road
Railway
Water Body
Water Course

- Zone**
Rural (RU)
Rural Residential (RR)
Residential (R1)
Mobile Home Residential (R2)
Residential Multiple (R3)
Seasonal Residential (SR)
Neighbourhood Commercial (C1)
General Commercial (C2)
Highway Commercial (C3)
Mixed Use (MU)
Tourist Commercial (TC)
Enterprise (E)
Light Industrial (M1)
Heavy Industrial (M2)
Mineral Extraction (MX)
Institutional (I)
Parks and Open Space (OS)
Environmental Protection (EP)
Future Development (FD)

H - Holding Zone
T - Temporary Use
-# - Exception Zone
Note: Special Provisions Apply, refer to
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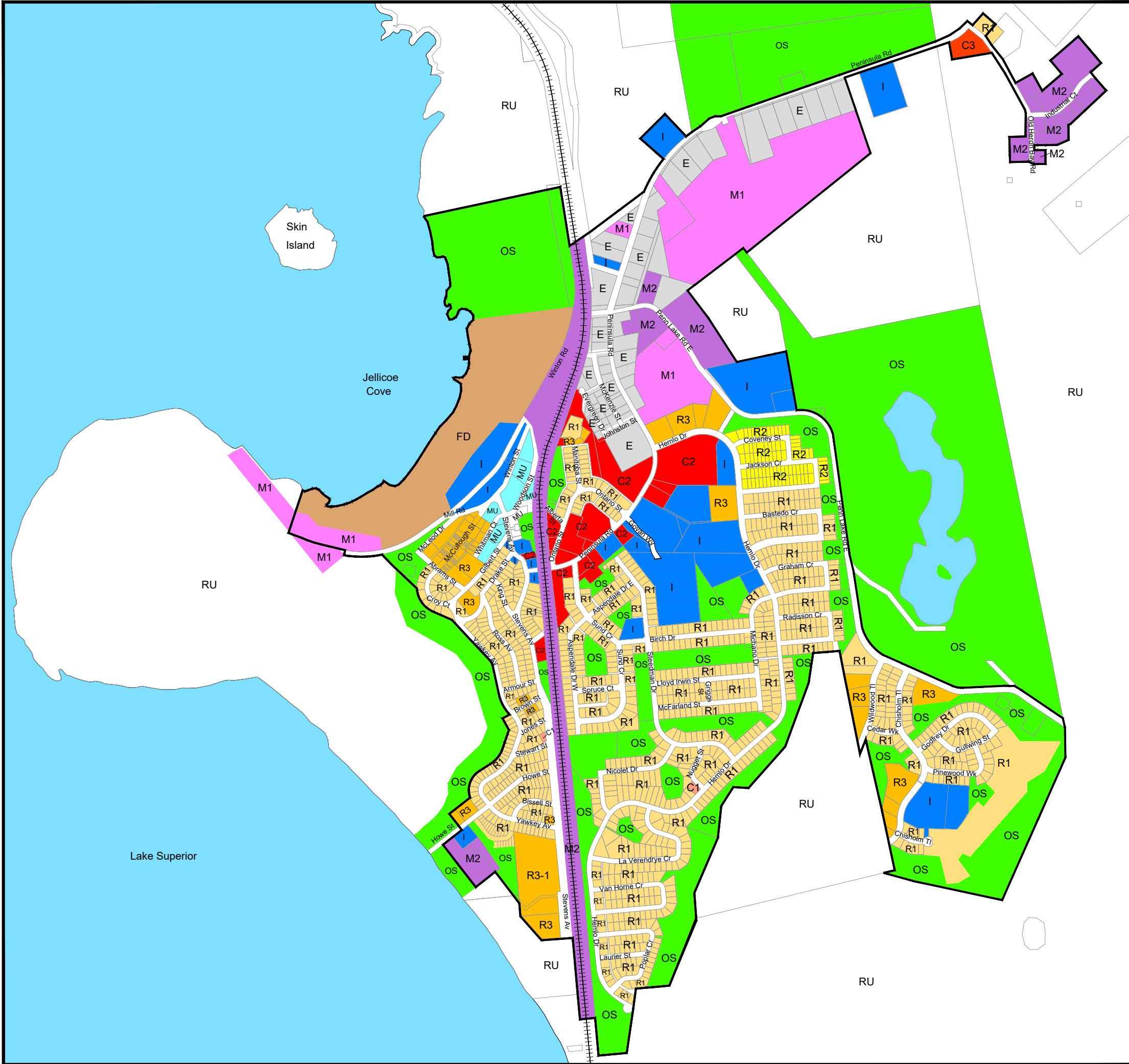
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100m 200m 300m 400m 500m



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Draft Comprehensive

Zoning By-law No. XXXX

Schedule C:

Groundwater Protection

Overlay

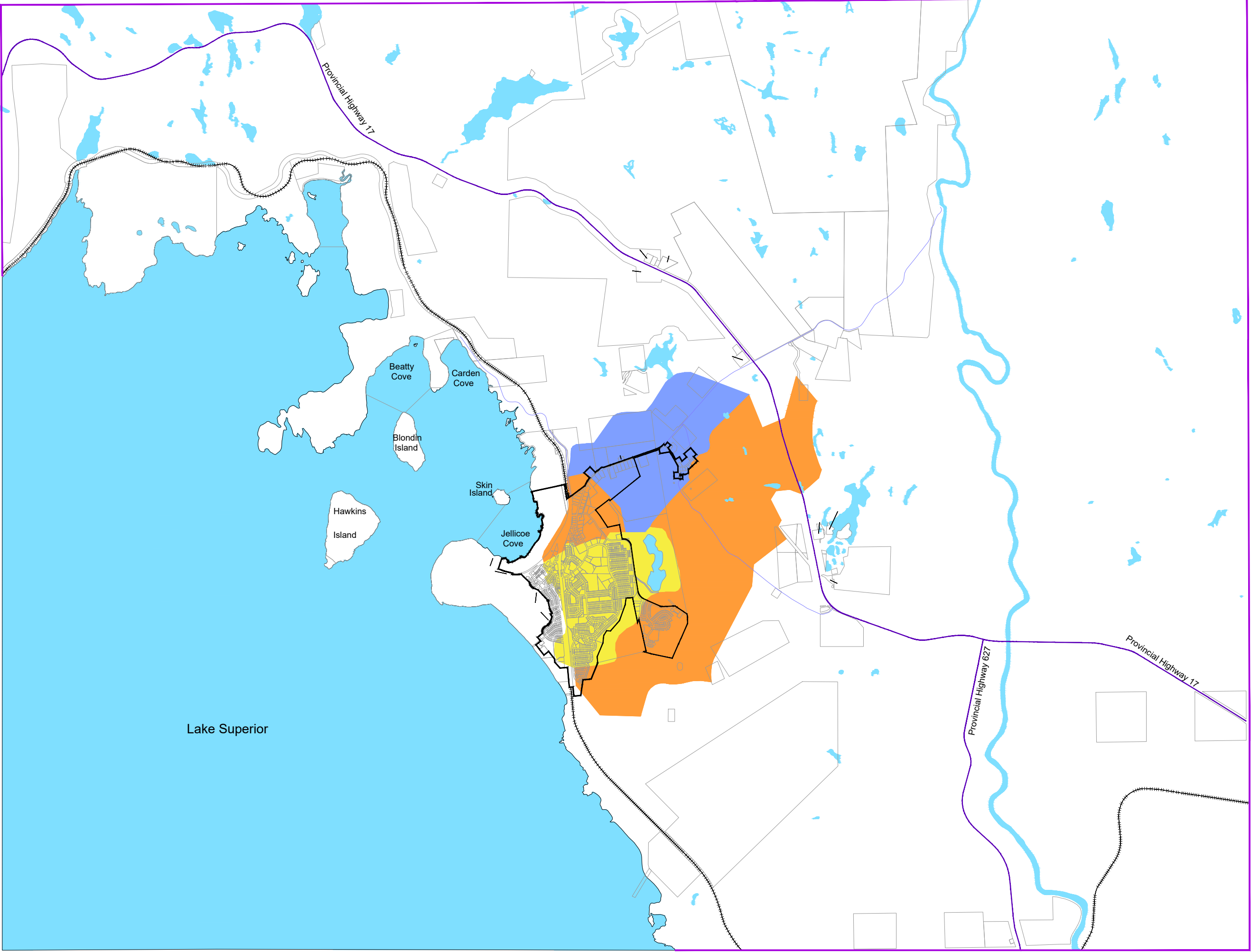
- Parcel Boundary
- Municipal Boundary
- Settlement Area
- Provincial Highway
- Municipal Road
- Railway
- Water Body
- Water Course

Groundwater Protection:

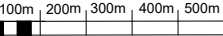
Zone 1

Zone 2

Zone 3



Date: July 2026



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7 Enactment

7.1 Force and Effect

This By-law shall come into force and effect on the date it is passed by the Council of the Corporation of the Town of Marathon subject to the applicable provisions of the Planning Act, R.S.O., 1990, c.P13., as amended.

7.2 Readings by Council

This By-law read a first time on the ____ day of ____, YEAR.

This By-law read a second time on the ____ day of ____, YEAR.

This By-law read a third time and finally passed on the ____ day of ____, YEAR.

Rick Dumas
Mayor

(MUNICIPAL SEAL)

Daryl Skworchinski
CAO / Clerk



wsp