

**TOWN OF ATIKOKAN
COMPREHENSIVE ZONING BY-LAW
NO. 15-10**

April 12, 2010

REVISED BY THE PLANNING ADVISORY COMMITTEE
ORIGINALLY PREPARED BY:
HYNDE, PAUL ASSOCIATES INCORPORATED

PLANNING ACT

**NOTICE OF THE PASSING OF A
ZONING BY-LAW
BY**

**THE CORPORATION OF THE
TOWN OF ATIKOKAN**

TAKE NOTICE that the Council of the Corporation of the Town of Atikokan passed By-Law #15-10 on the 12th day of April, 2010, under Section 34 of the Planning Act, 1990.

AND TAKE NOTICE that any person or agency may appeal to the Ontario Municipal Board, in respect of the by-law, by filing with the Clerk of the Town of Atikokan, not later than the 10th day of May, 2010, a Notice of Appeal, setting out the objection to the By-law and the reasons in support of the objection.

Only individuals, corporations and public bodies may appeal a zoning by-law to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

An explanation of the purpose and effect of the By-law, describing lands to which the By-law applies, and key maps showing the location of the lands to which the By-law applies, are attached. The completed By-law is available for inspection at the Town Office during regular office hours.

Dated at the Town of Atikokan, this 19th day of April, 2010.

Angela Sharbot, Clerk

PURPOSE AND EFFECT

BY-LAW NO. 15-10

TOWN OF ATIKOKAN

By-law No. 15-10 is a new Comprehensive Zoning By-law for the Town of Atikokan and replaces By-law No. 18-07, as amended. The by-law regulates the use of all land, buildings and structures in the Town of Atikokan. It authorizes the uses set out in the text and prohibits any use of land or the construction or use of buildings not specifically authorized, unless such use was lawfully in existence on the day the by-law was passed.

Applications to change or amend the by-law may be made at any time. All such amendments must be in conformity with the Official Plan for the Town of Atikokan and must receive approval from Council.

All measurements in the by-law are in metric units. A conversion table is provided at the back of the by-law to assist in converting between metric measurements and imperial measurements.

The following is a brief summary of the provisions of the by-law:

Section 1 of the by-law establishes that the by-law applies to all lands in the Town of Atikokan and that no land shall be used and no building or structure shall be used, erected, altered or enlarged except in conformity with the by-law. It also establishes that the by-law shall come into force and effect as of the date of its passing by Council, if there are no objections or upon approval by the Ontario Municipal Board, as may be modified by the Board, if there are objections.

Section 2 defines a number of terms used in the by-law.

Section 3 establishes that zone maps comprising Schedule "A" and "B", as part of the by-law and that the zone map is divided into a number of zones. It also provides a manner of interpreting zone boundaries.

Section 4 establishes general provisions that apply to more than one zone in the by-law. These general provisions cover such matters as accessory uses, lots having less than the required frontage or area, non-conforming uses, mobile homes, off-street parking, home occupations and street frontage of building lots.

Section 5 through 18 inclusive set out specific land use zones. There are a total of 14 zones, including one resource development zone, four residential zones, four commercial zones, one industrial zone, an institutional zone, an open space zone, a conservation and environmental protection zone and a holding zone category. For each zone there is a list of permitted uses and standards, including minimum lot area, minimum lot frontage, maximum lot coverage, maximum height and minimum front, side and rear yards and specific exceptions to each zone category with respect to use and/or the zone provisions.

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BY-LAW NO. 15-10

A By-Law to regulate the use of land, and the character, location and use of buildings and structures in the Town of Atikokan.

WHEREAS the Council of The Corporation of the Town of Atikokan deems it necessary in the public interest to pass a restricted area by-law in order to regulate the use of land and the erection and use of buildings and structures;

AND WHEREAS authority is granted under Section 34 of the Planning Act, R.S.O., 1990, subject to the approval of the Ontario Municipal Board, to pass this By-law;

AND WHEREAS the Council of The Corporation of the Town of Atikokan has adopted an Official Plan for the municipality which has been approved by the Minister of Municipal Affairs and Housing, Council deems it advisable to implement the Official Plan of the Town of Atikokan;

NOW THEREFORE the Council of The Corporation of the Town of Atikokan ENACTS AS FOLLOWS:

SECTION 1 - INTERPRETATION AND ADMINISTRATION

1.1 Title

This By-law shall be known as the "Zoning By-law" of the Corporation of the Town of Atikokan.

1.2 Application

The provisions of this By-law shall apply to all lands within the boundaries of the Municipality as now or hereafter are legally constituted.

1.3 Scope

No lands shall be used and no buildings or structures shall be erected, altered, enlarged or used within the Town of Atikokan except in conformity with the provisions of this By-law.

1.4 Minimum Requirements

In interpreting and applying the provisions of this By-law, they are held to be the minimum requirements for the promotion of the health, safety, comfort, convenience, and general welfare of the inhabitants of the Municipality.

1.5 Meaning of Use

Unless the context otherwise requires, the expressions "use" or "to use" in this By-law include anything done or permitted by the owner or occupant of any land or buildings, directly or indirectly or by or through any trustee, tenant, servant, or agent, acting for, or with the knowledge or consent of such owner or occupant, for the purpose of making use of the said land or building.

1.6 Meaning of Shall

In this By-law, the word "shall" shall always be construed as mandatory.

1.7 Number and Gender

In this By-law, unless the contrary intention appears, words imparting the singular number or the masculine gender only shall include more persons, parties, or things of the same kind than one, and females as well as males, and the converse.

1.8 Administration

This By-law shall be administered by the Chief Building Official and/or such other persons or persons as the Council of the Town of Atikokan designates.

1.9 Licenses and Permits

No person shall be entitled to a municipal permit, certificate, or license where the said permit is required for a proposed use of land or a proposed erection, alteration, enlargement or use of any building or structure that is in violation of any provisions of this By-law.

1.10 Building to be Moved

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

1.11 Repeal of Existing By-laws

From the coming into force of this By-law, all previous by-laws passed under Section 34 of the Planning Act, or a predecessor thereof, shall be deemed to have been repealed except to the extent that any of the said by-laws prohibits the use of any land, building or structure for a purpose that is also prohibited by this By-law.

1.12 Application of Other By-laws

Nothing in this By-law shall serve to relieve any person from the obligation to comply with the requirements of any By-law of the Municipality, in force from time to time, or the obligation to obtain any license, permit, authority or approval required under any By-law of the Municipality.

1.13 Validity

Should any section, clause or provision of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected.

1.14 Violations and Penalties

- a) Every person who uses any lot, or erects or uses any building or structure or any part of any lot, building or structure, in a manner contrary to any requirement of this By-law, or who causes or permits such use or erection, or who contravenes any provision of this By-law or causes or permits a contravention, shall be guilty of an offence and upon conviction therefore, shall be liable:
 - i) on a first conviction to a fine of not more than \$25,000; and
 - ii) 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 conviction was first made.

- b) Where a corporation is convicted under Section 1.14(a) of this By-law, the maximum penalty that may be imposed is:
 - i) on a first conviction, a fine of not more than \$50,000; and
 - ii) on a subsequent conviction, a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.
- c) Every such penalty as set out in Section 1.14 of this By-law shall be recoverable under the Section 67 of the Planning Act, 1990, and/or the Provincial Offences Act and/or any other legislation applicable.

1.15 Remedies

In case any buildings or structure or any part thereof is to be erected, altered, reconstructed or extended, or any lot is being used or is to be used, in contravention of any requirement of this By-law, such contravention may be restrained by action at the instance of any rate-payer or of the Municipality, pursuant to the provisions of the Planning Act, and/or the Municipal Act and/or any other legislation applicable.

SECTION 2 - DEFINITIONS

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

2.1 Accessory Building or Structure

Means a detached building or structure that is not used for human habitation except where a residential use is a permitted accessory use, but the use of which is naturally and normally incidental to, subordinate to, or exclusively devoted to a principal use or building and located on the same lot therewith and includes a detached private garage, detached carport, detached deck and dock.

2.2 Accessory Use

Means a use naturally and normally incidental to, subordinate to, or exclusively devoted to a principal use and located on the same lot therewith.

2.3 Aggregate Pit

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

2.4 Agricultural Use

Shall mean the production of crops and the selling, packing, storage of such products on the premises, and the breeding, raising and care of livestock and the selling of such livestock or the product of such livestock raised on the premises, and includes animal husbandry, dairying, and the raising and harvesting of field, bush or tree crops, market gardening, nurseries, bee-keeping and greenhouses, bait and fish culture and harvesting, and wild rice culture and harvesting.

2.5 Airport or Aircraft Landing Area or Seaplane Base

Shall mean the use of land, including water, runway, or other facility designed, used or intended to be used, either publicly or by any person or persons, for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage, tie-down areas, hangars and other necessary buildings, structures and open spaces.

2.6 Alter

- a) When used in reference to a building or structure or part thereof, shall mean to change the use or the external dimensions of such building or structure or to change the type of construction of the exterior walls or roof thereof;
- b) When used in reference to a lot, the word "alter" means to increase the width, depth or area thereof or to decrease the width, depth or area of any required yard, setback, landscaped open space, or parking area, or to change the location of any boundary of such lot with respect to a road or lane, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise; or
- c) When used in reference to a use, to discontinue and replace a use with a use which is defined herein as being distinct from the discontinued use.

2.7 Animal Hospital or Veterinary Clinic

Shall mean a building or a portion thereof, wherein domestic animals/pets, birds, or livestock and farm animals are treated or kept under the care of a licensed veterinary surgeon but shall not include long-term boarding facilities.

2.8 Animal Shelter

Shall mean a building or portion thereof where small domestic animals/pets, birds, livestock or farm animals are given temporary shelter, where minor treatment is given, and includes a public pound and crematorium but does not include any establishment engaged primarily in the retail sale of animals or in the breeding or training of animals for gain or profit.

2.9 Apartment, Accessory Dwelling Unit

Shall mean a self contained dwelling unit with washroom, kitchen and living areas within an existing building but can share access, parking areas, vestibules, and is accessory to the main use.

2.10 Apartment Building

Shall mean a building that contains 4 or more dwelling units which have one or more common entrances from road level and may be served by a common corridor, and the occupants of the units have the right to use in common the corridors, stairs, elevators, yards or one or more of them.

2.11 Arena

Means a facility for sport activities and includes ice surfaces for hockey and curling and other surfaces for any sporting activity.

2.12 Assembly Hall

Shall mean a building, or part thereof, in which facilities are provided for such purposes as meetings for civic, educational, political, recreational, religious or social purposes and, without limiting the generality of the foregoing, may include such facilities as a banquet hall or private club.

2.13 Attached

Shall mean a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.

2.14 Attic

Means the space between the ceiling of the top storey and the roof or between a dwarf wall and a sloping roof.

2.15 Automobile Service Station or Service Station

Shall mean a building or part of a building or a clearly defined space on a lot used primarily for the retail sale or some or all of lubrication oils, gasoline, diesel fuel and propane for motor vehicles, and may include the sale and leasing of motor vehicles, automobile accessories, and the servicing and repairing essential to the operation of motor vehicles, but does not include a car washing establishment.

2.16 Bake Shop

Means a bakery where the prepared food products of such bakery are offered for retail sale on the same premises.

2.17 Bed and Breakfast Establishment

Means a dwelling in which not more than 3 bedrooms for overnight lodging are provided for gain, with breakfast included, to the public.

2.18 Boarding House or Rooming House

Shall mean a building or portion thereof, in which the proprietor supplies to other persons, for hire or gain, lodging, meals or both, but shall not include a hotel, motel, hospital, home for the young or the aged, or institution, or restaurant accommodating the general public.

2.19 Boat House

Shall mean a detached accessory building or structure constructed for the purpose of sheltering or storage of boats or other form of water transportation and accessories, but it shall not include a dwelling unit.

2.20 Buffer Strip

Shall mean an area of land used for no other purpose than for the erection of a fence, or the planting and maintaining of a continuous row of natural evergreens or a continuous unpierced hedgerow of natural shrubs and the remainder of which is to be used for landscaping.

2.21 Building

Shall include any structure, whether temporary or permanent, used or intended for sheltering any use or occupancy.

2.22 Bulk Sales Establishment

Shall mean the use of land for the purpose of bulk storage of fuel including petroleum products and propane, buying and selling coal, fuel oil, propane, wood, lumber, building materials, ice and allied chemicals, but does not include any manufacturing, assembling or processing uses,.

2.23 Business or Professional Office

Means a building in which one or more persons are employed in the management, direction, or conducting of a business or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatments.

2.24 Cabin

See seasonal residential.

2.25 Campground

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

2.26 Car Wash

Shall mean an establishment where motor vehicles are washed, cleaned or polished for compensation, including a coin wash, but does not include a service station or public garage where car washing is incidental to the operation of such service station or public garage.

2.27 Cemetery

Means a cemetery or columbarium within the meaning of the Cemetery Act, as amended from time to time.

2.28 Church, Synagogue or Temple

Shall mean a building dedicated to religious worship.

2.29 Club

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

2.30 Commercial Use

Shall mean the use of land or buildings for the purpose of buying and/or selling commodities and supplying services separate from such uses as manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar uses.

2.31 Community Centre

Shall mean a building used primarily for community activities, the control of which is vested in the Municipality, a local board, or commission.

2.32 Condominium

Shall mean a building or structure wherein the owner holds title to his/her own dwelling unit and/or land while sharing title to common areas of the development and sharing maintenance/operating costs with other property owners through a condominium corporation.

2.33 Contaminated Site

Shall mean land that is contaminated from past land use activities relating to, but not limiting to, industrial uses, transportation or utility purposes including municipal and Ministry of Transportation refuelling yards, waste disposal sites, and commercial uses such as gas stations, auto repair shops and lands where filling has occurred.

2.34 Correctional Facility

Shall mean a building and related facilities used to house and confine convicted person or suspects awaiting trial which is owned and operated by either the Provincial or Federal government or the private sector.

2.35 Cottage

See seasonal residential

2.36 Council

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

2.37 Convenience Store

Shall mean a retail store serving the daily or occasional needs of the residents of the immediate area with a variety of good such as groceries, meats, dairy products, patent medicines, sundries, tobacco, stationery, hardware, magazines and/or newspapers.

2.38 Coverage

Shall mean the combined area of all buildings or structures, but not including an outdoor swimming pool, on the lot measured at the level of the lowest storey above grade, including all porches and verandas open or covered, but excluding open, unenclosed terraces, at grade, steps, cornices, eaves, bay windows, chimney breasts, corbelling and similar projections and open parking areas.

2.39 Day Care Facility

Shall mean a regulated premise that receives more than 5 children or senior adults, primarily for the purpose of providing temporary care, or guidance, or both, for a continuous period, not exceeding twenty-four hours.

2.40 Demolition

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

2.41 Detached

Shall mean "not attached".

2.42 Development

Means the construction or erection of buildings or structures on, or the excavation and grading of land.

2.43 Dock

Shall mean a structure attached to on land or in the water to be used for transferring goods or passengers to or from land to a boat or airplane.

2.44 Dwelling

Shall mean a building, occupied or designed to be occupied exclusively as a home, residence or sleeping place by one or more persons.

2.45 Dwelling, Duplex

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

2.46 Dwelling, Modular

Shall mean a prefabricated single detached dwelling being so constructed or assembled that the shortest side of such dwelling is not less than 6 metres in width.

2.47 Dwelling, Multiple

Shall mean a building used, designed, or intended to be used for occupancy as 3 or more dwelling units independently of each other.

2.48 Dwelling, Semi-detached

Shall mean a building that is divided vertically into 2 dwelling units designed or intended to be used for occupancy as a single dwelling unit and which dwelling units may be held in separate ownership. This definition shall not include a mobile home as defined herein.

2.49 Dwelling, Single-detached

Shall mean a separate building or factory built twin-wide or double-wide modular home designed, used, or intended to be used for occupancy as a single dwelling unit. This definition shall not include a mobile home as defined herein.

2.50 Dwelling, Townhouse Street

Means a townhouse or row house dwelling which has direct access and frontage along a public street. Each dwelling unit may be located on a separate lot. For street townhouses, the maximum number of attached units shall be 8 units.

2.51 Dwelling, Two Unit

Shall mean a building used, designed or intended to be used for occupancy as 2 independent dwelling units and includes a duplex dwelling or semi-detached dwelling.

2.52 Dwelling Unit

Shall mean one or more habitable rooms occupied or designated to be occupied by an individual or family, as an independent and separate housekeeping establishment, in which separate kitchen and sanitary facilities are provided for the use of such individuals or family, with a private entrance from outside the building or from a common hallway or stairway inside the building.

2.53 Dwelling Unit, Bachelor

Means a dwelling unit in which only one room or part thereof contains sleeping accommodation, and which room is used as a living or dining room or both, as well as for sleeping purposes, but does not mean or include a dwelling unit containing one or more rooms designed exclusively for sleeping accommodation

2.54 Easement

Shall mean any right, liberty or privilege in, or along or under which a person may have with respect to any land in the Municipality.

2.55 Entertainment Facility

Shall mean a building or facility for the use of a motion picture or other theatre, arena, auditorium, public hall, bingo hall, billiard or pool room, arcade, bowling alley, ice or roller skating rink, but does not include an adult entertainment establishment designed to appeal to erotic or sexual inclinations.

2.56 Erect

Shall mean to do anything including the building, construction, reconstruction, installation, enlargement, extension or material alteration or repair of a building or structure and shall include the relocation of a building or structure, the installation of a building unit fabricated or removed from elsewhere, the demolition or removal of a building or any part thereof and any physical operation such as excavating, filling, grading or draining preparatory to building construction or reconstruction. "Erected" and "erection" shall have corresponding meanings.

2.57 Existing

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

2.58 Financial Institution

Shall mean a commercial establishment such as a bank, trust company, credit union or other similar business or institution where money is deposited, kept, lent and exchanged.

2.59 Flood Plain

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

2.60 Flood Proofing

Shall mean the combination of structural changes and/or adjustments incorporated into the basic design and/or construction or alteration of individual buildings, structures or properties subject to flooding so as to reduce or eliminate flood changes. The word "flood proofed" has a corresponding meaning.

2.61 Floodway

Shall mean the channel of a watercourse and that portion of the flood plain where flood depths and velocities are generally higher than those experienced in the flood plains. The floodway represents that area required for the safe passage of flood flows and that area where flood depths and velocities are considered as such that they pose a potential threat to life and property. See Atikokan River Flood Risk Map.

2.62 Floor Area

Shall mean the sum of the areas of all of the floors of a building or structure measured from the outside of all outside walls, exclusive of any attached accessory building, terrace, veranda, unfinished attic, basement, cellar, open or enclosed porch or sunroom, unless such sunroom or enclosed porch is an integral part of the building and habitable in all seasons.

2.63 Floor Area, Ground

Means the floor area of the lowest storey of a building approximately at or just above the finished grade level excluding any basement, which area is measured between the exterior faces of the exterior walls at the floor level of such storey but excludes car parking areas within the building.

2.64 Forestry Use

Shall mean the raising and harvesting of wood and, without limiting the generality of the foregoing, includes the raising and cutting of fuel wood, pulp wood, lumber, Christmas trees, and other forest products.

2.65 Garage, Private or Carport

Shall mean a building or portion of a building designed for the storage of private passenger motor vehicles wherein no service for profit is rendered; where such structure is attached to the main building, it shall be deemed to be part of the main building and not an accessory building.

2.66 Garden Suite

Shall mean a self contained temporary dwelling pursuant to Section 39 of the Planning Act, that is accessory to the main dwelling unit with its own kitchen, bathroom and living area which is designed to be temporary and is sometimes referred to as a "granny flat". A garden suite shall not be severed from the main residential dwelling.

2.67 Golf Course

Shall mean a public or private area operated for the purposes of playing golf and does not include golf driving ranges.

2.68 Golf Driving Range

Shall mean a public or private area for the purpose of practicing golf driving techniques and is equipped with distance markers, lighting, safety nets, parking areas, golf equipment rental facilities and washrooms, but does not include a golf course.

2.69 Grade

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

2.70 Group Home

Shall mean a single housekeeping unit in a residential dwelling in which a maximum of 5 persons (excluding supervisory staff or the receiving family) live under responsible supervision consistent with the particular requirements of its residents. The group home shall conform to municipal By-laws and shall be licensed and/or approved by the Province of Ontario.

2.71 Guest Cabin

Shall mean a dwelling unit for guest accommodation accessory to a seasonal residential dwelling or a single detached dwelling which contains no provision for cooking and is not used year-round for human habitation. A guest cabin shall not be severed from the main cottage dwelling.

2.72 Habitable Room

Shall mean a room in a dwelling used for human occupancy but does not include a bathroom, toilet room, serving or storage pantry, laundry and corridor.

2.73 Hazard Land

Shall mean land which exhibits, or potentially exhibits, a hazardous condition as a result of its susceptibility to flooding, erosion, subsidence, inundation, as the presence of organic soils or steep slopes, or where, by reason of its low lying marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive. Along river and stream systems this means the land, including that covered by water, to the farthest landward limit of the flooding and erosion hazard limits. See Ministry of Natural Resources Flood Risk Mapping.

2.74 Height

When used with reference to a building or structure, shall mean the vertical distance in metres between the horizontal plane through the established grade and a horizontal plane to the highest point of the roof assembly

2.75 Home Day Care

Shall mean a dwelling unit where a maximum of 5 children or senior adults, who are not residents of the dwelling, are provided temporary care, guidance, or both for a continuous period, not exceeding 24 hours.

2.76 Home Occupation

Shall mean the use of part of a dwelling unit or an accessory building to a dwelling unit for a use by one of the permanent residents of such dwelling unit, which is clearly secondary to the main use of the dwelling unit. See Sec. 4.13.

2.77 Hotel

Shall mean any hotel, tavern, inn, lounge, or public house in one main building or in two or more buildings used mainly for the purposes of catering to the needs of the travelling public by supplying food and furnishing sleeping accommodations of not less than 6 guest rooms, and shall include all buildings liable to be licensed under the Liquor License Act, and operating under the Tourist Act, as revised or amended from time to time.

2.78 Hunt Camp

Shall mean an area where one or more buildings and/or tents are used for sleeping, accommodations, the preparation and serving of food and/or sports or recreation facilities and are intended for uses as a base camp for hunting, fishing, trapping, mining or forestry. A hunt camp is to be used on a temporary or seasonal basis, and is not a commercial facility.

2.79 Industrial Use

Shall mean the use of land, buildings or structures primarily for manufacturing, processing and assembling of goods or raw materials warehousing and bulk storage of goods and repair and servicing of goods including transportation terminals.

2.80 Institutional Use

Shall mean the use of land, buildings or other structures for some public or social purpose and may include governmental, religious, educational, charitable, philanthropic, hospital or other similar uses.

2.81 Kennel, Animal

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

2.82 Landscaped Area

Shall mean an area not built upon and not used for any purpose other than as a landscaped area, which may include grass, shrubs, flowers, trees and similar types of vegetation and appurtenances, but does not include parking areas, parking lots, driveways or ramps.

2.83 Lane

Shall mean a public thoroughfare or way, not more than 9 metres wide, which affords only secondary means of access to abutting lots.

2.84 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 main use of the lot or any buildings thereto, and which has unobstructed access to a road or lane.

2.85 Lodging House

Shall mean an establishment catering to the vacationing public by providing meals and sleeping accommodation with at least 3 guest rooms or cabins, but shall not include a hotel, home or institution licensed, approved or supervised under any other provincial legislation.

2.86 Lot

Shall mean a parcel or tract of land which is capable of being legally conveyed in accordance with the Planning Act, as amended or revised from time to time.

2.87 Lot Area

Shall be the total horizontal area within the lot lines of a lot.

2.88 Lot, Corner

Shall mean a lot situated at the intersection of, or abutting upon, two or more roads, provided that the angle of intersection of such roads is not more than 135 degrees and each of which is at least 10 metres wide, where such adjacent sides are curved, the angle of intersection of such street lines shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the interior lot lines, and the corner of the lot shall be deemed to be that point of intersection of the said tangents.

2.89 Lot Depth

Shall mean the horizontal distance between the midpoints of the front and rear lot line, lot depth means the horizontal distance between the midpoint of the front lot line and the apex of the triangle formed by the side lot lines.

2.90 Lot Frontage

Shall mean the horizontal distance between the side lot lines of a lot measured at right angles, but where such lot lines are not parallel, the lot frontage shall be measured perpendicularly to the line joining the midpoint of the front and midpoint of the rear lot lines at a point 7.5 metres back from the front lot line. Where the side lines meet, the lot frontage shall be measured perpendicularly to the line joining the apex of the triangle formed by the side lot lines and the midpoint of the front lot line at a point measured 7.5 metres back from the front lot line. Where the front lot lines are curved, the lot frontage shall be measured along the line between the interior side lot line and the intersection or the tangents to the street line, drawn through the front lot line and exterior side lot line.

2.91 Lot, Interior

Shall mean a lot other than a corner lot which is situated between adjacent lots and has access to one road.

2.92 Lot Lines

Shall mean the boundary lines of a lot defined as follows:

- a) Front Lot Line shall mean:
 - i) in the case of an interior lot, the lot line dividing the lot from the road;
 - ii) in the case of a corner lot, the shorter lot line abutting the road unless each lot line is of equal length, in which case the front lot line shall be the lot line where the principal access to the lot is provided;
 - iii) in the case of a through lot, the front lot line shall be the lot line where the principal access to the lot is provided;
 - iv) in the case of a waterfront lot, either the shoreline or street line shall be deemed the front lot line;
- b) Rear Lot Line shall mean the lot line farthest from and opposite the front lot line.
- c) Side Lot Line shall mean a lot line other than a front or rear lot line.
- d) Side Lot Line, Exterior shall mean a side lot line that is also a street line.

2.93 Lot, Through

Shall mean a lot bounded on two opposite sides by roads each of which is at least 10 metres wide, provided, however, that if any lot qualifies as being both a corner lot and a through lot, such lot shall be conclusively deemed to be a corner lot.

2.94 Lot, Waterfront

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

2.95 Main Building

Shall mean the building or structure in which is conducted the principal use for which the lot is used.

2.96 Main Wall

Shall mean the structural sheeting or foundation wall of the exterior front, sides or rear wall of a building and all structural members to the support of a fully enclosed space or roof.

2.97 Marina

Shall mean a commercial establishment where a boathouse, boat storage, boat repair facilities boat rental, pier, dock or jetty facilities, or any combination thereof, are available for marine craft and may include a pump for the fuelling of marine craft and a building or structure for the sale or repair of marine craft and accessories.

2.98 Mine Hazard

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

2.99 Mining Operation

Shall mean a mining operation and associated facilities, or past producing mines with remaining mineral development potential that has not been permanently rehabilitated to another use.

2.100 Mobile Home

Shall mean any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed.

2.101 Mobile Home Park

Shall mean a lot managed by a mobile home park operator, for the permanent placement of one or more mobile homes or factory built park model homes or double-wide homes on individual mobile home sites, and may include a park or place of recreation.

2.102 Mobile Home Site

Shall mean a parcel of land within a mobile home park which is serviced and intended for the placement of one mobile home.

2.103 Modular Home, Double-Wide or Twin-wide

Shall mean a mobile home where the two halves of the unit have been joined and placed on a permanent foundation, such as a poured concrete or mortared concrete block foundation.

2.104 Motel

Shall mean a commercial establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom, located on a single site, accessed by a separate entrance directly from outside of the building, and designed for use by the travelling public and may include restaurant facilities, a banquet hall, meeting rooms, licensed lounge, convenience store, gift shop and indoor or outdoor commercial recreational facilities and commercial entertainment facilities.

2.105 Municipality

Shall mean the Corporation of the Town of Atikokan.

2.106 Navigable Waterway

Shall mean a navigable body of water or stream as deemed under the Beds of Navigable Waters Act, and includes any body of water which is capable in its natural state or at normal water level of being navigated by floating vessels for the purpose of transportation, recreation or commerce.

2.107 Non-Complying

Shall mean a use, building, or structure which is existing but does not meet, comply or agree with the regulations of this By-law, but is a permitted use, building or structure within the zone in which it is located.

2.108 Non-Conforming

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

2.109 Non-Residential

When used with reference to a building, structure or use, shall mean designed, intended or used for purposes other than those of a dwelling.

2.110 Nursing Home

Shall mean a place where accommodation and care are provided for one or more persons, who, by reason of age or infirmity, are in need of same.

2.111 Obnoxious Use

Shall mean an offensive trade within the meaning of the Public Health Act, or any use which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas fumes, vibration or refuse matter.

2.112 Open Storage

Shall mean the storage of goods, merchandise or equipment in the open air and in unenclosed portions of buildings which are open to the air on one or more sides.

2.113 Park, Private

Shall mean a park controlled or owned by a private individual, group or organization and which may not be open to the public.

2.114 Park, Public

Shall mean a park controlled or owned by the Municipality or a public authority and which is normally open to the public.

2.115 Parking Lot, or Parking Area

Shall mean an area for the parking of vehicles, not including commercial vehicles and may include aisles, parking spaces and related entrance and exit lanes, but shall not include any part of a road.

2.116 Parking Space

Shall mean an area 3 metres by 6 metres enclosed in a building including a garage, or unenclosed, and set aside for the temporary storage of a vehicle.

2.117 Parking, Tandem

Shall mean the parking of two or more vehicles one behind the other in a row.

2.118 Permitted

Shall mean permitted by this By-law.

2.119 Person

Shall include an individual, an association, a firm, a partnership, a corporation, a trust, a incorporated company, an organization, a trustee or agent and their heirs, executors or other legal representatives of a person to whom the same can apply according to law.

2.120 Personal Service Establishment

Shall mean a building or part thereof in which persons are employed in furnishing services and otherwise administering to individual and personal needs and may include, but not be limited to, the premises of a barber, hairdresser, beautician and shoe repair establishment, but shall not include an adult entertainment parlour. The sale of merchandise shall be permitted only as an accessory use to the personal service provided.

2.121 Portable Asphalt Plant

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

2.122 Private Club

Shall mean a building or part thereof used as a meeting place for members of an organization not operated for profit or of an athletic, social or recreational club not operated for profit.

2.123 Professional Office

Shall mean a building or part thereof in which a legal, medical, or other professional service is performed or consultation is given including, but not so as to limit the generality of the foregoing, the offices of a lawyer, architect, a surveyor, an engineer or an accountant, but does not include a personal service establishment, a business office, a veterinarian's clinic, an animal hospital or shelter, a body-rub parlour or any adult entertainment parlour as defined in the Municipal Act.

2.124 Public Authority

Shall mean any Federal or Provincial agency, school board, public utility commission, transportation commission, public library board, board of parks management, board of health, board of commissioners of police, planning board or other board or commission or committee or local authority established or exercising any power or authority under any general or special statute of Ontario or Canada with respect to any of the affairs or purposes of the Municipality or any portion thereof, and includes any committee or local authority established by By-law of the Municipality.

2.125 Public Services

Shall mean the buildings, structures and other related works necessary for supplying water, gas, oil, electricity, steam, hot water, telephone services, telecommunication services, sewage collection and treatment facilities and other services provided by a public authority.

2.126 Quarry

Shall mean a place where consolidated rock has been or is being removed by means of an open excavation, and includes the processing thereof for commercial purposes including screening, sorting, washing, crushing, and other similar operations, required buildings and structures.

2.127 Recreation Use

Means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres, snow skiing and other similar uses, together with necessary and accessory buildings and structures, but does not include a track for racing animals, motor vehicles, snowmobiles, all terrain vehicles or motorcycles.

2.128 Redevelopment

Shall mean the creation of new residential units on land previously used for residential or non-residential purposes, where demolition of the previous structure is to take place or has taken place.

2.129 Religious Retreat

Shall mean the use of land for religious purposes and includes a place of worship, temporary sleeping accommodation and sanitary facilities.

2.130 Renovation

Shall mean to restore by improving or repairing to an earlier condition.

2.131 Residential Intensification

Shall mean the creation of new residential units or accommodation in existing buildings or on previously developed land generally including the creation of accessory dwelling units, conversion of non-residential uses to residential uses, infilling and redevelopment.

2.132 Residential Unit

Shall mean the use of land, buildings or structures for human habitation.

2.133 Residential Use

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

2.134 Residential Use, Recreational

Shall mean a dwelling which is used as an occasional and seasonal residential dwelling for the recreation, rest or relaxation and enjoyment of the surrounding natural environment by one household and not occupied continuously or as a principal residence or as a year round permanent dwelling.

2.135 Resort

Shall mean a tourist commercial use that operates throughout all or part of the year and that has facilities for serving meals and furnishing equipment, supplies or services to persons in connection with recreational purposes.

2.136 Resource Management

Shall mean the use of land solely for the preservation and enhancement of the natural environment.

2.137 Restaurant

Shall mean a building used for the purpose of serving food and/or refreshments including a licensed establishment, and may include catering and take-out food facilities as an accessory use.

2.138 Retail or Service Store

Shall mean a building or part of a building where goods, wares, merchandise or articles are offered or kept for sale at retail directly to the public and includes storage on or about the premises.

2.139 Right-of-Way or Easement

See Easement

2.140 Road Allowance

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

2.141 Road, Private

Shall mean a road not under the jurisdiction of the Municipality or the Province that has been developed by private initiatives to provide access abutting lands which may have restricted access to the general public.

2.142 Road, Public

Shall mean a public highway under the jurisdiction of the Municipality or the Province or as shown on a plan of subdivision with respect to which a subdivision agreement has been entered into which affords the principal means of access to abutting lots, but does not include a public lane or right-of-way.

2.143 Salvage Yard

Shall mean a lot, building or structure used for wrecking, dismantling, storing or selling used goods, wares or materials including, but not so as to limit the generality of the foregoing, rags, bones, bottles, metals, clothing, furniture, paper, machinery, building materials, vehicles and parts thereof.

2.144 School

Shall mean a school under the jurisdiction of a Board as defined in the Education Act, a college, a university or any other education establishment including, but not necessarily restricted to, a nursery school or a boarding school having accessory dormitory facilities.

2.145 School, Commercial

Means a school operated by one or more persons for gain or profit.

2.146 School, Private

Means a school, other than a public school or a commercial school, under the jurisdiction of a private board or trustees or governors, a religious organization or charitable institution.

2.147 School, Public

Means a school under the jurisdiction of a public agency.

2.148 Seasonal Camp

Shall mean an establishment that is owned and operated by a private club or organization for the boarding and lodging of children during the summer months only, and may include such recreational activities as boating, swimming, crafts, riding, archery, etc.

2.149 Seasonal Residential

Shall mean a dwelling which is used as an occasional and seasonal residential dwelling for the recreation, rest or relaxation and enjoyment of the surrounding natural environment by one household and not occupied continuously or as a principal residence or as a year round permanent dwelling and shall have the same corresponding meaning as "Cottage" "Cabin" and "Residential Use, Recreational".

2.150 Service Industries

Shall mean a bake shop, a public garage, including engine and body repair shop, a printing establishment, a paint shop, plumbing shop, sheet metal shop, welding shop, vehicle inspection station, boat repair and construction, small engine repair shop, woodworking shop, telecommunications shop and similar non-effluent producing uses. Sale of product directly related to the service industry is permitted.

2.151 Service Shop

Shall mean a building or part thereof used for the sale or repair of household articles and includes radio, television and appliance repair shops, but does not include industrial or manufacturing uses or motor vehicle repair shops.

2.152 Setback

Shall mean the horizontal distance between the nearest part of any main wall of any building or structure and the centre line of a road allowance measured at right angles to such centre line.

2.153 Setback From Top of Bank

Shall mean the horizontal distance from the point of the slope or bank where the downward inclination of the land begins or the upward inclination of the land levels off to the nearest part of any main wall of any building or structure.

2.154 Setback From Water

Shall mean the horizontal distance between the normal or controlled high water mark of any navigable waterway and the nearest part of any main wall of any building or structure.

2.155 Shopping Centre

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

2.156 Shoreline

Shall mean any land or portion thereof which abuts a navigable waterway or water body.

2.157 Sight Triangle

Shall be determined by connecting two points which are obtained by measuring a distance of 6.0 metres drawn along each lot line abutting the street line from a point where the tangents of the lot lines abutting the street lines intersect. Where a railway right-of-way and street line intersect, no buildings or structures, vehicles, open storage, landscaping, signage or any other use exceeding 6.0 metres of the street elevation shall be located within a 15.0 metre radius measured in all directions from the boundary of the railway right-of-way.

2.158 Storey

Shall mean that portion of a building:

- a) which is situated between the surface of any floor and the surface of the floor next above it and if there is no floor above it, that portion between the surface of any floor and the ceiling above it;
- b) which is more than 50% above the average finished grade; and
- c) which has a height of not less than 2 metres and includes an attic having not less than 2 metres headroom for at least 50% of the attic floor area.

2.159 Storey, First

Shall mean the lowest storey of a building whereby the ceiling is at least 1.5 metres above finished grade.

2.160 Street, Highway or Road

Shall be considered to be synonymous and have the meaning as defined for "Road, Public".

2.161 Structure

Shall mean anything that is erected, built or constructed of parts joined together and which is fixed to or supported by the soil but not a terrace, patio, sign, boundary wall, fence, bridge or culvert.

2.162 Tavern

Shall mean a building, where alcoholic beverages are sold to be consumed on the premises and shall include all such buildings operating or liable to be licensed under the Liquor License Act, as amended or revised from time to time.

2.163 Temporary Buildings

The temporary use of buildings and structures, including mobile homes, incidental to and accessory for lawful construction work, will be permitted in all zones, but only for so long as the same are necessary for the construction work subject to an agreement with the municipality.

2.164 Tourist Home

Shall mean a tourist establishment containing 3 or more guest rooms or cabins for hire for a single night or for less than a month at a time and may include accommodation for permanent staff and a dining room, meeting room, recreational facilities or similar uses.

2.165 Trailer

Shall mean a vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by a motor vehicle and capable of being used for temporary living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked up or that its running gear is removed. This definition shall not include a mobile home as defined herein.

2.166 Trailer Park

Shall mean any land upon which any travel trailer tent, or tent trailer is used or intended to be used for temporary occupation.

2.167 Use

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

2.168 Use, Continuous

In the context of Section 4.19, Non-Conforming Uses shall mean the continuous use of a lot, building or structure, notwithstanding a change of ownership of the property where the use is located. Use shall further be deemed to be continuous if, after having ceased, the same use recommenced within a period of one year from the date of cessation, and/or if a structure is destroyed or damaged, it is rebuilt or repaired for the same use within a period of one year from the date of its destruction or damage. This is in addition to the protection afforded by Section 34(9) of the Planning Act.

2.169 Vehicle

Includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, motorized snow vehicle and any vehicle drawn, propelled or driven by any kind of power.

2.170 Warehouse

Shall mean a building or part thereof which is used primarily for the housing, storage, adapting for sale, packaging or distribution of goods, wares, merchandise, foodstuff, substances, articles or things, and includes the premises of a warehouseman, but does not include a fuel depot.

2.171 Waste Disposal Area

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

2.172 Watercourse

Shall mean the natural channel for a stream of water and for the purpose of this By-law, includes any watercourse shown on Schedule "A", "B" of this By-law.

2.173 Wayside Pit or Quarry

Shall mean a temporary open excavation made for the removal of soil, earth, clay, marl, silt, sand, gravel or consolidated rock, opened and used by a public road authority, or person or company operating under the authority of the Ministry of Transportation, solely for the purposes of road construction.

2.174 Yard

Shall mean an open space on the same lot with a main building or structure, unoccupied and unobstructed from the ground to the sky, except as otherwise permitted by this By-law. In determining yard measurements the minimum horizontal distance between the nearest wall of the main building or structure and the respective lot lines measured perpendicular from the lot line shall be used:

- a) Front Yard shall mean a yard extending across the full width of a lot between the front lot line and nearest main wall of the main building or structure on the lot;
- b) Rear Yard shall mean a yard extending across the full width of a lot between the rear lot line and the nearest main wall of the main building or structure on the lot;

- c) Side Yard shall mean a yard between the nearest side wall of the main building or structure on the lot and the side lot line and extending from the front yard to the rear yard;
- d) Exterior Side Yard shall mean a side yard immediately adjoining a public or private street or abutting a reserve on the opposite side of which is located a private or public street; and
- e) Interior Side Yard shall mean a yard extending from the front yard to the rear yard and from the interior side lot line to the nearest part of the principal building, structure or excavation on the lot.

2.175 Zone

Shall mean a designated area of land shown on Schedule "A" and "B" hereto.

2.176 Zoned Area

Shall mean all those lands lying within the corporate limits of the Town of Atikokan.

2.177 Zoning By-law Enforcement Officer

Means a person appointed by Council and charged with the duty of enforcing the provisions of the Zoning By-law and any amendments hereto.

SECTION 3 - ZONES AND ZONE MAP

3.1 Establishment of Zones

For the purpose of this By-law, the maps hereto attached as Schedule "A" and Schedule "B" shall be referred to as the "Zoning Maps" for the Town of Atikokan and the said zoning maps shall be divided into the following zones:

<u>Zone</u>	<u>Symbol</u>
Resource Development Zone	RD
Rural Residential Zone	RR
Residential 1 Zone	R1
Residential Multiple Zone	R2
Mobile Home Residential Zone	R3
General Commercial Zone	C1
Highway Commercial Zone	C2
Neighbourhood Commercial Zone	C3
Tourist Commercial Zone	TC
Industrial Zone	M1
Institutional Zone	I
Open Space Zone	OS
Environmental Protection Zone	EP
Holding Zone	H

3.2 Use of Zone Symbols

A zone may be identified by its zone symbol and may be referred to as a zone, e.g. "R1 Zone" means Residential 1 Zone. On a Zone Map, the zone symbol "R1" has the same corresponding meaning.

3.3 Interpretation of Zone Boundaries

Where any uncertainty exists as to the location of the boundary of any of the said zones, as shown on the zoning maps, the following shall apply:

- a) Unless otherwise shown, the boundary of the zones as shown on the zoning maps and the centre lines of the road allowance or lot lines and the projection thereof;
- b) Where zone boundaries are indicated as approximately following lot lines shown on a plan of subdivision, such lot lines shall be deemed to be the said boundary;
- c) Where zone boundaries are indicated as approximately parallel to the line of any road and the distance from such road is not indicated, such zone boundaries shall be construed as being parallel to such road and the distance there from shall be determined by the use of the scale shown on the zoning maps;
- d) Unless otherwise indicated, a road, lane, or watercourse included on the zoning maps, is included within the zone of the adjoining property on either side thereof; and where such road, lane, right-of-way or watercourse serves as a boundary between two or more different zones, a line midway in such road, lane, right-of-way or watercourse and extending in the general direction of the long division thereof is considered the boundary between zones, unless specifically indicated otherwise;
- e) In the event a dedicated road, lane or right-of-way shown on the zone maps is closed, the property formerly in said road lane or right-of-way shall be included within the zone of the adjoining property or either side of the said closed road lane right-of-way and the zone boundary shall be the former centre line of the closed road, lane or right-of-way;
- f) Where any zone boundary is left uncertain after application of the preceding provisions, then the boundary line shall be determined according to the scale on the zoning maps in the office of the Chief Building Official; and
- g) Wherever it occurs, the municipal limit of the Town of Atikokan is the boundary of the zone adjacent to it.

3.4 Special Provisions

Whenever lands on any Zoning Schedule have the zone symbol followed directly by a dash (-) and a number, e.g. RD-1, such lands shall be considered to have a "Special Provision" number and to have referenced to a Zone subsection. The said lands shall be subject to the provisions of the relevant zone category and all other provisions contained herein, and shall in addition, be subject to any special provisions provided for within the relevant special provision subsection of the relevant zone.

SECTION 4 - GENERAL PROVISIONS

4.1 Application

The provisions of this section apply in all zones except as may be indicated otherwise.

4.2 Accessory Uses

Accessory uses, buildings or structures, are permitted in any yard, in any zone, subject to the provisions of this By-law for the particular zone in which said building, structure, or use is located, and provided that the accessory building, structure or use:

- a) shall not be used for human habitation, except where a residential use is a permitted accessory use;
- b) accessory uses must follow the following criteria:
 - i. lot areas up to 3500 square metres maximum accessory use must be near to 45 square metres.
 - ii. lot areas 325 square metres up to 465 square metres maximum accessory use must be near to 67 square metres.
 - iii. lot areas greater than 465 square metres maximum accessory use must be near to 67 square metres or 10% of lot areas.
- c) guest cabins are recognized as an accessory use;
- d) shall not be built closer to the front lot line or side lot line than the minimum distance required by this By-law for the main building on the lot unless otherwise specified;
- e) in a residential zone, shall not be located in the front yard or the exterior side yard, in the case of a corner lot except for a detached garage which may be permitted in a front yard or exterior side yard;
- f) in a commercial and industrial zone shall not be built closer to the street than the main building is to that street;
- g) shall not be built closer than 1.0 metre to any lot line except that where a lot abuts a lane an accessory building or structure may be located not less than 0.5 metres from the said lane;
- h) in a residential zone shall not exceed 4.5 metres in height, or contain more than one storey, except that where a dwelling unit is a permitted accessory use it shall not exceed 6.0 metres in height, or contain more than two storeys. In all other zones the maximum height shall not exceed 6.0 metres;
- i) shall not be considered as an accessory building or structure if attached to the main building in any way;
- j) shall not be considered an accessory building or structure if located completely underground;
- k) shall not encroach in any utility easement; and
- l) may be permitted in the front yard of a lot having frontage on a lake or river.
- m) Shall not exceed the area of the main building.
- n) In a residential zone an accessory use only permitted when incidental or subordinate to main residence structure.

4.3 Automobile Wrecking Yards and Scrap Metal Yards

Where land is used for the purpose of an automobile wrecking yard or scrap metal yard or similar use, the storage of derelict automobiles, scrap metal, junk and other material shall not be carried out in that part of the land designated herein as the required front yard, required side yard or required rear yard. A natural or artificial screen or buffer strip shall be provided to obscure the subject property from the street on which the lands abut and from any adjoining properties to the side or rear of the subject property and shall be a minimum of 6.0 metres in width in compliance with Section 4.5 of this By-law.

4.4 Bed and Breakfast Establishments

Where permitted, a bed and breakfast establishment shall be subject to the requirements of the zone in which it is located and the following:

- a) be permitted only within an existing single detached and semi-detached residential dwelling;
- b) be clearly secondary to the main residential use;
- c) be operated by a resident of the dwelling, in which the bed and breakfast establishment is located;
- d) not contain more than 3 guest bedrooms; and
- e) in the Residential area no outside display or advertising shall be permitted, other than a non-illuminated sign which shall not exceed 1.5m² in area indicating the name of the bed and breakfast establishment.

4.5 Buffer Strips

- a) A buffer strip shall be used for no other purpose than for the erection of a fence or the planting of a continuous row of natural evergreens or natural shrubs, immediately adjacent to the lot line or portion thereof along which such buffer strip is required hereunder, the remainder of the strip shall be landscaped and planted with ornamental shrubs, flowering shrubs, flower beds or a combination thereof;
- b) where a buffer strip is required in any zone, it shall be of a minimum width as specified in the regulations for that zone;
- c) a buffer strip shall be located within the zone for which it is required. It shall be planted, nurtured and maintained by the owner of the lot on which the buffer strip is located and the replacement of trees and plants shall be made, as necessary;
- d) a buffer strip may form part of any required landscaped open space.

4.6 Commercial Accessory Uses

Notwithstanding any other provisions of this By-law, where a commercial use is permitted as an accessory use in an industrial zone, it shall be located within the main building or within 2.0 metres of the main building, shall not exceed 10 percent of the total floor area of the main building, and shall not exceed a maximum floor area of the 278.0m².

4.7 Corner Lot Sight Restrictions

Notwithstanding any other provisions of this By-law, and except in a Commercial Zone on a corner lot, within the triangular space included between the street lines for a distance of 6 metres from the point of intersection, no building or structure including a fence or sign shall be erected and no shrubs or foliage shall be planted or maintained which obstruct the view of a driver or a vehicle approaching intersection.

4.8 Dangerous Uses

No land, building or structure shall be used in the built up area according to Schedule B in the Town of Atikokan for the industrial manufacture of coal oil, rock oil, fuel oil, burning fluid gas, naphtha, benzene, gasoline, dynamite, dualene, nitro-glycerine, gunpowder, petroleum products or other combustible or inflammable or liquid material which is likely to create danger to health, or danger from fire or explosion except as otherwise specifically provided for in this By-law.

4.9 Existing Lots

An existing lot, having less than minimum frontage or lot area required by this By-law, may be developed for all uses in the appropriate zone, provided all other regulations of this By-law are satisfied; and

- a) such lots can be safely serviced;
- b) such lots have a minimum frontage of 7.5 metres on a publically maintained year round open road; and
- c) has been continuously held in distinct and separate ownership in its entirety since the day of passing of the By-law; or
- d) is the whole of a lot on a registered plan of subdivision; or
- e) the deficiency has been caused by the conveyance to or the expropriation by any authority having the power of expropriation.

4.10 Garden Suites

- a) Garden suites shall be permitted as accessory temporary residential accommodation for a maximum of 10 years pursuant to Section 39 of the Planning Act, and shall be considered accessory to a permitted single detached or semi-detached dwelling;
- b) the garden suite shall not be permitted to separate by consent from the main residential dwelling on the lot;
- c) the garden suite shall be serviced from the main dwelling on the lot, subject to approval from the Health Unit where required; and
- d) an agreement between the homeowner and the Town is required to address such matters as maintenance and removal of the suite, period of occupancy and monetary or other form of security that the Town may require for the actual or potential costs to the Town related to the suite.

4.11 Group Homes

A group home, licensed by the appropriate Provincial Ministry, shall be permitted within any single detached dwelling, a semi-detached or duplex dwelling, subject to the requirements of this subsection:

- a) a group home shall have a maximum of 5 residents, excluding staff or receiving family; and
- b) save as hereinafter provided, a group home in any zone in which single unit residential uses are permitted shall not be within 300 metres of another group home.

4.12 Height Exceptions

The height regulations shall not apply to any ornamental dome, chimney, communications tower, power transmission tower, storage silo, barn, cupola, steeple, church spire, water storage tank, elevator enclosure, flag pole, television or radio antennae, grain elevator, mine headframe, windmill or weather monitoring device.

4.13 Home Occupation

Where a home occupation is permitted in a particular zone, it shall:

- a) have at least one permanent resident of the dwelling unit engaged in the business;
- b) have not more than one person, other than the owner(s), employed on a either a part-time or full-time basis;
- c) may be located in part of a dwelling or in an accessory building located on the same lot as the residential use provided the total gross floor area utilized by the home occupation does not exceed a maximum of 100m²;
- d) have no external display or advertising, other than a non-illuminated sign which is a maximum size of 0.2m²;
- e) there shall be no outside storage of goods, materials or finished products;
- f) be clearly secondary to the main residential use and not change the character of the dwelling unit as a private residence or create or become a nuisance due to such matters as noise, smell, hours of operation or traffic generation;
- g) have adequate area on the lot for the parking of licensed motor vehicles associated with the home occupation ; and
- h) ensure that the home occupation is suitably separated and buffered from adjacent residential uses.

4.14 Land Without Buildings

Where land is used for or in connection with any use but without any buildings or structures therein, all yards required by the By-law on a lot in the respective use zone shall be provided and maintained as yards and the applicable regulations shall apply, except where the land or lot is used for agriculture, gardening or open space purposes not prohibited by this By-law in such use zone.

4.15 Loading Spaces

No person shall erect or use any building or structure in any Commercial or Industrial Zone which involves the movement of goods, merchandise or materials, unless loading spaces are provided and maintained in accordance with the following provisions:

- a) one loading space shall be provided for each 278 m² or fraction thereof of the total floor area;
- b) loading spaces shall have dimensions not less than 3.0 metres by 7.5 metres; and
- c) loading spaces shall not have less than 4.5 metres of vertical clearance.

4.16 Loading Spaces Standards

Where in this By-law, loading spaces are required or permitted, the following standards shall apply:

- a) adequate driveway space to permit the safe manoeuvring, loading and unloading of vehicles on the lot such that they do not cause an obstruction or a hazardous condition on adjacent streets or sidewalks;
- b) adequate drainage facilities in accordance with the requirements of the municipality;
- c) illumination of loading spaces shall be so arranged as to be diverted away from any adjacent Residential or Open Space Zone;
- d) location of loading spaces to be restricted to the rear yard where a lot has access at both the front and rear to a street or road; and
- e) loading spaces and approaches shall be surfaced with concrete, asphalt, crushed stone, gravel or a combination thereof with a stable surface treated to prevent the rains of dust or loose particles.

4.17 Mobile Homes

Mobile homes shall only be permitted where specifically listed as permitted within a particular zone.

4.18 Non-Compliance with Minimum Lot or Yard Requirements

- a) where an existing building is located on a lot having less than the minimum frontage or area required by this By-law, or having less than the minimum setback, front yard, side yard, 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 setback, front yard, side yard, or rear yard having less than the minimum required by this By-law; and
 - ii) all other applicable provisions of this By-law are complied with;

- b) nothing in this By-law shall prevent the rebuilding or renovation of any building or structure that is damaged or destroyed by fire or an act of God, subsequent to the date of passing of this By-law provided that:

- i) the dimensions of the original building or structure are not increased;
- ii) only if the rebuilding or structure non-compliance is not further increased, or if the building or structure is to be more in compliance with the provisions of this By-law;

In the event that such a destroyed building or structure requires rebuilding then the gross floor area of the original structure and its location shall be verified through an Ontario Land Surveyor, or by equivalent information source, prior to work commencing;

- c) nothing in this By-law shall prevent the renovation, or internal alterations to any building or structure, which is a permitted use for the zone in which it is located which does not comply with the provisions of this By-law, provided that such alteration or renovation does not increase the height, size or volume of such building or structure; and
- d) the location of any building or structure shall be deemed to comply with a setback requirement if the actual setback is within 5% to a maximum of 15.24 cm (6 inches) of the by-law requirement in any zone.

4.19 Non-Conforming Uses

The provisions of this By-law shall not apply or prevent:

- a) the use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building or structure was lawfully used for such purpose on the date of passing of this by-law providing such use has been continuous since that date. A use is deemed to be continuous if having ceased for any reason, the use is re-established within one year;
- b) the use for any purpose prohibited by this By-law of any building or structures the plans for which have, prior to the date of the passing of the By-law, been approved by the Chief Building Official so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the erection of such building or structure is commenced within two years after the date of the passing of the By-law, and such building or structure is completed forthwith after the erection thereof is commenced;
- c) the reconstruction of any existing legal non-conforming building or structure that is damaged or destroyed by causes beyond the control of the owner provided that the dimensions of the original building or structure are not increased, the use of the building or structure is not changed; or
- d) the strengthening or restoration to a safe condition of any existing legal non-conforming building or structure the improvements are located within the perimeter of the existing non-conforming building or structure.

4.20 Obnoxious Uses

Nothing in this By-law shall be construed to permit the use of land for the erection or use of a building or structure for any purpose:

- a) that is or is likely to become a nuisance or offensive:
 - i) by the creation of noise or vibrations; or
 - ii) by reason of the emission of gas, fumes, dust or objectionable odour; or
 - iii) by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter or other such material; and
- b) which by the nature of the materials used therein is declared under the Public Health Act, as amended or revised or any regulations there under to be a noxious or offensive trade, business or manufacture.

4.21 Occupancy of Partially Completed Buildings

No new building, except in the case of an apartment building shall be occupied before the main walls and roof have been erected and the external siding and roofing have been completed, water and sanitary services are installed, kitchen and heating facilities have been installed and an occupancy permit has been issued by the Chief Building Official. Any dwelling unit in an apartment building may be occupied, provided that all of the above conditions are satisfied, notwithstanding that one or more of the dwelling units have not been completed.

4.22 Parking Areas Standards

Where in this By-law parking areas designed for 4 or more vehicles are required or permitted:

- a) adequate drainage facilities shall be provided and maintained in accordance with the requirements of the Municipality;
- b) the parking area and approaches shall be surfaced with concrete, asphalt, crushed stone, gravel or a combination thereof with a stable surface treated to prevent the raising of dust or loose particles;
- c) the lights used for illumination of parking areas shall be so arranged as to divert the light away from adjacent lots;
- d) parking areas shall be within 90.0 metres of the location which it is intended to serve and shall be situated in the same zone;
- e) a strip of land not less than 3.0 metres wide lying within the lot in which the parking area is located and along all boundaries of said area shall be used for landscaping, excluding those areas used as entrances and exits; and
- f) each parking space shall be 3.0 metres by 6.0 metres and shall be provided with unobstructed access to a street by a driveway, aisle or lane.

4.23 Parking for the Handicapped

Handicapped parking spaces shall be a minimum of 3.7 metres wide and the minimum number required to be provided shall be as follows:

TOTAL NUMBER OF PARKING SPACES	REQUIRED NUMBER OF HANDICAPPED SPACES
0-9	0
10-99	1
100-199	2
200 plus	3

4.24 Parking Requirements

- a) No person shall, within any Residential Zone, use any part of any front yard except the driveway for the parking or temporary storage of tent trailers, motor homes, travel trailers, truck campers, school buses, converted buses or fifth wheel units;
- b) where a building or structure accommodates more than one use, the required parking spaces shall be the sum of the required parking spaces for each use;
- c) where a building or structure has deficient parking spaces at the date of passing of this By-law to comply with the requirements herein, this By-law shall not be construed to require the deficiency be made up prior to the construction of any addition. However, no addition may be built and no change in use may occur, the effect of which would increase the number of deficient parking spaces;
- d) tandem parking of vehicles is permitted to accommodate the parking requirements for single detached dwellings, semi-detached dwelling units, duplex units, townhouse units, mobile homes, group homes, home occupations and home industries; and
- e) business and commercial uses located within the commercial core area of the town site of Atikokan in the General Commercial (C2) Zone are exempt from providing the required parking spaces as provided herein.

Off-street parking shall be provided in accordance with the following provisions:

TYPE OF USE OF BUILDING	MINIMUM PARKING REQUIRED
single detached dwellings, semi-detached dwellings, duplexes and mobile home	1.0 spaces per dwelling unit
multiple unit dwellings, townhouses, apartment dwellings	1 space per dwelling unit
senior citizens apartment house	1 space per dwelling unit
schools	1 space for each teaching staff member, plus 1 additional space for each 20 m ² of auditorium or gymnasium floor space
churches	1 space for every 6 seats or 4.0 metres of bench space of its maximum seating capacity
libraries	a minimum of 10 spaces or 1 space per 28 m ² of building floor space, whichever is greater
group homes	1 space for every 49 m ² of floor area with a minimum of 2 spaces
boarding house, rooming house, tourist home and bed and breakfast establishment	1.5 spaces for every 2 rooms rented
home occupation and home industry	1 space for each 28 m ² of floor area or fraction thereof devoted to said use in addition to the parking required for the dwelling
bowling alley	3 spaces per bowling lane

TYPE OF USE OF BUILDING	MINIMUM PARKING REQUIRED
curling rink	4 spaces per curling sheet
clinic	6 spaces per practitioner
offices	1 space per 28 m ² of floor area
retail or service stores	1 space per 28 m ² of retail floor area
hospital, nursing home	1 space for every 4 beds
auditoriums, restaurants, take-out restaurants, theatres, arenas, community centres, private clubs and other places of assembly	where there are fixed seats, 1 space for every 5 seats or for every 3.0 metres of bench space; where there are no fixed seats, 1 space for each 9.0 m ² of floor area devoted to public use
hotels, motels, taverns	1 space per rental unit, plus 1 additional space for each 9.0 m ² of floor area devoted to public uses such as restaurants, taverns and other eating places associated with motels and staff houses
industrial uses	1 space for each 93 m ² of floor area or for each 3 employees whichever is greater
golf course	2 spaces per hole
golf driving range	1 space for every 2 persons who can be accommodated at one time
riding stable	1 space for every 4 horses available for public riding
marinas	1 space per 28 m ² of retail floor area plus 1 space for each boat slip

4.25 Permitted Encroachments in Yards

Every part of any yard required by this By-law shall be open and unobstructed by any structure, other than fence, deck or patio from the ground to the sky, provided however that those structures listed in the following table shall be permitted to project into the yards indicated for the distances specified:

STRUCTURE	YARD IN WHICH PROJECTION IS PERMITTED	MAX. PROJECTION FROM MAIN WALL PERMITTED
sills, belt courses, cornices, eaves, gutters, chimneys, parapets or pilasters	Any yard	0.5 metres
fire escapes, and exterior staircases	Rear yard only	1.5 metres
window bays	Front and Rear yards only	1.0 metres
balconies	Front and Rear yards for single detached, semi-detached and duplex dwellings; any yard for apartment buildings	2.0 metres
open roofed porches not exceeding one storey in height; covered terraces	Any yard	2.5 metres including eaves and cornices
canopies over entrances	Any yard	3.0 metres
gate house	Any yard in a Commercial or Industrial Zone	1.0 metres from property boundary

4.26 Permitted Public Uses

Notwithstanding anything else in this By-law, 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 by any public authority provided that:

- a) the lot coverage, setback and yard requirements prescribed for the zone in which such land, building or structure is located are complied with, except electric power facilities;
- b) no goods, material, or equipment are stored in the open in a residential zone, or within 30.0 metres of a residential zone;
- c) any building erected in a residential zone under the authority of this paragraph is designed and maintained in general harmony with residential buildings of the type permitted in the said residential zone; and
- d) any parking and loading regulations are complied with.

4.27 Portable Asphalt Plants

Where in this By-law, a portable asphalt plant is permitted in a particular zone, it shall:

- a) not be located within the town site of Atikokan;
- b) not be located within 300 metres of an existing residential use; and
- c) not be located in an area where severe environmental disruption would occur.

4.28 Prohibited Uses

It shall be prohibited to use any land or to erect and use any building or other structure in any zone for the purpose of wrecking yards, automobile salvage yards, a waste disposal site or processing facility, a pit or quarry, the collection of rags, junk, any refuse, scrap iron, or other scrap metals, an abattoir or adult entertainment parlour unless such uses are specifically listed as permitted uses within a particular zone.

4.29 Service Stations, Public Garages and Gas Bars

- a) fuel pumps and fuel pump islands may be located in any required yard, however no portion of any fuel pump island shall be erected closer than 6.0 metres from any road allowance;
- b) the minimum distance from the intersection of the front and side lot line to the nearest ingress or egress ramp shall not be less than 9.0 metres;
- c) the maximum width of a curb ramp at the front or side lot line shall not be more than 7.0 metres;
- d) the minimum distance between the ramps shall not be less than 9.0 metres;
- e) a canopy or roof may be erected over fuel pumps and fuel pump islands or may be extended from the main building to the pump island, however a minimum setback of 3.0 metres is required between the extent of the canopy or the roof and any lot line; and
- f) where the lot is a corner lot, no portion of any canopy or roof shall be located within any sight triangle.

4.30 Services Required

Notwithstanding any other provisions of this By-law, no lands shall be used nor any building or structure erected or used thereon unless:

- a) public sanitary sewer and water services are available and capable of servicing the said land, buildings or structures; or
- b) unless the requirements of the Northwestern Health Unit or designated authority are met for the use of private water supply and sewage treatment services for the servicing of said land, buildings or structures.

4.31 Setback from Navigable and Non-Navigable Watercourses, Hazard Land and Municipal Surface Drains

Notwithstanding any other provisions of this By-law, a building in any zone is required to be no nearer than 15 metres from the top of the bank of any watercourse, or municipal drainage ditch permanent or intermittent, which may or may not be navigable. In the case of hazard lands, no part of any building shall be constructed closer than 15 metres to the nearest point of the area to which the hazardous condition is deemed to exist.

4.32 Setback from Waste Disposal Site

Notwithstanding any other provisions of this By-law, a residential building in any zone is required to be setback a distance of 500 metres from existing and former waste disposal sites.

4.33 Setbacks on Provincial Highways

A building or structure in any zone adjacent to a provincial highway is subject to the setback requirements of the Ministry of Transportation which may be greater than municipal requirements. In general, Ministry setback for residential uses along a provincial highway is 7.6 metres and all other uses require a 13.7 metres setback. The Ministry Transportation should be consulted for specific setback requirements along provincial highways.

4.34 Setbacks on Roads

Notwithstanding any other provisions of this By-law, a building or structure in any zone on a public road allowance which is less than 20 metres wide shall be set back 10 metres plus the required minimum front yard for that zone measured from the centre line of the road allowance.

4.35 Special Uses Permitted

Nothing in this By-law shall prevent the use of land or the use or erection of a building or structure for:

- a) a scaffold or other temporary building or structure incidental to construction in progress on premises for which a building permit has been granted, until such time as the work has been finished or abandoned;
- b) a sign having an area of not more than 4.7 m² incidental to construction in progress on premises for which a building permit has been granted, until such time as the work has been finished or abandoned;
- c) a street sign or street light or yard light;
- d) an authorized sign or signal; or
- e) public election list or other proclamation of governmental authority.

4.36 Structures in Water

No person shall erect, alter or use any structure located in navigable water except in compliance with the Lakes and Rivers Improvement Act, and the Navigable Waters Protection Act, as revised or amended from time to time.

4.37 Swimming Pools

See Municipal by laws dealing with swimming pool.

4.38 Temporary Buildings

The temporary use of buildings and structures, including mobile homes, incidental to and necessary for lawful construction work will be permitted in all zones, but only for as long as the same are necessary for the construction work subject to an agreement with the Municipality.

4.39 Truck, Bus and Coach Bodies or Trailers or Tents used for Human Habitation

Except as expressly permitted by this By-law:

- a) no truck, bus, railroad car, caboose, coach or streetcar body shall be used for human habitation whether the same is mounted on wheels or not; and
- b) the use of tents and trailers for human habitation is prohibited provided, however, that this provision shall not prevent the use of tents or trailers for children's play or for picnics, or for the occasional accommodation of guests in a Residential Zone.

4.40 Wayside Pits and Quarries

Where in this By-law, a wayside pit and quarry is permitted in a particular zone, it shall:

- a) not be located within 90 metres of an existing residential use; and
- b) not be located in an area where environmental disruption would occur.

4.41 Yard and Open Space Provision for all Zones

No part of a yard or other open space required abutting any building for the purpose of complying with the provisions of this By-law shall be included as part of a yard or other open space similarly required for another building.

SECTION 5 - RESOURCE DEVELOPMENT ZONE (RD) REGULATIONS**5.1 Permitted Uses**

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

- a) accessory uses
- b) agricultural use and agriculturally related commercial or industrial use
- c) airport
- d) animal kennel
- e) animal shelter
- f) camping on Crown lands
- g) conservation uses
- h) correctional facility
- i) existing aggregate extraction
- j) existing commercial and industrial uses
- k) existing electrical power generation and associated uses
- l) existing mobile home
- m) existing mining operations
- n) fish farm
- o) forestry use
- p) guest cabin
- q) home occupation
- r) modular dwelling
- s) mineral exploration
- t) peat extraction
- u) portable asphalt plant
- v) portable sawmill
- w) recreational uses
- x) recreational vehicle park
- y) seaplane base
- z) seasonal residential dwelling
- aa) single detached dwelling
- bb) sludge beds
- cc) tourist camps
- dd) trapping
- ee) waste disposal dump
- ff) water treatment plant
- gg) wayside pits and quarries
- hh) wildlife management

5.2 Zone Provisions for Residential Dwellings

- | | | |
|----|----------------------------|--------------|
| a) | Minimum Lot Area | 1.0 hectares |
| b) | Minimum Lot Frontage | 45.0 metres |
| c) | Maximum Lot Coverage | 15 percent |
| d) | Minimum Setback from Water | |
| | i. docks, boathouses, | |
| | saunas, pump houses | nil |
| | ii. other uses | 20.0 metres |

e)	Minimum Front Yard	15.0 metres
f)	Minimum Side Yard	10.0 metres
g)	Minimum Rear Yard	15.0 metres
h)	Maximum Dwelling Height	10.5 metres
i)	Minimum Dwelling Unit Area	65 square metres
j)	Exception Guest Cabins	37.0 square metres min.

5.3 Zone Provisions for Existing Commercial and Industrial Uses

a)	Minimum Lot Area	1.2 hectares
b)	Minimum Lot Frontage	90.0 metres
c)	Maximum Lot Coverage	15 percent
d)	Minimum Front Yard	15.0 metres
e)	Minimum Side Yard	15.0 metres
f)	Minimum Rear Yard	15.0 metres
g)	Maximum Height	10.5 metres
h)	Minimum Ground Floor Area	60 square metres

5.4 Minimum Distance Separation from Agricultural Uses

Notwithstanding the above provisions, the required front, rear or side yard for any building used to shelter animals shall be determined through the Minimum Distance Separation II formula.

5.5 Special Provisions

In accordance with Section 3.4 the following special provisions shall apply to those lands shown on the Zoning Schedule as having a reference to the corresponding special provision number.

- a) RD 1902 A Highway 11B
 MLFF5826
 Grid 53, PCL 14316
 Highway 11B

Notwithstanding the provisions of the Resource Development (RD) Zone, in addition to the permitted uses of the RD Zone, the lands indicated as RD-3 on Schedule "A" may be used as a storage facility for auto parts and automobiles subject to the owner entering into a site plan agreement with the Town of Atikokan.

- b) RD Charleson Recreation Area

Charleson Recreation Area development must be approved by Council and all construction must conform to Ontario building code requirements.

SECTION 6 - RURAL RESIDENTIAL ZONE (RR) REGULATIONS

6.1 Permitted Uses

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

- a) accessory uses
- b) a home occupation
- c) a modular home
- d) a single detached dwelling
- e) bed and breakfast establishment
- f) farming and agriculture
- g) guest cabin

6.2 Zone Provisions

- | | | |
|----|----------------------------|------------------|
| a) | Minimum Lot Area | 1.0 hectare |
| b) | Minimum Lot Frontage | 45.0 metres |
| c) | Maximum Lot Coverage | 35 percent |
| d) | Minimum Front Yard | 15.0 metres |
| e) | Minimum Side Yard | 7.5 metres |
| f) | Minimum Exterior Side Yard | 10.0 metres |
| g) | Minimum Rear Yard | 12.0 metres |
| h) | Maximum Building Height | 10.5 metres |
| i) | Minimum Dwelling Unit Area | 85 square metres |

6.3 Minimum Distance Separation from Agricultural Uses

Notwithstanding the above provisions, the required front, rear or side yard for any building used to shelter animals shall be determined through the Minimum Distance Separation II formula.

SECTION 7 - RESIDENTIAL 1 ZONE (R1) REGULATIONS**7.1 Permitted Uses**

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

- a) a bed and breakfast establishment
- b) a duplex dwelling
- c) a group home
- d) a home occupation
- e) a modular dwelling
- f) a semi-detached dwelling
- g) a single detached dwelling
- h) accessory uses
- i) day care facility

7.2 Zone Provisions for a Single Detached Dwelling

- a) Minimum Lot Area 465 square metres
- b) Minimum Lot Frontage 15.0 metres
- c) Maximum Lot Coverage 30 percent
- d) Minimum Front Yard 6.0 metres
- e) Minimum Side Yard 1.0 metres
- f) Minimum Exterior Side Yard 4.5 metres, except that where an entrance to a garage faces an exterior side yard, the minimum exterior side yard shall be 6.0 metres
- g) Minimum Rear Yard 7.5 metres
- h) Maximum Building Height 10.5 metres
- i) Minimum Dwelling Unit Area 80 square metres
- j) Accessory Building Setback 1.0 metre from property line or 0.5m from a laneway
- k) Exceptions for existing lots of less than 465 square metres
 - i) Minimum Lot Frontage 10.0 metres
 - ii) Maximum Lot Coverage 45 percent
 - iii) Minimum Dwelling Unit Area 65 square metres

7.3 Zone Provisions for Semi-Detached Dwellings

- | | | |
|----|----------------------------|--|
| a) | Minimum Lot Area | 558 square metres |
| b) | Minimum Lot Area per Unit | 279 square metres |
| c) | Minimum Lot Frontage | 18.0 metres |
| d) | Maximum Lot Coverage | 40 percent |
| e) | Minimum Front Yard | 6.0 metres |
| f) | Minimum Side Yard | 1.0 metres, no side yard is required for a semi-detached dwelling between the common vertical wall dividing one unit from another |
| g) | Minimum Exterior Side Yard | 4.5 metres on each side, except that where an entrance to a garage faces an exterior side yard, the exterior side yard shall be 6.0 metres |
| h) | Minimum Rear Yard | 7.5 metres |
| i) | Maximum Building Height | 10.5 metres |
| j) | Minimum Dwelling Unit Area | 60 square metres |
| k) | Accessory Building Setback | 1.0m from a property line or 0.5m from a Laneway |

7.4 Zone Provisions for a Duplex Dwelling

- | | | |
|----|----------------------------|--|
| a) | Minimum Lot Area | 558 square metres |
| b) | Minimum Lot Frontage | 18.0 metres |
| c) | Maximum Lot Coverage | 35 percent |
| d) | Minimum Front Yard | 6.0 metres |
| e) | Minimum Side Yard | 1.0 metres |
| f) | Minimum Exterior Side Yard | 4.5 metres on each side, except that where an entrance to a garage faces an exterior side yard, the exterior side yard shall be 6.0 metres |
| g) | Minimum Rear Yard | 7.5 metres |
| h) | Maximum Building Height | 10.5 metres |
| i) | Minimum Dwelling Unit Area | 80 square metres |
| j) | Accessory Building Setback | 1.0m from a property line or 0.5m from a Laneway |

SECTION 8 - RESIDENTIAL MULTIPLE ZONE (R2) REGULATIONS

8.1 Permitted Uses

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

- a) a boarding house, rooming house, lodging house, tourist house
- b) a home for the aged or retirement home
- c) a home occupation
- d) a single detached dwelling
- e) a semi-detached dwelling
- f) accessory uses
- g) apartment building
- h) existing commercial uses
- i) town housing - subject to a site specific zoning amendment

8.2 Zone Provisions for Single Detached Dwellings

In accordance with the provisions set out in Section 7.2.

8.3 Zone Provisions for Semi-Detached Dwellings

In accordance with the provisions set out in Section 7.3.
Bed and Breakfast permitted use in 8.2 and 8.3.

8.4 Zone Provisions for Apartment Building

- | | | |
|----|--|---|
| a) | Minimum Lot Area per Unit | 135 square metres |
| b) | Minimum Lot Frontage | 30.0 metres |
| c) | Maximum Lot Coverage | 35 percent |
| d) | Minimum Front Yard | 7.5 metres |
| e) | Minimum Side Yard | 4.5 metres, except that where the interior lot line abuts an R1 Zone, a minimum side yard equal to the building height is required, or whichever is greater |
| f) | Minimum Exterior Side Yard | 7.5 metres |
| g) | Minimum Rear Yard | 7.5 metres, except that where the rear lot line abuts an R1 or R3 Zone, a minimum rear yard equal to the building height is required, or whichever is greater |
| h) | Minimum Distance Between Apartment Buildings on the Same Lot | 15 metres |
| j) | Minimum Landscaped Open Space | 30 percent |
| k) | | |
| l) | Maximum Dwelling Height | 10.5 metres |

- | | | |
|----|----------------------------|---|
| m) | Minimum Dwelling Unit Area | |
| | i. Bachelor Unit | 37 square metres |
| | ii. One Bedroom Unit | 55 square metres |
| | iii. Two Bedroom or More | 65 square metres |
| l) | Buffer Strip | Where an apartment building abuts a R1 or R3 Zone, a buffer strip shall be provided along the property line having a minimum width of 3.0 metres in compliance with Section 4.5 |
| m) | Accessory Building Setback | 1.0m from a property line or 0.5m from a laneway |

8.5 Zone Provisions for a Boarding House, Rooming House, Tourist House

- | | | |
|----|-------------------------------|---|
| a. | Minimum Lot Area | 650 square metres |
| b. | Minimum Lot Frontage | 18.0 metres |
| c. | Maximum Lot Coverage | 35 percent |
| d. | Minimum Front Yard | 7.5 metres |
| e. | Minimum Side Yard | 3.0 metres |
| f. | Minimum Exterior Side Yard | 4.5 metres, except that where an entrance to a garage faces an exterior side yard, the minimum exterior side yard shall be 6.0 metres |
| g. | Minimum Rear Yard | 7.5 metres |
| h. | Minimum Landscaped Open Space | 30 percent |
| i. | Maximum Dwelling Height | 10.5 metres |
| j. | Minimum Dwelling Unit Area | 110 square metres |
| k. | Minimum Guest Room Area | 8 square metres |
| l. | Accessory Building Setback | 1.0m from a property line or 0.5m from laneway. |

SECTION 9 - MOBILE HOME RESIDENTIAL ZONE (R3) REGULATIONS**9.1 Permitted Uses**

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

- a) a mobile home
- b) a modular dwelling
- c) accessory uses

9.2 Zone Provisions

- | | | |
|----|----------------------------|---|
| a) | Minimum Lot Area | 390 square metres |
| b) | Minimum Lot Frontage | 10.0 metres |
| c) | Maximum Lot Coverage | 35 percent |
| d) | Minimum Front Yard | 6.0 metres |
| e) | Minimum Side Yard | 2.0 metres on one side and 4.5 metres on the other side |
| f) | Minimum Exterior Side Yard | 4.5 metres |
| g) | Minimum Rear Yard | 7.5 metres |
| h) | Maximum Dwelling Height | 4.0 metres |
| i) | Minimum Dwelling Unit Area | 45.0 square metres |

SECTION 10 - GENERAL COMMERCIAL ZONE (C1) REGULATIONS

10.1 Permitted Uses

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

- a) accessory manufacturing to a retail or service store provided the manufacturing does not exceed 50 percent of the floor area and the products manufactured are primarily for sale at retail on the premises
- b) accessory uses, including an apartment dwelling unit above or behind a permitted use
- c) automobile service station, public garage
- d) bake shop or bakery
- e) barber shop, beauty salon
- f) bed and breakfast operation
- g) bowling alley
- h) builders supply outlet
- i) commercial or private club
- j) commercial school
- k) community centre
- l) day care facility
- m) existing institutional uses
- n) existing residential uses
- o) financial institution
- p) florist
- q) gas bar
- r) general or professional office
- s) gift shop or craft shop
- t) grocery store
- u) hotel or a motel
- v) laundromat or dry cleaning establishment
- w) motor vehicle or recreation vehicle sales, leasing and storage establishment
- x) parking lot
- y) pool room or billiard room
- z) post office
- aa) restaurant, tavern
- bb) retail or service store
- cc) shoe repair
- dd) shopping centre
- ee) taxi service establishment
- ff) theatre
- gg) tourist home
- hh) undertaking establishment

10.2 Zone Provisions for Commercial Uses

a)	Minimum Lot Area	280 square metres
b)	Minimum Lot Frontage	7.5 metres
c)	Maximum Lot Coverage	75 percent
d)	Minimum Front Yard	0.5 metres
e)	Minimum Side Yard	nil except where a use is adjacent to a Residential zone the minimum side yard shall be 4.5 metres
f)	Minimum Exterior Side Yard	4.5 metres
g)	Minimum Rear Yard	6.0 metres
h)	Minimum Landscaped Open Space	none
i)	Maximum Height	12.0 metres
j)	Minimum Floor Area	56 square metres
k)	Buffer Strip	Where a General Commercial Zone (C1) abut a residential, institutional or open space zone, a buffer strip shall be provided along the property line having a minimum width of 3.0 metres in compliance with Section 4.5

10.3 Zone Provisions for Automobile Service Stations and Public Garages
In accordance with the provisions set out in Section 11.3.**10.4 Zone Provisions for Accessory Apartment Dwelling Unit**

a)	Location	Dwelling units are not permitted in a cellar or basement
b)	Minimum Dwelling Unit Area	
i)	Bachelor Unit	37 square metres
ii)	One Bedroom Unit	55 square metres
iii)	Two Bedroom or More	65 square metres
c)	Minimum Amenity Area per Dwelling Unit	9 square metres

10.5 In the core area of the town site of Atikokan those properties zoned General Commercial (C1) Zone are exempt from providing the required off-street parking.

SECTION 11 - HIGHWAY COMMERCIAL ZONE (C2) REGULATIONS**11.1 Permitted Uses**

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

- a) accessory uses
- b) accessory dwelling unit
- c) animal hospital or veterinary clinic
- d) assay laboratory
- e) automobile service station or public garage
- f) bake shop or bakery
- g) builders supply outlet
- h) bus terminal
- i) car wash
- j) commercial school
- k) commercial or private club
- l) entertainment facilities, but not a racetrack for motorized vehicles
- m) existing bulk storage and sales establishment
- n) existing contractor's yard
- o) existing institutional
- p) existing manufacturing and sales
- q) existing residential
- r) existing trucking depot and transportation terminal
- s) financial institution
- t) flea market
- u) gardening centre
- v) general or professional office
- w) grocery store
- x) hotel
- y) motel
- z) recreational vehicle and motor vehicle sales, leasing, equipment and service establishment
- aa) restaurant
- bb) retail or service industry
- cc) shopping centre
- dd) tavern
- ee) taxi service establishment
- ff) tourist commercial establishment
- gg) tourist outfitters establishment
- hh) undertaking establishment

11.2 Zone Provisions for Commercial Uses

- a) Minimum Lot Area
 - i) Unserved 800 square metres
 - ii) Served 800 square metres
- b) Minimum Lot Frontage
 - i) Unserved 20.0 metres
 - ii) Served 20.0 metres

- | | | |
|-----|----------------------------|---|
| c) | Maximum Lot Coverage | |
| i) | Unserviced | 50 percent |
| ii) | Serviced | 60 percent |
| d) | Minimum Front Yard | 6.0 metres |
| e) | Minimum Side Yard | 1.0 metres |
| f) | Minimum Exterior Side Yard | 6.0 metres |
| g) | Minimum Rear Yard | 6.0 metres |
| h) | Maximum Height | 12.0 metres |
| i) | Minimum Floor Area | 90 square metres |
| j) | Buffer Strip | Where a Highway Commercial Zone (C2) abuts a residential, institutional or open space zone, a buffer strip shall be provided along the property line having a minimum width of 3.0 metres in compliance with Section 4.5. |
| k) | Outside Storage | Outside storage of goods and materials is prohibited in the front yard save and except for motor vehicles that are used in the everyday operations of the site. Goods and materials may be stored in the rear or interior side yard only. |

11.3 Zone Provisions for Automobile Service Stations and Public Garages

Notwithstanding any other provision of this By-law, where a lot is used for an automobile service station or public garage, the following regulations shall apply:

- | | | |
|-----|-------------------------------|---|
| a) | Minimum Lot Area | |
| i. | Unserviced | 0.8 hectare |
| ii. | Serviced | 1,394 square metres |
| b) | Minimum Lot Frontage | |
| i. | Unserviced | 36.0 metres |
| ii. | Serviced | 25.0 metres |
| c) | Maximum Lot Coverage | 35 percent |
| d) | Minimum Front Yard | 15.0 metres |
| e) | Minimum Side Yard | 4.5 metres |
| f) | Minimum Exterior Side Yard | 7.5 metres |
| g) | Minimum Rear Yard | 7.5 metres |
| h) | Minimum Landscaped Open Space | 10 percent |
| i) | Maximum Building Height | 10.5 metres |
| j) | Minimum Floor Area | 40 square metres |
| k) | Buffer Strip | Where an automobile service station or public garage abut a residential, institutional or open space use, a buffer strip shall be provided along the property line having a minimum width of 3.0 metres in compliance with Section 4.5. |

- | | | |
|----|-----------------|---|
| l) | Outside Storage | Outside storage is prohibited, except merchandise offered for sale. |
|----|-----------------|---|

11.4 Zone Provisions for Accessory Dwelling Unit (as per the Official Plan 4.4.22)

- | | | |
|----|----------------------------|------------------|
| a) | Minimum Front Yard | 6.0 metres |
| b) | Minimum Side Yard | 1.0 metres |
| c) | Minimum Rear Yard | 6.0 metres |
| d) | Maximum Building Height | 10.5 metres |
| e) | Minimum Dwelling Unit Area | 45 square metres |

11.5 Special Provisions

- | | |
|----|--|
| a) | C2-1-Mackenzie Avenue
Notwithstanding the provisions of the Highway Commercial Zone (C2) the lands on the north side of Mackenzie Avenue between White St. and Rolling St. shall only be used for the permitted uses as set out in the General Commercial Zone (C1) (Section 10.1) and be regulated by the regulations of the General Commercial Zone (C1) (Section 10.2). There will be no outside storage permitted on these lands. |
| b) | Existing Residential
Shall be in accordance with provisions set out in Section 7. |

SECTION 12 - NEIGHBOURHOOD COMMERCIAL ZONE (C3) REGULATIONS**12.1 Permitted Uses**

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

- a) accessory uses
- b) convenience store
- c) existing commercial uses
- d) personal service establishments
- e) service industry

12.2 Zone Provisions for Commercial Uses

- | | | |
|----|-------------------------------|---|
| a) | Minimum Lot Area | 280 square metres |
| b) | Minimum Lot Frontage | 9.0 metres |
| c) | Maximum Lot Coverage | 75 percent |
| d) | Minimum Front Yard | 6.0 metres |
| e) | Minimum Side Yard | 3.0 metres, except where the interior side yard abuts a Residential Zone or use, 4.5 metres is required |
| f) | Minimum Exterior Side Yard | 4.5 metres |
| g) | Minimum Rear Yard | 7.5 metres, except where the rear yard abuts a Residential Zone or use, 9.0 metres is required |
| h) | Minimum Landscaped Open Space | 20 percent |
| i) | Maximum Height | 10.5 metres |
| j) | Minimum Floor Area | 56 square metres |
| k) | Outside Storage | none permitted |

12.3 Zone Provisions for Accessory Apartment Dwelling Unit

In accordance with the provisions set out in Section 10.4.

SECTION 13 - TOURIST COMMERCIAL ZONE (TC) REGULATIONS**13.1 Permitted Uses**

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

- a) accessory uses including accessory dwelling unit for the owner, caretaker, manager or proprietor of the tourist commercial establishment
- b) boat launching and docking facilities
- c) camping ground or trailer park
- d) convention centres
- e) hunting and fishing camps
- f) lodges
- g) marinas
- h) motels
- i) restaurants
- j) seaplane base and docking facilities
- k) single family dwelling
- l) tourist camps and cabins
- m) tourist outfitters establishment

13.2 Zone Provisions

- | | | |
|----|----------------------------|------------------|
| a) | Minimum Lot Area | 0.8 hectares |
| b) | Minimum Lot Frontage | 45.0 metres |
| c) | Maximum Lot Coverage | 30 percent |
| d) | Minimum Front Yard | 9.0 metres |
| e) | Minimum Side Yard | 9.0 metres |
| f) | Minimum Exterior Side Yard | 9.0 metres |
| g) | Minimum Rear Yard | 9.0 metres |
| h) | Maximum Building Height | 9.0 metres |
| i) | Minimum Floor Area | |
| | i) Guest Cabin | 28 square metres |
| | ii) Other Uses | 55 square metres |

13.3 Zone Provisions for Seaplane Bases

- | | | |
|----|----------------------------|------------------|
| a) | Minimum Lot Area | 0.6 hectare |
| b) | Minimum Lot Frontage | 46.0 metres |
| c) | Maximum Lot Coverage | 30 percent |
| d) | Minimum Front Yard | |
| | i) abutting a road | 9.0 metres |
| | ii) abutting water | 20.0 metres |
| e) | Minimum Side Yard | 7.5 metres |
| f) | Minimum Exterior Side Yard | 10.0 metres |
| g) | Minimum Rear Yard | 9.0 metres |
| h) | Maximum Building Height | 9.0 metres |
| i) | Minimum Floor Area | 55 square metres |

j) Buffer Strip

Where a seaplane base abuts a residential, institutional or open space zone, a buffer strip shall be provided along the property line having a minimum width of 3.0 metres in compliance with Section 4.5

13.4 Zone Provisions for Accessory Dwelling Unit

In accordance with the provisions set out in Section 11.4.

13.5 Access

Access to a tourist commercial use shall be either by public or private road access only.

13.6 Special Provisions

In accordance with Section 3.4 the following special provisions shall apply to those lands shown on the Zoning Schedule as having a reference to the corresponding special provision number.

a) 8101 Highway 11 West
SH-238 and SH-239

Notwithstanding the provisions of the Tourist Commercial (TC) Zone, in addition to the permitted uses of the (TC) Zone the lands indicated as TC-1 on Schedule 'A' may be used to accommodate residential lots in accordance with the regulations set out Section 5.2 of this by-law. The lots will be separated by consent on a public or private road subject to the owner entering into a development agreement with the Town of Atikokan.

SECTION 14 - INDUSTRIAL ZONE (M1) REGULATIONS**14.1 Permitted Uses**

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

- a) a portable asphalt plant
- b) abattoir
- c) accessory uses including offices, retail uses and a single detached dwelling unit for an owner, manager, caretaker or one person and his family employed by a manufacturing or industrial operation or permitted use.
- d) aggregate extraction and processing including crushing, screening, washing
- e) aircraft repair and maintenance establishment
- f) airport and airport related buildings
- g) an equipment sales and servicing establishment
- h) automobile wrecking yard or scrap metal yard
- i) blacksmith or welder's shop
- j) buildings to house automotive sales and service and scrap metal facilities
- k) bulk storage and sales establishment
- l) carpenter or joiner's shop
- m) communication transmission facility
- n) concrete products factory
- o) contractor's building and yard
- p) courier depot
- q) fire hall
- r) fish packing and processing plant
- s) forest products processing plant
- t) laboratories
- u) light industrial workshop
- v) machine shop
- w) manufacturing, processing and assembly
- x) mining and mineral exploration
- y) publishing and printing
- z) railway uses
- aa) road maintenance and works yards
- bb) sawmill
- cc) sewage treatment plant
- dd) thermal electric power generating station and related buildings
- ee) trucking depot and transportation terminal
- ff) veterinarian office
- gg) warehouse and bulk storage
- hh) waste disposal site
- ii) water treatment plant
- jj) wayside pits and quarries
- kk) weather station

14.2 Zone Provisions for Industrial Uses

a)	Minimum Lot Area	
i)	Unserviced	0.8 hectare
ii)	Serviced	1,394 square metres
b)	Minimum Lot Frontage	
i)	Unserviced	40.0 metres
ii)	Serviced	30.0 metres
c)	Maximum Lot Coverage	
i)	Unserviced	35 percent
ii)	Serviced	50 percent
d)	Minimum Front Yard	10.5 metres
e)	Minimum Side Yard	6 metres except where a use abuts a zone other than an Industrial zone the minimum side yard shall be 10.0 metres
f)	Minimum Exterior Side Yard	10 metres
g)	Minimum Rear Yard	10 metres
h)	Minimum Landscaped Open Space	10 percent
i)	Maximum Building Height	12 metres
j)	Minimum Floor Area	140 square metres
k)	Buffer Strip	Where an industrial use abuts a residential, institutional or open space use, a buffer strip shall be provided along the property line having a minimum width of 3.0 metres in compliance with Section 4.5 except automobile wrecking yards and scrap metal yards shall be in compliance with Section 4.3
l)	Retail Use Area	maximum of 5% of the ground floor area or 278 square metres, whichever is the greater

- | | | |
|----|-----------------|---|
| m) | Outside Storage | Outside operations and storage of goods and materials including refuse containers are not permitted within 9.0 metres of Residential Zone. Outside operations and storage of goods and materials including refuse containers shall be permitted in the rear yard and interior side yard and in the case of a corner lot, not within the required exterior yard setback. Outside operations and storage of goods and materials including refuse containers are to be screened from the view of adjacent streets by means of fencing and/or landscaping features. |
|----|-----------------|---|

14.3 Zone Provisions for Waste Disposal Sites

- | | | |
|----|-------------------------|--|
| a) | Minimum Lot Area | 20.0 hectare |
| b) | Minimum Lot Frontage | 100.0 metres |
| c) | Maximum Lot Coverage | 1 percent |
| d) | Minimum Front Yard | 30.0 metres |
| e) | Minimum Side Yard | 30.0 metres |
| f) | Minimum Rear Yard | 30.0 metres |
| g) | Maximum Building Height | 10.5 metres |
| h) | Buffer Strip | Where a waste disposal site abuts a residential, institutional or open space zone a buffer strip, together with screening measures shall be provided along the property line having a minimum width of 6.0 metres in compliance with Section 4.5 |

14.4 Zone Provisions for Aggregate Extraction and Processing Uses

- | | | |
|------|--|--------------|
| a) | Minimum Lot Area | 4.0 hectare |
| b) | Minimum Lot Frontage | 100.0 metres |
| c) | Maximum Lot Coverage | 1 percent |
| d) | Minimum Excavation Setback | |
| i) | from lot line | 15.0 metres |
| ii) | from road allowance | 30.0 metres |
| iii) | from abutting lands used for residential, institutional, commercial or recreational uses | 30.0 metres |

- | | | | |
|----|------|--|--|
| | iv) | from abutting any lands zoned for Residential uses | 30.0 metres |
| e) | | Minimum Setback for Building, Equipment, Machinery, or Stockpiling | |
| | i) | from lot line | 30.0 metres |
| | ii) | from road allowance | 30.0 metres |
| | iii) | from lands used or zoned for residential purposes | 90.0 metres |
| f) | | Minimum Setback for Blasting Operations | 450 metres |
| g) | | Buffer Strip | where an aggregate use abuts a residential, institutional, commercial or open space use, a buffer strip together with screening measures shall be provided along the property line having a minimum width of 6.0 metres in compliance with Section 4.5 |

14.5 Zone Provisions for Mining Operations

- | | | |
|----|-------------------------|---|
| a) | Minimum Lots Areas | 5.0 hectares |
| b) | Minimum Lot Frontage | 200.0 metres |
| c) | Maximum Lot Coverage | 5 percent |
| d) | Minimum Front Yard | 30.0 metres |
| e) | Minimum Side Yard | 30.0 metres |
| f) | Minimum Rear Yard | 3.0 metres |
| g) | Maximum Building Height | 7.5 metres |
| h) | Buffer Strip | Where a mining operation abuts a Residential, Institutional, Open Space or a Tourist Commercial Zone, a buffer strip 120.0 metres in width is required. |

14.6 Zone Provisions for Accessory Single Detached Dwelling Unit

- | | | |
|----|-------------------------|------------------|
| a) | Minimum Front Yard | 15.0 metres |
| b) | Minimum Side Yard | 15.0 metres |
| c) | Minimum Rear Yard | 15.0 metres |
| d) | Maximum Building Height | 10.5 metres |
| e) | Minimum Floor Area | 45 square metres |

SECTION 15 - INSTITUTIONAL ZONE (I) REGULATIONS**15.1 Permitted Uses**

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

- a) accessory uses
- b) animal shelter
- c) arena
- d) assembly hall, club or fraternal organization
- e) cemetery
- f) church, synagogue, church hall or religious institution
- g) community centre
- h) existing helipad
- i) fire hall
- j) government office
- k) hospital
- l) library or cultural institution
- m) medical or dental clinic
- n) museum
- o) police station
- p) post office
- q) school or other educational institution
- r) senior citizen home
- s) swimming pool
- t) veterinarian clinic

15.2 Zone Provisions

- | | | |
|-----|-------------------------|-------------------|
| a) | Minimum Lot Area | |
| i) | Unserviced | 0.8 hectares |
| ii) | Serviced | 558 square metres |
| b) | Minimum Lot Frontage | 18.0 metres |
| c) | Maximum Lot Coverage | 50 percent |
| d) | Minimum Front Yard | 7.5 metres |
| e) | Minimum Side Yard | 3.0 metres |
| f) | Minimum Rear Yard | 7.5 metres |
| g) | Maximum Building Height | 12.0 metres |

15.3 All new institutional uses shall require a zoning by-law amendment.

SECTION 16 - OPEN SPACE ZONE (OS) REGULATIONS**16.1 Permitted Uses**

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

- a) accessory uses
- b) campground
- c) curling club
- d) conservation area
- e) docks and launching ramp
- f) fairgrounds
- g) fish hatchery
- h) golf course
- i) golf driving range
- j) marina
- k) picnic facilities
- l) public and private parks, playgrounds, playing fields and sports and recreation facilities
- m) recreation or community centres
- n) recreational vehicle dumping station
- o) ski hill

16.2 Zone Provisions

- | | | |
|----|-------------------------|---------------------|
| a) | Minimum Lot Area | |
| | i) Unserved | 0.4 hectares |
| | ii) Served | no minimum required |
| b) | Minimum Lot Frontage | |
| | i) Unserved | 30.0 metres |
| | ii) Served | no minimum required |
| c) | Maximum Lot Coverage | 15 percent |
| d) | Minimum Front Yard | 9.0 metres |
| e) | Minimum Side Yard | 7.5 metres |
| f) | Minimum Rear Yard | 9.0 metres |
| g) | Maximum Building Height | 10.5 metres |
| h) | Minimum Floor Area | 50.0 square metres |

SECTION 17 - ENVIRONMENTAL PROTECTION ZONE (EP) REGULATIONS

17.1 Permitted Uses

No land shall be used in the Environmental Protection Zone (EP) except for the following purposes:

- a) forestry
- b) wildlife management, conservation area
- c) electric power generation and transmission facilities
- d) mineral exploration
- e) dwellings existing at the date of the passing of this By-law, and uses, buildings and structures accessory thereto, but not conversions or enlargements thereof
- f) passive public and private parks and passive recreational uses
- g) docks and boat launching facilities

17.2 Fill

No fill shall be placed on or removed from land in the Environmental Protection Zone (EP) whether originating on such lands or elsewhere without approval of chief building official.

17.3 Special Provisions

In accordance with the Section 3.4 the following special provisions shall apply to those lands shown in the Zoning Schedules as having a reference to the corresponding special provisions number.

- a) EP-1 Riverland Farm
 MLFF3488
 PCLS 1154, 14966 and 11155

Notwithstanding the provisions of the Environmental Protection (EP) Zone, in addition to the permitted uses of the EP Zone, the lands indicated as EP-1 on Schedule "B" may be used to accommodate three additional lots for residential purposes to a total of four. The lots will be separated by consent on a public or private road subject to the owner entering into a site plan agreement with the Town of Atikokan.

SECTION 18 - HOLDING ZONE (H) REGULATIONS

18.1 Holding Zone

The Holding Zone (H) limits development on lots to which it applies until such time as Council adopts a by-law, pursuant to Section 35 of the Planning Act, 1990, removing the Holding (H) symbol. When the Holding (H) symbol is removed, the regulations of the parent zone which applies to the lot will come into force.

18.2 Permitted Uses

No land shall be used in the Holding Zone (H), except for the following purposes:

- a) existing uses
- b) accessory uses

18.3 Zone Provisions as existing.

If no notice of objection is filed with the Clerk within the time provided, this By-law shall come into force and take effect on the date of passing by the Council of the Corporation of the Town of Atikokan, in accordance with Section 34 of the Planning Act, 1990.

If a notice of objection is filed with the Clerk, this By-law shall become effective on the date of passing hereof, subject to receiving the approval of the Ontario Municipal Board.

Read a first and second time this 12th day of April, 2010.

Read a third time and finally passed this 12th day of April, 2010.



Mayor



Clerk

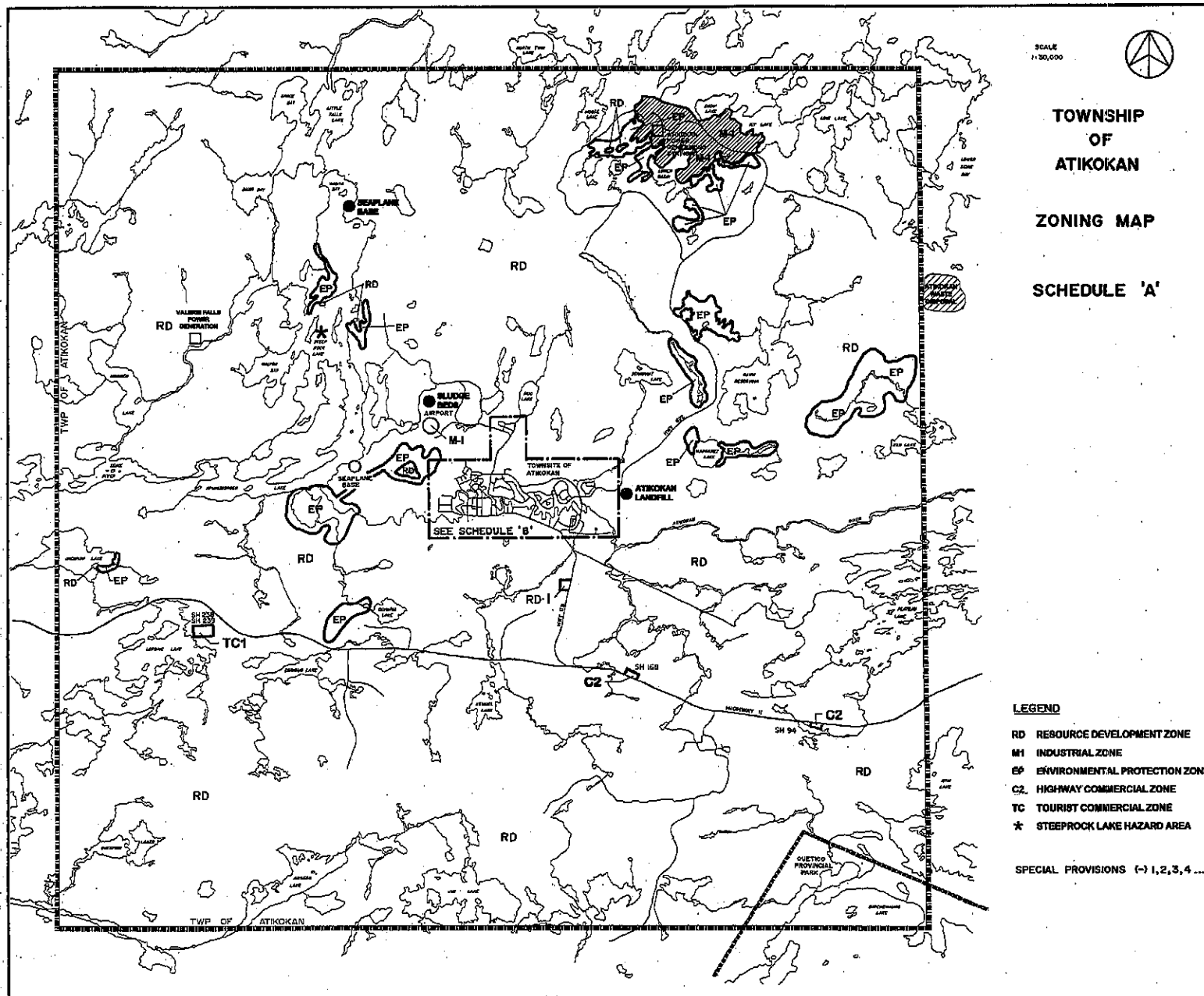
CONVERSION TABLE (APPROXIMATE)

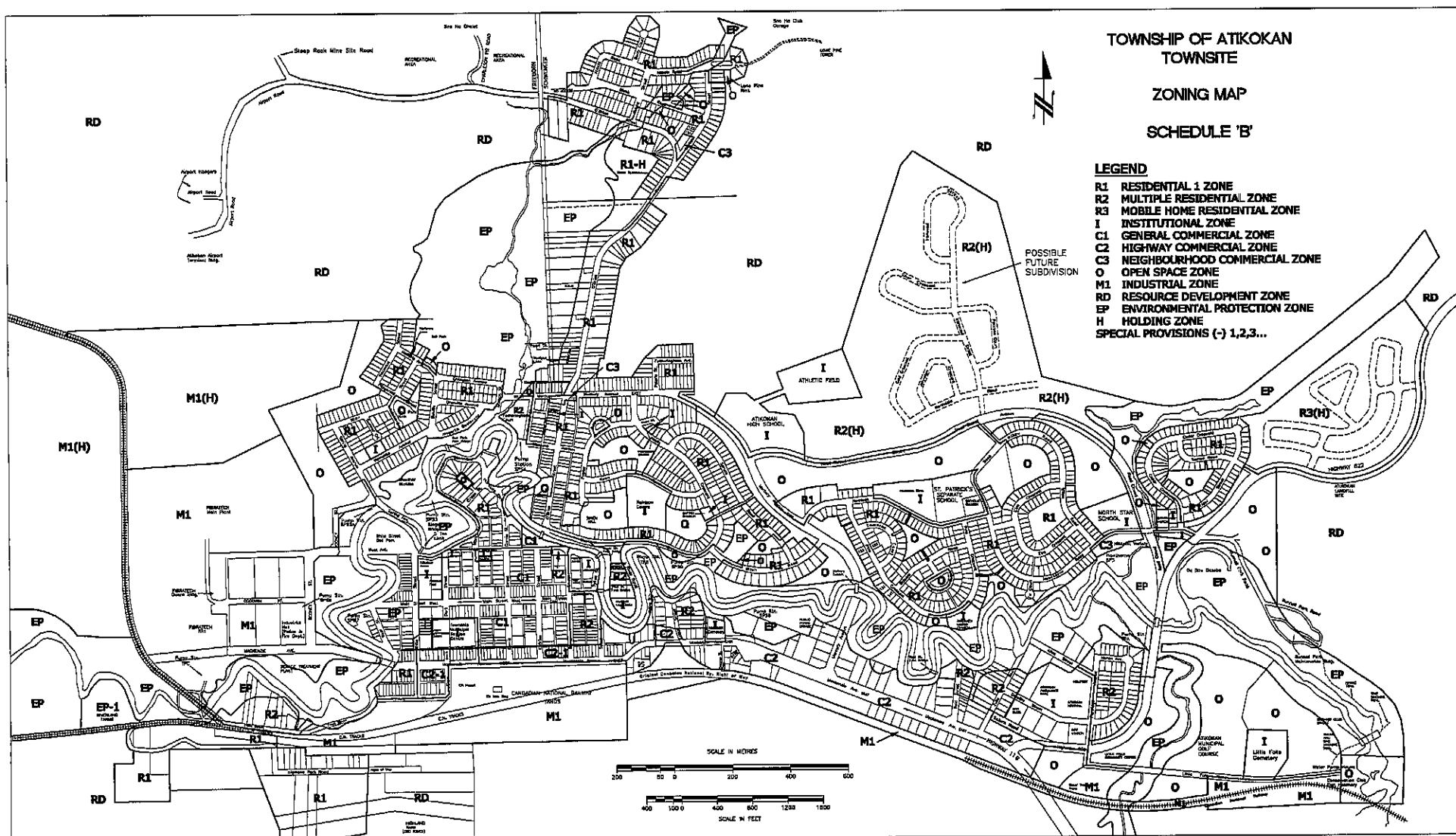
Metres	Feet	Square Metres	Square Feet
0.5	2.0	1	10
1.0	3.0	9.0	100
1.5	5.0	16.75	180
2.0	6.5	20.0	215
2.5	8.0	28.0	300
3.0	10.0	37.0	400
3.5	11.0	45.0	484
4.0	13.0	55.0	592
4.5	15.0	60.0	645
6.0	20.0	65.0	700
7.5	25.0	67.0	720
9.0	30.0	80.0	860
10.0	33.0	85.0	915
10.5	34.0	110.0	1180
12.0	39.0	140.0	1500
15.0	49.0	232.0	2500
18.0	59.0	275.0	2960
20.0	66.0	325.0	3500
24.4	80.0	372.0	4000
30.0	98.0	465.0	5000
90	295.0	557.0	6000
100.0	328.0	650.0	7000
		700	7535
		744	8000

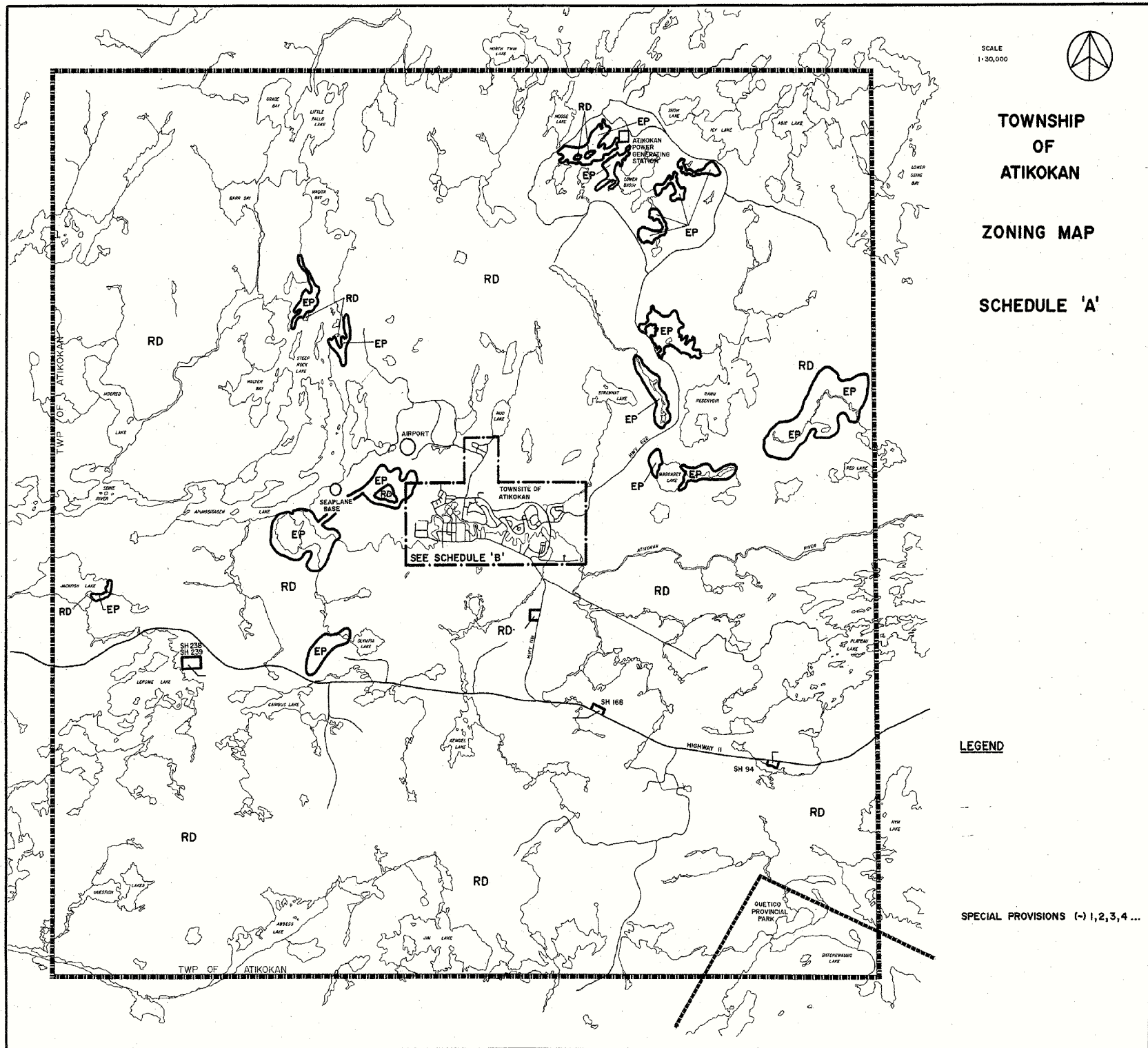
Hectares	Acres
0.4	1.0
0.8	2.0
1.2	3.0
4.0	10.0
20.0	50.0
32.0	80.0

Conversion Factors: Metres to Feet multiply by 3.2808
 Square Metres to Square Feet multiply by 10.7642
 Hectares to Acres multiply by 2.4707

NOTE: The above tables are for convenience only and do not form part of this By-law.







TOWNSHIP OF ATKOKAN
TOWNSITE

ZONING MAP

SCHEDULE 'B'

LEGEND

- R1 RESIDENTIAL 1 ZONE
 - R2 MULTIPLE RESIDENTIAL ZONE
 - R3 MOBILE HOME RESIDENTIAL ZONE
 - I INSTITUTIONAL ZONE
 - C1 GENERAL COMMERCIAL ZONE
 - C2 HIGHWAY COMMERCIAL ZONE
 - C3 NEIGHBOURHOOD COMMERCIAL ZONE
 - O OPEN SPACE ZONE
 - M1 INDUSTRIAL ZONE
 - RD RESOURCE DEVELOPMENT ZONE
 - EP ENVIRONMENTAL PROTECTION ZONE
 - H HOLDING ZONE
- SPECIAL PROVISIONS (-) 1,2,3...

