

Section 1
Introduction**The Comprehensive Zoning By-law
of the Corporation of the Town of St. Marys****By-law No. Z1-1997**

Being a By-law, under Section 34 of the Planning Act, R.S.O. 1990 to regulate the **use** of land and the character, **erection**, location and **use** of **buildings** and **structures** and to prohibit certain **buildings**, **structures** and **uses** in various defined areas of the **Corporation** of the Town of St. Marys.

WHEREAS the **Council** of the **Corporation** of the Town of St. Marys deems it expedient to implement the Official Plan for the Town of St. Marys:

NOW THEREFORE THE **COUNCIL** OF THE **CORPORATION** OF THE TOWN OF ST. MARYS ENACTS AS FOLLOWS:

SECTION 1 - GENERAL**1.1 TITLE**

This By-law shall be known as the "Zoning By-law" of the **Corporation** of the Town of St. Marys.

1.2 APPLICATION

The provisions of this By-law shall apply to all lands within the boundaries of the **Corporation** of the Town of St. Marys.

1.3 CONFORMITY REQUIREMENTS

1.3.1 No **person** shall **use** any land or **erect**, locate, **alter**, or **use** any **building**, **structure** or part thereof within the boundaries of the **Corporation** of the Town of St. Marys except in conformity with the provisions of this By-law.

1.3.2 No **person** shall **use** any **building**, **structure** or part thereof, **erected**, located, or **altered** in contravention of this By-law so long as such **building**, **structure**, or part thereof, continues to contravene the provisions of this By-law.

1.3.3 No **lot** shall be reduced in **area**, **frontage**, or **depth** by the conveyance, mortgage, or other alienation of a part thereof so that the area of such **lot** or the applicable site requirements contained in this By-law are less than that required by this By-law. If any such reduction occurs, such **lot** and any **building** or **structure** situated thereon shall not thereafter be **used** by any **person** unless and until the said **lot area**, **frontage**, or **depth** or other applicable site requirement of this By-law are complied with.

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1.3.4 Section 1.3.3 above shall not apply to a **lot** reduced in **area**, **frontage**, or **depth** by the conveyance or expropriation by the **Corporation** of the Town of St. Marys or any other authority having the powers of expropriation.

1.3.5 No **person** shall change the purpose for which any **lot**, **building**, or **structure** is **used**, or **erect**, locate, **alter**, or **use** any **building** or **structure**, or sever any **area** from any **existing lot**, if the effect of such action is to cause the **building**, **structure**, or **lot**, whether original, adjoining, remaining, or new, to be in contravention of the provisions of this By-law.

1.4 **REPEAL OF EXISTING BY-LAWS**

From the coming into force of this By-law, all previous Zoning By-laws that have been adopted by the **Council** of the **Corporation** of the Town of St. Marys shall be repealed. Also, any other restricted area zoning by-laws and amendments thereto, passed pursuant to Section 34 of the Planning Act, R.S.O. 1990, as amended, or a predecessor thereto, in force in the municipality are also hereby repealed.

1.5 **SEVERABILITY**

If any section, clause, or provision of this By-law, including anything contained in Schedule "A" attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any other part thereof other than the section, clause, or provision so declared to be invalid, and it is hereby declared to be the intention that all remaining sections, clauses, or provisions of this By-law shall remain in full force and effect in the **Corporation** of the Town of St. Marys until repealed, notwithstanding that one or more sections, clauses, or provisions thereof shall have been declared to be invalid.

1.6 **UNLAWFUL USES**

Any **use** established in violation of a predecessor of this By-law shall be deemed to have been established unlawfully and therefore shall be considered to be an unlawful or illegal **use** under the provisions of this By-law unless the **use** is **permitted** under this By-law.

1.7 **EFFECTIVE DATE**

This By-law shall come into force on the day it is passed by the **Council** of the **Corporation** of the Town of St. Marys, pursuant to the provisions of the Planning Act, and to Regulations thereunder.

1.8 **NON-CONFORMING BUILDINGS AND STRUCTURES**

The following provisions shall apply to **legal non-conforming uses, buildings, and structures**:

1.8.1 **Existing Uses, Buildings, and Structures**

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Nothing in this By-law shall prevent a **legal non-conforming use, building, or structure** to continue being used for the same **use** and to the same **development** standards as existed prior to the passing of this By-law.

1.8.2 Replacement of Non-Conforming Uses, Buildings, and Structures

Where a lawfully existing **building** or **structure** is used for a purpose not permitted in the **zone** in which such **building** or **structure** is located and such **building** or **structure** is partially or totally destroyed by fire or similar natural cause or peril, such **building** or **structure** may be replaced or repaired and the non-conforming **use** re-established provided that the following conditions are met:

- (a) the owner must make application to the **Corporation** for a **building** permit to replace the **building** or **structure** within one (1) year of the date on which the partial or total destruction occurred;
- (b) the replacement or repair of the **building** or **structure** must be completed within one (1) year of the date on the **building** permit for such replacement or repair was issued by the **Corporation**;
- (c) the replacement or repair of the **building** or **structure** occurs at approximately the same location on the **lot**. In no case shall any encroachment into a required **yard**, other than that which existed on the date of passing of this By-law, be permitted. For the purpose of determining required **yards**, the most restrictive **yard** provision for that **zone** shall apply;
- (d) the replacement or repair does not increase the **gross floor area**, height, and **lot coverage** of the **building** or **structure** as it existed prior to the partial or total destruction;
- (e) the **use** of the **building** or **structure** is not changed and continues in the same manner as previously existed; and
- (f) the owner obtain approval from the Upper Thames River Conservation Authority prior to the replacement or repair of **buildings** and **structures** within the Flood Plain (FP) Zone or Conservation Authority Regulation Limit Overlay.

1.8.3 End of Legal Non-Conforming Status

Notwithstanding the provisions of Sections 1.8.1, if a **legal non-conforming use** ceases to function or operate for a period of six (6) months or more, the legal non-conforming status of said **use** shall be deemed to end as determined by the Town.

1.9 NON-COMPLYING BUILDINGS AND STRUCTURES

The following provisions shall apply to legal **non-complying uses, buildings, and structures**:

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Nothing in this By-law shall prevent a legal **non-complying use, building, or structure** to continue being used for the same **use** and to the same **development** standards as existed prior to the passing of this By-law.

1.9.2 Replacement of Non-Complying Uses, Buildings, and Structures

Where a legal **non-complying use, building or structure** is partially or totally destroyed by fire or similar natural cause or peril, such **use, building or structure** may be replaced or repaired and the **non-complying use, building or structure** re-established provided that the following conditions are met:

- (a) the owner must make application to the **Corporation** for a **building** permit to replace the **use, building or structure** within one (1) year of the date on which the partial or total destruction occurred;
- (b) the replacement or repair of the **use, building or structure** must be completed within one (1) year of the date on the **building** permit for such replacement or repair was issued by the **Corporation**;
- (c) the replacement or repair of the **use, building or structure** occurs at the same location on the **lot**. In no case shall any encroachment into a required **yard**, other than that which existed on the date of passing of this By-law, be permitted; and
- (d) the replacement or repair does not increase the **gross floor area**, height, and **lot coverage** of the **building or structure** as it existed prior to the partial or total destruction.

1.9.3 Expansion of Non-Complying Buildings and Structures

The extension, enlargement or expansion of a **non-complying building or structure** shall be permitted provided that such extension, enlargement or expansion to the **non-complying building or structure** is located on the **lot** so that it is in compliance with the zoning provisions of this By-law for the **zone** classification for where it is located.

1.10 TRANSITION PROVISIONS**1.10.1 Planning Applications and Approvals**

1.10.1.1 Nothing in this By-law prevents the approval of the following applications where the application was filed and deemed complete in accordance with the Planning Act on or before October 13, 2026 provided that the application is in accordance with all prior zoning by-laws and minor variance approvals that affected the **lot** immediately before October 13, 2026:

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- (a) **site plan** approval;
- (b) consent to sever;
- (c) draft plan of subdivision;
- (d) draft plan of **condominium**;
- (e) **part-lot** control exemption; and
- (f) minor variance.

1.10.1.2 This By-law is deemed to be modified to the extent necessary to permit a **building** or **structure** that is erected in accordance with a planning application approved under provision 1.10.1.1. However, provision 1.10.1.1 shall be repealed in five (5) years after October 13, 2026. This provision shall not require an amendment to this By-law to take effect.

1.10.1.3 Applications for zoning by-law amendment that were submitted prior to the approval of this Zoning By-law will, if approved, be incorporated via an amendment into this Zoning By-law.

1.10.1.4 All minor variances applied for prior to the final approval of amending By-law No. Z164-2026, and subsequently approved, shall continue to apply and remain in force as if they are variances to By-law No. Z1-1997 as amended by By-law No. Z164-2026.

1.10.2 Building Permit Issued

1.10.2.1 Nothing in this By-law shall apply to prevent the erection of a **legal non-conforming building** or **structure**, where a **building** permit has been lawfully issued under the Building Code Act on or before October 13, 2026, provided that the following are met:

- (a) the **building** or **structure**, when erected, is used and continues to be used for the purpose for which the permit was issued; and
- (b) the erection of such **building** or **structure** is commenced within one (1) year after the date of passing of By-law Z164-2026 and is completed within one (1) year of the date that the erection commenced.

1.10.2.2 Nothing in this By-law shall apply to prevent the erection or **use** of a **building** or **structure** that does not satisfy or fulfill the provisions of the **zone** in which such **building** or **structure** is located where a **building** permit has been lawfully issued under the Building Code Act, prior to October 13, 2026, provided that the following are met:

- (a) the **building** or **structure**, when erected, is used and continues to be used for the purpose for which the permit was issued unless a new **use** is permitted within the **zone** and the extent of non-conformity to the provision(s) of this By-law will not increase as a result of the new **use**; and

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- (b) the erection of such **building** or **structure** is commenced within one (1) year after the date of passing of this By-law and is completed within one (1) year of the date that the erection commenced.

1.11 TECHNICAL REVISION

Revisions may be made to this Zoning By-law without the need for a Zoning By-law Amendment in the following cases:

- (a) Changes to appendices, footnotes, headings, table of contents, page numbering, and reference information, which do not form a component of this by-law and are editorially inserted for convenience of reference only.
- (b) Adding or revising technical information on maps or schedules that does not affect the zoning of lands, including but not limited to color, scale, legend and infrastructure information such as a street name or a highway;
- (c) Correction of grammar, punctuation, typographical errors or revisions to format in a manner that does not change the intent of the provisions.

1.12 REQUIRED SETBACKS FOR BUILDINGS AND STRUCTURES LOCATED ON PARCELS OF URBAN RESIDENTIAL LAND

1.12.1 Notwithstanding the minimum and maximum setback requirements outlined in this Zoning By-law, the required minimum/maximum setback distance from a property line in respect of a **building** or **structure** located on a **parcel of urban residential land** may be reduced up to 10 percent of the required setback of this By-law without the need for a Planning Act Application as provided under the Planning Act R.S.O. 1990, c.P.13 as amended or any successor legislation.

1.12.2 The aforementioned provision will not be applicable to:

- (a) Any area that is within 300 metres of an active **railway line**. However, this does not include **railway lines** that only operate an urban rail transit system.
- (b) Any area that is within 120 metres of:
 - (i) a wetland
 - (ii) an inland lake, or
 - (iii) a river or stream valley that has depressional features associated with a river or stream, whether or not it contains a **watercourse**.