

## EXPLANATORY NOTE IN RESPECT TO ZONING BY-LAW 2025-126

The purpose of Zoning By-law 2025-126 is to amend Sault Ste. Marie Zoning By-law 2005-150 concerning clarifying technical language and improving implementation.

By-law 2005-150 is amended as follows:

### **(a) Section 3.3 (Interpretations) Amended**

Section 3.3 (Interpretations) is hereby amended by adding the following new provision:

#### **“3.3.8 MINOR REVISIONS**

Public notice and Council approval procedures, pursuant to the *Planning Act*, may be waived when the amendment does not affect the provisions or intent of this By-law, including:

- A. Formatting changes, including the alteration, numbering or arrangement of provisions.
- B. Correcting punctuation or altering language to obtain a uniform mode of communication.
- C. Correcting clerical, grammatical, dimensional or typographical errors.
- D. Amending references to other legislation or authority, where such legislation or authority is altered or amended in any way.”

### **(b) Section 4.3 (Frontage Requirement) Amended**

Section 4.3 (Frontage Requirement) is hereby amended by adding the following new provision:

#### **“4.3.2 DETERMINING LOT FRONTAGE FOR PLAN OF CONDOMINIUM**

Within a Plan of Condominium, the *lot frontage* is determined to be measured across the *lot line* that abuts the common element road right-of-way. All *lots* within the Plan of Condominium shall adhere individually to the Building Regulations of the zone in which the *lot* is situated.”

### **(c) Section 4.9 (Buffer Requirements) Amended**

Section 4.9 (Buffer Requirements) is hereby amended by adding the text “Parks and Recreation Zone” and “excluding sight triangles” which will therefore read as:

#### **“4.9 BUFFER REQUIREMENTS**

Where a Residential, Rural, and/or Parks and Recreation zoned lot abuts a Commercial, Industrial, and/or an Institutional zoned lot; the development shall provide and maintain a buffering along the full extent, excluding sight triangles, of the common boundary of such lots.

Buffering may be setback from the common *lot lines* so long as no part of the Commercial, Industrial, and/or an Institutional use occurs on those lands between the buffer and the abutting Residential, Rural, and/or Parks and Recreation zoned lot.

Such buffers are in addition to the minimum landscaping requirements outlined in each zone, and shall have a minimum width of:

- A. 0m, wherever there is a 100% visually solid fence of at least 1.8m above *established grade*.
- B. 3m, wherever there is a continuous hedgerow of evergreens, bushes, shrubs, or a berm, which shall reach at least 1.8m above *established grade* upon maturity.
- C. {2010-74}15m wherever such a strip contains existing vegetation of at least 1.8m above *established grade* that provides an effective visual barrier”

**(d) Section 7.2 (Maximum Fence Heights) Amended**

Section 7.2 (Maximum Fence Heights) is hereby amended by deleting the current “Maximum Fence Heights” table and replacing it with the following table:

7.2 MAXIMUM FENCE HEIGHTS					
Zones	Location of Fence				
		<i>Front Yard</i>	<i>Exterior Side Yard</i>	<i>Any other Yard Adjacent to a Public Street</i>	<i>All other Yards</i>
<b>Residential Zones</b>		0.9m	<u>2.43m</u>	<u>2.43m</u>	<u>2.43m</u> (No Limit for Hedges)
<b>Commercial, Institutional, Light &amp; Medium Industrial Zones</b>		0.9m	No Limit	No Limit	No Limit
<b>Heavy Industrial, Parks and Recreation, Rural Area, Airport Development, Rural Precambrian Upland and Rural Aggregate Extraction Zones</b>		No Limit	No Limit	No Limit	No Limit

Section 7.2 (Maximum Fence Heights) is hereby amended by adding a new Section 7.2.1 which reads as follows:

**“7.2.1 Fences in Residential Zones**

Notwithstanding the maximum fence heights outlined in Section 7.2, on residentially zoned lots, a fence, 2.43m above established grade is permitted along the *interior side lot lines*, save and except within the *required front yard* of the *lot* in which it is situated.”

**(e) Section 9.1.8 (Maximum Size for All Accessory Buildings and Structures) Repealed**

Section 9.1.8 (Maximum Size for All Accessory Buildings and Structures) is hereby repealed in its entirety:

**“9.1.8 {2014-6} MAXIMUM SIZE FOR ALL ACCESSORY BUILDINGS AND STRUCTURES**

The *gross floor area* of any one *accessory* building or *structure* shall not exceed the *gross floor area* of the main building located on the same *lot*.”

**(f) Section 9.5.3.1 (Setbacks for Accessory Buildings and Structures in the R1 Zone) amended:**

Section 9.5.3.1 (Setbacks for Accessory Buildings and Structures in the R1 Zone) is hereby amended by removing the text “Despite any other provision in this by-law” which will therefore read as:

**“9.5.3.1 SETBACKS FOR ACCESSORY BUILDINGS AND STRUCTURES IN THE R1 ZONE**

*Accessory* buildings and *structures* in the R1 zone shall adhere to the same *yard* regulations set out for the main building.”

**(g) Section 13.7.1 (Permitted Uses) amended:**

Section 13.7.1 (Permitted Uses) is hereby amended by adding “Retail Trade” to the list of permitted uses in the Highway Zone (HZ).