



**The Corporation of the Township of McGarry**

**BY-LAW 2024-17**

**Being a By-law to regulate the use of all land, and the density, size, location, and use of all buildings and structures within the Township of McGarry municipal boundary.**

**Whereas** Section 34 of the *Planning Act* provides authority to Municipal Councils to enact by-laws regarding the use of lands and the erection and use of buildings or structures within the municipality;

**And whereas** Section 24 of the *Planning Act* provides that no Zoning By-law may be passed that does not conform to the Official Plan of the Township of McGarry

**And whereas** an Official Plan for the Township of McGarry was adopted on April 9, 2024;

**And whereas** Section 26 of the *Planning Act* requires that municipal Zoning By-laws be prepared to conform to the Official Plan;

**And whereas** it is now deemed necessary and expedient to enact a new Zoning By-law for the Township of McGarry which will be in conformity with the Official Plan;

**And whereas** an Open House in accordance with the *Planning Act* was held on October 19, 2023 for the purpose of giving the public an opportunity to review and ask questions about the proposed Zoning By-law;


**And whereas** a Public Meeting in accordance with the *Planning Act* was held on April 9, 2024;

**Now therefore** the Council of the Corporation of the Township of McGarry pursuant to Section 34 of the *Planning Act*, enacts as follows:

1. By-law No. 2011-08 and the Zoning By-law for the Township of McGarry, and amendments thereto, are hereby repealed at such time as the new Zoning By-law for the Township comes in full force and effect.
2. By-law No. 2024-19 Township of McGarry Zoning By-law shall come into force in accordance with the provisions of the *Planning Act*.

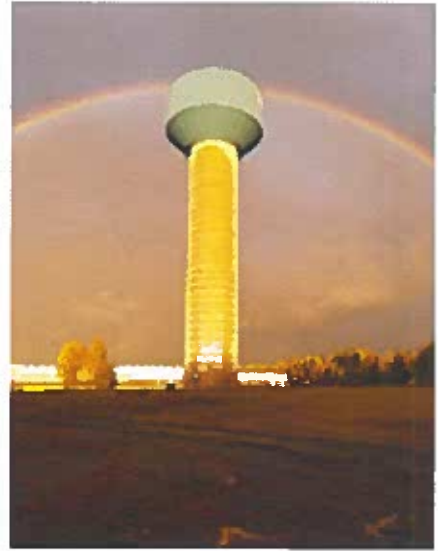
**Read** a first and second time this 9<sup>th</sup> day of April 2024.

**Read** a third time and finally passed this 9<sup>th</sup> day of April 2024.

  
Bonita Culhane  
Mayor

  
Karine Pelletier  
Clerk-Treasurer

**By-Law No. 2024-17  
Comprehensive Zoning By-law for the  
Township of McGarry**



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JLR No. 28717-001

**As Adopted  
April 9, 2024**

## **EXPLANATORY NOTE**

The purpose and effect of Zoning By-law No. 2024-17 is to repeal and replace the Comprehensive Zoning By-law for the Township of McGarry. The Zoning By-law was completed to be in conformity with the 2023 Official Plan. The By-law includes the regulation of the use of land, the size and location of buildings and structures, and parking requirements in the Township of McGarry.

Insert signed by-law

Township of McGarry Zoning By-law

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SECTION 1

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**SECTION 1 AUTHORIZATION AND ADMINISTRATION****1.1 Title**

This By-law shall be known as the "Zoning By-law" or "Zoning By-law No. 2024-17 of the Corporation of the Township of McGarry

**1.2 Defined Area**

The provisions of this By-law shall apply to all lands within the incorporated limits of the Township of McGarry.

**1.3 Effective Date**

This By-law shall come into effect on the day it is passed by Council subject to the appeal provisions of the *Planning Act*.

**1.4 Repeal of Former By-laws**

By-law 2011-08 being the former Zoning By-law for the Township of McGarry and all amendments thereto are hereby repealed.

**1.5 Administration and Enforcement**

This By-law shall be administered by the Township of McGarry, and no permit for the use of land or for the erection of any building or structure within the area to which this By-law applies, shall be issued where the proposed use, building or structure would be in violation of any provisions of this By-law.

**1.6 Applications and Plans**

In addition to the requirements of any Building By-law, every application for a building permit shall be accompanied by sufficient information, in an appropriate form, to determine whether the building or structure conforms to the requirements of this By-law. This shall include:

- a) A plan drawn to scale showing the true dimensions of the lot to be built on and used; the location, height, and dimensions of any existing or proposed building, structure, and use; the location of any required setback and the proposed location and dimension of any yard, landscaped open space, and off-street parking and loading required by the By-law; and
- b) the exact use proposed for each building, structure, and/or the proposed use of the lot to determine whether such building, structure, or use conforms to this By-law.

**SECTION 1**

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Every such application shall be signed by the owner of the lot or the owner's agent duly authorized thereunto in writing.

**1.7 Conformity**

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

**1.8 Licenses and Permits**

- a) No change shall be made in the type of use of any land, building, or structure within any zone, without first obtaining a Certificate of Occupancy from the Township to the effect that the proposed use conforms to this By-law.
- b) No municipal permit, certificate, or licence shall be issued for a proposed use of land or a proposed erection, alteration, enlargement, or use of any building or structure that is in contravention of any provision of this By-law.

**1.9 Inspection**

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

**1.10 Violation and Penalty**

- a) Pursuant to Section 429 of the Municipal Act, R.S.O., 2001, Chapter 25 and to Section 67 of the *Planning Act*, R.S.O., 1990, Chapter P13, as amended respectively, every person who contravenes any of the provisions of the Zoning By-law shall upon conviction thereof, forfeit and pay a penalty not exceeding \$25,000 exclusive of costs for each offence, and on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted. All of the provisions of which shall apply, except any term of imprisonment for default of the payment of the fine and costs imposed under this By-law shall not exceed six (6) months. The imposition of the penalty for contravention of this By-law shall not excuse the condition or matter resulting in such contravention or permit it to continue.
- b) In addition to any penalty provided by this By-law, any contravention may be restrained by action at the instance of any ratepayer or of the Township to the provisions of Section 45 of the *Planning Act*, R.S.O., 1990, Chapter P13, as amended, in that behalf.



SECTION 1

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1.11 Repetition of Offences

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

1.12 Remedies

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

1.13 Validity

If any portion of this By-law is for any reason declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this By-law.

1.14 Committee of Adjustment

Pursuant to the provisions of Section 44 and 45 of the *Planning Act*, a duly appointed Committee of Adjustment is authorized to grant relief to any provisions of the Zoning By-law of the Township of McGarry, by way of granting a minor variance or by giving a permission for the enlargement or extension of a non-conforming use or to permit a change of use to a similar or more compatible use or to authorize a use that conforms with those permitted in the By-law, despite that a use, building or structure may be defined in general terms.

## SECTION 2 INTERPRETATION

### 2.1 General

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

### 2.2 Certain Words

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

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

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

### 2.3 Interpretation of Similar Permitted Uses

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

### 2.4 Measurements

Measurements contained in this By-law are in metric units only. Where imperial units appear, such units do not form part of this By-law; they are to be considered as ancillary information only are provided only for the convenience of the reader.

2.5 Technical Revisions

Revisions may be made to this by-law without the need for a zoning by-law amendment in the following cases:

- a) correction of grammar, punctuation or typographical errors, or revisions to format in a manner that does not change the intent of a provision;
- b) adding or revising technical information on maps or schedules that does not affect the zoning of lands including, but not limited to, matters such as updating and correcting infrastructure information, keys, legends, or title blocks; and
- c) changes to appendices, footnotes, headings, indices, marginal notes, tables of contents, illustrations, historical or reference information, page numbering, footers, and headers, which do not form a part of this by-law and are editorially inserted for convenience of reference only.

2.6 Schedules

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

## SECTION 3 DEFINITIONS

For the purposes of this By-law, the definitions and interpretations given in this Section shall govern.

Accessory, when used to describe a use, building, or structure, shall mean a use, building, or structure that is customarily incidental and subordinate to the main use and located on the same lot with such main use. This definition shall include: decks greater than or equal to 0.6 m in height; gazebos; and freestanding solar panels and wind turbines.

Adult Entertainment Business shall mean any premises or part thereof including a retail store, entertainment parlour, or other business in which the principal trade provided, in pursuance of a trade, calling, business, occupation, goods, or services appeals to or is designed to appeal to erotic or sexual appetites or inclinations.

Aggregate shall mean gravel, sand, clay, earth, shale, limestone, dolostone, sandstone, marble, granite, rock other than metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.

Agricultural Use shall mean the use of land, buildings or structures for:

- a) The growing of crops, including cannabis, including all related activities such as soil preparation, manure or fertilizer spreading, planting, spraying, irrigating, harvesting, and also including the storage and sale of crops;
- a) The raising, boarding, keeping and sale of all forms of livestock, except dogs, including all related activities such as breeding, training, feeding, and grazing, and including the raising of fish;
- b) The production of animal products such as milk, eggs, wool, fur, or honey, including related activities such as the collection, storage, and sale of the products;
- c) A greenhouse or nursery garden, including storage and sale of the products; and
- d) The use and storage of all forms of equipment or machinery needed to accomplish the foregoing activities.

Agricultural-Related Use shall mean a farm-related commercial or farm-related industrial use that is directly related to farm operations in the area, supports agriculture, benefits from being in close proximity to farm operations, and provides direct products and/or services to farm operations as a primary activity.

Airfield shall mean land used for the purpose of the landing, storing, taxiing and taking-off of private aircraft as the primary function to a residential use, but not an airport under the regulation of the Ministry of Transportation.

Aisle shall mean the travelled way by which motor vehicles enter and depart parking spaces.

Alter, in reference to

- a) a building or part thereof, shall mean to change any one or more of the external dimensions of such building or to change the type of construction of the exterior walls or roof thereof;
- e) a lot, shall mean to change the area frontage or depth thereof, to change the width, depth or area of any required yard, landscaped open space or parking area, or to change the location of any boundary of such lot in respect to a street or lane, whether such alteration is made by conveyance, alienation of any parts of such lot, or otherwise; and

altered and alteration shall have corresponding meanings.

Asphalt Plant shall mean an industrial facility used for the production of asphalt for immediate use in the paving of roads and driveways and the damp proofing of buildings or structures.

Attached shall mean a building or structure otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with adjacent building or structures.

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

Auditorium shall mean a building or structure where facilities are provided for athletic, civic, educational, political, religious, or social events. This definition may include an arena, community centre, gymnasium, stadium, theatre, or similar use.

Automatic Car Wash shall mean a building or structure containing facilities for washing motor vehicles, either by production line methods and mechanical devices, or by self-service operation.

Automobile Service Station shall mean a building where automotive fuel such as, but not necessarily limited to gasoline, propane, and diesel fuel and where oil is kept for sale and where only minor or emergency repairs essential to the actual operation of motor vehicles may also be performed, and where grease, anti-freeze, tires, spark plugs, and other automobile accessories may be sold incidentally, and where motor vehicles may also be oiled, greased, or washed, but where no other activities of a commercial garage are carried on.

Automotive Store shall mean an establishment primarily engaged in the retail sale of vehicle parts, accessories, and tools. Accessory uses may include service bays for performing maintenance and repair operations on motor vehicles. This definition shall not include any establishment otherwise defined herein or specifically named elsewhere in this By-law.

Basement shall mean one or more storeys of a building located below the first storey.

**Bed and Breakfast** shall mean an owner-occupied dwelling used incidentally to provide accommodation and meals to transient travellers, but does not include a boarding house, a rooming house, hotel, or motel.

**Boat House** shall mean a building or structure or part, used for the storage of private boats and equipment accessory to their use, as an accessory use to a residential use, no part of which shall be used for any residential or commercial purpose.

**Boat Launch** means an area of land adjacent to a water body or watercourse that is used to launch and remove boats from the water. Boat launches may be public or private.

**Boat Slip** shall mean a temporary mooring space that is provided for the use of visitors arriving and departing by a boat.

**Buffer Strip** shall mean a landscaped or planted area reserved for the purpose of screening or obstructing the view of buildings, land or structures or shielding or blocking noise, lights or other nuisances by the planting of trees and shrubs or fences.

**Building** shall mean a structure having a roof supported by columns or walls or directly on the foundation and used for the shelter and accommodation of persons, animals, or goods:

-; **Accessory** shall mean a building customarily incidental and subordinate to the main use or building and located on the same lot with such main use or building.

-; **Envelope** shall mean the buildable area on a lot, as defined by all of the required yards and setbacks and the maximum height provisions, within which a building can be erected.

-; **Main** shall mean the building serving the principal or primary uses for which the lot was purchased, leased, or rented.

-; **Temporary** shall mean a building or structure intended for removal or demolition within a prescribed time, not exceeding two years, as set out in a building permit.

**Building By-law** shall mean any Building By-law of the Township and amendments thereto.

**Building Contractor's Shop/Yard** shall mean a place of business for persons employed in building trades such as painting, plumbing, electrical work, masonry, metal working, and carpentry or truck, bulldozer, loader, and backhoe operating and such place of business may be used for the storage of equipment, materials, and vehicles which are used on construction sites and may include such related uses as office space, or maintenance facilities, but shall not include a retail business, sales counter, nor a wholesale business.

**Building Line** shall mean a line within a lot drawn parallel to a lot line establishing the minimum distance between that lot line and any portion of a building or structure which may be erected.

**Building Supply Outlet** shall mean an establishment engaged in the selling or installing of building supplies including lumber, millwork, siding, roofing, plumbing, electrical, heating, air

conditioning, home improvements, and similar items. This definition shall not include any establishment otherwise defined herein or specifically named elsewhere in this By-law.

By-law Enforcement Officer shall mean the officer or employee of the Township, or an amalgamation of municipalities of which the Township is a part of, charged with the duty of administering the provisions of municipal by-laws.

Camp (Hunt Camp, Fishing Camp) shall mean a building or structure used for sleeping accommodation, and the preparation of serving of food, and intended for use as a base camp for hunting, fishing, snowmobiling, hiking, or other similar forms of recreation. The hunt camp is to be used on a temporary or seasonal basis and is not a commercial facility.

Campground shall mean an area of land, managed as a unit, providing short-term accommodation for tents, recreational vehicles or campers where a fee is charged for such accommodation, but shall not include mobile homes, or a mobile home park. A campground may include accessory uses, buildings and structures such as a laundromat, convenience store, sale of propane fuels or others that are generally accessory to the operation of the campground.

Carport shall mean a covered parking area which is open on at least two sides.

Cellar shall mean that portion of a building between two floor levels which is partly or wholly underground but which has more than one-half of its height from finished floor to finished ceiling below the established grade.

Cemetery shall mean land, buildings, or structures set aside to be used for the internment of human remains and may include a mausoleum, columbarium or other similar buildings or structures.

Chief Building Official shall mean the officer or employee of the Township, or amalgamation of municipalities, charged with the duty of enforcing the Building Code Act together with any Regulations made thereunder, and the provisions of the Building By-law.

Child Care Centre shall mean a "child care centre" as defined in the *Child Care and Early Years Act, 2014*, and its successors.

Clinic shall mean one or more buildings or part of a building used solely for the purposes of consultation, diagnosis and treatment of patients by Ontario Licensed physicians, dentists, optometrists, denturists, chiropodists, chiropractors, or drugless practitioners, together with their assistants, and without limiting the generality of the foregoing, the building(s) or part thereof may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies, and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms for major surgery.

Club shall mean a building or part of a building used as a meeting place for members of an organization and includes a lodge, fraternity, or sorority house and a labour union hall.



Commercial Greenhouse shall mean a commercial place used for the growing of flowers, vegetables, shrubs, trees, and similar vegetation for wholesale or retail sale.

Commercial Use shall mean the use of land, buildings and/or structures for the purposes of buying and selling of commodities and supplying of services, as distinguished from such uses as manufacturing or assembling of goods, warehousing and construction. Commercial use also includes highway commercial use and those commercial uses which rely on the tourist population. Examples of commercial uses include retail stores, offices, automobile service stations, etc.

Communications Facility shall mean an installation which transmits, receives and/or relays communications such as a microwave relay tower, telephone or telegraph line, cellular telephone tower, radio or television broadcast tower, or similar facility.

Community Centre shall mean a place used for community activities, the ownership and/or maintenance of which is vested with the Township or other organization for non-commercial purposes. Without limiting the generality of the foregoing, community centres may include parks and open space, sports fields, skateboard parks, playgrounds, courts, gymnasiums, places of assembly, swimming pools, facilities for indoor and outdoor recreational, social, or cultural activities.

Conservation Use shall mean the preservation and protection of the components of the natural environment through management and maintenance for both the individual and society's uses, both in the present and in the future.

Corporation shall mean the Corporation of the Township of McGarry.

Council shall mean the Council of the Corporation of the Township of McGarry

Custom Workshop shall mean land and/or a building or part of a building used by a contractor, builder, or tradesman to perform manufacturing, repair, or assembly work or for the storage of equipment and materials used for off-site work and includes those operated by a carpenter, well driller, tile drainage installer, a locksmith, blacksmith, tinsmith, gunsmith, welder, machinist, or persons involved in similar occupations.

Detached shall mean a building or structure which is not part dependent on any other building or structure for structural support or enclosure.

Development shall mean the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act*.

Driveway shall mean a vehicular access connected only to one public street or private road or thoroughfare, which provides ingress to and/or egress from a lot and may include a shared driveway but shall not include a lane as defined herein.

Dry Cleaning or Laundry Outlet shall mean a building used for the purpose of receiving articles or goods of fabric to be subjected elsewhere to the process of cleaning or dyeing. Such



establishment may also be used for pressing and/or distributing any articles or goods which have been received therein.

Dry Cleaning or Laundry Plant shall mean a building where dry cleaning, dry dyeing, cleaning, or pressing of articles or goods of fabric is conducted and (1) in which solvents, which emit no odours or fumes are, or can be, used, and (2) in which no noise or vibration causes a nuisance or inconvenience without the premises. This definition may include a dry cleaning or laundry outlet.

Dwelling shall mean a building used or intended to be used for human habitation and in which all usual domestic functions may be carried on. This definition shall not include any vehicle as defined herein.

-, Additional Residential Unit shall mean a separate dwelling unit which is either located in a single detached dwelling, semi-detached dwelling, rowhouse or an accessory building or structure.

-, Apartment shall mean a building consisting of three or more independent dwelling units other than a rowhouse dwelling.

Boarding House shall mean a dwelling or portion thereof containing not more than four guest rooms, used for the accommodation of the public in which the owner or head lessee supplies for compensation, lodging with or without meals but does not include any other establishment otherwise defined herein.

-, Duplex shall mean a building that is divided horizontally into two dwelling units.

-; Garden Suite shall mean a temporary, one-unit, self-contained, and portable detached residential structure that is ancillary to and on the same lot as a residential dwelling, and excludes a trailer as defined herein.

-; Mobile Home shall mean a dwelling that is designed to be made mobile and constructed or manufactured as per the Ontario Building Code with a permanent foundation to provide a permanent residence for one or more persons, but does not include a recreational vehicle, a travel trailer or tent trailer, or trailer otherwise designed.

-, Modular Home shall mean a single detached dwelling which has been manufactured in a factory remote from the site where it is intended to be used and transported to the site for installation on a prepared foundation and which unit complies with all applicable standards of the Canadian Standards Association, and for the purpose of this By-Law shall be considered as a single detached dwelling.

-, Rowhouse shall mean a building that is divided vertically into three or more dwelling units.

- Seasonal shall mean a building containing only one dwelling unit used for recreation and not occupied as a permanent dwelling.

- Semi-Detached shall mean a building that is divided vertically into two dwelling units.

- Single shall mean a detached building containing only one dwelling unit. This definition shall include a modular home as defined herein.

Tiny Home shall mean a small, private and self-contained dwelling unit that meets the minimum dwelling unit size as per the Ontario Building Code. A tiny home shall be considered a single detached dwelling, unless it is on wheels, in which case it shall be considered a mobile home.

- Triplex shall mean a building that is divided horizontally into three dwelling units.

- Unit shall mean one or more rooms designed as a housekeeping unit, used or intended to be used as a domicile by one or more persons and in which separate cooking, eating, living, sleeping, and sanitary facilities are provided for the exclusive use of the occupants, with a private entrance from outside the building or from a common hallway or stairway inside the building.

Easement shall mean the legal right acquired by contract to pass over, along, upon or under the lands of another.

Educational Institution shall mean the use of land, buildings or structures for an elementary or secondary school, private school, university or community college authorized by the Province of Ontario.

Erect shall mean build, construct, reconstruct, remove or relocate and shall include any preliminary physical operations such as cutting, grading, excavating, filling or draining, or any altering of an existing building by an addition, extension, or other structural change, or any work which requires a building permit.

Erected and Erection shall have corresponding meanings.

Established Building Line shall mean the average setback from the street line of existing buildings on one side of a continuous 50 m [164 ft] strip of land where three (3) or more of the lots having street frontage upon the said side of the street have been built upon.

Established Grade shall mean the average elevation of the finished level of the ground adjoining all of the walls of the building or structure exclusive of any artificial embankments or berms.

Existing shall mean existing as of June 28, 2011.

Extractive Industrial Use shall mean the use of land for the extraction of mineral aggregate including sand, gravel, shale, clay, and bedrock suitable for the production of crushed stone, building stone, cement products, and other similar materials.

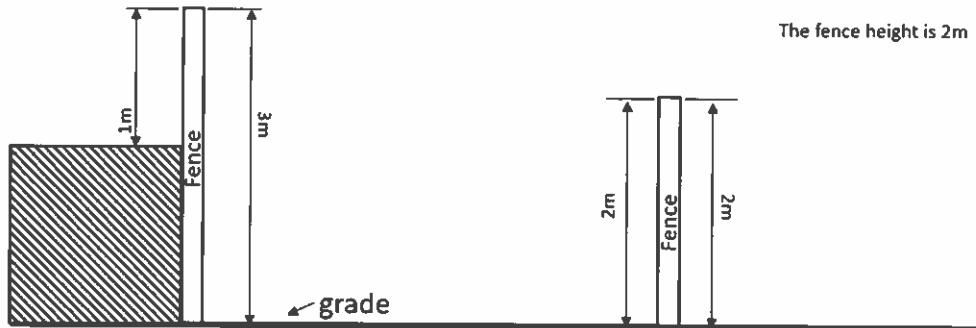
**Fence** shall mean a structure which forms a barrier for enclosing, bounding, delineating or protecting land. If the elevation of the land impacts the height of the fence from one side to the other, than the average fence height taken from the base to the top of the fence on either side of the fence will be used as the fence height.

The average fence height is taken from the base to the top of the fence on either side

$$1\text{m} + 3\text{m} = 4\text{m}$$

$$4\text{m}/2 = 2\text{m}$$

The fence height is 2m



Fence height is measured from grade to the top of the fence.

The fence height is 2m

Illustration Fence Height

**Financial Establishment** shall mean a building, or part thereof, which is used to provide for financial services in which money is deposited, kept, lent, or exchanged, including accessory clerical functions and shall include a bank, trust company, credit union or other similar banking service.

**Fish Habitat** shall mean the spawning grounds and nursery, rearing, food supply, and migration areas which fish depend directly or indirectly in order to carry out their life processes.

**Flood Line** shall mean a line established by a one in one hundred (1:100) year storm which is determined by flood plain mapping.

**Flood Plain** shall mean the area below the flood line.

**Flood Proofed** shall mean the measures taken to ensure that a building or structure is safe from the effects of flooding.

**Floor Area** shall mean:

- a) for a dwelling or dwelling unit, the total area of the storeys contained within the outside walls of the dwelling or dwelling unit exclusive of garage, carport, sunroom, veranda, porch, unfinished attic, unfinished basement, or unfinished cellar;
- f) for a building other than a dwelling, the total area of all the floors contained within the outside walls of the building.

In all cases, only that floor area having a clear height to the ceiling of at least 2.2 m shall be calculated for floor area purposes.

Forestry Use shall mean the general raising, management and harvesting of wood and, without limiting the generality of the foregoing, shall include the raising and cutting of fuel wood, pulpwood, lumber, Christmas trees, other forestry products and silva culture practices.

Fuel Depot shall mean land, buildings or structures used for the bulk storage, distribution and sale of gasoline, propane, heating oil or motor oil.

Funeral Home shall mean a building or part of a building wherein undertaking services are offered and may include subsidiary activities such as the sale of caskets and funeral accessories, a chapel or parlour provided such activities are clearly secondary and incidental to the main undertaking service.

Garage shall mean a structure for the storage of vehicles and other items.

-, Commercial shall mean a building, structure, or lot where all activities of an automobile service station may take place, where major repairs of motor vehicles may be performed, and where commercial motor vehicles may be stored. As an accessory use, the sale of motor vehicles may also be permitted. Such repairs may include all mechanical repairs as well as body work but shall not include the dismantling of motor vehicles for scrap or the storage of motor vehicles awaiting scrapping.

-, Parking shall mean an enclosed structure used for the temporary parking of more than four vehicles and available for public use either free, for compensation, or as an accommodation to customers.

-, Portable shall mean a prefabricated structure usually constructed with a metal, wood, or plastic frame and covered with a tarpaulin or other similar type of fabric or plastic cover, used primarily for the storage of a vehicle and other items.

-, Private shall mean an accessory building or part of a residential building which is fully enclosed and used for the storage of motor vehicles and household equipment incidental to the residential occupancy.

Gasoline Bar shall mean one (1) or more pump islands, each consisting of one or more gasoline pumps, and a shelter which shall be used for the sale of any product other than liquids and small accessory required for the operation of motor vehicles.

Golf Course shall mean a public or private area operated for the purpose of playing golf and includes par 3 golf course, but does not include a driving range, a miniature golf course, or similar use.

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

**Group Home** shall mean residential accommodation in a detached dwelling in which up to ten persons (excluding supervisory staff) live under responsible supervision consistent with the particular requirements of its residents which includes support functions for daily living.

**Habitable Room** shall mean a room commonly used for cooking, living, dining, or sleeping purposes, and shall include an enclosed sunroom but shall not include any garage, carport, verandah, unfinished attic, unfinished basement, or unfinished cellar.

**Hazardous Lands** shall mean a property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of waterbodies or watercourses, this means the land, including that covered by water, up to the limit of the flooding hazard or erosion hazard or dynamic beach hazard limits.

**Height of a building** shall mean the vertical distance measured between the established grade and:

- a) the highest point of the roof surface of a flat roof; or
- g) the average level between eaves and ridge of any other type of roof.



**Illustration of height of a building**

**High Water Mark** shall mean the mark made by the action of water under natural conditions on the shore or bank of a waterbody which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.

**Highway** shall mean a public thoroughfare intended for vehicular use by the general public.

**Hobby Farm** shall mean a residence and barns, sheds, pens, and accessory buildings which are used for the persons residing at the residence and not for commercial agricultural purposes.

Home Industry shall mean the gainful occupation conducted in whole or in part of the dwelling or in whole or part of an accessory building by the residents and includes uses such as an animal hospital, or an electrical, woodworking, welding, plumbing, or sheet metal machine.

Home Occupation shall mean any occupation for gain or profit as an accessory use to a dwelling unit by one or more of the residents residing therein and may include a service or repair shop, a personal service shop, the office of a doctor, dentist, lawyer, or a real estate agent, insurance agent, planner, architect, or engineer, or similar occupation but a clinic, hospital, a nursing home, a tea room and an animal hospital shall not be deemed to be home occupations.

Hospital shall mean any institution, building, or other premises established for the treatment of persons afflicted with or suffering from sickness, disease or injury, for the treatment of convalescent or chronically ill persons.

Hotel/Motel/Hostel shall mean a building or part of a building or a group of buildings used primarily for the purpose of providing overnight guest room accommodation to the travelling public, with or without accessory restaurants, dining rooms or refreshment rooms, and includes any establishment containing guest rooms.

Industrial Use shall mean the use of land, buildings, or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses, and shall include a cannabis processing facility.

Industrial Use, Light shall mean an industrial use engaged in, or used for:

- a) Producing apparel and finished textile products, other than the production of synthetic fibers;
- h) Warehousing or storing of goods or materials indoors;
- i) Printing, duplicating or bookbinding;
- j) Manufacturing finished paper and allied products other than processing wood pulp;
- k) Producing cosmetics, drugs and other pharmaceutical supplies;
- l) Manufacturing finished lumber products, light metal products, light machinery, computer software, electronic products, finished plastic ware, porcelain, earthenware, glassware or similar articles including, without limiting the generality of the foregoing, furniture, housewares, monument, toys, musical instruments, jewellery, watches, precision instruments, filters, radios and electronic components, but does not include a tannery or any industrial use accessory to an extractive use; or
- m) Research laboratories

Institutional Use shall mean a building, structure, or lot used by an organized body, religious group or society for a non-profit, non-commercial purpose. This definition may include a library, school, college, university, convent, monastery, or similar use.

Kennel shall mean a building or structure where animals are kept.

- Boarding shall mean a place where animals are kept, and operated as a commercial business or by the Humane Society as a service to the community, but does not include a Veterinary Clinic. The boarding kennel facility shall be constructed so that animals may be retained indoors between the hours of 8:00 p.m. through 8:00 a.m.

- Breeding shall mean any building, structure, dog run, or other facility, or part thereof where animals are kept for the purposes of reproduction, and the use of or sale of the offspring.

Landfill Site shall mean any land approved by the Province upon, into or which waste may be deposited or processed.

Landscape Open Space shall mean open space comprised of lawn, natural or ornamental shrubs, flowers, and trees and may include space occupied by paths, walks, courts, patios, and pools, but shall not include parking areas, loading spaces, traffic aisles, driveways, or ramps for vehicles, or any open space beneath or within a building or structure.

Land shall mean any ground, soil, or earth whatsoever regarded as the subject of ownership and everything annexed to it whether by nature (such as trees, water) or by man (such as buildings, fences).

Lane shall mean:

- a) a subsidiary thoroughfare providing access from within a lot, principally from parking or loading spaces to a public street; or
- n) a subsidiary public thoroughfare for the sole use of pedestrians and connecting public streets, open space, or public buildings.

Livestock Facility shall mean one or more barns or permanent structures with livestock-occupied portions, intended for keeping or housing or livestock. A livestock facility also includes all manure or material storage and anaerobic digesters.

Loading Space shall mean a space or bay located on a lot which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise, or materials used in connection with the use of the lot or any building thereon.

Long Term Care Home shall mean a "long term care home" as defined in the *Long-Term Care Homes Act, 2007*, and its successors.

Lot shall mean a parcel or tract of land which is capable of being legally conveyed in accordance with the provisions of the *Planning Act*.

- Corner shall mean a lot situated at the intersection of two streets having an angle of intersection of not more than one hundred and thirty-five degrees (135°).



- Interior shall mean a lot situated between adjacent lots and having access to one street.

- Through shall mean a lot (bounded on two opposite sides by streets) having street frontage on two parallel or approximately parallel streets.

- Water shall mean a lot which abuts a shoreline but has no street line. Access is granted by a navigable water body or watercourse. Notwithstanding any other provisions of this By-law, a water lot does not require frontage on an improved street.

Lot Area shall mean the total horizontal area within the lot lines of a lot, excluding the horizontal area of any flood plain or marsh located on such lot.

Lot Coverage shall mean the percentage of lot area covered by the ground floor area of all buildings located thereon.

Lot Frontage shall mean the width of a lot measured between the intersection of the side lot lines with a line back from and parallel to the front lot line, at a distance equal to the minimum required front yard depth.

Lot Line shall mean any boundary of a lot or the vertical projection thereof.

- Front shall mean, in the case of an interior lot, the lot line that divides a lot from the street. In the case of a lot fronting onto two or more streets, the shorter lot line that abuts a street shall be deemed to be the front lot line, in the case of a corner lot or through lot having lot lines of equal length abutting both streets, either line may be deemed to be the front lot line, and in the case of a waterfront lot, the shoreline shall be deemed to be the front lot line.

- Rear shall mean, in the case of a lot having four (4) or more lot lines, the lot line furthest from and opposite the front lot line. If the lot has less than four (4) lot lines, there shall be deemed to be no rear lot line.

- Side shall mean any lot lines other than the front lot line and the rear lot line. In the case of a corner lot, an exterior side lot line shall be the lot line that abuts the street which is not the front lot line, and an interior side lot line shall be the lot line that abuts another lot.

Main Wall shall mean the exterior front, side, or rear wall of a building, and all structural members essential to the support of a fully enclosed space or a roof.

Manufacturing Industry shall mean an establishment primarily engaged in the fabricating, processing, finishing, refinishing, assembly, or similar production of various articles and commodities, and includes custom workshops, factories, mills, industrial shops, and similar production facilities. This definition shall include cannabis processing facilities.

Marina shall mean a building or structure on a waterfront with or without docking facilities where boats and boat accessories are berthed, constructed, stored, serviced, repaired or kept



for sale or rent and where the facilities for the sale of marine fuels, marine equipment, lubricants, bait as well as the sale of foods, provisions or supplies as an accessory use may be provided.

Marine Facility shall mean a non-commercial building or structure which is used to moor, berth, or store a boat. This definition may include a boat launching ramp, a boat lift, marine railway, dock or boathouse, but does not include any building used for human habitation or a marina. A marine facility shall also include a water intake facility and any flood or erosion control structure. No part of a marine facility may be used as a dwelling unit.

Medical/Dental Office shall mean a building or part of a building wherein health services are provided to the public in the form of a medical, paramedical, dental, surgical, physiotherapeutic, or other human health services include associated technician and laboratory facilities, and may also include an incidental pharmaceutical outlet for the sale of prescription and therapeutic drugs and medication and other drug store products normally sold in a pharmaceutical outlet, and optical equipment.

Medical Practitioner shall mean a doctor, dentist, chiropractor, chiropodist, optometrist, oculist, but shall not include a veterinarian.

Mine Hazard shall mean any feature on a mine as defined under the *Mining Act* or any related disturbance of the ground that has not been rehabilitated.

Mineral Aggregate Operation shall mean:

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

Mineral Deposit shall mean areas of identified minerals that have sufficient quantity and quality based on specific geological evidence to warrant present and future extraction.

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

Mobile Home Park shall mean a lot under single management which has been planned, divided into mobile home sites, improved, and provided with a communal water and sewer service approved by the Ministry of the Environment, Conservation and Parks (MECP) for the placement of mobile homes as a permanent residential use.

Mobile Home Site shall mean the space for the placement of one mobile home and for the exclusive use of its occupants.

Motel: see "Hotel".

Motor Home: see “Recreational Vehicle”.

Motor Inn: see “Hotel”.

Municipality shall mean the Corporation of the Township of McGarry.

Net Leasable Floor Area shall mean the total floor area of a building designed for tenant occupancy and exclusive use, including basements, mezzanines, upper floors, and other floors, as measured from the centreline of shared partitions and from the interior face of the exterior walls of the building. Excluded are common mall areas and other common areas not designed or occupied by tenants or sales areas.

Non-Complying shall mean a lot, building, or structure which, on the date of the final passing of this By-law, did not comply with one or more of the zone provisions of the zone in which such lot, building or structure is located.

Non-Conforming shall mean a use, building, or structure which, on the date of the final passing of this By-law, was not a permitted use in the zone where such use, building, or structure is located.

Noxious Use shall mean any use which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, vibration, or refuse matter.

Nursery shall mean a building, structure, or lot used for the growing of sod, flowers, bushes, trees, or other gardening, landscaping, or orchard stock for wholesale or retail sale.

Occupancy Permit shall mean a permit issued by the Clerk or their appointee which indicates that the proposed use of land or any building or structure on any such land is in conformity with this By-law.

Office shall mean a building or part of a building used or intended to be used in the performance and transaction of business including administrative and clerical activities as well as professional offices but not including the use of manual labour.

Open Space shall mean any portion of a lot which is unoccupied by buildings or structures above ground level and is open to the sky and shall include Landscaped Open Space.

Open Storage shall mean the storage of goods, merchandise, or equipment outside of a building or structure on a lot or portion thereof, including such uses as automobile and trailer sales lots, building materials supply yards but does not include the outdoor display of a limited number of samples of the goods, merchandise or equipment for the purpose of sales and advertisement, or the storage of vehicles or equipment for sale or repair. This definition shall not include the open storage of goods or equipment incidental to the residential occupancy of a lot.

Outdoor Display shall mean an area outside of a building or structure, used in conjunction with a business located within the building or structure on the same property, for the display of sales or seasonal produce may include garden supplies and Christmas trees, new merchandise or the supply of services.

Outdoor Furnace shall mean an appliance located outside of any building or structure, which it is intended to heat by combustion.

Park shall mean an area of land consisting largely of open space which may include a recreational area, playground, playfield, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields, picnic areas, swimming pools, snow skiing, or similar use.

- Public shall mean a park owned and maintained by the Township or other public authority.

- Private shall mean a park other than a public park.

Parking Area shall mean an area or structure other than a street used or intended to be used for the temporary storage of motor vehicles and includes a private garage or carport, aisles, driveways, and parking spaces.

Parking Lot shall mean any parking area or structure other than a parking area accessory to a permitted use on the same lot, used for the temporary storage of parking of motor vehicles for hire and gain but does not include the sale of new or used vehicles or the storing of impounded or wrecked vehicles.

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

Personal Service Establishment shall mean a business which is associated with the grooming or health of persons or the maintenance or repair of personal wardrobe articles and accessories, and may include a barber shop, beauty parlour, dressmaking shop, tailor shop, shoe repair shop, photographic studio, or similar use.

Pit shall mean a place where unsolicited gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of open excavation and includes the processing thereof for commercial purposes including screening, sorting, wading, crushing, and other similar operations together with required buildings and structures, but does not include a wayside pit.

Place of Assembly shall mean a place where facilities are provided for such purposes as meetings for civic, educational, political or social purposes, and without limiting the generality of the foregoing, may include such facilities as a banquet hall or private club, but shall not include a place of worship or community centre.

Place of Entertainment shall mean a motion picture or other theatre, arena, auditorium, public hall, billiard or pool room, bowling alley, ice or roller skating rink, dance hall, music hall, bingo halls, amusement arcades, but does not include any place of entertainment or amusement otherwise defined or classified herein.

Plant Materials shall include all indigenous species of grass, flowers, trees, shrubs, and other natural vegetation.

Planting Strip shall mean an area which shall be used for no purpose other than planting and maintaining a row of trees or a continuous unpierced hedgerow of evergreens or shrubs, immediately adjacent to the lot line or portion thereof along which such planting strip is required herein. The remainder of such planting strip shall be used for no purpose other than planting and maintaining shrubs, flowers, grass, or similar vegetation.

Portable Asphalt/Concrete Plant shall mean in the case of a portable asphalt plant a facility with equipment designed to mix or heat and dry aggregate and to mix aggregate with bituminous asphalt to produce concrete or asphalt paving materials, or in the case of a portable concrete plant equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete. Both uses may include stockpiling and storage of bulk materials used in the process. Either use shall not be of permanent construction but are designed to be dismantled and moved to another location as required.

Private Swimming Pool shall mean any body of water, permanently located outdoors on privately owned property, contained by artificial means, and used and maintained for the purpose of swimming, wading, diving, or bathing.

Professional Office shall mean any office where professionally qualified persons, technical assistants, and clerical staff are engaged and where clients or patients go for advice, consultation, or treatment, but shall not include a Clinic.

Public Authority shall mean the Township of McGarry and any Boards or Commissions thereof, the Bell Telephone Company of Canada, any company supplying natural gas to the Community, Ontario Hydro, or other utility, and any Department of the Government of Ontario and Canada, or other similarly recognized agencies.

Public Use shall mean a building, structure, or lot used for public services by the Township or any Boards or Commissions thereof and any Ministry or Commission of the Governments of Ontario and Canada, any telephone or railway company or similarly recognized agencies.

Quarry shall mean a place where unconsolidated 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, but does not include a wayside quarry.

Recreational Facility shall mean any building or structure or specific area planned for, used for, or related to intensive recreational activities and shall include arenas, campgrounds, picnic areas, beaches, change rooms, outdoor shelters, playground areas and equipment, hiking trails, and the like.

Recreational Vehicle shall mean any vehicle so constructed that it is no wider than 2.5 m and is suitable for being attached to a motor vehicle for the purpose of being drawn or is self-propelled, and is capable of being used on a short term recreational basis for sleeping, and

eating accommodation of persons. The term "Recreational Vehicles" includes the following: motor homes, travel trailers, tent trailers, campers.

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

Restaurant shall mean a building or structure or part thereof where food is prepared and offered for sale to the public for consumption within the premises. However, limited facilities may be permitted to provide for a take-out food function provided such facility is clearly secondary to the primary restaurant use. A restaurant may also include the licensed sale and consumption of alcoholic beverages.

Restaurant Cart shall mean a building or trailer, that may be mobile or stationary, used on a seasonal basis for the preparation and cooking of a limited selection of meals and the sale of such food and refreshments to the public for consumption on a patio, outdoor seating area, or for consumption off the premises.

Retail Convenience Store shall mean a building or part of a building used primarily for the sale of grocery and confectionary items and incidentally for the sale of other merchandise as is required to fulfil the day to day needs of a surrounding residential area.

Retail Store shall mean a building or part of a building wherein merchandise is offered or kept for retail sale upon the premises but does not include any establishment otherwise defined or classified within this By-law. Storage of limited quantities of such merchandise, sufficient only to service such store and the servicing of such merchandise may be permitted in a retail store as ancillary uses, provided such uses are clearly necessary and secondary to the main retailing function of the store. Retail store shall include a cannabis retail store.

Retirement Home shall mean a residence providing accommodation primarily for retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided and common lounges, recreation rooms and medical care facilities may also be provided. Such a facility shall be for adults who are capable of living independently without nursing care.

Right-of-Way shall mean an area of land acquired for or devoted to the provisions of a road.

Salvage Yard shall mean a place where used goods, wares, merchandise, articles, motor vehicles, machinery or parts thereof are processed or sold for further use, dismantled or abandoned. This definition may include a junk yard, a scrap metal yard, a recycling depot and an automobile wrecking yard on the premises.

Satellite Dish shall mean a structure designed and used for the reception of television signals related back to earth from a communications satellite.

Sawmill shall mean a place where timber is cut or sawed, either to finished lumber or as an intermediary step.

Sauna shall mean an accessory building or structure wherein facilities are provided for the purpose of inducing perspiration and may include a change room and shower and may be constructed as part of a boat house.

School shall mean a school under the jurisdiction of a Board as defined in the Education Act.

Self-storage Facility shall mean lands and buildings used, rented, or leased to persons for the storage of household and personal items, including recreation vehicles and automobiles, within separate units forming part of a wholly enclosed building.

Sensitive Land Use shall mean buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built-up environment. Examples of sensitive land uses may include residences, education or health facilities.

Service Outlet shall mean a building or part of a building whether in conjunction with a retail store or not, used for the repair or servicing of goods, commodities, articles, or materials, but not the manufacturing thereof.

Setback shall mean:

- a) with reference to a water body for which no floodplain mapping is available, the distance between the high water mark and nearest building line.

Sewage Disposal Site shall mean a site which is licensed or approved by the MECP and/or its agents for the use as a disposal site for sewage and includes a sewage treatment plant, sewage lagoon, or sludge disposal area.

Sewage Disposal System shall mean a system of underground conduits, owned and operated either by the Township or by the MECP, which carries sewage to a sewage treatment facility.

Shipping Container shall mean any container that is used for the transport of goods by means of rail, truck, or cargo ship. Generally, these containers are rectangular in shape and made of metal.

Shopping Centre shall mean a group of commercial and service establishments or uses, related in size and type primarily to the special commodity needs of the community and designed, developed, and managed as a unit whether by a single owner, a group of Owners, or tenants acting in collaboration having the required off street parking and loading facilities provided on site.

Shoreline shall mean a lot line or portion thereof which abuts or parallels the high water mark of a water body or watercourse.



Shoreline Structure shall mean a boat house, a boat port, a float plane hangar, a sauna or steam bath, a dock or wharf, a gazebo, a utility or storage shed or a viewing deck.

Short Term Rental shall mean a dwelling unit that, in whole or in part, is rented or available for gain or profit for a period of 30 consecutive days or less, but does not include a hotel, motel, boarding house, or bed and breakfast.

Sight Triangle shall mean the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

Sign, Legal shall mean a name, identification, description, device, display, or illustration which is affixed to or represented directly or indirectly upon a building, structure, or lot which directs attention to an object, product, place, activity, person, institute, organization, or business and which does not contravene any By-law of the Township or any Regulation of the Government of Ontario or Canada.

Sleep Cabin shall mean an accessory building or structure, located on the same lot as the principal building or structure, the accessory use being for sleeping accommodation in which cooking facilities shall not be provided but may contain sanitary facilities.

#### Solar Power Installations

- Accessory shall mean systems designed to capture the sun's energy and convert it to electricity. Such systems may be tied to the electrical grid, however they are clearly secondary and subordinate in nature to the main use on the property.

- Commercial shall mean systems designed to capture the sun's energy for the sole purpose of selling power back to the electrical grid. This definition does not include those installations which have received a Renewable Energy Approval.

Storey shall mean that portion of a building, other than a cellar, between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, that portion between the surface of such floor and the ceiling above it.

- First shall mean the lowest storey of a building, wherein the floor is generally at grade elevation and having its ceiling at least 1.8 m above established grade.

Storm Sewers shall mean a system of underground conduits which carries storm surface waters and drainage but excludes sewage and polluted industrial wastes.

#### Street

- Public shall mean a public thoroughfare under the jurisdiction of either the Township or the Province of Ontario

- Private (Road) shall mean a private right-of-way over private property which affords access to at least two (2) abutting lots and which is not maintained by a public authority.

Street Line shall mean the boundary of the right-of-way of the street.

Structure shall mean anything constructed or erected, either permanent or temporary, the use of which requires location on the ground or attachment to something having location on the ground and shall include a recreational vehicle and sewage disposal system but does not include a fence.

Tourist Cabin Establishment shall mean a place providing sleeping accommodation in rental cabins for the travelling or vacationing public. A tourist cabin may include accessory facilities which support the use such as, without limiting the generality of the foregoing, administration offices but shall not include a restaurant that serves the general public.

Tourist Establishment shall mean a place used for the purpose of sleeping accommodation on a temporary basis by tourists or vacationers, including a hotel, motel, lodge or bed and breakfast, and rental cottage or cabin where four or more such rental units occupy the same property, including accessory uses such as dining, meeting and beverage rooms and similar uses.

Transportation Depot shall mean a place where commercial vehicles are kept for hire, rental and/or lease, or stored and/or parked for remuneration and/or from which such vehicles are dispatched for hire as common carriers and where such land, structure or building may be used for the storage and/or distribution of goods, wares, and merchandise.

Use shall mean the purpose for which any land, building, or structure, or any combination thereof is designed, arranged, occupied, or maintained.

Utility shall mean "a Public Utility" as defined by the Public Utilities Corporation Act and amendments thereto.

Vehicle shall mean an automobile, boat, commercial motor vehicle, farm implement, motorcycle, recreational vehicle, snowmobile, or trailer.

Vehicle Sales or Rental Establishment shall mean an establishment having as its main use the storage of vehicles for sale, rent, or lease. Accessory uses may include facilities for the repair or maintenance of such vehicles.

Veterinary Establishment shall mean a building or part of a building used by a veterinarian or veterinary surgeon for treating domestic animals, birds, or other livestock but shall not include a commercial kennel or research facility.

Warehouse shall mean a building or portion of a building used or intended to be used for the bulk storage of goods, commodities, wares, merchandise, or materials.



Waste Disposal

- Site shall mean a location, approved by the MECP, where ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse is disposed of or dumped. This definition shall not include a sewage treatment plant, lagoon, or sludge disposal area.

- Buffer shall mean an area of land around a waste disposal site on which no waste of any kind shall be deposited which will be used to facilitate noise, dust and odour control, minimize the spread of litter, mitigate visual impacts and allow for the attenuation of landfill leachate.

Watercourse shall mean the natural channel for a perennial or intermittent creek, stream or river.

Waterfront shall mean the lands adjacent to the common boundary of a waterbody or watercourse with an area of land.

Waterbody shall mean any bay, lake, river, wetland or canal but excluding a drainage or irrigation channel.

Water Supply shall mean a distribution system of underground piping and related storage, including pumping and purification appurtenances, operated by the Township and/or the MECP and/or any public utilities commission for public use.

Water Supply Plant shall mean a building or structure, approved by the MECP, where water is treated for human consumption.

Wayside Pit or Quarry shall mean a temporary source of consolidated or unconsolidated aggregate opened by or for a public road authority for the purpose of public road construction.

Wetlands shall mean lands that are seasonally or permanently covered by shallow water as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils (soils in which there is an abundance of moisture) and has favoured the dominance of either hydrophytic or water tolerant plants. The four major categories of wetlands are swamps, marshes, bogs, and fens.

Wetland Area shall mean a continuous Wetland which may be composed of one or more Wetland category.

Adjacent Lands shall mean those lands within 120 m of an individual Wetland Area.

Wholesale Establishment shall mean a building or part of a building used or intended to be used for the bulk storage and sale of quantities of goods, commodities, wares, merchandise, and materials for resale or business use.

Wind Turbine/Generating System

-, Accessory shall mean a structure or structures which harness wind energy for the primary purpose of on-site consumption. Such structures can be tied into the electrical grid; however, their primary purpose is to provide power to the buildings and uses located on-site.

-, Commercial shall mean a structure or structures which harness wind energy for the sole purpose of selling it back to the electrical grid for off-site consumption. This definition does not include those installations which have received a Renewable Energy Approval.

Yard shall mean an open uncovered space appurtenant to a building or structure.

-, Front shall mean the space extending across the full width of a lot between the front lot line and nearest part of any main building or structure on the lot.

-, Minimum shall mean the space measured from the lot line, the minimum depth of which is regulated by the provisions of this By-law.

-, Rear shall mean the space extending across the full width of a lot between the rear lot line and the nearest part of any main building or structure on the lot.

-, Side shall mean the space extending from the front yard to the rear yard between the side lot line and the nearest part of any main building or structure on the lot.

Exterior Side Yard shall mean a side yard immediately adjacent to a street.

Interior Side Yard shall mean a side yard other than an exterior side yard.

-, Required shall mean that part of a yard which is located adjacent to a lot line, has the minimum yard depth required herein, and does not contain any buildings, structures, or parking areas except where specifically permitted herein.

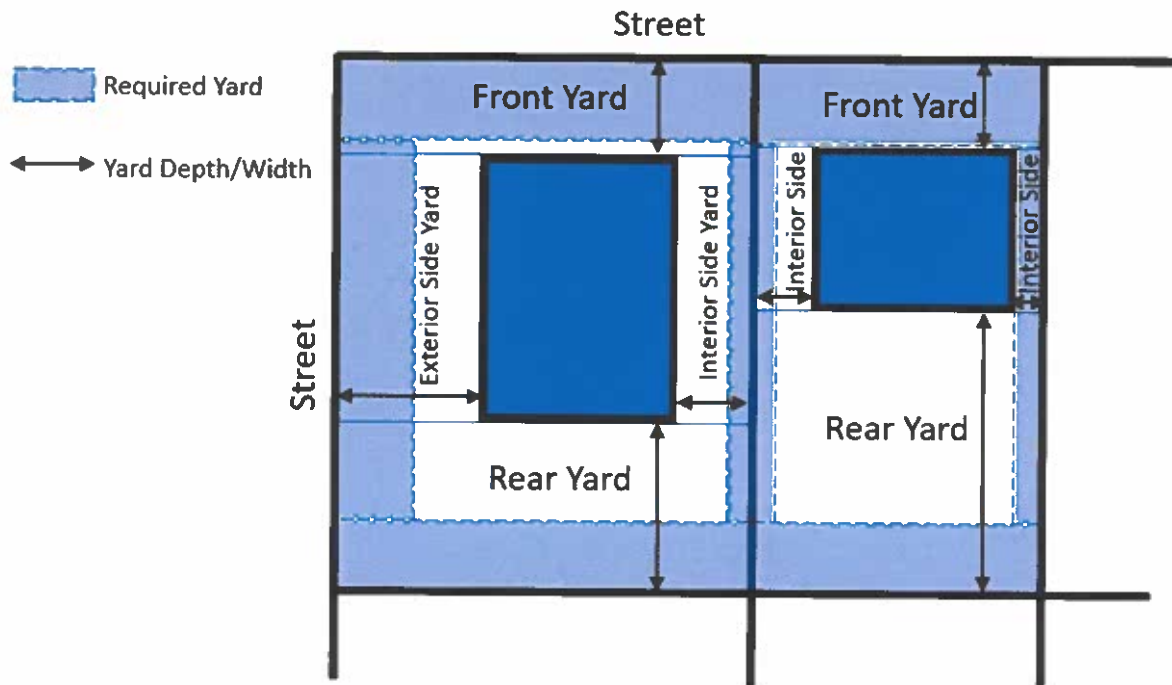


Illustration of yards and required yards

Yurt shall mean a temporary shelter made of canvas, nylon or other such material, including associated poles, pegs and ropes, that may be disassembled and easily moved, and that is not permanently affixed to the site but shall not include a recreational vehicle or any other structure otherwise defined or classified in this By-law.

Zone shall mean:

- a) a land use category as defined and regulated in this By-law; or
- o) a designated area of land use shown on the Schedule of this By-law.

Zoning Administrator shall mean the officer or employee of the Township charged with the duty of enforcing the provisions of this By-law.

## SECTION 4 GENERAL PROVISIONS

### 4.1 Accessory Uses

Accessory uses, buildings, or structures shall be permitted in any zone in accordance with the following provisions and any additional provisions included elsewhere in this By-law:

- a) All accessory uses, buildings, and structures to a permitted main use shall be located on the same lot
- b) Where this By-law permits an accessory use, such use shall only be permitted provided the main use is already in existence on the lot except:
  - (i) An accessory private garage is permitted on a separate lot in the Urban Area provided that:
    - a. a parking space is provided on the lot with the primary residential use
    - b. The lot with the accessory garage shall not be used for commercial purposes unless it is zoned for commercial purposes
    - c. A maximum of one (1) commercial vehicle is permitted on the lot with the garage for parking purposes
    - d. The landowner shall enter into an agreement with the Township that the lot with the garage separate from the main use shall be sold with the lot with the primary dwelling, or to an abutting property within 100 metres that the lot is servicing.
  - (ii) Where it is necessary for the storage or tools and materials in connection with the construction of the main use, building, or structure.
- c) The use of any accessory building or structure for human habitation is not permitted except where specified in this By-law;
- d) No accessory building or structure shall be erected closer to the front lot line or the exterior side lot line than the minimum front yard and exterior side yard setbacks required for the main building. This provision shall be exempted:
  - (i) For lots with water frontage;
  - (ii) For a partially enclosed shelter not exceeding 2.32 m<sup>2</sup> for use by individuals waiting for a school bus on lots equal to or greater than 0.4 ha;
  - (iii) For a gatehouse required to provide security to a premises or property;
  - (iv) For detached garages and storage buildings and structures where the main building on the lot is setback twice the required front yard or exterior side yard setback (rural area zones only); and

- (v) For mineral mining operations and mineral aggregate operations.
- e) Any building or structure which is attached to the main building shall not be considered an accessory building or structure;
- f) Except where specified otherwise, no accessory building or structure shall be erected less than 1 m to any interior side lot line or rear lot line except for common semi-detached garages which may be centered on a mutual side lot line. No accessory building or structure shall be located less than 1 m from a main building or other accessory buildings or structures located on the same lot or on an adjacent lot.

#### 4.1.1 *Additional Residential Units*

- a) Where these are permitted, they are subject to the following provisions:
  - (i) One additional residential unit is permitted in a single detached dwelling unit, semi-detached dwelling unit, or rowhouse dwelling unit, and one accessory dwelling unit is permitted in a building or structure accessory to the aforementioned units;
  - (ii) The additional residential unit is designed and located in a manner to not have an impact on the streetscape or character of the surrounding neighbourhood;
  - (iii) Additional residential units shall be subject to the corresponding zone provisions if located in the principal structure;
  - (iv) Additional residential units in an accessory structure shall be subject to the general provisions for accessory uses;
  - (v) An additional residential unit is permitted on private services, provided it can be demonstrated that the private sewage disposal system and well can accommodate the change in use; and
  - (vi) Additional residential units are prohibited from being severed from the lot containing the principal dwelling unit.

#### 4.1.1 *Boat Houses and Shoreline Structures*

- a) Despite 4.1(d), a boat house, pump house, boat port, float plane hangar, dock or wharf may be located in the yard located between the shoreline and the main building where a lot abuts a navigable watercourse or water body, provided that the approval of any government authority having jurisdiction has been obtained and provided that the boat house, pump house, boat port, float plane hangar, dock or wharf is located not closer than 3 m to the nearest adjacent lot line and does not encroach on the frontage of adjacent lots when the lot boundaries are extended into the water.

- g) Despite 4.1(d), a shoreline structure, not including a boat house, pump house, boat port, float plane hangar, dock or wharf, or public service use, shall be setback a minimum of 15 m from any high water mark or shoreline in any yard adjacent to a waterbody.
- a) Where boat houses are permitted, they are subject to the following provisions:
  - (ii) Such structure shall have a maximum height of 4.8 m;
  - (iii) Rooftop decks or patios and screened enclosures (i.e. gazebos) shall be allowed provided that the total aggregate height of all boat house structures does not exceed the maximum height limit by more than 6 m.

#### 4.1.1 Garden Suites

- a) Where these uses are permitted, they are subject to the following provisions
  - (ii) A maximum of one (1) garden suite is permitted per lot.
  - (iii) The maximum net floor area is 74 m<sup>2</sup>.
  - (iv) Notwithstanding anything in this By-law to the contrary, the maximum height of the garden suite is 6 m.
  - (v) Notwithstanding anything in this By-law, garden suites must be setback a minimum of 3 metres from any rear or side lot line.
  - (vi) Garden suites must maintain a minimum of 1.2 metre setback from the primary dwelling.
  - (vii) The provisions of parking and servicing established in this By-law must be met.
  - (viii) Despite the definition of a mobile home in this By-law, a mobile home shall be permitted as a garden suite where it meets all other requirements of this By-law.
  - (ix) A garden suite shall not be considered a dwelling unit for the purposes of this By-law and shall not be rented out to the public for gain or profit.
  - (x) A garden suite shall not be erected on a lot where a sleep cabin is located.

#### 4.1.1 Portable Shelters

- a) Portable shelters are permitted, subject to the following provisions:
  - (i) A maximum of two (2) portable shelters are permitted on a property
  - (xi) Portable shelters must be located a minimum of 1 m from the rear, interior and/or exterior side property lines;

- (xii) If located in the front yard the portable shelter shall be located a minimum of 5.0 m from the front lot line and not pose any hazards for vehicular movement or human health and safety; and
- (xiii) Portable shelters shall only be used for storage purposes.

#### 4.1.1 *Private Swimming Pools*

- a) Where a private swimming pool (excluding temporary inflatable swimming pools) is constructed as an accessory use to any principal residential or commercial use, no part of it shall be located closer than 1.2 metres to any rear or interior side lot line (3.0 metres to exterior side lot line). All pool pumps and filtering equipment shall be in an enclosed structure.

#### 4.1.2 *Recreational and Commercial Vehicles*

- a) The parking or storing recreational vehicles in a yard outside of a garage or other accessory storage building shall be regulated through a Municipal Act By-law.

#### 4.1.3 *Shipping Containers*

- a) Shipping containers shall be regulated by a Municipal Act By-law.

#### 4.1.4 *Temporary Construction Uses Permitted*

- a) Notwithstanding any other provisions of this By-law, uses such as a shipping container, or other temporary work camp, a tool shed, scaffold, or other building or structure incidental to the construction shall be permitted provided that:
  - (i) Uses, buildings or structures are used only as long as they are necessary for work in progress which has neither been finished nor abandoned; and
  - (ii) Uses, buildings or structures are removed when the work in connection with which they were constructed is terminated.

#### 4.1.5 *Sleep Cabins*

- a) One (1) sleep cabin shall be permitted per lot as an accessory use to a permitted dwelling in the Lakefront Residential (R4) Zone;
- h) Sleep cabins shall not be considered dwelling units and shall not be rented out to the public for gain or profit;
- i) A sleep cabin shall not be erected on a lot on which a garden suite is located;



- j) Despite Section 4.1 of this By-law, no sleep cabin shall be erected closer than 3 m to any interior side lot line or rear lot line. No sleep cabin shall be located less than 3 m from a main building;
- k) Sleep Cabins will be subject to the lot coverage provisions of the zone in which they are located.

#### 4.2 Automobile Service Stations and Gasoline Bars

Where automobile service stations and gasoline bars are permitted in this By-law, and notwithstanding any other provisions of this By-law to the contrary, the following provisions shall apply:

- a) The minimum lot frontage for any interior lot shall be 35 m [114.83 ft] and the minimum frontage for a corner lot shall be 40 m [131.23 ft] at the exterior side lot line and 35 m [114.83 ft] at the front lot line;
- b) The minimum distance between any portion of the gasoline pump island and any lot line shall be 4.5 m [14.76 ft];
- c) Where the lot is a corner lot, no portion of any gasoline pump island shall be located closer than 3.05 m [10 ft] to a sight triangle;
- d) The width of any entrance or exit driveway or combined entrance or exit driveway measured at the front lot line or exterior side lot line shall not be greater than 9 m [29.53 ft] and there shall not be more than two (2) driveways per lot;
- e) The minimum distance between driveways measured along the street line intersected by such driveways shall be 8 m [26.25 ft];
- f) The minimum distance between a driveway and intersection of street lines, measured along the street line intersected by such driveway, shall be 9 m [29.53 ft];
- g) The minimum distance between an interior side lot line and any driveway shall be 3 m [9.84 ft]; and
- h) A minimum of 1 m [3.28 ft] of landscaped open space shall be provided along any lot line abutting a street, and such landscaped open space shall be continuous, except for driveways or walkways for accessing the lot.

#### 4.3 Bed and Breakfast Establishments

A bed and breakfast establishment shall be permitted as an accessory use to a permitted single detached dwelling in any zone subject to the following requirements:

- a) Bed and breakfast establishments are not subject to the home occupation requirements of Section 4.12 of this By-law;



- b) The operation of a bed and breakfast establishment shall be incidental and secondary to the main use of the single detached dwelling. The use of the dwelling as a bed and breakfast establishment shall not change the residential character of the dwelling;
- c) The requirements for the provision of off-street parking spaces shall be met in accordance with Section 5;
- d) The requirements of the local Health Unit, where applicable, shall be met;
- e) One (1) sign may be permitted to advertise the bed and breakfast establishment. Such sign shall not exceed 1 m<sup>2</sup> [10.76 ft<sup>2</sup>] in surface area and shall not be back-lit. The permitted sign may be a freestanding sign in a front or side yard or may be attached to a wall of a permitted building or structure. The sign may be illuminated by lights where the illumination is directed directly onto the sign and does not create a glare on adjacent properties (see also Section 4.22). Signs may also be subject to any Sign By-law as may from time to time be enacted by the Township under the *Municipal Act*;
- f) The bed and breakfast establishment shall only employ or be operated by persons whose principal residence is the dwelling unit containing the bed and breakfast establishment;
- g) A breakfast service shall be provided to guests; and
- h) The building in which the bed and breakfast establishment is located shall comply with all applicable Building Code and Fire Code regulations.

#### 4.4 Buildings to be Moved

A building or structure may be moved within or into the Township of McGarry provided a permit is first obtained from the Chief Building Official, and the building or structure is a permitted use and meets all relevant requirements of this By-law.

#### 4.5 Camps (Hunt Camps, Fishing Camps)

- a) Where a camp is to be established as an accessory use to a dwelling on the same lot, the camp structure shall be separated from all dwellings on the same lot a minimum distance of 500 m [1,640.4 ft];
- b) Where a camp is to be established as the main use of a lot, the camp shall be separated a minimum of 300 m [984.25 ft] from dwellings on adjacent lots;
- c) A camp shall not be serviced with electricity from a public utility or running water; and
- d) A camp shall not exceed a maximum gross floor area of 40 m<sup>2</sup> [430.5 ft].

#### 4.6 Established Building Line in Built-Up Area

Notwithstanding the yard and setback provisions of this By-law to the contrary, where a permitted building or structure is to be erected on a lot in the McGarry Urban Settlement Area Boundary, where there is an established building line extending on both sides of the lot, such permitted building or structure may be erected closer to the street line than required by this By-law provided such permitted building or structure is not erected closer to the street line than the established building line. All other provisions of this By-law shall apply.

#### 4.7 Fences

Any fence erected hereafter within the municipality shall conform to the provisions of any Fence By-law as may from time-to-time be enacted under the Municipal Act, or any provisions for fences set out in this By-law and as follows:

- a) Notwithstanding any other provision of this by-law to the contrary, a fence may be constructed on the property line, subject to the agreement of both property owners.
- b) Fences in a residential zone
  - (i) The maximum height of a fence in the interior side or rear yard shall be 2 m [6.56 ft] measured from the average grade;
  - (ii) The maximum height of a fence in the front yard or exterior side yard shall be 1 m [3.28 ft] measured from the average grade;
  - (iii) No fence shall be erected so as to obstruct a sight triangle;
  - (iv) An unpierced hedgerow or other unpierced planting in a front or exterior side yard shall be deemed to be a fence; and
  - (v) The use of barb-wire, spire tips, sharp objects or any device for projecting an electric current in any fence construction is prohibited.
- c) Fences in a non-residential zone
  - (i) The maximum height of a fence in any yard of a non-residential use shall be limited to 2.5 m [8.2 ft] where the fence is a chain-link fence or other similar transparent construction material, or 2 m [6.56 ft] for any other materials;
  - (ii) No fence shall be erected so as to obstruct a sight triangle; and
  - (iii) The use of barb-wire, spire tips, sharp objects or any device for projecting an electric current in any fence construction is prohibited unless permitted by regulation by a public authority.
- d) Paragraph (c) shall not apply to fences required for public service uses or communication facilities.

- e) Where there is a conflict between this By-law and a Fence By-law enacted under the *Municipal Act*, the provisions of the Fence By-law shall prevail.

#### 4.8 Flood Plain

The following provisions shall apply to areas located below any engineered flood elevation. The flood elevation of Larder Lake has been identified at 287 m [941.6 ft]. No person shall use any land or erect, alter or use any building or structure in the flood plain except in accordance with the following provisions:

a) Permitted Uses

- (i) Buildings or structures intended for flood or erosion control or slope stabilization;
- (ii) All buildings and structures in existence on the day of passing of this By-law;
- (iii) A swimming pool as approved by the Ministry of Northern Development, Mines, Natural Resources and Forestry;
- (iv) Conservation Uses;
- (v) Marine facilities;
- (vi) Parks, not including buildings or structures associated with parks unless permitted elsewhere in this subsection (Examples: gazebo permitted but not a storage building);
- (vii) Landscaped open space;
- (viii) Hydro-electric generating facilities, not including the main building of such facility;
- (ix) Infrastructure incidental to a water supply or wastewater treatment facility such as a water intake or sewer outfall but not including the main building of such facility.

b) Prohibited Uses

Buildings and structures shall not be permitted to locate in hazardous lands where the use is:

- (i) An institutional use associated with hospitals, day nurseries, continuum-of-care facilities, retirement homes and schools, where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of flooding, failure of floodproofing measures or protection works or erosion;

- (ii) An essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion; and
  - (iii) Uses associated with the disposal, manufacture, treatment or storage of hazardous substances.
- c) Additional Provisions
- (i) Any new building or structure or any enlargement of or addition to any buildings or structures permitted in the flood plain after the day of passing of this By-law shall incorporate appropriate engineered construction techniques which reduce or eliminate the risks of flood damage from erosion or unstable slopes.
  - (ii) Modification of the flood plain through dumping, filling, excavation or site grading of land or the diversion or alteration of any watercourse or the obstruction of the flood capacity by any means is prohibited unless otherwise permitted and/or approved by the agency having authority.

#### 4.9 Frontage on Roads and Water

No person shall erect any building or structure in any zone unless such lot abuts a public street, and unless the lot is provided with access for vehicular traffic, in the form of an unobstructed driveway or passageway at least 3.0 m in width, from such lot to a public Street which abuts the said lot. This provision shall not apply to a lot:

- a) on a registered plan of subdivision where an Agreement between the owner of such subdivision and the Township, including provisions for the construction of the streets shown on such subdivision, is registered in the Registry Office or Land Titles Office;
- b) that is accessed via water only, with confirmation of secured mainland parking;
- c) buildings and/or structures associated with a mineral aggregate operation, mineral mining operation or forestry use, which may have access on a public road, private road or resource access road; or
- d) wayside pit or quarry.

#### 4.10 Height Exceptions

Where height limitations are set forth in this By-law, such limitations shall not apply to the following uses: air conditioning ducts, antennas, barns, belfries, bridges, bulk storage tanks, chimneys, church steeples, clock towers, communications towers, corn cribs, electrical supply facilities, farm implement sheds, flag poles, grain elevators, hose towers, lightning rods, lighting standards, mechanical equipment penthouses, silos, skylights, ventilators, water tanks, water towers, and windmills. Notwithstanding the foregoing, limitations prescribed by the Federal

Ministry of Transport or practices recommended by the said Ministry with respect to height limitations and appropriate lighting in the vicinity of airfields shall prevail.

#### 4.11 Home Industries

Where a home industry is a permitted use, the following provisions shall apply:

- a) Only one person residing in the said dwelling, plus two other people who may or may not reside in the dwelling, may conduct the said household industry;
- b) The home industry shall clearly be secondary to the main residential use.
- c) The residential character of the dwelling unit shall not be changed.
- d) There shall be no advertising other than a plate or sign in accordance with any by-law of the Township;
- e) There shall be no open storage or outdoor display of materials or equipment.
- f) The household industry shall not create or become a nuisance because of noise, fumes, dust, odour, and traffic, or otherwise interfere with the enjoyment of the residential amenities of the neighbourhood.
- g) Such use shall maintain a setback that is a minimum of 15 m from the main building of the lot.

#### 4.12 Home Occupations

Where a home occupation is a permitted use, the following provisions shall apply:

- a) Only one person residing in the said dwelling, plus one other person who may or may not reside in the dwelling, may conduct the said household occupation.
- b) The floor area devoted to the said household occupation shall not be more than 25% of the total floor area of the dwelling.
- c) There shall be no advertising other than an unilluminated plate or sign with a maximum area of 1 sqm, to indicate to persons outside that any part of the dwelling, dwelling unit or lot is being used for a purpose other than residential.
- d) The home occupation shall clearly be secondary to the main residential use.
- e) The residential character of the dwelling unit shall not be changed.
- f) The household occupation shall not create or become a public nuisance because of excessive noise, noxious odours, or emission of smoke, traffic, or parking, or interfere with television or radio reception or the enjoyment of the residential amenities of the neighbourhood.

- g) There shall be no open storage or outdoor display of materials or finished products, and no machinery or instrument shall be used in conducting the household occupation that is not normally used in a residence or is not compatible with a residential area.

#### 4.13 Land Suitability for Use

Notwithstanding anything in this By-law to the contrary, no building or structure that is habitable, provides overnight accommodation, or is used for commercial, industrial or institutional purposes, shall be erected, constructed or altered on land which, by reason of its, rocky, low-lying, marshy, unstable character which is in a flood plain or which is located or may be located on organic soil or steep slopes unless it can be demonstrated through professionally acceptable engineering techniques that the physical constraint can be mitigated or overcome and that the requirements of the *Ontario Building Code* with respect to construction can be met (see also Section 4.8).

#### 4.14 Landscaped Open Space/Planting Strip

- a) In any Residential, Commercial, or Industrial Zone, any portion of any front or side yard which is not used for any other permitted purpose shall be devoted to landscaped open space;
- b) Any land used for landscaped open space shall be included in the calculations for lot area requirements as set forth in this By-law;
- c) Where landscaped open space is required as buffering, such landscaping shall be continuous except for a lane, driveway, aisle, or walkway which provides access to the lot;
- d) A planting strip may form part of any required landscaped open space; and
- e) The provisions for landscaped open space as set out in this By-law shall not be deemed to limit the Township's authority to impose other landscaping measures through a site plan agreement.

4.14.1 A planting strip/vegetative buffer or a fence shall be provided on or near any property line where a commercial or industrial property abuts upon a residential property or zone. The vegetative buffer/planting strip or fence shall be provided in accordance with the following regulations:

- a) Shall maintain a minimum planting strip/vegetative buffer of 3 m [9.8 ft].
- f) A planting strip/vegetative buffer shall be used for no other purpose than a continuous fence or hedge row of evergreens or shrubs, not less than 1.5 m [4.9 ft] high immediately adjoining the lot line or portion thereof along which such planting strip is required herein, provided that no fence or hedgerow shall be required or permitted to a height in excess of 1 metre closer to a street line than the required yard depth.

- g) In all cases where ingress and egress driveways or walks extend through a planting strip/vegetative buffer, it shall be permissible to interrupt the strip within 3 m [9.8 ft] of the edge of such driveway or within one and 1.5 m [4.9 ft] of the edge of such walk.
- h) The provisions for planting strips/vegetative buffers as set out in this By-law shall not be deemed to limit the Township's authority to impose other landscaping measures through a site plan agreement.

#### 4.15 Lots Divided into More Than One Zone

Where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of this By-law for the zone where such portion of the lot is located.

#### 4.16 Minimum Distance Separation

Notwithstanding any other yard or setback provision in this By-law to the contrary, no building housing livestock or manure handling facility shall be erected unless it complies with the Minimum Distance Separation (MDS) Formulae as developed by the Ontario Ministry of Agriculture and Rural Affairs, as amended from time to time.

#### 4.17 Multiple Uses on One Lot

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

#### 4.18 Non-Conforming Uses

- a) Nothing in this By-law shall prevent the use of any land, building or structure for any purpose prohibited by this By-law if such land, building, or structure was lawfully used for such purpose on the day of the passing of the By-law, so long as it continues to be used for that purpose.
- b) This By-law is not intended to apply to prevent the erection or use for a purpose prohibited by the By-law of any building or structure the plans for which have, prior to the day of passing of the By-law, been approved by the Chief Building Official or Building Inspector, so long as the building or structure, when erected, is used and continues to be used for the purpose for which it was erected.
- c) Nothing in this By-law shall prevent the reconstruction, renovation, repair or strengthening to a safe condition of any building or structure or part of any such building or structure which does not comply with the provisions of this By-law.



- d) Where a building has been erected prior to the date of the passing of this By-law on a lot having less than the minimum frontage and/or area, or having less than the minimum setback and/or interior side yard and/or exterior side yard and/or rear yard required by this By-law, the said building may be enlarged, reconstructed, repaired or renovated provided that:
- (i) The enlargement, reconstruction, repair or renovation does not further reduce a minimum front yard and/or interior or exterior side yard and/or rear yard provision established in the by-law; and
  - (ii) All other applicable provisions of this By-law are complied with.
- e) A lot held as a single lot prior to the passing of this By-law may be used or built upon for a purpose permitted by the zone, even though said lot is of such size that it cannot comply with the minimum frontage and/or depth and/or area required by this By-law, provided that:
- (i) All other provisions of the By-law are met; and
  - (ii) In the case of a lot in the Rural (RU) Zone or Lakefront Residential (RL) Zone having a lesser lot area than is required by this By-law, the lot has a minimum lot area of 0.5 ha [1.24 ac].
- f) If a non-conforming building or structure is damaged or destroyed, nothing in this By-law shall prevent such building or structure from being reconstructed, restored or strengthened to a safe condition, provided the height and size of the building or structure are not increased, approved food proofing techniques are used (if required), and provided that reconstruction is commenced within twelve (12) months and completed within two (2) years from the date on which the damage took place.
- g) Nothing in this By-law shall prevent Council from acquiring or disposing of any land, building or structure used or erected for a purpose prohibited by the By-law or for the acquisition or disposition of any vacant land having a frontage or depth less than the minimum prescribed for the erection of a building or structure in the defined area in which the land is situated. Nothing in this By-law shall prevent Council from disposing of any such land, building or structure or prevent Council from exchanging any such land for any other land within the Township.
- h) A non-conforming use of a lot, building or structure shall not be changed except to a use which is permissible within such zone, or such other uses as may be approved under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P. 13.
- i) A non-conforming use shall be considered to be terminated once the use ceases and the property is used for a permitted use.
- j) Portable shelters, recreational vehicles, mobile home sites, and shipping containers are not subject to the provisions of legal non-conforming uses.

**4.19 Non-Complying Uses**

- a) Where a legal non-complying building or structure is damaged, destroyed or demolished, the building or structure may be reconstructed within its original location provided that:
- (i) The situation of non-compliance is not further increased; and
  - (ii) All other provisions of the By-law are complied with.

Efforts should be made to have the rebuilding of buildings or structures comply with all applicable setbacks and yard provisions of the applicable zones.

- b) A legal non-complying building or structure may be enlarged or extended provided the situation of non-compliance is not further increased and it complies with all other provisions of the By-law.

**4.20 Occupancy Restrictions**

Human habitation shall not be permitted in any of the following buildings, structures, vehicles, or parts thereof unless the building, structure, or parts thereof meet all the requirements of the Fire Code, the Ontario Building Code and any other applicable regulations, policies or acts:

- a) Any private garage or other building which is accessory to a main use unless permitted in this By-law;
- b) Any truck, bus, coach or streetcar body, whether or not the same is mounted on wheels;
- c) Any cellar, as defined in this By-law; and
- d) Any dwelling before the main wall and roof have been erected, application of exterior siding and roofing has been completed, and the kitchen, heating and sanitary conveniences have been installed.
- e) Any recreational vehicle that is not located in a campground, except:
  - (i) In the Rural Zone as a permitted camp and in accordance with the provisions of the Rural Zone; or
  - (ii) In any other location in accordance with any Municipal Act By-law regulating such use, otherwise such use is prohibited.

**4.21 Open Storage**

Open Storage shall be restricted to the Industrial (I) and Highway Commercial (HC) Zones in accordance with the following:

- a) The open storage is accessory to the main use of the lot;
- b) Open storage shall not be permitted within any front yard or any minimum side or rear yard where such yard abuts lands zoned General Residential (R1), Institutional (I) or Open Space (OS);
- c) Any area of open storage shall be enclosed by a fence, or shall be surrounded by a planting strip in accordance with Section 4.14.1 of this By-law; and
- d) No open storage area shall occupy any required off-street parking or loading space so as to reduce the number of parking or loading spaces below the number required by Section 5 of this By-law.

#### 4.22 Outdoor Illumination

Outdoor illumination of buildings, structures, grounds, and yards shall be permitted provided that:

- a) The outdoor illumination does not cause direct or indirect glare on a street that may interfere with traffic or pedestrian safety;
- b) The outdoor illumination does not consist of a colour or be so designed or located that it may be confused with traffic signals;
- c) The outdoor illumination does not cause direct or indirect glare on land or buildings in any zone in which residential uses are permitted.

#### 4.23 Public Uses Permitted

- a) The provisions of this By-law shall not apply to the use of any land or to the erection or use of any building or structure for the purpose of public utility or service by the Township and/or any Public Authority, or Ministry of the Government of Ontario or Canada, including the Hydro One and Ontario Power Generation, or any telephone, telegraph, broadband or cellular or gas company, provided that where such land, building or structure is located in any zone:
  - (i) no goods, material, or equipment shall be stored in the open except as permitted in such zone;
  - (ii) the lot coverage and yard requirements described for such zones shall be complied with;
  - (iii) parking and loading requirements as contained in this By-law shall be complied with.
- b) Notwithstanding subsection (a), waste disposal sites shall only be permitted in the Waste Management Zone.

- c) Nothing in this By-law shall prevent, in any zone, the installation of a watermain, sanitary sewer, storm sewer, gas main, pipeline or overhead or underground hydro and telephone line provided that the location of such pipe or line has been approved by the Corporation.

#### 4.24 Short Term Rentals

Short-term rentals are not permitted in the Township.

#### 4.25 Sight Triangles

- a) Notwithstanding any provisions of this By-law to the contrary, within any area defined as 6.0 m from the point of intersection of the street lines (measured along the street lines) will be the defined sight triangle, the following uses shall be prohibited:
- (i) a building, structure, or use which would obstruct the vision of drivers of motor vehicles;
  - (ii) a fence or tree, hedge, bush, or other vegetation, other than agricultural crops, the top of which exceeds 1 m in height above the elevation of the centrelines of abutting streets;
  - (iii) a parking area; and
  - (iv) a finished grade which exceeds the elevation of the centrelines of abutting streets by more than 0.5 m.

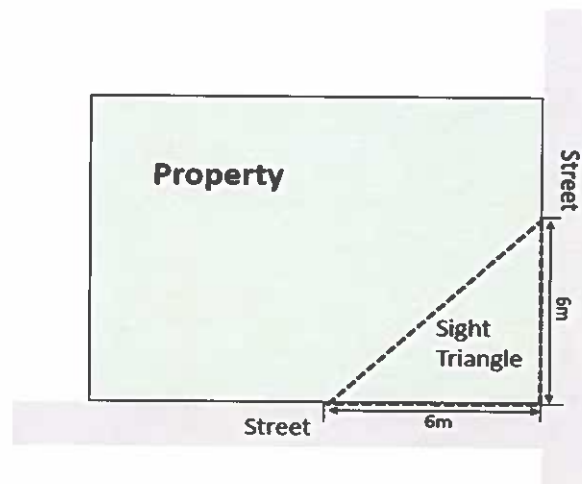


Diagram of a Sight Triangle

- b) Railway Crossings and Sight Distances

No obstruction to the vision of motor vehicle operators higher than 1 m [3.28 ft] above grade including, but not limited to, buildings, structures, parking spaces, storage, vegetation, or planting strips/vegetative buffers is permitted on any lot abutting an at-grade intersection of a street or private and:

- (i) A railway track where automatic signal protection is provided within the triangle formed by connecting to a point 3 m [9.84 ft] from the intersection of the centerline of the street and the centerline of the railway right-of-way; or
- (ii) A railway track where automatic signal protection is not provided within the triangle formed by connecting to a point 45 m [147.64 ft] from the intersection of the centerline of the street and the centerline of the railway right-of-way.
- (iii) For the purposes of this Section, an agricultural crop, chain link fence or other similar feature that can be seen through is not an obstruction.

#### 4.26 Signs

The provisions of this By-law shall not apply to prevent the erection, alteration, or use of any legal sign provided that such sign complies with the provisions of this By-law regarding sight triangles and conforms to the provisions of any applicable by-laws of the Corporation of the Township of McGarry.

#### 4.27 Special Setbacks

##### a) Provincial Highway

Notwithstanding anything else to the contrary in this By-law, all buildings and structures in all zones of this By-law shall be setback from the right-of-way of a provincial highway a distance of 14 m [45.9 ft] for commercial uses and 8 m [26.2 ft] for residential uses, or as otherwise prescribed by the Ontario Ministry of Transportation.

##### b) Waterbodies and Watercourses

The minimum required setback from a waterbody or watercourse shall be 25 m [82 ft] measured from the high water mark for all buildings and structures except for the following:

- (i) A septic system which shall have a minimum setback of 30 m; and
- (ii) Shoreline structures (not including boat houses, boat ports, float plane, hangars, docks, or wharfs) shall have a minimum setback of 15 m [49.2 ft].

##### c) Industrial Uses

- (i) The minimum separation distance between a sensitive land use and a Class I

Industrial Use shall be 20 m [65.62 ft] and shall be measured from the nearest lot line of the sensitive land use to nearest lot line of the Class I Industrial Use, or vice versa;

- (ii) The minimum separation distance between a sensitive land use and a Class II Industrial Use shall be 70 m [229.7 ft] and shall be measured from the nearest lot line of the sensitive land use to nearest lot line of the Class II Industrial Use, or vice versa;
- (iii) The minimum separation distance between a sensitive land use and a Class III Industrial Use shall be 300 m [984.3 ft] and shall be measured from the nearest lot line of the sensitive land use to nearest lot line of the Class III Industrial Use, or vice versa; and
- (iv) Paragraphs (i) to (iii) shall not apply to prevent the use of land and the erection of buildings and structures on lots of record in existence on the date of passing of this By-law; however, any expansion of an industrial use shall comply with the separation distances.

**d) Waste Management Facilities**

- (i) No buildings or structures shall be erected within 500 m [1,640.4 ft] of a waste management facility; and
- (ii) No use of land shall be permitted within 30 m [98.4 ft] of the fill area of an operating or closed waste management facility unless the use directly associated with the waste management facility.

**e) Sewage Lagoon**

No land shall be used for a sensitive land use and no building or structure shall be erected for a sensitive land use less than 400 m [1,312.34 ft] of a sewage lagoon.

**f) Rail Lines**

No buildings or structures for a sensitive land use (e.g., dwelling, day nursery, etc) shall be erected within 75 m [246.06 ft] of the right-of-way of a rail line.

**g) Pits and Quarries**

- (i) No land shall be used for a sensitive land use and no building or structure shall be erected for a sensitive land use less than 300 m [984.25 ft] of an aggregate pit;
- (ii) No land shall be used for a sensitive land use and no building or structure shall be erected for a sensitive land use less than 1,000 m [3,280.84 ft] of a quarry; and

- (iii) No sensitive land use (e.g., dwelling, day nursery, etc) shall be erected within 500 m [1,640.4 ft] of lands zoned Mineral Aggregate Resource (MX) Zone.

#### 4.28 Temporary Uses

- a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure or a scaffold or other equipment essential to the construction in progress for which a building permit has been granted, but only until such time as the work has been finished or abandoned or such equipment is no longer required; and
- b) In addition, temporary accommodation for a business or other use which is intended to occupy a building which is under construction with the work in progress on such building, may be temporarily permitted on the same lot in the form of a mobile, relocatable, portable or transportable building provided:
  - (i) Approval is obtained pursuant to the matters contained herein; and
  - (ii) Such temporary accommodation is removed from the lot immediately upon completion of construction, abandonment of construction or at such time as in the opinion of the municipality it is no longer required.

“Abandoned” in this section shall mean the failure to proceed expeditiously with the construction of a work, specifically abeyance of construction for six (6) months.

#### 4.29 Terrain Unsuitability

Where in this By-law, a front, side, or rear yard is required, and part of the area of the lot is usually covered by water or marsh or swale or is beyond the rim of a river bank or watercourse or between the top and toe of a cliff or embankment having a slope of thirty (30) degrees or more from the horizontal, then the required yard shall be measured from the nearest main wall of the main building or structure on the lot to the edge of said area covered by water or marsh, or to the rim or said river bank or watercourse, or to the top of the said cliff or embankment if such area is closer than the lot line.

#### 4.30 Wayside Pits and Quarries

Wayside pits and quarries and portable asphalt plants are generally permitted throughout the Township without the need to amend the Zoning By-law, provided no severe environmental disruption will occur and the site is not within a residential zone, wetland, or watercourse. The Township shall require a rehabilitation plan as a condition of approval.

#### 4.31 Yard Encroachments

- a) Except for accessory buildings, structures or uses, every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky



provided however that those structures listed in the following table shall be permitted to project for the specified distances into required yards as follows:

Structure or Features	Applicable Yard(s)	Required Setback or Permitted Encroachment
Chimney breasts, cornices, sills, pilasters, eaves or gutters, solar collectors (where attached to building), heat pumps, ventilators, shutters, parapets, or other ornamental structures	Front, Rear, and Interior Side Yard	1 m [3.28 ft]
Canopies which are at least 2.13 m [7 ft] in vertical clearance above the established grade, with or without supporting posts	Any Yard	2 m [6.5 ft]
Canopies for entrances to apartment buildings and commercial buildings	Any Yard	Any distance equal to one-half (50%) of the setback of the building from the street line for that zone
Window awnings and window bays	Front, Rear, and Exterior Yard	1 m [3.28 ft]
Ramps, steps, and walkways	Any Yard	Unlimited
Porches, uncovered platform landing, or patio or deck	Front and Rear Yard	3 m [9.8 ft] including eaves and cornices
Balconies	Any Yard	1 m [3.28 ft]
Fire escape, exterior staircases	Rear and Exterior Yard	1 m [3.28 ft]
Gate house in any Industrial Zone	Front or Interior Side Yard	1 m [3.28 ft]
Fences, hedges, shrubs, trees, freestanding walls, flagpoles, light standards, garden trellises, clothes lines, security cameras, and similar structures or features	Any Yard	Unlimited
Air conditioner	Any Yard	0.6 m [2 ft]
Accessory building or structure	All yards	As permitted by and as specified by this By-law

- a) No structure permitted to project into any required yard by paragraph (a) shall obstruct a sight triangle.
- b) Notwithstanding the provisions of this By-law to the contrary, where a detached single detached dwelling or accessory use thereto is to be erected in a built-up area where there is an established building line, such dwelling or accessory use may be erected closer to the street line or the centre line of the road or street, as the case may be, than required by this By-law provided such dwelling or accessory use is not erected closer to

the street line or to the centre line of the road or street, as the case may be, than the established building line on the date of passing of this By-law and further provided that in no case shall any building be erected closer than 3 m from the front lot line and need be no greater than setback regulations prescribed in the zone in which it is situated.

**SECTION 5 PARKING**

**5.1 Off-Street Parking**

In connection with the construction, erection, enlargement or increase in the volume of any building type, provisions shall be made for off-street parking on the same lot as the building in accordance with the following regulations and minimum parking requirements.

**5.2 Parking Space Requirements**

- a) The owner of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant or other persons entering upon or making use of the said premises from time to time, parking spaces and areas as follows:

Land Use Category	Specific Use of Land	Required Number of Parking Spaces
<b>Residential</b>	Single Detached, Semi-detached, Duplex, Triplex, Converted, Seasonal, Row or Townhouse Dwelling Park Model Trailer	2 spaces per dwelling unit
	Mobile Home	1 space per dwelling unit
	Apartment Dwelling	1.5 spaces per dwelling unit (1 space per bachelor apartment unit), 15% of which is reserved for visitor parking
	Additional Residential Unit, Garden Suite, Retirement Home	1 space per dwelling unit
	Bed and Breakfast	1 space per guest room, in addition to required residential spaces
	Boarding House	1 space for rentable room and 1 space for the primary dwelling
	Group Home	1 space per 5 residents plus 1 space per employee
<b>Commercial</b>	Business and Professional Office, including a home occupation	1 space per 28 sqm of office floor area
	Clinic	5 spaces per practitioner
	Confectionary or Variety Shop	1 space for every 9.5 sqm of total floor area
	Hotel, Motel, or Tourist Establishment	1 space per guestroom and 1 additional space for each 9.5 sqm of floor area devoted to public use
As Adopted April 9, 2024	Funeral Home, Restaurant, Club, Place of Entertainment or Place of Assembly	1 parking space for every 5 seats or 3 metres of bench space. Where there are no fixed seats,

By-law No. 2024-17

- b) If the calculation of the required parking spaces results in a fraction, the required parking spaces shall be the next higher whole number.
- c) Where any land or building accommodates more than one use, the total parking space requirement for such land or building shall be the aggregate sum of the requirements for each individual use.
- d) Any parking spaces required to be provided by this By-law shall be exclusive of the parking spaces used or intended to be used for the storage or parking of motor vehicles or major recreational vehicles for sale or rental.
- e) No portion of any access driveway shall be located closer than 8.0 m to the intersections of two street lines or their projections.

### 5.3 Addition to a Building or Structure

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

### 5.4 Location

Notwithstanding the yard and setback provisions of this By-law to the contrary uncovered surface parking areas, in other than residential use areas, shall be permitted in any required yard or in the area between the road or street line and the required setback provided no part of any parking area, other than a driveway, is located closer than 1 m to any road or street line.

### 5.5 Parking Area Requirements

Parking areas shall conform to the following requirements:

- a) The parking area shall be located on the same lot as the use it is intended to serve except in the case of a water access lot where the parking area shall be located in a zone where such use is permitted by this By-law;
- b) each parking space shall have a minimum width of 3 m and depth of 6 m;
- c) each parking space shall be provided with unobstructed access to a street by a driveway, aisle, lane, or private road;
- d) any parking area designed to serve water access lots shall have a minimum area of 50 sqm for each lot to be served and no parking shall be permitted within 8 m of the highwater mark or within 3 m of any lot line abutting a lot in a Residential Zone;
- e) for any parking area in a Commercial or Industrial Zone which is required to be used in winter, an additional area equal to 20% of the required area shall be provided for snow storage.

### 5.6 Ingress and Egress

- a) Ingress and egress, to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways at least 4 m but not more than 9 m in perpendicular width.
- b) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 9 m.
- c) The minimum distance between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 8 m.
- d) The minimum angle of intersection between a driveway and a street line shall be sixty (60) degrees.
- e) Every lot shall be limited to the following number of driveways:
  - (i) up to the first 30 metres of frontage, not more than 2 driveways; and
  - (ii) for each additional 30 metres of frontage, not more than 1 additional driveway.

### 5.7 Buffer Area

Where a parking area is situated in the Village Area (VA) Zone and is designed to accommodate more than 6 automobiles, a strip of land not less than 1 m wide, around the periphery of the said parking area and within the lot in which said parking area is located shall not be used for any purpose other than landscaping but this shall not prevent the provision of entrances nor

exits to said parking area across the strip.

**5.8 Drive Through**

The entrance for a drive through function must provide for the progressive movement of cars and shall be sufficient to accommodate stacking for not less than 10 cars on said lot, starting at the last window, and that the drive through function does not inhibit the use of the necessary required parking spaces. Stacking spaces for drive through or drive-in uses may not be counted as required off-street parking spaces.

**5.9 Illumination**

Where parking areas are illuminated, lighting fixtures shall be so arranged that no part of any fixture shall be more than nine (9) metres above the finished grade of the parking area. Fixtures shall be so designed and installed that the light is directed downward and deflected away from adjacent lots, roads and streets.

**5.10 Parking Area Surface**

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

**5.11 Use of Parking Spaces and Areas**

- a) Any area where off-street parking is permitted under this By-law shall be used for no other parking purpose than for the parking of operative passenger vehicles and commercial vehicles used in operations incidental to the permitted uses on the lot, all bearing currently valid licence plates.
- b) For the purposes of this subsection “commercial motor vehicle” shall mean any commercial vehicles as defined in the Highway Traffic Act.

**5.12 Accessible Parking**

- a) Provisions of accessible parking spaces shall be compliant with the Ontario Integrated Accessibility Standards Regulation 191/11 or its successors.
- b) In the case of multiple residential (i.e., apartment dwellings), Commercial, Industrial, and Institutional uses, accessible parking spaces shall be provided in accordance with the following table:

Total Parking Spaces Required	Accessible Spaces Required (minimum)
-------------------------------	--------------------------------------

	Total	Type A	Type B
Up to 37	1	1	
38-62	2	1	1
63-86	3	1	2
87-133	4	2	2
134-166	5	2	3
167-200	6	3	3
Each additional 50 spaces thereof	1 additional space		

- c) Where an even number of accessible parking spaces are provided, an equal number of parking spaces that meet the requirements of a Type A parking space and a Type B parking space must be provided.
- d) Where an odd number of accessible parking spaces are provided, the number of parking spaces must be divided equally between parking spaces that meet the requirements of a Type A parking space and a Type B parking space, but the additional parking space, the off-numbered space, may be a Type B parking space.
- e) Accessible parking spaces shall be of the following two types:
  - (i) Type A: minimum width of 3.4 m
  - (ii) Type B minimum width of 2.4 m
- f) An access aisle may be shared by two accessible parking spaces and must have a minimum width of 1.5 m

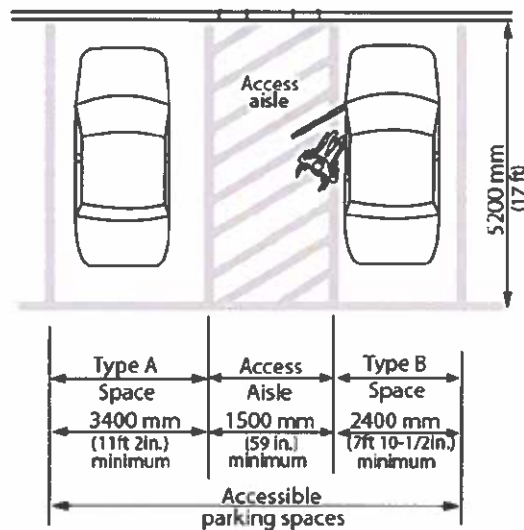


Figure 1 Illustration of Accessible Parking Spaces and Access Aisles

5.13 Loading Space Requirements



- a) The owner or occupant of any lot, building or structure erected or used for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares, and merchandise and raw materials, shall provide and maintain at the premises on the lot occupied by the building or structure and not forming part of the street or lane, within the zone in which such use is located, 1 loading space that conforms to the following:
- (i) A minimum length of 9 m
  - (ii) A minimum width of 3.7 m
  - (iii) A minimum vertical clearing distance of 4.5 m
  - (iv) A minimum of 1 loading space for every 500 sqm of floor
- b) Access to loading or unloading spaces shall be by means of a driveway with a minimum width of 6 m.
- c) The driveways, loading and unloading spaces shall be constructed and maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles and with provisions for drainage facilities.
- d) The loading space or spaces required shall be located in the interior side or rear yard unless set back from the street line a minimum distance of 25 m.
- e) When a building or structure has insufficient loading space at the date of passing of this By-law to comply with the requirements herein, this By-law shall not be construed to require that the deficiency be made up prior to the construction of any addition. No addition may be built, however, and no change of use may occur, the effect of which would be an increase in that deficiency.

## SECTION 6 ZONES

### 6.1 Zones

For the purpose of this By-law all land within the boundaries of the Township of McGarry is hereby divided and established into Zones which are shown on the attached Schedules by the accompanying symbols:

Zone S – Settlement Area Zone  
Zone R1 – General Residential Zone  
Zone R2 – Multiple Residential Zone  
Zone RL – Lakefront Residential Zone  
Zone HC – Highway Commercial Zone  
Zone TC – Tourist Commercial Zone  
Zone I – Institutional Zone  
Zone M – Industrial Zone  
Zone MX – Extractive Industrial Zone  
Zone MM – Mineral Mining Zone  
Zone RU – Rural Zone  
Zone OS – Open Space  
Zone EP – Environmental Protection

In addition, the following suffixes may be used in conjunction with any of the foregoing zones, in which case, the relevant provisions of Section 6.5 or 6.6 will apply respectively:

- -(numeral) : special exception zone
- -h : holding zone
- -w: wellhead protection area
- -T: temporary use

### 6.2 Schedules

The aforementioned zones together with the zone boundaries are shown on the attached Schedule "A" and Schedule "B" which form part of this By-law.

### 6.3 Boundaries of Zones

Where the boundary of any zone, as shown on the attached Schedules are uncertain, the following provisions shall apply:

- a) where the boundary is indicated as following a street, lane, railway right-of-way, or other right-of-way, then the boundary shall be the centre line of such street, lane, railway, right-of-way, or other right-of-way;

- b) where the boundary is shown as approximately following a lot line or an extension of a lot line on a registered plan of subdivision or registered survey plan, the lot line or extension thereof shall be the boundary;
- c) A boundary indicated as following the highwater mark shall follow such shoreline, and in the event of a change in the highwater mark, the boundary shall be construed as moving with the actual highwater mark;
- d) where uncertainty exists as to the boundary of any zone, then the location of such boundary shall be determined from the original Schedules which are available at the Clerk's office.

#### 6.4 Streets and Rights-of-Way

- a) A street, lane, railway right-of-way, or other right-of-way shown on the attached Schedules shall be included, unless otherwise indicated, with the zone of adjoining property on either side thereof.
- b) In the event a dedicated street or land shown on the Schedules of this By-law is closed, the property formerly in such street or lane shall be included within the zone of the adjoining property on either side of such closed street, or lane. If a closed street or lane is the boundary between two or more different zones, the new zone boundaries shall be the former centre line of the closed street or lane.

#### 6.5 Special Exception Zones

- a) Where a zone symbol is followed by a dash and a number (for example "M-1"), the lands so designated shall be subject to all of the provisions of the zone represented by such symbol, except as otherwise provided by the special exception provisions of the zone. These special provisions are listed separately under the appropriate zone (e.g. M) in the text of this By-law.

#### 6.6 Holding Zones

- a) Any parcel or area of land may be further classified as a holding zone with the addition of the suffix "-h". The intent is to signify Council's approval in principle to future development of the land for the purposes indicated by the symbol. The holding classification added to a given zone shall restrict development of the land until the requirements of the Official Plan related to holding zones have been met.
- b) Where a holding zone applies, no lands shall be used and no buildings or structures shall be erected or used for any purpose other than those uses existing for such land, building, or structure on the date of passing of this By-law. Any change from the holding status shall require an amendment to this By-law, and the Township may require that the applicant enter into an agreement for the development of his/her lands prior to the amendment being approved.

**6.7 Wellhead Protection Areas**

Where a zone symbol on the Zoning Schedule is followed by the suffix “-w”, those lands are part of a Wellhead Protection Areas. Uses permitted on those lands with the suffix “-w” shall be limited only to those existing uses, and the “-w” shall only be removed when the policies of the Official Plan of the Township of McGarry regarding Wellhead Protection are satisfied.

**6.8 Building, Structure, and Use Classification**

The buildings, structures, and uses specifically named as permitted uses in a particular zone are the only uses permitted in the particular zone in which they are named and classified.

**6.9 Temporary Use By-laws**

Temporary Use By-laws may have been passed by the Township to allow temporary uses pursuant to Section 39 of the *Planning Act*. Temporary uses are shown on the schedules as special exceptions and details concerning the temporary use are included in the special exception text within the specific zone category.

**6.10**

## SECTION 7 Settlement (S) Zone

### 7.1 General

No person shall hereafter use any lands, or erect, alter, enlarge, or use any building or structure in the S Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

### 7.2 Permitted Uses

#### Residential

- Additional Residential Unit
- Bed and Breakfast
- Boarding House
- Converted Dwelling
- Duplex Dwelling
- Group home
- Home Occupation (see Section 4.12)
- Mobile Home, on a foundation
- Semi-Detached Dwelling
- Single Detached Dwelling
- Uses accessory to the foregoing

#### Commercial

- Automotive Service Station
- Business or Professional Office
- Clinic
- Club
- Farm Implement Dealer
- Financial Establishment
- Funeral Home
- Hotel
- Marina
- Motel
- Motor Vehicle Sales Area
- Personal Service Shop
- Place of Entertainment
- Recreational Vehicle Sales and Service Establishments
- Restaurant
- Retail Store
- Service or Repair Shops

- Uses accessory to the foregoing

#### Institutional

- Cemetery
- Place of Worship
- Community Centre
- Educational Institution
- Emergency Vehicle Dispatch Centre
- Hospital
- Medical Centre
- Nursing Home
- Place of Assembly
- Playground
- Park
- Uses accessory to the foregoing

7.3 Zone Requirements

Use	Provision	Required
Residential	Lot Area (min)	450 m <sup>2</sup>
	Lot Frontage (min)	14 m
	Front Yard (min)	4.5 m
	Rear Yard (min)	6 m
	Interior Side Yard (min)	2 m*
	Exterior Side Yard (min)	5 m
	Building Height (max)	9 m
	Lot Coverage (max)	40%
Commercial	Lot Area (min)	450 m <sup>2</sup>
	Lot Frontage (min)	14 m
	Front Yard (min)	4.5 m
	Rear Yard (min)	6 m
	Interior Side Yard (min)	1 m
	Exterior Side Yard (min)	4 m
	Building Height (max)	12 m
	Lot Coverage (max)	80%
Institutional	Lot Area (min)	450 m <sup>2</sup>
	Lot Frontage (min)	14 m
	Front Yard (min)	5 m
	Rear Yard (min)	6 m
	Interior Side Yard (min)	4 m
	Exterior Side Yard (min)	5 m
	Building Height (max)	10 m
	Lot Coverage (max)	60%

\*For semi-detached dwellings, no minimum side yard will be required between two adjoining units.

7.4 Accessory Use Provisions

- a) Notwithstanding the provisions established in Section 4.1 of this By-law, the following provisions apply to accessory uses, buildings or structures within the Settlement (S) Zone:

Use	Provision	Required
Residential	Accessory Building Height (max)	6 m
	Accessory Building Lot Coverage (max)	10%
Commercial	Accessory Building Height (max)	8 m
	Accessory Building Lot Coverage (max)	5%
Institutional	Accessory Building Height (max)	8 m
	Accessory Building Lot Coverage (max)	10 %

7.5 Additional Zone Requirements

- a) A dwelling unit is permitted as an accessory use to the principal commercial use, building or structure identified in Section 7.2 except for an automobile service station, motor vehicle sales area, recreational vehicle sales and service establishment, and service or repair shop. The dwelling unit shall be located above or behind the main commercial use.
- b) Each mobile home shall, within thirty (30) days of being located on a lot, be provided with skirting extending from the bottom of the unit to the ground, having a readily accessible removable panel of not less than 0.9 metre wide and 0.6 metres high, giving access to the service connection. All skirting shall be finished with an acceptable protective coating or prefinished so that the design and construction will complement the main structure.

#### 7.6 Special Exception Zones

Reserved.



**SECTION 8 General Residential (R1) Zone**

**8.1 General**

No person shall hereafter use any lands, or erect, alter, enlarge, or use any building or structure in the R1 Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

**8.2 Permitted Uses**

- Additional Residential Unit
- Bed and Breakfast
- Converted Dwelling
- Duplex Dwelling
- Home Occupation (see Section 4.12)
- Mobile Home, on a foundation
- Semi-Detached Dwelling
- Single Detached Dwelling
- Group Home
- Uses accessory to the foregoing

**8.3 Zone Requirements**

Use	Provision	Required	
Bed and Breakfast, Group Home, Single Detached Dwelling	Lot Area (min)	370 m <sup>2</sup>	*For semi-detached dwellings, no minimum side yard will be required between two adjoining units.
	Lot Frontage (min)	12 m	
	Front Yard (min)	6 m	
	Rear Yard (min)	6 m	
	Interior Side Yard (min)	1 m	
	Exterior Side Yard (min)	3 m	
	Building Height (max)	10 m	
	Lot Coverage (max)	40%	
Converted Dwelling, Duplex Dwelling, Semi-Detached Dwelling (where both units occupy the same lot)	Lot Area (min)	600 m <sup>2</sup>	8.4 <u>Accessory Use Provisions</u>
	Lot Frontage (min)	20 m	
	Front Yard (min)	6 m	
	Rear Yard (min)	6 m	
	Interior Side Yard (min)	1 m*	
	Exterior Side Yard (min)	4 m	
	Building Height (max)	10 m	
	Lot Coverage (max)	40%	
Semi-Detached Dwelling (where one unit occupies a lot)	Lot Area (min)	300 m <sup>2</sup>	
	Lot Frontage (min)	10 m	
	Front Yard (min)	6 m	
	Rear Yard (min)	6 m	
	Interior Side Yard (min)	68 1 m*	
As Adopted April 9, 2024	Exterior Side Yard (min)	4 m	By-law No. 2024-17

- a) Notwithstanding the provisions established in Section 4.1 of this By-law, the following provisions apply to accessory uses, buildings, or structures within the General Residential (R1) Zone:

Provision	Required
Accessory Building Height (max)	6 m
Accessory Building Lot Coverage (max)	15%

**8.5 Additional Zone Requirements**

- a) Each mobile home shall, within thirty (30) days of being located on a lot, be provided with skirting extending from the bottom of the unit to the ground, having a readily accessible removable panel of not less than 0.9 metre wide and 0.6 metres high, giving access to the service connection. All skirting shall be finished with an acceptable protective coating or prefinished so that the design and construction will complement the main structure.

**8.6 Special Exception Zones**

SECTION/ZONE	AMENDING BY-LAW/LOCATION	PERMITTED USES	SPECIAL PROVISIONS
R1-1	Lots 163, 164, and 165, Plan M126TIM; PCLS 2803, 11182, and 10727 SEC CST; 83 and 85 Connell Avenue, Virginiatown	Auto Repair Shop, accessory to a permitted use, shall also be permitted	All lots zoned R1-1 Zone shall be considered a single lot for the purposes of this By-law. The minimum exterior side yard setback for the existing shed adjacent to Colville Street shall be 1 m (3.28 ft).

**SECTION 9 Multiple Residential (R2) Zone**

**9.1 General**

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the R2 Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

**9.2 Permitted Uses**

- R1 uses in accordance with the provisions thereof
- Apartment Dwelling
- Long Term Care facility
- Row or Townhouse Dwelling
- Triplex Dwelling
- Retirement Home
- Uses accessory to the foregoing

**9.3 Zone Requirements:**

Use	Provision	Required
Apartment Dwelling, Continuum-of-Care facility	Lot Area (min)	800 m <sup>2</sup> (3 units or less), plus an additional 200 m <sup>2</sup> per dwelling unit over 3
	Lot Frontage (min)	25 m
	Front Yard (min)	6 m
	Rear Yard (min)	7 m
	Interior Side Yard (min)	4 m
	Exterior Side Yard (min)	4 m
	Building Height (max)	12 m
	Lot Coverage (max)	40%
	Landscaped Open Space (min)	25%
	Row or Townhouse Dwelling	Lot Area (min)
Lot Frontage (min)		10 m
Front Yard (min)		6 m
Rear Yard (min)		6 m
Interior Side Yard (min)		2 m*
Exterior Side Yard (min)		4 m
Building Height (max)		10 m
Lot Coverage (max)		40 %
Landscaped Open Space (min)		20 %
Triplex Dwelling	Lot Area (min)	600 m <sup>2</sup>
	Lot Frontage (min)	20 m

Front Yard (min)	6 m
Rear Yard (min)	6 m
Interior Side Yard (min)	2 m*
Exterior Side Yard (min)	4 m
Building Height (max)	12 m
Lot Coverage (max)	40 %
Landscaped Open Space (min)	20 %

\*where two units are joined by a wall the minimum interior side yard setback shall be 0 m.

9.4 Accessory Use Provisions

- a) Notwithstanding the provisions established in Section 4.1 of this By-law, the following provisions apply to accessory uses, buildings or structures within the Multiple Residential (R2) Zone:

Provision	Required
Accessory Building Height (max)	8 m
Accessory Building Lot Coverage (max)	5%

9.5 Special Exception Zones

Reserved.

## SECTION 10 Lakefront Residential (RL) Zone

### 10.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the RL Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

### 10.2 Permitted Uses

- Seasonal Dwelling
- Single Detached Dwelling
- Uses accessory to the foregoing

### 10.3 Zone Requirements:

Provision	Required
Lot Area (min)	8,000 m <sup>2</sup>
Lot Frontage (min)	60 m
Front Yard (min)	15 m
Rear Yard (min)	10 m
Interior Side Yard (min)	10 m
Exterior Side Yard (min)	10 m
Building height (max)	10 m
Lot Coverage (max)	5%

### 10.4 Accessory Use Provisions

- a) Notwithstanding the provisions established in Section 4.1 of this By-law, the following provisions apply to accessory uses, buildings or structures within the Lakefront Residential (RL) Zone:

Provision	Required
Accessory Building Height (max)	6 m
Accessory Building Lot Coverage (max)	2%

### 10.5 Additional Zone Requirements

- a) The maximum floor area of a detached garage in the SR Zone shall be 140 m<sup>2</sup>.
- b) The minimum setback for any main building or accessory building from a private road shall be 6 m.

### 10.6 Special Exception Zones

Reserved.

## SECTION 11 Highway Commercial (HC) Zone

### 11.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the HC Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

### 11.2 Permitted Uses

- 
- Ambulance Facility
- Auto Body Shop
- Auto Repair Garage
- Automobile Service Station
- Automotive Sales Establishment
- Building Supply Store
- Car Wash
- Clinic
- Equipment Rental Establishment
- Farmer's Market
- Flea Market
- Funeral Home
- Garden Centre
- Gasoline Bar
- Greenhouse
- Hotel
- Lumber Yard
- Motel
- Nursery
- Parking Lot – Commercial
- Place of Assembly
- Place of Worship
- Printing and Publishing Establishment
- Private Club
- Recreational Vehicle Sales and Storage
- Restaurant
- Retail Store
- Self Storage Facility
- Service Outlet
- Studio
- Tavern
- Theatre
- Transportation Depot
- Veterinary Establishment
- Welding Shop
- Workshop
- Uses accessory to the foregoing



**11.3 Zone Requirements**

<b>Provision</b>	<b>Required</b>
Lot Area (min)	900 m <sup>2</sup>
Lot Frontage (min)	30 m
Front Yard (min)	6 m
Rear Yard (min)	6 m
Interior Side Yard (min)	3 m
Exterior Side Yard (min)	6 m
Building height (max)	10 m
Lot Coverage (max)	55%
Landscaped Open Space (min)	25%

**11.4 Accessory Use Provisions**

- a) Notwithstanding the provisions established in Section 4.1 of this By-law, the following provisions apply to accessory uses, buildings or structures within the Highway Commercial (HC) Zone:

<b>Provision</b>	<b>Required</b>
Accessory Building Height (max)	8 m
Accessory Building Lot Coverage (max)	10%

**11.5 Additional Zone Requirements**

- a) A dwelling unit is permitted as an accessory use to the principal commercial use, building or structure identified in Section 11.2 except for an automobile service station, motor vehicle sales area, recreational vehicle sales and service establishment, and service or repair shop. The dwelling unit shall be located above or behind the main commercial use.

**11.6 Special Exception Zones**

Reserved.

**SECTION 12 Tourist Commercial (TC) Zone**

**12.1 General**

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the TC Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Sections of this By-law.

**12.2 Permitted Uses**

- Campground
- Restaurant
- Equestrian Establishment
- Marina
- Miniature Golf Course
- Tourist Cabin Establishment
- Tourist Outfitters Establishment
- Retail
- Uses accessory to the foregoing

**12.3 Zone Requirements**

Provision	Required
Lot Area (min)	20,000 m <sup>2</sup> (2 ha)
Lot Frontage (min)	60 m
Front Yard (min)	10 m
Rear Yard (min)	10 m
Interior Side Yard (min)	7.5 m where the interior side yard abuts a residential or institutional zone, 5 m in all other cases*
Exterior Side Yard (min)	10 m
Building height (max)	10 m
Lot Coverage (max)	5%**
Landscaped Open Space (min)	20%

\*For a campground, a 10 m minimum interior side yard setback is required where an interior side yard abuts a residential or institutional zone, 5 m in all other cases

\*\*10% for a campground

**12.4 Accessory Use Provisions**

- a) Notwithstanding the provisions established in Section 4.1 of this By-law, the following provisions apply to accessory uses, buildings or structures within the Tourist Commercial (TC) Zone: