

HOW TO USE THIS BY-LAW

In order to reference this By-law easily, a property owner should follow each of the steps listed below to determine what permissions apply to their particular property.

1. Locate the Property on a Map

Maps in a Zoning By-law are called 'Schedules'. The first step to using this By-law is to refer to the zone schedules that are contained at the back of the By-law to determine in which zone category your property is located. Schedule 'A' is the main Zoning Map. It is comprised as a series of smaller maps. The key maps show the lands covered by the individual maps. The zone category will be indicated on the schedules by a symbol or abbreviation. For example, you may see the symbol "R1-5" beside your property. This would indicate that your property is within the "Low Density Residential One" Zone. The zone symbols or abbreviations are explained on the first page of Part 2 of the By-law.

In any circumstance, you should confirm your findings with a Planner or Zoning Officer in the Planning Services or Building Services Divisions.

Part 2 also provides assistance to help you identify the zone boundaries on the Schedules. For example, if your property appears close to a zone boundary and you are not sure how to determine exactly where that boundary is located, refer to Section 2.4 of the By-law.

2. Zone Provisions

The next step to using this By-law is to determine what uses are permitted on your property. Each Zone Section in the By-law has two primary parts: Permitted Uses and Zone Regulations. Parts 6 through 10 of the By-law identify the permitted uses and zone requirements for each zone in the Municipality. Zone Standards include minimum lot area, minimum frontage requirements, minimum yard requirements, maximum lot coverage for buildings, maximum permitted height of buildings and, in some cases, the minimum required landscaped open space on the lot. Special Provisions that may affect the use of the property or the standards applicable to uses, buildings and structures are shown at the bottom of the respective use and standards tables in Parts 6 through 10.

3. Definitions

The definitions in Part 3 can assist you if you are not sure of the nature of a permitted use or how it has been defined for the purposes of this By-law. Uses that are not identified as permitted uses within a particular zone are not allowed to be established that zone. The Planning Act requires that zoning by-laws

prohibit all uses except as may be specifically permitted. If a use is not listed as a permitted use it is not permitted.

4. General Provisions

Now that you are aware of the uses permitted on your property and the specific zone requirements that apply to those uses, reference should be made to Part 4 of this By-law. Part 4 contains a more general set of standards known as 'General Provisions' that apply to all properties in all zones throughout the City. For example, the general provisions contain standards that regulate the location of accessory structures on a lot, height exceptions, and non-conforming or non-complying uses that apply to all properties regardless of what zone the property is located.

5. Parking and Loading

Part 5 provides the parking and loading requirements for all uses permitted in the Municipality. If you are considering changing the use of your property or adding a new use to your property, you should review Part 5 to ensure that you are aware of the parking requirements for the proposed use.

6. Exceptions, Holding Zones and Temporary Uses

By-laws are not static documents and lands may be subject to a zone exception, a holding zone, or a temporary use. If a zone symbol on the maps is followed by a number enclosed by brackets, such as C1(5), the lands are subject to a site-specific exception. These can be found in Part 11.

If the zone symbol is preceded by a "T" and a number or by an "H" and a number, the lands are subject to a Temporary Use By-law or a Holding Provision, the provisions of which can be found in Parts 12 and 13. Note that both processes are subject to separate Planning Act processes and do not require Zoning By-law Amendments to alter: Section 39 for Temporary Use By-laws, and Section 36 for Holding Provisions.

7. What are Legal Non-Conforming and Legal Non-Complying For The Purposes Of This By-law?

A legal non-conforming use is a use of land and/or building that legally existed on the date By-law .2010-XX comes into effect under the Planning Act. To be legal, the use must have been permitted on the lands in accordance with the previous Zoning By-laws for the Municipality.

A legal non-complying lot, building or structure is a lot, building or structure that was legally created or erected in a location it was in when Zoning By-law .2010-XX comes into effect under the Planning Act. To be legal, the lot or location of

the building or structure must have been authorized on the lands in accordance with the Municipality's previous Zoning By-laws. Alternatively, if the lot, building or structure existed on the lands for a considerable number of years, the building or structure may be legal if it was legally created or erected before the first By-law for the City of Sudbury or the By-law for the former municipality was passed.

8. By-law Amendments

A Zoning By-law is not a static document; it is amended over time as demands and policies governing land use change. Before proceeding any further, you should verify that your property is not the subject of an earlier Zoning By-law amendment. While the City strives to keep this By-law up-to-date, more recent amendments may not be included in the version of the By-law you are using. Staff in the Planning Services Division will be able to assist you to confirm if your property has been subject to a more recent By-law amendment.