Schedule "B"

Zoning Regulations

Atikameksheng Anishnawbek

Land Use Law No. 2020-01

1 ZONES

1.1 Zone Classification

For the purposes of Zoning Regulation related to land use planning, **Atikameksheng Anishnawbek** is divided into the zones listed in the table below. Please see the associated Zoning Regulation map in Section 19.

No person shall use any land or erect, alter or use any building or structure in any zone except in accordance with the Zoning Regulations, including the General Provision in Section 17. Zoning Regulation Amendments or Exceptions are possible by contacting the Lands Manager and following the procedural steps in the Land Use Law.

1.2 Zones

Name of Zone	Zone Symbol
Residential Zones	
Low Density Residential	**R1**
Multiple Residential	**RM**
Waterfront Residential	**RW**
Waterfront Limited Services	**LSR**
Institutional Zones	
Institutional	**I**
Commercial and Industrial Zones	
Business Park	**C1**
Tourist Commercial	**C2**
General Industrial	**M1**
Waste Management	**M2**
Mineral Aggregate Resource	**M3**
Other Zones	
Open Space, Recreation, Park	**OS**
Sacred Sites	**SC**
Environmental Protection	**EP**
Rural	**RU**

1.3 Zone Boundaries

When determining the boundary of any **zone** the following provisions shall apply:

1. A boundary following a indicated as following: a **highway, street, private road**, or **lane** shall follow the centre line of such highway, street, private road or lane.

2. A boundary indicated as following a **water body** or the right-of-way of a railway or an electrical, Gas or oil transmission line shall follow the centre line of such **water body** or right-of-way.
3. A boundary indicated as following the **high-water mark** shall follow such high water mark, and in the event of a change in the high water mark, the boundary shall be construed as moving with the actual high water mark.
4. A boundary indicated as approximately following **lot lines** shown on a Registered Plan of Subdivision, or Reference Plan shall follow such lot lines.
5. Where a boundary is indicated as approximately parallel to a **street line** or other feature, indicated in clause (1), (2), and (3) above, and the distance from such street line or other feature is not indicated, and clause (4) above is not applicable, such boundary shall be construed as being parallel to such street line or other feature, and the distance there from shall be determined according to the scale shown on the appropriate Schedule.

A boundary indicated as following the current boundary of **Atikameksheng Anishnawbek's** reserve shall follow such boundaries.

In the event a dedicated **street, lane** or right-of-way shown on any Schedule forming part of this Regulation is closed, the property formerly in such **street, lane** or right-of-way shall be included within the zone of the adjoining property on either side of such closed **street, lane** or right-of-way. If a closed **street, lane** or right-of-way is the boundary between two or more different zones the new zone boundaries shall be the former centre line of the closed street, lane or right- of-way.

2 LOW DENSITY RESIDENTIAL (R1) ZONE

2.1 Permitted Main Uses

1. Duplex, Single Detached, and Semi-detached Dwellings
2. Group Home
3. Public Authority Use or Public Utility

2.2 Permitted Accessory Buildings, Structures and Uses

1. Accessory Uses, Buildings and Structures
2. Accessory Apartment
3. Bed and Breakfast Establishment
4. Garden Suite
5. Home Based Business

2.3 Zone Regulations

	Duplex Dwelling	Semi-detached Dwelling	Single Detached Dwelling, Group Home
Minimum Lot Area	2,085 m^2 [22,443 $ft.^2$]	2,085 m^2 [22,443 $ft.^2$]	1,390 m^2 [14,962 $ft.^2$]
Minimum Lot Frontage	30 m [98.4 ft.]	30 m [98.4 ft.]	30 m [98.4 ft.]
Minimum Yard Regulations – Main Building			
Front Yard or Exterior Side Yard	7.5 m [24.6 ft.]	7.5 m [24.6 ft.]	7.5 m [24.6 ft.]
Interior Side Yard	1.2 m [3.9 ft.]	1.2 m [3.9 ft.]	1.2 m [3.9 ft.]
Rear Yard	10 m [32.8 ft.]	10 m [32.8 ft.]	10 m [32.8 ft.]
Minimum Yard Regulations – Accessory Building			
Interior Side Yard or Rear Yard	1.2 m [3.9 ft.]	1.2 m [3.9 ft.]	1.2 m [3.9 ft.]
Minimum Yard Regulations – Accessory Building			
Front Yard or Exterior Side Yard	7.5 m [24.6 ft.]	7.5 m [24.6 ft.]	7.5 m [24.6 ft.]
Maximum Height Regulations			
Main Building	10.05 m [32.97 ft.]	10.05 m [32.97 ft.]	10.05 m [32.97 ft.]
Accessory Building	5 m [16.4 ft.]	5 m [16.4 ft.]	5 m [16.4 ft.]
Maximum Lot Coverage Regulations - Accessory Building			

	Duplex Dwelling	Semi-detached Dwelling	Single Detached Dwelling, Group Home
Main Building	30%	30%	30%
Accessory Building	5%	5%	5%
Minimum Separation Distance Between Buildings Regulations			
Main Building and any Accessory Building	1.2 m [3.9 ft.]	1.2 m [3.9 ft.]	1.2 m [3.9 ft.]
Maximum Number of Dwelling Unit Regulations			
Maximum Number Dwellings per Lot	--	--	1
Floor Area per Dwelling Unit			
Minimum Net Floor Area per Dwelling Unit	65 m^2 [700 $ft.^2$]	70 m^2 [753 $ft.^2$]	85 m^2 [914 $ft.^2$]
Location of Parking Space	No closer than 1.5 m [4.92 ft.] to any street line	No closer than 1.5 m [4.92 ft.] to any street line	No closer than 1.5 m [4.92 ft.] to any street line

Additional Provisions

1. The minimum **interior side yard** shall not apply to the party wall shared between two **semi-detached dwelling units**.
2. A **garden suite** shall be subject to a site-specific Temporary Use Regulation approved by **Atikameksheng Anishnawbek** and shall only be permitted as an **accessory use** to an existing **single detached dwelling.**

2.5 Zone Exceptions

1. Despite the minimum lot area regulation in **Table 2.3**, the minimum lot area for any lot in the Whitefish Lake Hill subdivision shall be 0.30 ha for a single detached dwelling and 0.40 ha for any duplex dwelling or semi-detached dwelling.

3 MULTIPLE RESIDENTIAL (RM) ZONE

3.1 Permitted Main Uses

1. Apartment, Quadruplex, Townhouse, and Triplex Dwellings
2. Public Authority Use or Public Utility

3.2 Permitted Accessory Uses, Buildings and Structures

1. Accessory Uses, Buildings and Structures
2. Home Based Business
3. **Playground**, and **play facility**

3.3 Zone Regulations

	Apartment, Quadruplex, Townhouse, and Triplex Dwellings
Minimum Lot Area	1 ha [2.47 ac.]
Minimum Lot Area Per Dwelling Unit	1 ha [2.47 ac.] plus 200 m^2 [2,152.8 $ft.^2$] per dwelling unit over 4 units
Minimum Lot Frontage	46 m [150.9 ft.]
Minimum Yard Regulations – Main Building	
Front Yard or Exterior Side Yard	7.5 m [24.6 ft.]
Interior Side Yard	5 m [16.4 ft]
Rear Yard	6 m [19.7 ft]
Minimum Yard Regulations – Accessory Building	
Interior Side Yard or Rear Yard	1.2 m [3.9 ft.]
Front Yard or Exterior Side Yard	7.5 m [24.6 ft.]
Maximum Height Regulations	
Main Building	10 m [32 8 ft.]
Accessory Building	6 m [19.7 ft.]
Maximum Lot Coverage Regulations - Accessory Building	
Main Building	5%
Accessory Building	2%
Minimum Separation Distance Between Buildings Regulations	

Main Building and any Accessory Building	1.2 m [3.9 ft.]
	Apartment, Quadruplex, Townhouse, and Triplex Dwellings
Maximum Number of Dwelling Unit Regulations	
Maximum Number Dwellings per Lot	--
Floor Area per Dwelling Unit	
Minimum Net Floor Area per Dwelling Unit	• Bachelor dwelling unit: 40 m^2 [430.5 $ft.^2$] • One-bedroom dwelling unit: 55 m^2 [592 $ft.^2$] • Two-bedroom dwelling unit: 70 m^2 [753.4 $ft.^2$] • Three bedrooms or more in a dwelling unit: 80 m^2 [861.1 $ft.^2$]
Location of Parking Space	No closer than 1.5 m [4.92 ft.] to any street line

Additional Provisions

1. The maximum density for any development in an RM Zone shall be 42 **dwelling units** per hectare.
2. The regulations above shall apply to a **Group Housing** or **Group Housing Project** and may include an **apartment dwelling, townhouse dwelling, triplex dwelling, quadruplex dwelling** and a **semi-detached dwellings** in the housing mix as follows:
    a. The minimum **lot area** shall be 1 ha [2.47 acres] plus 200 m^2 [2,152.9 $ft.^2$] per **dwelling unit** over 4 units.
    b. The minimum **lot frontage** shall be 30 m [98.4 ft.].
    c. The maximum number of **dwellings** shall be 25.
    d. The minimum separation distance between **dwellings** shall be 6 m [19.6 ft.].

4 WATERFRONT RESIDENTIAL (RW) ZONE

4.1 Permitted Main Uses

1. Single Detached and Recreation Dwellings

4.2 Permitted Accessory Uses, Buildings and Structures

1. Accessory Uses Buildings and Structures, excluding **accessory dwelling**
2. **Marine Facility** excluding accessory dwelling

4.3 Zone Regulations

Minimum Lot Area	1 ha [2.47 ac.]
Minimum Lot Frontage (water)	60 m [196.8 ft.]
Minimum Lot Frontage (road)	46 m [150.9 ft.]
Minimum Yard Regulations – Main Building	
Front Yard (water side)	30 m [98.4 ft.]
Front Yard (interior or back lot with no water frontage)	7.5 m [24.6 ft.]
Rear Yard	7.5 m [24.6 ft.]
Interior Side Yard	3 m [9.8 ft.]
Exterior Side Yard	7 m [22.9 ft.]
Minimum Yard Regulations – Accessory Building	
Front Yard (Water side)	30 m [98.4 ft.]
Front Yard (interior or back lot with no water frontage)	7.5 m [24.6 ft.]
Rear Yard	1 m [3.28 ft.]
Interior Side Yard	1 m [3.28 ft.]
Exterior Side Yard	7 m [3.28 ft.]
Maximum Height Regulations	
Main Building	10 m [32.8 ft.]
Accessory Building	6 m [19.7 ft.]
Boat House	1 story
Maximum Lot Coverage Regulations	

Main Building	5%
Accessory Building	2%
Minimum Separation Distance Between Buildings Regulations	
Main Building and any Accessory	1.2 m [3.9 ft.]
Location of Parking Space	No closer than 1.5 m [4.92 ft.] to any street line

4.4 Additional Provisions

1. One (1) **recreational vehicle** only may be stored on a **lot** in the RW Zone as an **accessory use.**

5 WATERFRONT LIMITED SERVICES RESIDENTIAL (LSR) ZONE

5.1 Permitted Main Uses

1. Recreational Dwelling and Camp

5.2 Permitted Accessory Uses, Buildings and Structures

1. Accessory Uses, Buildings and Structures, excluding **Accessory Dwelling**
2. **Marine Facility**

5.3 Zone Regulations

See Section 4.3 - Waterfront Residential Zoning Regulation with the following provisions

Exclude the following non-applicable Zoning Regulation:

1. Main Building AND Accessory Building Front Yard (interior or back lot with no water frontage) Regulation;

Include the following Zoning Regulation:

2. Minimum Lot Area (water access only): 2 ha [4.94 ac.].

Additional Provisions

1. Only a **Recreational dwelling** shall be permitted on an island or water access only lot.

6. INSTITUTIONAL (I) ZONE

6.1 Permitted Main Uses

Include, but are not limited to Offices, Clinics, Fire Halls, Places of Worship, Public Authority Use, Public Utilities, Police Stations, Post Offices, Public Libraries, Public Works Garages, and Schools.

6.2 Permitted Accessory Uses, Buildings and Structures

1. Accessory Uses, Buildings and Structures
2. Accessory Dwelling

6.3 Zone Regulations

Minimum Lot Area	1 ha [2.47 ac.]
Minimum Lot Frontage	50 m [164 ft.]
Minimum Yard Regulations – Main Building	
Front Yard or Exterior Side Yard	7.5 m [24.6 ft.]
Interior Side Yard	3 m [9.84 ft.]
Rear Yard	10 m [32.8 ft.]
Minimum Yard Regulations – Accessory Building	
Interior Side Yard or Rear Yard	3 m [9.84 ft.] or 6 m [19.6 ft.] where a lot line abuts a residential use
Front Yard or Exterior Side Yard	Same as Main Building
Maximum Height Regulations	
Main Building	11 m [36 ft.]
Accessory Building	11 m [36 ft.]
Maximum Lot Coverage Regulations - Accessory Building	
Main Building	30%
Accessory Building	5%
Minimum Separation Distance Between Buildings	
Main Building and any Accessory Building	3 m [9.84 ft.]

7. BUSINESS PARK (C1) ZONE

7.1 Permitted Main Uses

Include, but are not limited to, Auto Repair Garages, Restaurants, Stores, Class I Industries*, Funeral Homes, Motels/Hotels, Offices, Public Authority Use, Public Utilities, Transportation Depots or Truck Terminals*, and Warehouses*. *shall not be permitted on First Nation Roads.

7.2 Permitted Accessory Uses, Buildings and Structures

1. Accessory Uses, Buildings and Structures
2. Open Storage Area and Outdoor Display Area

Minimum Lot Area	1,000 m^2 [10,764.2 $ft.^2$]
Minimum Lot Area (on-site sewage and water services only)	1 ha [2.47 ac.]
Minimum Lot Frontage	30 m [98.4 ft.]
Minimum Yard Regulations – Main Building	
Front Yard or Exterior Side Yard	9 m [29.5 ft.]
Interior Side Yard	5 m [16.4 ft.] or 9 m [29.5 ft.] where the lot abuts a zone other than an industrial zone
Rear Yard	10 m [34.4 ft.] or 15 m [49.2 ft.] where the lot abuts a residential use
Minimum Yard Regulations – Accessory Building	
Front Yard or Exterior Side Yard	9 m [29.5 ft.]
Interior Side Yard or Rear Yard	3 m [9.84 ft.]
Maximum Height Regulations	
Main Building	10 m [32.8 ft.]
Accessory Building	5 m [16.4 ft.]
Maximum Lot Coverage Regulations - Accessory Building	
All Buildings and Structures	60%

7.4 Additional Provisions

1. Any existing Business in a Residential Zone as of the date of the approval of this Zoning Regulation shall not be changed to any other commercial use.

8 TOURIST COMMERCIAL (C2) ZONE

8.1 Permitted Main Uses

Include, but are not limited to, Campgrounds, Marinas, Miniature Golf Courses, Parks, Parking Lots, Public Service Use, Public Utilities, Restaurants, and Tourist-Focused Establishments.

8.2 Permitted Accessory Uses, Buildings and Structures

1. Accessory Dwelling
2. **Accessory Dwelling Unit**
3. Bed and Breakfast Establishment
4. **Guest Cabin**
5. **Marine Facility**

8.3 Zone Regulations

Minimum Lot Area	
Accessory Dwelling Unit Plus Other Permitted Uses	1.6 ha [3.95 ac]
Non-Residential Use	1 ha [2.47 ac]
Minimum Lot Frontage	46 m [150.9 ft.]
Minimum Yard Regulations – Main Building and Accessory Dwellings	
Front Yard (Water)	30 m [98.4 ft.]
Front Yard or Exterior Side Yard	7.5 m [24.6 ft.]
Interior Side Yard	7.5 m [24.6 ft.]
Rear Yard	10 m [32.8 ft.]
Minimum Yard Regulations – Accessory Building	
Interior Side Yard or Rear Yard	3 m [9.84 ft.], or 6 m [19.6 ft.] where a lot line abuts a residential use
Front Yard or Exterior Side Yard	Same as Main Building
Minimum Yard Regulations – Campgrounds	
Minimum Lot Area	5 ha [12.35 ac]
Minimum Yard Regulations (All Yards)	15 m [161.42 ft.]
Maximum Height Regulations	
Main Building	10 m [32.8 ft.]

Accessory Building	6 m [19.7 ft.]
Maximum Lot Coverage Regulations - Accessory Building	
Main Building	20%
Accessory Building	10%
Minimum Separation Distance Between Buildings Regulations	
Main Building and any Accessory Building	3 m [9.84 ft.]

8.4 Additional Provisions

1. No **building** or **structure** shall be permitted within a depth of 30 m [98.4 ft] from the **high-water mark** except a **boat house**, boat port, float plane hangar, **dock** or wharf or **marine facility.**
2. Where a Tourist Commercial (C2) Zone abuts a **residential zone** or a **residential use** or a **sensitive land use** (e.g., **school**, hospital) on an adjacent lot, the **setback** on the abutting **yard** shall be a minimum of 7 m [22.9 ft].
3. An **accessory dwelling** may be located within a **building** occupied by any commercial use except an automotive use or may be detached. Where the **dwelling unit** is detached, the minimum **lot area** shall be as set out in the General Residential (R1) Zone and shall be added to the minimum **lot area** in the Tourist Commercial (C2) Zone.
4. No **person** shall **erect** any **building** or **structure** in the Tourist Commercial (C2) Zone unless the **lot** upon which such building or structure is to be **erected** has **frontage** onto and direct access to a **public street**.
5. **Accessory uses**, **buildings** and **structures**, parking, special separation distances, special **setbacks** and other general provisions shall be in accordance with **Section 17** of this Regulation.

9 INDUSTRIAL (M1) ZONE

9.1 Permitted Main Uses

Include, but are not limited to, Auto Repair Garages, Bulk Fuel Depots, Class I Industries, Class II Industries, Construction or Contractors Yards, Public Authority Uses, Public Utilities, Recycling Station, Service Outlet, Transportation Depot, Warehouse, and Welding Shop.

9.2 Permitted Accessory Uses, Buildings and Structures

1. Accessory Uses, Buildings and Structures
2. Open Storage Area
3. Outdoor Display Area
4. Storage Container

9.3 Zone Regulations

	All Uses
Minimum Lot Area	1 ha [2.47 ac.]
Minimum Lot Frontage	50 m [164 ft.]
Minimum Yard Regulations – Main Building	
Front Yard or Exterior Side Yard	9 m [29.5 ft.]
Interior Side Yard	5 m [16.4 ft.] or 9 m [29.5 ft.] where the lot abuts a zone other than an industrial zone
Rear Yard	10 m [34.4 ft.] or 15 m [49.2 ft.] where the lot abuts a residential use
Minimum Yard Regulations – Accessory Building	
Interior Side Yard or Rear Yard	3 m [9.84 ft.]
Front Yard or Exterior Side Yard	Same as Main Building
Maximum Height Regulations	
Main Building	10 m [32.8 ft.]
Accessory Building	5 m [16.4 ft.]
Maximum Lot Coverage Regulations - Accessory Building	
All Buildings and Structures	60%

9.4 Additional Provisions

1. The building setback shall be exempted for that portion of any lot that abuts a railroad right-of-way.

10 WASTE MANAGEMENT (M2) ZONE

10.1 Permitted Main Uses

Include, but are not limited to, Public Authority Uses, Public Utilities, Recycling Stations, and Waste Management Facilities.

10.2 Permitted Accessory Uses, Buildings and Structures

1. Accessory Uses, Buildings and Structures
2. Open Storage Area

10.3 Zone Regulations

1. Minimum Lot Area: 0.8 ha [1.97 ac.]
2. Minimum Yard Regulations: 30 m [98.4 ft.]

Additional Provisions

None

11 MINERAL AGGREGATE RESOURCE (M3) ZONE

11.1 Permitted Main Uses

Include, but are not limited to, Agricultural Use (no buildings), Forestry Use (no buildings), Aggregate Pit, Portable Asphalt/Concrete Plant, Public Authority Uses, Public Utilities, Quarries, Wayside Pits/Quarries.

11.2 Permitted Accessory Uses, Buildings and Structures

1. Accessory Uses, Buildings and Structures subject.
2. Open Storage Area
3. Crushing and screening facilities, administration facilities, weigh stations, gate house. security kiosk

11.3 Zone Regulations

Minimum Lot Area	n/a
Minimum Lot Frontage	n/a
Minimum Yard Regulations – Main Building	
All yards	15 m [49.2 ft.]
Minimum Yard Regulations – Accessory Building	
All Yards	15 m [49.2 ft.]
Minimum Excavation Setbacks	
Site Boundary	15 m [49.2 ft.] from the boundary (lot line) of the site
Highway	30 m [98.4 ft.] from any part of the boundary that abuts a highway or public street
Residential Use	30 m [98.4 ft.] from the boundary of any land in use for residential purposes
Water Body	30 m [98.4 ft.] from any body of water that is not the result of excavation below the water table
Maximum Height Regulations	
Main Building	15.25 m [50 ft.]
Accessory Building	11 [36 ft.]

11.4 Additional Provisions

None

12 OPEN SPACE, RECREATION, PARK, (OS) ZONE

12.1 Permitted Main Uses

Include, but are not limited to, Community Gardens, Conservation Areas (15% land base kept pristine), Conservation Uses, Cultural Facilities, Outdoor Sports Fields, Farmer's Markets, Gazebos, Golf Courses, Parks, Picnic Areas, Playgrounds, Public Authority Uses, Public Utilities, and Spiritual or Cultural Pursuits or Facilities.

12.2 Permitted Accessory Uses, Buildings and Structures

1. Accessory Uses, Buildings and Structures.
2. Parking Area

12.3 Zone Regulations

Minimum Lot Area	--
Minimum Lot Frontage	--
Minimum Yard Regulations – Main Building	
Front Yard or Exterior Side Yard	15 m [49.2 ft.]
Interior Side Yard **Rear Yard**	7.5 m [14.6 ft.] or 15 m [49.2 ft.] where the lot abuts a residential use or zone
Minimum Yard Regulations – Accessory Building	
Interior Side Yard or Rear Yard	3 m [9.84 ft.]
Front Yard or Exterior Side Yard	Same as Main Building
Maximum Height Regulations	
Main Building	10 m [32.8 ft.]
Accessory Building	5 m [16.4 ft.]
Maximum Lot Coverage Regulations - Accessory Building	
All Buildings and Structures	10%
Main Building and any Accessory Building	3m [9.84 ft.]

12.4 Additional Provisions

1. A skateboard park may be permitted in the OS Zone only within the **Village.**

13 SACRED SITES (SC) ZONE

13.1 Permitted Main Uses

Include, but are not limited to, Burial Grounds, Cemeteries, Culturally Significant Areas, Parks, Pigeon Mountain, Pow Wow Grounds/Second Beach, Public Authority Uses, Public Utilities, Sacred Sites, and Sweat Lodges.

13.2 Permitted Accessory Uses, Buildings and Structures

1. Accessory Uses, Buildings and Structures. Includes provision that no buildings/structures shall be permitted except for flood control or erosion protection or permitted structural buildings for Cultural / Spiritual purposes.
2. Parking Area.

Zone Regulations

1. Minimum setback from any **lot line** 5 m [16.4 ft.]

Additional Provisions

None

14 ENVIRONMENTAL PROTECTION (EP) ZONE

This zone is further to Atikameksheng Anishnawbek Environmental Action Plan (2018).

14.1 Permitted Main Uses

Include, but are not limited to, Conservation Uses, Parks, Public Authority Uses, Public Utilities, Makada (Black) Lake 200 m conservation buffer, and Round lake and Long Lake 300 m contamination restriction buffer.

14.2 Permitted Accessory Uses, Buildings and Structures

1. Accessory Uses, Buildings and Structures. Includes provision that no buildings/structures shall be permitted except for flood control or erosion protection.

2. Parking Area.

Additional Provisions

None

15 RURAL (RU) ZONE

15.1 Permitted Main Uses

Include, but are not limited to, Agricultural uses, Alternative and Renewable Energy Systems, Recreational Camps*, Conservation Uses, Communication Facilities, Forestry Uses*, Logging Operation in compliance with Forest Management Plan*, Parks, Public Authority Uses, Public Utilities, Wayside Pits and Quarries.

*shall not be permitted in the Rural (RU) Zone shown on Schedule "A" or in the Rural (RU) Zone within the Community Development Zone on Schedule "B".

15.2 Permitted Accessory Uses, Buildings and Structures

1. Accessory Uses, Buildings and Structures
2. Portable sawmill

15.3 Zone Regulations

Minimum Lot Area	1 ha [2.47 ac.]
Minimum Lot Frontage	45 m [147.6 ft.]
Minimum Yard Regulations – Main Building	
Front Yard or Exterior Side Yard	10 m [32.8 ft.]
Interior Side Yard	5 m [16.4 ft.]
Rear Yard	10 m [32.8 ft.]
Minimum Yard Regulations – Accessory Building	
Interior Side Yard or Rear Yard	3 m [9.84 ft.]
Front Yard or Exterior Side Yard	Same as Main Building
Maximum Height Regulations	
Main Building	12 m [39.3 ft.]
Accessory Building	6 m [19.6 ft.]
Maximum Lot Coverage Regulations	
Main Building	5%
Accessory Building	2%
Minimum Separation Distance Between Buildings Regulations	

Main Building and any Accessory Building	5 m [16.4 ft.]

15.4 Additional Provisions

1. All development shall comply with the provisions of **Minimum Distance Separation Formulae I and II.**
2. All Class III Wind Facilities with an electrical power output of 50 kW or greater and a sound level equal to or greater than 102 dBa shall comply with the standards set out in Ontario Regulation 359/09 with respect to setbacks from property, road and railways.
3. The installation of any communications facility shall comply with Industry Canada construction standards.

16 ZONE EXCEPTIONS

Exceptions to the Zoning Regulation for **Atikameksheng Anishnawbek** may be added from time to time to address property-specific variations from the Zoning Regulation. Each exception zone is unique and sets out exceptions to the list of permitted uses or the zone regulations of the Regulation. Except where there is an exception stated, the other provisions of the Zoning Regulation will continue to apply.

16.1 Exceptions to the Regulation

Exceptions to Zoning Regulation				
Regulation No.	**Zone**	**Uses Permitted**	**Uses Prohibited**	**Provisions**

17 GENERAL PROVISIONS

Explanatory Note

The General Provisions section sets out regulations which apply regardless of the specific zoning. While the zones provide site specific controls corresponding to such items as permitted uses and other restrictions, the General Provisions provide regulations more general in nature, applying to a variety of uses regardless of zoning. Development must comply with all applicable provisions in the General Provisions in addition to the regulations of the specific zone standards.

17.1 Accessory Uses, Buildings and Structures

Where a lot is devoted to a permitted use, customary **accessory uses, buildings** and **structures** are authorized except:

1. All **accessory uses, buildings and structures** to a permitted principle use shall be located on the same lot and in the same zone as the principle use.
2. The use of any **accessory building** for human habitation is not permitted except where specifically listed as a permitted use.
3. **Accessory uses, buildings** and **structures** shall not be **erected** or established prior to the **erection** or establishment of the **main building** or **use.**
4. No accessory use shall be erected closer to the **front lot line** or the **exterior side lot** line than the minimum **front yard** and **external side yard** setbacks required for the main building. This provision shall be exempted for:
    a. A shelter for use by children waiting for a school bus, if such use is located in a Rural Zone (RU);
    b. A freestanding satellite dish or solar panel (but not including a **communications facility**);
    c. A **sign erected** in compliance with the provisions of this Regulation;
    d. A **temporary car shelter**;

    provided that all such **structures** are set back a minimum of 3m [9.84 ft.] from the **front lot line** or **exterior side yard lot line**.
5. Common semi-detached garages or carports may be centered on the mutual side lot line.

17.2 Bed and Breakfast Establishments

A **bed and breakfast establishment** shall be permitted as an **accessory use** to any permitted **single detached dwelling** subject to the following regulations:

1. The use of the **dwelling** as a **bed and breakfast** establishment shall not change the residential character of the dwelling.
2. A **bed and breakfast establishment** shall only be permitted where listed as an **accessory**

use in the **zone** in which the lands are located.

3. **Bed and breakfast establishments** shall not be subject to the **home-based business** regulations of General Provisions.
4. The regulations of the local Health Unit, where applicable, shall be met.
5. One (1) **sign** may be permitted to advertise the **bed and breakfast** establishment that shall not exceed 1 m^2 [10.76 ft^2] in surface area and shall not be back-lit. The permitted **sign** may be a freestanding **sign** in a **front** or **side yard** or may be **attached** to a wall of a permitted **building** or **structure**. The **sign** may be illuminated by lights where the illumination is directed directly onto the **sign.**
6. A breakfast service shall be provided to guests.
7. The **building** in which the **bed and breakfast** establishment is located shall comply with all applicable Building Code and Fire Code regulations.

17.3 Buildings to be Moved

No **building** or **structure** shall be moved to **Atikameksheng Anishnawbek** unless the **building** or **structure** is a permitted use and satisfies all the regulations of the zone in which it is to be located.

Cumulative Standards

Notwithstanding anything contained in this regulation, where any land, building or structure is used for more than one purpose, all provisions of this regulation relating to each use shall be complied with.

Established Building Line in Built-up Area

Notwithstanding any other provision or regulation of this Regulation, in any Residential Zone, the front yard setback for a residential building to be constructed between existing buildings or adjacent to existing buildings which are separated by no more than 60 m [196.8 ft.], may be reduced to a setback equal to the average setback of the said existing residential buildings or 6 m [19.6 ft.], whichever is the greatest.

17.6 Exception Zone

Where a zone symbol is followed by the suffix "-X" this shall mean that a specific exception is being made to one or more of the standards of that zone for a specific area governed by the Regulation. All other provisions of the Regulation shall continue to apply. A number after the "-X" (e.g. R-X1) indicates the order of the various exception zones.

17.7 Fences

Any **fence erected** hereafter shall conform to the provisions as hereinafter set out in this Regulation as follows:

17.7.1 Fences in a residential Zone (R1, RM, RW, LSR)

1. The maximum **height** of a **fence** in any **interior side** or **rear yard** shall be 2 m [6.56 ft.] measured from the **established grade.**
2. The maximum **height** of a **fence** in any **front yard** or **exterior side yard** shall be 1 m [3.28 ft.] measured from the **established grade.**
3. No **fence** shall be erected so as to obstruct a **sight triangle**.
4. An unpierced hedgerow or other unpierced planting in a **front yard** or **exterior side yard** shall be deemed to be a **fence**.
5. The use of barbed-wire, spire tips, sharp objects or any devise for projecting an electric current in any fence construction is prohibited.

17.7.2 Fences in a Non-Residential Zone (I, C1, C2, M1, M2, M3, OS)

1. The maximum **height** of a **fence** in any **yard** of a non-residential zone shall be limited to 2.5 m [8.20 ft.] measured from the **established grade** where the **fence** is a chain-link or other similar transparent construction materials or 2 m [6.56 ft.] for any other materials.
2. No **fence** shall be erected so as to obstruct a **sight triangle**.
3. The use of barbed-wire, spire tips, sharp objects or any devise for projecting an electric current in any fence construction is prohibited.
4. **Section 17.7.2** shall not apply to fences required for a **public authority** or **communication facilities.**

Fences in a Rural Zone

The provisions for fences shall not apply in a rural zone (RU, SC).

Flood Plain

No **dwelling** shall be constructed or extended or expanded below the regulatory flood elevation of any **water body.**

17.9 Frontage on a Street

No person shall erect any **building** or **structure** in any zone unless the lot upon which such building or structure is to be erected has sufficient **frontage** on an **improved street.**

17.7.1 Exemptions

Despite the above **frontage** on an **improved street** shall be exempted:

1. For a **dwelling** located on a water access lot or island.
2. For a Recreational camp (hunt camp, fish camp).

3. A resource related **use**.
4. A communications facility.
5. A **public utility.**
6. A **wayside pit or quarry.**
7. Any passive outdoor recreational use or activity such as skiing, snowmobiling, hiking, mountain biking or similar activities.

17.7.2 Exception for Existing Agreements

1. Despite **Section 17.9.1** where a maintenance or subdivision agreement exists between **Atikameksheng Anishnawbek** and a land owner and is registered on title, **frontage** on an unassumed, unopened or unmaintained public right-of-way shall be deemed to comply to the provisions of this section, provided that such **frontage** is in conformity with the standards set out in the corresponding **zone** or any exception thereto.
2. Despite **Section 17.9.1,** where a legal right-of-way registered on title and provides for a right-of-way to an **existing lot** which is developed for a **single detached dwelling** or **Recreational dwelling** as of the date of approval of this Regulation, such uses shall be deemed to comply with the provisions for access of this Regulation.

17.10 Garden Suites

Subject to the, the passing of Site Specific Temporary Use Regulation by **Atikameksheng Anishnawbek**, a **garden suite** shall be permitted as an **accessory dwelling** to a permitted main residential use provided that the minimum **lot area** is 450 m² [4,844 ft²] in area, that the maximum **net floor area** is 50 m² [538 ft.²], that the maximum **height** of the Garden Suite is 6 m [19.6 ft.] or the average height of the main buildings on the subject and abutting lots, whichever is the lesser, that the **garden suite** is located in a **rear yard** or **interior side yard** and meets the minimum yard and **lot coverage** regulations set out in the corresponding zone and is set back a minimum of 3 m [9.8 ft.] from any **rear yard or side lot line**.

17.11 Group Homes

A **group home** shall be permitted in all **zones** that allow **residential uses.**

17.12 Home Based Businesses

17.12.1 Scope of Permitted Home Based Businesses

The following **home-based businesses** shall be permitted in any zone which permits a **home- based business** and for only those who own their own home:

1. Professional and consulting services including but not limited to an architect, engineer,

financial advisor, accountant, consultant, legal services, physician, teleworker.

2. Instructional services including but not limited to music lessons, dance, art, academic tutoring.
3. Home craft businesses including but not limited to quilter, potter, jeweler, painter/visual artist, or small-scale assembler.
4. A Day nursery.
5. Distribution sales office or mail order sales including but not limited to cosmetics, clothing or small household appliance.
6. An office for a contractor and trades plumber, electrician.
7. Repair services including but not limited to small appliances, computers and not including auto repair and similar services.
8. High technology uses including but not limited to internet services, office call centre services, desktop publishing, computer hardware and software development.
9. Personal care services including but not limited to a hairdresser, barber, massage therapist, aesthetician.
10. Sale of bait for recreational fishing purposes.
11. Pet grooming, but not including overnight keeping of animals.
12. A Catering establishment.
13. A Studio.
14. Maple syrup production.

17.12.2 Zone Regulations for Home Based Businesses

1. The **home-based business** shall be clearly **accessory** to the main permitted residential **use.**
2. A maximum of two (2) **home-based businesses** shall be permitted in a **dwelling**.
3. The residential external character of the **dwelling** shall not be changed.
4. The business(es) shall be conducted entirely within the **dwelling.**
5. One (1) **sign** may be permitted to advertise a **home-based business** provided that the **sign** shall not exceed 1 m^2 [10.76 ft^2] in surface area and shall not be back-lit. The permitted **sign** may be a freestanding **sign** in a **front** or **side yard** or may be **attached** to a wall of a permitted **building** or **structure**. The **sign** may be illuminated by lights where the illumination is directed directly onto the **sign.**
6. The business(es) shall be legal and must have obtained the necessary permits or licenses from **Atikameksheng Anishnawbek** and any other applicable government body having jurisdiction.
7. A business shall have the approval of **Atikameksheng Anishnawbek** or its agent for any required on-site water and sewage disposal system.
8. The **home-based business(es)** shall cumulatively not occupy more than 25% of the **net floor area** of the **dwelling**.
9. No **outdoor storage** shall be permitted.
10. A maximum of three (3) parking spaces shall be permitted in addition to the required parking for the **residential use**.
11. A maximum of two (2) **commercial vehicles** may be parked on-site.

17.13 Home Industries

17.13.1 Scope of Permitted Home Industries

The following **home industries** shall be permitted in any Rural (RU) or any **non-residential zone** which permits a **residential use**:

1. Any of the **home-based businesses** listed in **Section 17.12**
2. Any **secondary use** to a permitted **agricultural use** including a home based business (as set out above),uses that produce value-added agricultural products only from the farm grown operation on the property, a welding or repair shop, commercial school bus or commuter transportation service, a retail outlet for farm supplies and machinery or other home industry.
3. The sale of firewood.
4. An appliance repairs.

17.13.2 Zone Regulations for Home Industries

1. The **home industry** shall be clearly **accessory** to the main permitted residential **use.**
2. A maximum of two (2) **home-based businesses** shall be permitted.
3. The residential external character of the **dwelling** shall not be changed.
4. The business(es) may be conducted within the **dwelling** or may be located in an **accessory building** or a combination of both if located in a (RU) zone.
5. One (1) **sign** may be permitted to advertise a home industry provided that the **sign** shall not exceed 1 m^2 [10.76 ft^2] in surface area and shall not be back-lit. The permitted **sign** may be a freestanding **sign** in a **front** or **side yard** or may be **attached** to a wall of a permitted **building** or **structure**. The **sign** may be illuminated by lights where the illumination is directed directly onto the **sign.**
6. The business(es) shall be legal and must have obtained the necessary permits or licenses from **Atikameksheng Anishnawbek** and any other applicable government body having jurisdiction.
7. A business shall have the approval of **Atikameksheng Anishnawbek** or its agent for any required on-site water and sewage disposal system.
8. The **home industry(ies)** shall cumulatively not occupy more than 25% of the **net floor area** of the **dwelling**. Where the business is located in an **accessory building** the **net floor area** occupied by the business shall not exceed 112 m^2 [1,206 $ft.^2$].
9. **Outdoor storage** may be permitted for the sale of firewood and for materials and equipment related to the business, only if fully screened by an opaque perimeter fence 1.8 m [6 ft.] in height provided the horizontal area covered does not exceed 50 m^2 [538.2 $ft.^2$].
10. A maximum of three (3) parking spaces shall be permitted in addition to the required parking for the **residential use**.
11. A maximum of two (2) **commercial vehicles** may be parked on-site.

17.14 Land Suitability For Use

Despite any other provision of this Regulation, no habitable **building** or **structure** shall be **erected**, **altered** or **used** on land which is unsafe for development by reason of unstable bedrock, unstable soils, steep slopes, low lying or marshy conditions, or unstable character.

17.15 Licenses, Permits, Regulations and Other By-laws

Nothing in this Regulation shall exempt any person from complying with regulations of any other By-law in force within **Atikameksheng Anishnawbek** or from obtaining any permit, license, permission, authority or approval required by this Regulation or any By-law of **Atikameksheng Anishnawbek** or by any other provincial or federal law in force from time to time.

17.16 Loading Regulations

For every **building** or **structure** hereafter erected for a commercial, institutional or industrial use, involving the frequent shipping, loading or unloading of persons, animals, wares, merchandise or other goods, there shall be provided and maintained loading facilities or spaces in accordance with the following regulations:

1. Each **loading space** shall have a minimum height clearance of 4.5 m [14.7 ft.] and shall be at least 4 m [13.1 ft.] wide by 14 m [45.9 ft.] long.
2. **Loading spaces** shall be located inside a **building** or **structure,** an open **rear yard**, or an open **side yard**, on the same **lot** on which the main use is located, provided such a loading space shall be in an area whose distance from a **lot line** to a building or structure is not less than 3 m [9.84 ft.] or 6 m [19.6 ft.] from the boundary of any residential zone and shall have unobstructed ingress and egress to and from a **street** by means of a **driveway,** land or **aisle** of a minimum width of 3.5 m [11.4 ft.].
3. The number of required **loading spaces** shall be based on net floor area of the building or structure as follows:
    a. One (1) **loading space** for 0 - 500 m^2 [5382.1 $ft.^2$] of **net floor area.**
    b. Two (2) **loading** spaces for 500 - 2000 m^2 [5382.1 $ft.^2$ - 21,505 $ft.^2$] of **net floor area.**
    c. Three (3) **loading** spaces for over 2000 m^2 [21,505 $ft.^2$] of **net floor area.**
4. The **loading space** regulations stated in 3 (a) - (c) shall not apply to **buildings** or **structures** in existence as of the date of passing of this Regulation but shall apply to areas of any expansion or enlargement to such buildings or structures for which building permits have been issued after the date of passing of this Regulation.

17.17 Mine Hazards

No person shall use any lands identified as having a **mine hazard.**

17.18 Minimum Distance Separation and Special Setbacks

Notwithstanding anything in this Regulation to the contrary, no **person** shall use any land, **building** or **structure** unless the **use**, **building** or **structure** complies with the following:

1. **Waste Management Facility**
   a. No **sensitive land use** shall be permitted within 500 m [1,640 ft.] of a **waste management facility** measured from the **lot line** of the **sensitive land use** to the **lot line** of the **waste management facility.**
   b. No development or land use shall be permitted within 30 m [98.4 ft.] of the (licensed) fill area of an active **waste management facility.**
   c. No **waste management facility** shall be permitted within 30 m [98.4 ft.] from any watercourse, lake or pond.
   d. In addition, no **waste management facility** shall be permitted on land covered by water or in any area subject to flooding (see **Section 17.8**).
2. **Pits and Quarries**
   a. No **sensitive land use** shall be permitted within 70 m [230 ft.] of the zone boundary of a **pit** measured as the shortest horizontal distance between the **lot line** of the **sensitive land use** and the zone boundary of the **pit** or the nearest face of the excavation, whichever is the closest.
   b. No **sensitive land use** shall be permitted within 300 m [984 ft.] of a **quarry** measured as the shortest horizontal distance between the **lot line** of the **sensitive land use** and the zone boundary of the **quarry** or the nearest face of the excavation, whichever is the closest.
3. **Industrial Uses**
   a. **Class I Industrial – Light Industrial**: The minimum separation distance from a **sensitive land use** and a Class I Industrial use shall be 20 m [65.6 ft] and shall be measured as the shortest horizontal distance between the **lot line** of the **sensitive land use** to the **lot line** of the Class I Industrial Use.
   b. Where an **industrial use** or **sensitive land use** is an existing use and an expansion or extension is proposed, the minimum separation distance shall be measured from the nearest main wall of the **building** or **structure** occupied by the **sensitive land use** and the nearest main wall of the **building, structure,** processing area, assembly or manufacturing area occupied by the **industrial use**.
4. **Minimum Distance Separation Formulae I and II**
   a. The Minimum Distance Separation Formulae I and II of the Ontario Ministry of Agriculture, Food and Rural Affairs shall apply.
   b. Any new **sensitive land use** located on a lot greater than 1 ha [2.47 ac] created after the date of passing of this Regulation shall comply with the **Minimum Distance Separation Formulae I** as amended by the Province from time to time, where applicable. The Minimum Distance Separation Formulae I shall not apply to **lots** of record 1 ha [2.47 ac] or less.
   c. Despite anything in this Regulation to the contrary, where an **existing sensitive land use** that does not comply with the **Minimum Distance Separation**

Formulae I is destroyed or rendered uninhabitable by fire or other natural cause, the **building** or **structure** may be reconstructed where the new **building** or **structure** is located no closer to a **livestock facility** than the original building or structure and the **gross floor area** and **height are not increased.**

d. Despite paragraphs **4. a. – c.** above, the **Minimum Distance Separation Formulae I and II** shall not apply to **sensitive land uses** located within the **Village**.

5. **Water Bodies**
   a. Subject to **Section 17.8**, the minimum setback from the **high-water mark** for a **dwelling**, a non-residential or **accessory building** or **structure** or an **individual on-site sewage service** shall be 30 m [98.4 ft.] except for a **marine facility.** The setback shall be measured as the shortest horizontal distance from the nearest main wall of the building or the edge of the filter bed/tile bed to the **high-water mark**.

6. **Wetland**
   a. No **dwelling,** non-residential or **accessory building** or **structure** or an **individual on-site sewage service** shall be permitted within 30 m [98.4 ft.] of the boundary of a wetland or fish habitat.

17.19 Noxious Uses

No use is permitted which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, vibration or refuse matter, or which from its nature or the materials used therein is declared to be a noxious trade, business or manufacturer under the Ontario Public Health Act and regulations thereunder or the Ontario Environmental Protection Act, and regulations thereunder.

17.20 Sight Triangle

1. Within any area defined as a **sight triangle**, the following **uses** shall be prohibited:
   a. A **building, structure**, or **use** which would obstruct the vision of drivers of **motor vehicles**.
   b. A **fence**, tree, hedge, bush or other vegetation, other than agricultural crops.
   c. Any portion of a delivery space, **loading space, driveway** or **parking space**.
   d. A berm or other ground surface which exceeds the elevation of the street by more than 0.6 m [1.96 ft.].
2. For the purposes of this Regulation, the following **sight triangle** distances shall apply (see definition of sight triangle for measurement of distances):
   a. 15 m [49.2 ft.] in all commercial and industrial zones.
   b. 5 m [16.4 ft.] in all other zones (see **Figure 18.11**).

17.21 Signs

Unless otherwise stated in this Regulation, **signs** shall be permitted only in accordance with the Signs By-law(s) of **Atikameksheng Anishnawbek**.

17.22 Streets and Parks

In any **zone** established by this Regulation, **streets,** walkways, bike paths and parks are permitted.

17.23 Temporary Buildings or Structures During Construction

Nothing in this Regulation prevents uses incidental to construction, such as a construction camp or other such temporary work camp, a tool shed, scaffold or other building or structure incidental to the construction, or a sign not more than four and one-half (4.5) square metres in area incidental to the construction, if these uses are permitted only for so long as they are necessary for work in progress which has neither been finished nor abandoned.

17.24 Use by Public Authority or Public Utility

The provisions of this Regulation shall not apply to limit the **use** of any land or to the **erection** or use of any **building** or **structure** for a utility installation or infrastructure for the purpose of a public service by **Atikameksheng Anishnawbek** and/or any other public authority or utility, provided that where such land, **building** or **structure** is located in a Residential Zone (see **Section 1.2** for list of zones) or on a lot adjacent to a Residential Zone:

1. No goods, materials or equipment shall be stored in the open.
2. The **lot coverage** and **setback** regulations of the zone in which such land, **building** or above ground **structure** is located shall be complied with.
3. Any **building erected** under the authority of this section shall not be used for the purpose of an **office** except for a government **building**.
4. **Communications facilities** shall comply with Industry Canada Standards for construction and safety. A **communications facility** shall only be permitted in a Rural or Industrial Zone.

Water and Sewage Disposal Systems

No **person** shall **erect** or **use** in whole or in part, any **building** or **structure** unless the **use, building** or **structure** is properly connected to approved **water and sewage systems** under the Ontario Water Resources Act or the National Building Code unless the use is exempted under the National Building Code or prohibited or regulated by this Regulation.

No person shall discharge and type of sewage onto the land unless the discharge is into an approved **sewage system**.

Zones Applying to More than One Properties

Where a **lot** is divided into more than one **zone**, each such portion of the lot shall be used in accordance with the provisions of this Regulation for the zone where such portion of the lot is located. Each such portion of the lot shall be considered as a separate lot for the purposes of determining zone provisions.

8 DEFINITIONS

Abattoir

Means a **building** specifically designed to accommodate the penning and slaughtering of live animals and the preliminary processing of animal carcasses and may include the packing, treating and sale of the product on the premises.

Accessory

When used to describe a **use, building** or **structure**, shall mean a use, building or structure naturally or normally incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith. Examples of accessory buildings or structures are a detached garage, a storage shed, a swimming pool or a satellite dish. Examples of accessory uses are a home-based business, an apartment above a store, or a retail outlet within a manufacturing plant.

Accessory Dwelling – see **dwelling, Accessory**

Accessory Apartment - see **Dwelling – Accessory Apartment**

Accessory Dwelling Unit – see **Dwelling, Accessory Dwelling Unit**

Adventure Game

Means an outdoor sport or **recreation commercial establishment** operated commercially in which participants engage in games mimicking combat-type roles and which may include the use of paint ball or similar equipment.

Aggregate

Means gravel, sand, clay, earth, shale, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Province of Ontario's Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other similar material as described in the Province of Ontario's Mining Act or the Aggregate Resources Act.

Agricultural Use

Means the **use** of land, **building(s)** or **structure(s)** for:

3. The growing of crops, including but not limited to nursery and horticultural crops and all related activities such as soil preparation, manure or fertilizer spreading, planting, spraying, grain drying, irrigating, harvesting and also including the storage and sale of the crops produced on the lands.
4. Animal husbandry to only include fish, aquaculture, apiaries and all related activities.

5. Agro-forestry, maple syrup production.
6. The production of animal products including but not limited to wool, fur, or honey, and all related activities such as the collection, storage and sale of the products produced on the lands.
7. The use and storage of all forms of on-farm buildings and structures, equipment or machinery needed to accomplish the foregoing activities.
8. Agricultural use shall not be construed to include commercial activities related to agriculture such as **abattoirs,** tanneries and retail sales outlets, (except a farm produce outlet) or manufacturing and processing activities involving farm crops or animal products such as cheese factories, grain mills or retail seed sales.

Agriculturally Related Commercial/Industrial Uses

Means the **use** of land, **buildings** or **structures** related to agriculture and necessary in close proximity to **farm** including but not limited to animal husbandry services, produce or grain storage facilities, farm machinery outlets, and a fertilizer depot, but does not include any manufacturing, assembling, processing, warehousing or construction uses.

Aisle

Means the travelled way by which **motor vehicles** enter and depart **parking spaces** and a **parking area.**

Alter

When used in reference to a **building, structure** or part thereof, means:

1. To change any one or more of the internal or external dimensions of such **building** or **structure**; or
2. To change the type of construction of the exterior walls or roof of such **building** or **structures**; or
3. To change the **use** of such **building** or **structure** or the number or types of uses or **dwelling units** contained therein.

When used in reference to a **lot** means:

1. To change the boundary of such **lot** with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of the **lot**, or otherwise; or
2. To change any dimension or area, relating to such **lot** (e.g. width, depth or area of a lot or required yard, landscaped open space or parking area); or
3. To change the **use** of such **lot** or the number of uses located thereon.

When used in reference to a shoreline means to change, straighten, divert or interfere in any way with the channel of any **water body** or the lands surrounding the **high-water mark** of a **water body**. Altered and alteration shall have corresponding meanings.

Alternative Energy System

Means a system that uses sources of energy or energy conservation processes to produce poser, heat and/or cooling that significantly reduces the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

Ambulance Facility

Means a **building** or part thereof where professional paramedics and personnel are stationed and their **motor vehicles** and equipment are kept or stored.

Animal Hospital

Means a **building, structure** or establishment used as the premises of a veterinarian or veterinary surgeon where animals, birds or other livestock are examined or treated and which may be kept on a short term basis but does not include a **kennel** or research facility.

Antique Store

Means a **building** or part of a **building** or **structure** where antiques, arts and crafts are offered or kept for sale at retail and may include a craft shop.

Apartment Building - see Dwelling - Apartment

Arcade or Video Arcade

Means an establishment where more than three amusement machines are available for public use and are operated for commercial gain, but does not include premises licensed to serve alcohol, a seasonal agricultural fair, an amusement park or the premises on a non-profit organization, association, institution or club which is operated for social, educational, recreational, religious or fraternal purposes.

Artisan Shop or Studio - see Studio

Asphalt Plant

Means an industrial facility used for the production of asphalt for immediate use in the paving of **roads** and **driveways** and the damp-proofing of **buildings** or **structures**.

Assembly Hall - see Place of Assembly

Attached

Means a **building** or **structure** otherwise complete in itself which is connected to, and which depends for structural support upon a division wall or walls shared in common with an adjacent building or buildings.

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Means the **Council** or any designated officer of the **Council** who has the authority to enforce any law under the Land Management Code or represent the corporate authority of the community.

Attic

Means that portion of a **building** immediately below the roof and wholly or partly within the roof framing.

Auction Hall

Means a **building**, a **structure** or parts thereof, or any lands or premises used for the storage of goods or materials which are to be sold on the premises by public auction, and for the sale of the said goods and materials by public auction. An auction barn shall be included within this definition.

Auditorium - see Place of Assembly

Auto Body Shop

Means a **building** or **structure** where painting, refinishing, restoration, alterations, or repairs are made to **motor vehicles** and where the services are performed for gain or profit but does not include a **wrecking or salvage yard** or **auto repair garage**. [See Wrecking or Salvage Yard]

Auto Repair Garage

Means a **building** or **structure** for the storage, repair and servicing of **motor vehicles** or **recreational vehicles** performed for gain or profit.

Automotive Sales Establishment

Means land or **buildings used** for the display, storage and sales or leasing, or renting of new and/or used **motor vehicles** and **recreational vehicles** and related products, and may include **accessory uses** such as an **Auto Repair Garage** and/or **Auto Body Shop**, as defined, administrative offices and a customer lounge.

Automotive Service Station

Means a **building** and/or **lot** used for the sale of fuels or energy products, for **motor vehicles** or **recreational vehicles** and may include an **auto repair garage**, the renting, servicing, repairing, lubrication, cleaning and polishing of vehicles and the sale of automotive accessories and related products, but shall not include any other automotive use defined in this Regulation [see also Gas Bar].

Automobile Washing Establishment

Means a **building** or structure containing facilities for washing **motor vehicles** by production line methods and may include the incidental sale of fuel including but not limited to gasoline, diesel

fuel, propane, and natural gas. This definition shall also include a self-service car wash.
Automobile Wrecking Yard - see Wrecking or Salvage Yard

Bakery

Means a **building** or part thereof for producing, mixing, compounding or baking bread, biscuits, ice cream cones, cakes, pies, buns, or any other bakery product of which flour or meal is the principal ingredient, but does not include a **restaurant** or other premises where any such product is made for consumption on the premises or a **bake shop**.

Bake Shop

Means a **retail store** where bakery products are sold some or all of which may be prepared on the premises.

Balcony

Means an open platform projecting from the face of a building's wall, cantilevered or supported by columns or brackets and surrounded by a balustrade or railing.

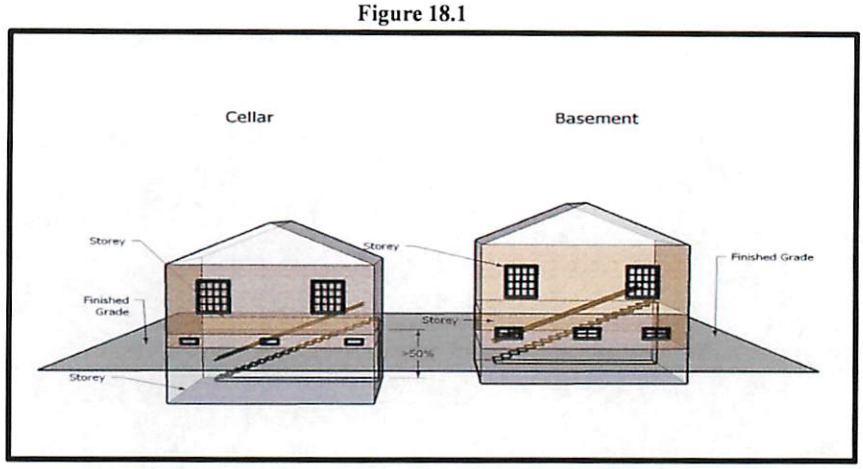
Bank

Means a chartered bank, finance company office, co-op, trust company, loan company or similar establishment where money is deposited, kept, lent or exchanged.

Basement

Means that portion of a **building** between two floors which is partly underground, but which has at least one-half of its **height** from floor to ceiling above the adjacent **finished grade** [see **Figure 18.1**].

Figure 18.1



Batch Plant, Asphalt or Concrete

Means an industrial facility used for the production of asphalt or concrete products, used in

building or construction and includes but is not limited to facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process of finished products manufactured on the premises and the storage and maintenance of equipment.

Bed and Breakfast Establishment

Means a private **single detached dwelling** in which **guest rooms** are provided for gain as temporary accommodation on a daily basis for the travelling or vacationing public as an accessory use and where the proprietor lives on the premises.

Bingo Hall

Means a **building** or part thereof used for bingo or a bingo event.

Boarding House or Rooming House

Means a **dwelling** within which a proprietor supplies for a fee, sleeping accommodation with or without meals, for five (5) or more persons but does not include a **bed and breakfast establishment, a hotel**, a hostel, a **group home**, or **continuum-of-care facility**.

Building

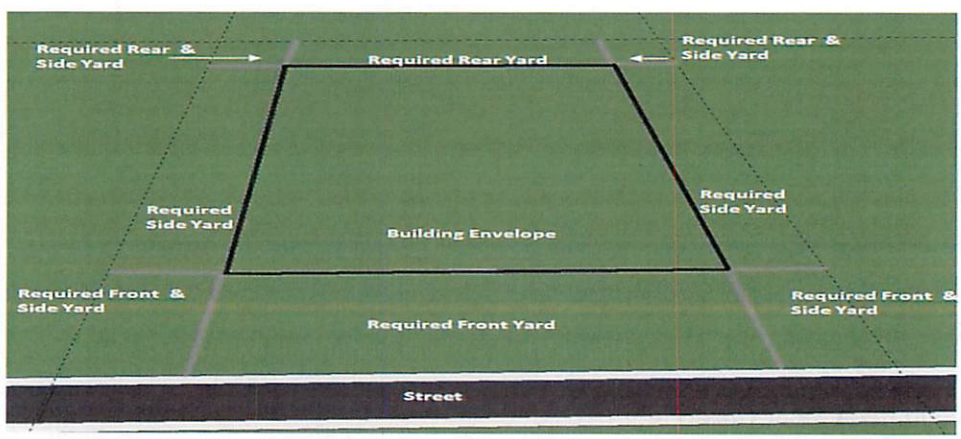
Means any **structure** used or intended for sheltering any use or occupancy. The word "building" shall include the whole of such structure or part thereof and shall include any building types as regulated by the Ontario Building Code.

Building, Accessory - see Accessory Building

Building Envelope

Means the buildable area on a **lot,** defined by all of the required **yards** and setbacks and the maximum height provisions, within which a **building** can be erected [see **Figure 18.2**].

Figure 18.2



Building

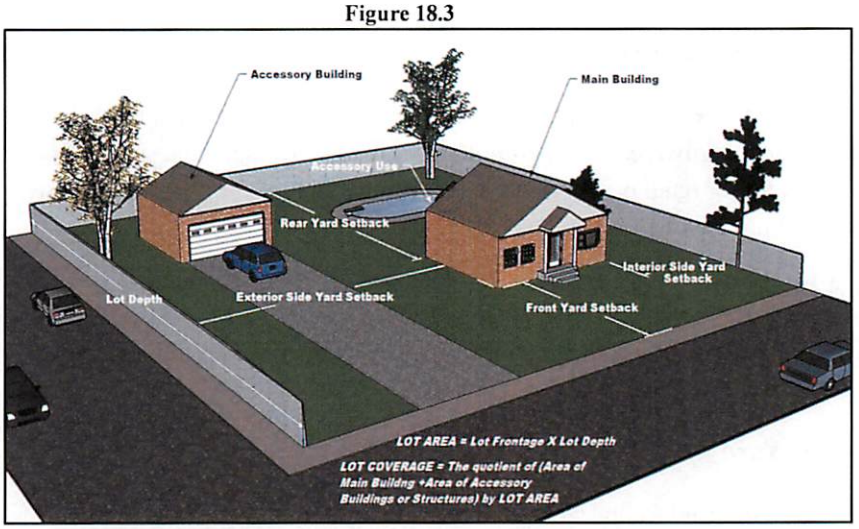
Height - see Height

Building Inspector or Building Official - see Chief Building Official

Building, Main

Means a **building** in which is conducted the principle uses of the lot on which it is situated [see **Figure 18.3**].

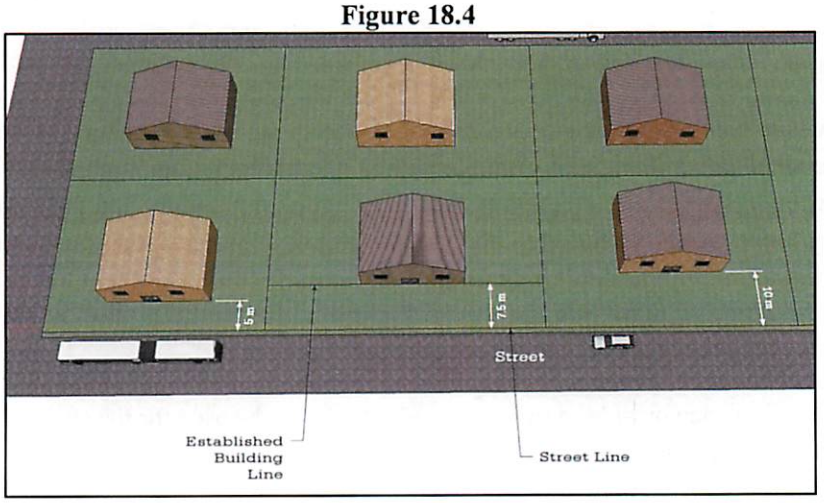
Figure 18.3



Building Line

Means a line within a lot drawn parallel or concentric to a lot line establishing the minimum distance between that lot line and any portion of a **building** or **structure** which may be erected. See (**Figure 18.4**)

Figure 18.4



Building Permit

Means the document authorizing the carrying out of any development, alteration or other work that is in accordance with this Regulation and other laws passed by **Atikameksheng Anishnawbek**.

Building Separation

Means the least horizontal distance permitted between the nearest portions of the walls of any **buildings** on a **lot.**

Building Supply Store or Depot

Means a **building** where building supplies such as lumber, millwork, siding, roofing, plumbing, electrical, heating, hardware, air conditioning, home improvement and similar goods are stored, displayed, or kept for retail or wholesale sale and may include a **bulk storage yard.** This definition shall not include a **wrecking yard.**

Bulk Fuel Depot

Means lands, **buildings** and **structures** for the storage, distribution of fuels and oils but not including retail sales or key lock operations.

Bulk Storage Yard

Means land or a **lot** used for the storage in the open or partially sheltered, of goods and materials and without limiting the foregoing shall include lumber, building supplies, construction equipment, but shall not include a **wrecking yard.**

Bunkhouse

Means a **building** designed or **used** for the accommodation of up to 30 workers and may include sanitary facilities, a kitchen and sleeping accommodation.

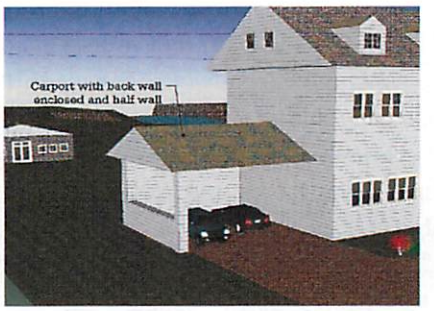
Campground

Means an area of land, managed as a unit, providing short term accommodation or overnight camping for tents, tent trailers, **recreational vehicles** or campers A campground may include **accessory uses, buildings and structures** such as an **accessory dwelling, laundromat, convenience store**, pavilion, recreation hall, beach, the sale of propane fuels or firewood or other goods or supplies and equipment rentals that are **accessory** to the operation of the campground.

Car Port

Means a **structure** open on at least two sides and intended to be used for the sheltering of one or more **motor vehicles**. A car port **attached** to the **main building** is not an **accessory structure**. [See **Figure 18.5**]

Figure 18.5



Car Rental Agency

Means the use of land or **building** or **structure** where **motor vehicles** are kept for lease and where such vehicles may be dropped off or picked up.

Car Wash - see Automobile Washing Establishment

Catering Establishment

Means a commercial establishment or a **home-based business** in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises.

Cellar

Means the portion of a **building** between two floors, which is partly underground and which has more than one-half of its **height** from floor to ceiling below the finished grade [see also Basement and **Figure 18.1**].

Cemetery

Means a cemetery within the meaning and as regulated by **Atikameksheng Anishnawbek** and includes a mausoleum, columbarium or other **building** or **structure** intended for the interment of human remains.

Certificate of Possession, Certificate of Occupancy

Means a title issued by **Atikameksheng Anishnawbek** under the authority of the Indian Act and the Land Management Code to convey legal rights of occupation of lands to members of **Atikameksheng Anishnawbek**.

Chief Zoning Enforcement Officer/Official

Means an officer or employee charged with the duty of enforcing the provisions of this Zoning Regulation.

Church - see Place of Worship

Clinic

Means a **building** or part thereof used solely for the purpose of consultations, diagnosis and treatment of patients, by two (2) or more legally qualified medical professionals (e.g. physicians, dentists, optometrists, chiropodists, chiropractors or drugless practitioners), together with their qualified assistants and without limiting the generality of the foregoing, the **building** may include administrative **offices**, waiting rooms, laboratories, pharmacies or dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms for surgery

Club, Private

Means a **building** or part of a building used as a meeting place by an association of **persons** who are bona fide members, which owns hires or leases the building or part thereof, the use of such premises being restricted to members and their guests for social, cultural, recreational, business or athletic purposes.

Compatible:

Means that the activities or **use** of land, a **building** or **structure** is capable of existing and operating in harmony with adjacent buildings and land uses within the same **zone**, and impacts of activities undertaken do not extend beyond the boundaries of the property on which they are situated such that they restrict the use and enjoyment of neighbouring properties by virtue of noise, dust, odour and hours of operation.

Commercial Greenhouse, Nursery or Garden Centre

Means a **building** and/or outdoor area primarily used for the growing of flowers, sod, vegetables, shrubs or bushes, trees, landscaping or orchard stock and similar vegetation for wholesale or retail sale on or off the premises and may include the incidental sale of gardening supplies, planting materials fertilizers and equipment.

Commercial Use

Means an occupation, employment, or enterprise that is carried on for profit by the land occupant, lessee or licensee.

Commercial Vehicle

Means a **motor vehicle** having permanently attached thereto a truck or delivery body and includes ambulances, hearses, fire apparatus, police patrols, motor buses and tractors used for hauling purposes on the highway.

Communications Facility

Means an installation which transmits receives and/or relays communications such as a microwave relay tower, significant antenna, telephone or telegraph line, cellular telephone tower,

radio or television broadcast tower or similar facility.

Community Centre - see **Place of Assembly**

Conditional Use

Means those **uses** of **land**, **buildings** or **structures** for which Building Permits may only be issued at the discretion of Council following due consideration of the merits of the individual proposal. The proponent must demonstrate the use of a specific site within a particular zone is compatible with adjoining land uses, complies with the intent of the standards for operation in that zone, and is consistent with the **Land Use Plan**.

Conservation Use

Means the **use** of lands which are intended to remain open in character with the priority use given to preservation of their ecological uniqueness, wildlife production and their natural features and may include non-commercial recreational uses only if conservation of the resource is not jeopardized.

Construction Yard or Contractor's Yard

Means the yard of a building contractor or company used as a depot for the storage and maintenance of equipment used by the contractor or company, and may include facilities for the administration or management of the business and the stockpiling or storage of supplies used in the business, but does not include the crushing of virgin or recyclable aggregates or materials and the wholesale or retail sale of building supplies or home improvement supplies.

Continuum-of-Care Facility

Means a **building** or a group of buildings which may include a senior citizens apartments building, a nursing home, a long-term care facility, home for the aged and facilities associated with, and designed specifically to serve the senior or disabled population such as clinics, retirement homes, recreation centres, cafeterias and personal service establishments, and may also include independent senior's accommodation in separate structures/living units that share in services such as meals. This definition does not include a **group home**, **boarding house** or chronic care facility.

Convenience Store or Confectionary Store

Means a **retail store** used primarily for the sale of grocery and confectionary items and incidentally for the sale of such other merchandise or sundries as is required to fulfil the day-to-day needs of the surrounding community and may include a video rental outlet.

Converted Dwelling - see Dwelling, Converted

Convention Facility - see Place of Assembly

Cottage Industry - see Home Based Business

Council

Means the Council of **Atikameksheng Anishnawbek**.

Coverage - see Lot Coverage

Crisis Care Facility

Means a **building** or part of a **building** which is used to provide for the supervised residency of person requiring immediate emergency shelter and aid for a short to interim period of time and without limiting the generality of the foregoing, includes a facility for battered or abused adults and/or children or elderly persons.

Custom Workshop

Means a **building** or part thereof where individual custom productions of goods or materials are made but does not include any establishment where the manufacture of goods or materials is performed on a mass production or assembly line basis nor any shop or factory otherwise defined in this Regulation.

Day Lighting Triangle - see Sight Triangle

Day Nursery

Means an establishment governed or regulated by **Atikameksheng Anishnawbek** that receives more than five (5) children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are, under eighteen years of age in the case of a day nursery for children with a developmental disability, and under ten years of age in all other cases.

Deck

Means a **structure** abutting a **dwelling** or **building** with no roof or walls except for visual partitions and railings which is constructed on piers or a foundation above-grade for use as an outdoor living area.

Detached

When used in reference to a building or structure, means a **building** or **structure** which is not structurally dependent on, nor adjoins on any side, any other **building**.

Dish Antenna - see Satellite Dish

Drive-Through Facility

Means a premise used to provide or dispense products or services through an attendant or a window or an automated machine, to persons remaining in **motor vehicles** that are in a designated queuing space and may be in combination with other land uses. Kiosks within a parking structure necessary for the operation of the parking facility or kiosks associated with a surface parking area are not considered drive through facilities.

Driveway

Means an unobstructed passageway used to provide access to a **lot** from a street or lane.

Dry Cleaning Establishment

Means a **building** in which the business of dry cleaning, dry dyeing, cleaning spotting, stain removal, repair and/or pressing of articles and/or goods is carried on and may include a **Dry-Cleaning Distribution Station.**

Dry Cleaning Distribution Station

Means a **building** used for the purpose of receiving goods of fabric primarily for distribution to a **Dry-Cleaning Establishment.**

Dwelling

Means a **building** or part of a **building** occupied or capable of being occupied as the home or residence, or sleeping place, by one or more persons, where food preparation and sanitary facilities are provided, but shall not include a hotel or motel.

Dwelling - Accessory

Means a fully detached **dwelling** which is **accessory** to a permitted non-residential use.

Dwelling - Apartment

Means a **building** containing three (3) or more **dwelling units** but shall not include a **townhouse dwelling** [see **Figure 18.5**].

Dwelling – Accessory Apartment

Means a separate and self-contained **dwelling unit** (e.g. includes cooking, sanitation and sleeping facilities) in or added to a **single detached dwelling unit**.

Dwelling - Accessory Dwelling Unit

Means a self-contained **dwelling unit** which is part of an **accessory** to a permitted non-residential building other than an **auto service station** or a commercial garage.

Dwelling – Bachelor Dwelling Unit

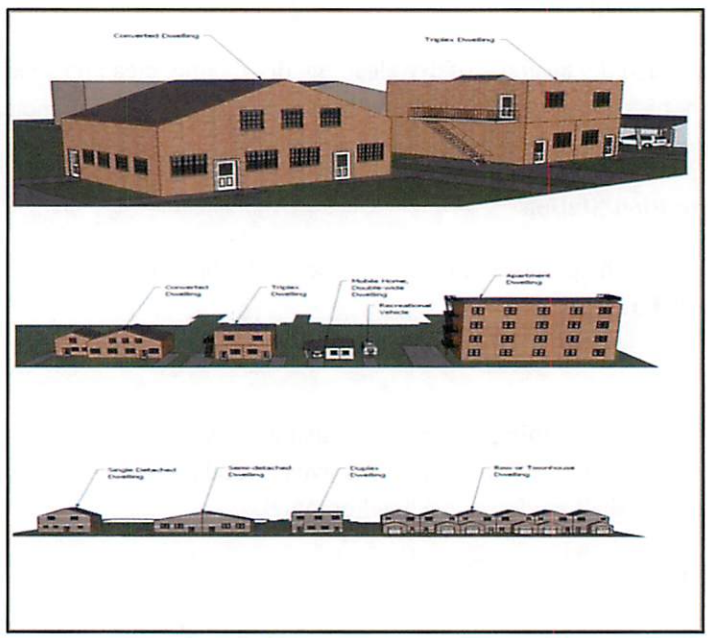
Means a **dwelling unit** consisting of one bathroom and not more than two habitable rooms

designed to provide living, dining, and sleeping and kitchen accommodation in appropriate individual or combination.

Dwelling - Converted

Means an **existing single detached dwelling** which has or may be altered or converted to contain two (2) or more **dwelling units** but not more than four (4) dwelling units [see **Figure 18.6**].

Figure 18.6



Dwelling Duplex

Means a **building** that is divided horizontally into two (2) **dwelling units**, each of which has an independent entrance [see **Figure 18.6**].

Dwelling - Group or Group Housing or Group Housing Project

Means a combination of dwelling types (e.g. **semi-detached, triplex, townhouse, and apartments**) where there are two or more such **dwellings** located on the same lot, which lot is retained under one ownership or registered and in compliance with the laws and regulations of the **Atikameksheng Anishnawbek**.

Dwelling - Mobile Home

Means any **dwelling** that is designed to be made mobile and constructed or manufactured in accordance with the CAN/CSA Z240 MH standard and designed to provide a permanent

residence for one or more **persons,** but does not include a **recreational vehicle**.

Dwelling – Quadruplex

Means the whole of a **dwelling** divided vertically by common walls into four separate **dwelling units**, each dwelling unit having two common walls.

Dwelling - Townhouse

Means a **building** that is divided vertically into three (3) or more **dwelling units**, each of which has an independent entrance at grade.

Dwelling – Seasonal

Means a **dwelling** constructed as a secondary place of residence and is not the principal place of residence of the **owner** or occupier thereof (e.g. cottage).

Dwelling - Semi-detached

Means a **building** on a single foundation divided vertically into two (2) separate **dwelling units** by a common wall [see **Figure 18.6**].

Dwelling - Single-detached

Means a detached **building** containing one (1) **dwelling unit** [see **Figure 18.6**].

Dwelling - Triplex

Means a **building** on a single foundation divided into three (3) separate **dwelling units**, each of which has an independent entrance either directly from the outside or through a common vestibule [see **Figure 18.6**].

Dwelling – Recreational

Means a **dwelling** constructed as a secondary place of residence and not the principal place of residence of the occupier thereof and subject to the Lake Panache Recreational Cottage Lot Lease approved by Band Council Resolution 2015-2016-121 on October 28, 2015.

Dwelling Unit

Means one or more habitable room or suites of two or more rooms, designed or intended for use by and occupied by one or more individuals as a household in which separate culinary and sanitary facilities are provided for the exclusive use of such household, and with a private entrance from outside the **building** or from a common hallway or stairway inside the building

Dwelling Unit Area

Means the floor area of a **dwelling unit** measured within the interior faces of the exterior walls of

the **dwelling unit**. The unfinished floor area in the **basement** shall not be included in the calculations of the dwelling unit area.

Easement

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

Eave

Means a roof overhang, free of enclosing walls, without supporting columns.

Entrance

Means in reference to a **lot**, the area of intersection between a **driveway** and a **street line**.

Equestrian Establishment

Means the **use** of land, **buildings** and **structures** for operation of a horse-riding academy or horse riding stables.

Equipment Rental Establishment

Means a **building** or part of a building wherein the primary use is the rental of machinery, equipment, furniture and fixtures and other goods.

Equipment Sales, Service and Repair Establishment

Means a **building** or part of a building and land where machinery or equipment for use in construction undertakings, commercial vehicles, and other similar goods are kept for sale at retail or wholesale and which may be serviced washed or repaired and may include an auto body shop. (Examples include farm equipment, back hoes, floats or trailers.)

Equipment and Vehicle Storage Yard

Means an uncovered area of land which is used for the storage of machinery and equipment for construction undertakings, commercial vehicles, and other similar goods requiring large areas for **outside storage**. Limited repair of such machinery, equipment, vehicles and goods may be permitted in a **building** provided such repair is clearly incidental and secondary to the storage use.

Erect

Means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any **existing building** or **structure** by an addition, deletion, enlargement or extension.

Established Building Line

Means the average setback from the street line of **existing buildings** on one side of one block where more than one-half of the frontage of the same side of a block has been built upon [see **Figure 18.4**]

Established Grade

Means:

1. When used with reference to a **building,** the average elevation of the finished level of the ground adjoining a wall of the building, measured along the length of the wall, exclusive of any artificial embankments or berms or steps;

2. When used with reference to a structure, the average elevation of the finished surface of the ground immediately surrounding such structure;

3. When used with reference to a street, road or highway, the elevation of the street, road or highway established by a **public authority**.

Existing

Means existing as of the date of the passing of this Regulation.

Exterior Side Lot Line - see **Lot Line, Exterior Side**

Exterior Side Yard - see Yard, Exterior Side

Fairground

Means land, **buildings** and **structures used** for entertainment, agricultural and related exhibits, competitive events, food concessions, a carnival or midway which are conducted on a seasonal or temporary basis and may include grandstands, barns and other **accessory buildings** and **structures** normally associated with such a **use.**

Farm, Hobby

Means land on which a **farm** may be operated primarily for recreational purposes or for home consumption by the occupants of the **dwelling** on the same **lot**, and which is clearly secondary and **accessory** to the permitted **use**. A hobby farm may also include a **farm produce outlet.**

Farmer's Market

Means land, **buildings** and **structures used** for the sale of farm products, crafts and other merchandise of a local farming or rural community and designed for individual retailers.

Feed Mill

Means a **building, structure** or area used for the development and production and/or sale of

animal feeds.

Fence

Means any barrier or **structure** constructed of chain link metal, wood, stone, metal, brick or other similar materials or combinations of such materials which is erected for the purpose of screening, safeguarding, retaining or enclosing property or delineating property lines.

Flea Market

Means:

1. A **building** or part of a building where second-hand goods, articles and antiques are offered or kept for sale at retail to the general public but shall not include any other retail establishment otherwise defined in this Regulation;
2. An occasional or periodic market or sales event held in an open area, which may include a street, or within a **building** or **structure** where independent sellers offer goods, new and used, for sale to the public, but not including private garage sales;
3. A **building** or open area in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either home grown, homemade, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade;
4. A **building** or open area where food preserves or fresh produce or prepared foods are sold but does not include a **restaurant.**

Flood Elevation or Flood line

Means a line established by a one in one-hundred-year storm as established by flood plain mapping or by an appropriate public authority.

Flooding Hazards

Means the inundation of areas adjacent to a shoreline or river or stream system and not ordinarily covered by water along river and stream systems, the flooding hazard is the greater of the flood resulting from the rainfall experienced during a major storm such as the Timmins Storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area; or the one hundred year flood; or a flood which is the greater of the above which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as a standard for that specific area by the Ministry of Natural Resources and Forestry.

Flood Plain

For river stream and small inland lake systems, means the area, usually lowlands adjoining a watercourse, which has been or may be subject to **flooding hazards.**

Floor Area, Gross

Means the total area of all floors contained within a **building** measured between the exterior faces of the exterior walls of the building and where there are no walls the total area of a floor within the outer perimeter of the floor.

Floor Area, Ground

Means the floor area of the lowest storey of a building approximately at or above the **established grade** excluding any **basement** or **cellar**, 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; and for the purposes of this paragraph the walls of an inner court are and shall be deemed to be exterior walls.

Floor Area, Net

Means usable or habitable space above or below grade, measured from the exterior face of the exterior walls of the building or structure but shall not include:

1. Any **private garage, porch, veranda**, unfinished **basement, cellar** or **attic**; or
2. Any part of a **building** or **structure** below grade which is used for building services, storage or laundry facilities; or
3. Any part of the **building** or **structure used** for the storage or parking of **motor vehicles**; or
4. Any part of a commercial shopping area **used** as a hallway, corridor passageway, utility room, public washroom, balcony or mezzanine not otherwise used for the display or sale are for merchandise.

Forestry Use

Means the general raising, management and harvesting of wood and shall include the raising and cutting of fuel wood, pulpwood, saw logs, Christmas trees, other forestry products and silviculture practices.

Front Lot Line - see **Lot Line, Front**

Front Yard - see **Yard, Front**

Frontage - see Lot Frontage

Funeral Home

Means a **building** or part of a **building** wherein undertaking services are offered and may include **accessory** activities such as the sale of caskets and funeral accessories, a chapel or parlour.

Garage - Private

Means a single storey **accessory building** or portion of a **main building** including a **carport** which is designed or **used** for parking or storage of **motor vehicles** of the occupants of the

premises and in which there are no facilities for repairing or servicing of such vehicles for remuneration or commercial use.

Garden Centre - see Commercial Greenhouse, Garden Centre or Nursery

Garden Suite

Means a one-unit detached residential **building** containing sanitary and kitchen facilities that is **accessory** to an **existing** permanent residential **building** and that is designed to be portable, but shall not include a **mobile home**, or a **recreational vehicle.**

Gas Bar

Means one or more pump islands, each consisting of one or more gasoline pumps, and a **building, structure** or booth which may be used by a sales attendant for the sale of gasoline products and convenience items including but not limited to beverages, prepared foods, newspapers, lottery tickets sundries and may include other **accessory** features such as a comfort station and ATM. [see also **Automotive Service Station**]

Golf Course

Means land, **buildings** and **structures used** a public or private area operated for the primary purpose of playing the sport of golf but may also include such **accessory buildings** and **structures** as are necessary for the operation and maintenance of the golf course including club house facilities, a **restaurant,** banquet, conference and other uses of a social, recreational and entertainment nature normally associated with golf course development.

Golf Driving Range

Means a commercial use of land that may be equipped with distance markers, clubs, balls and tees which is designed for practicing golf shots.

Granny Flat - see Garden Suite

Green Energy Industries

Means a **building** or **structure** in which products are manufactured for the generation of electricity from non-polluting or renewable source (i.e. wind, sun, geothermal, biomass). Products manufactured by a renewable energy industry may include but are not limited to solar panels, wind turbines, geothermal equipment, anaerobic digesters and parts or components thereof.

Group Home

Means a single housekeeping unit in a residential **dwelling,** which is registered with **Atikameksheng Anishnawbek**, in which three (3) to ten (10) persons (excluding supervisory or operating staff) live together under responsible supervision consistent with the requirements of its residents for a group living arrangement and which is licensed and/or approved under laws and

regulations of **Atikameksheng Anishnawbek** [see also **Crisis Care Facility**].

Guest Cabin

Means an accessory **building,** located on the same **lot** as the **main building,** which is used for sleeping accommodation but does not contain any cooking facilities and may contain sanitary facilities.

Guest Room

Means a bedroom or suite of rooms, which contains no facilities for cooking, and which is **used** or maintained for gain or hire by providing accommodation.

Habitable Room

Means a room in a **dwelling** used or intended to be **used** primarily for living, dining, sleeping or kitchen accommodation and may include a bathroom, den, library or enclosed sunroom but shall not include any private garage, carport, porch, unfinished **attic**, unfinished **basement** or **cellar.**

Hazardous Land

Means property or land that could be unsafe for development due to naturally occurring process including lands in a **flood** plain or subject to a **flooding hazard** or erosion hazard.

Hazardous Substances

Means substances which individually, or in combination with other substances are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide variety of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

Height

Means the vertical distance between the established grade and:

1. In the case of a flat roof, the highest point of the roof surface or parapet wall, whichever is the highest [see **Figure 18.7**] or
2. In the case of all other types of roofs, the mean height level between the base of the roof and highest point of the roof [see **Figure 18.8**].

Where the height is designated in terms of storeys, it shall mean the designated number of storeys above and including the **first storey**. A mezzanine floor or floors shall not be considered as increasing the height of a building in storeys, provided that their aggregate area does not exceed forty (40%) per cent of the area of a room or storey in which they are located, provided further, that the space beneath the mezzanine is not enclosed and provided that the mezzanine overhang does not exceed forty (40) per cent of the least dimension on any room in which it is located. In calculating the height of a building, any construction used as ornament or for the mechanical operation of the building, such as a mechanical penthouse or a chimney, tower, cupola, steeple,

church spire, antenna, ornamental dome, electrical apparatus, is not to be included.

Figure 18.7

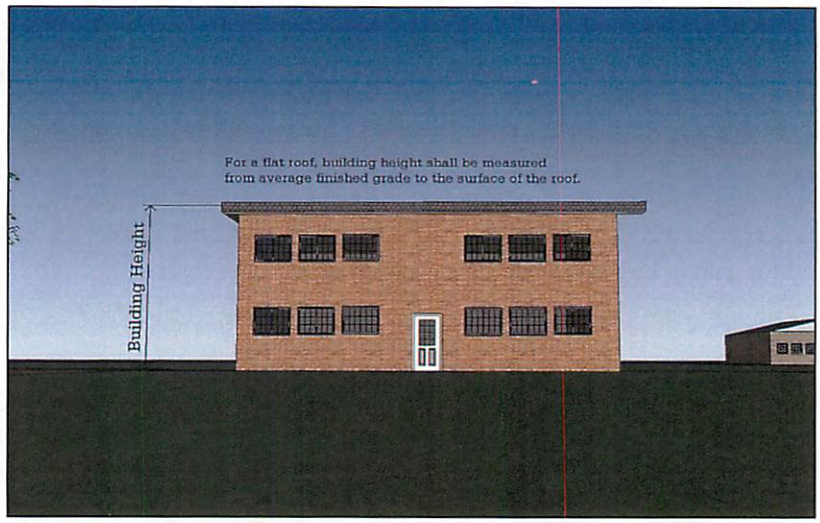
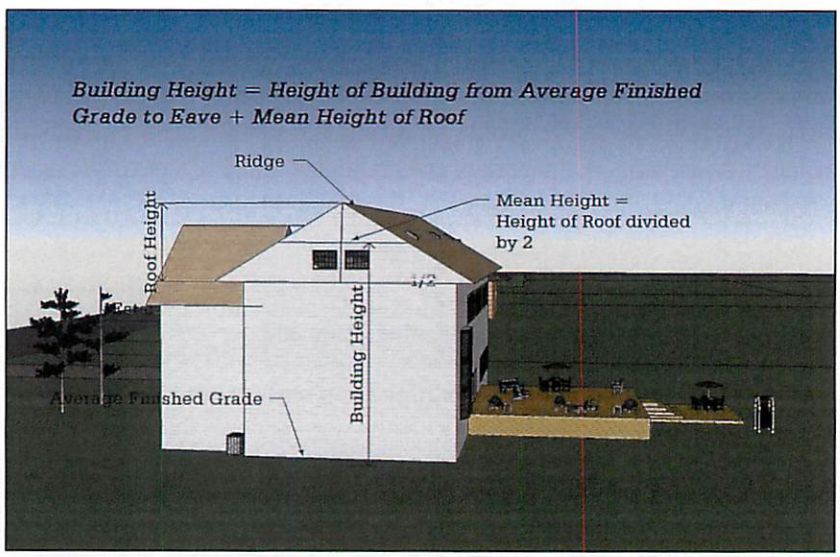


Figure 18.8



Heliport

Means a landing area or pad **used** for the landing and take-off of helicopters and shall include all necessary and **accessory** emergency services facilities, fueling facilities and passenger and cargo facilities.

Herein

Means in this Zoning Regulation and shall not be limited to any particular section of this Regulation.

High Water Mark

Means the mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.

Hobby Farm – see **Farm, Hobby**

Home for the Aged – see Continuum-of-Care Facility

Home Based Business

Means a privately operated legal occupation, enterprise or business which is carried out as an **accessory use** to a **dwelling unit** for pursuits conducted by the occupant thereof and any employees and is compatible with a domestic household.

Hotel

Means a **building** designed or **used** for the accommodation of the travelling or vacationing public, containing therein five (5) or more **guest rooms** served by a common **building** entrance. **Accessory uses** may include accommodation for permanent staff and one or more beverage rooms, dining rooms, meeting rooms, **restaurant** or similar uses.

Hot Tub

Means a **body of water** located outdoors contained by artificial means, with mechanisms allowing for the direction and/or adjustment of jets or warm water flowing in a rapidly rotating and circular current, and which produces a depression or cavity in the centre, and includes tubs called "spas" or "whirlpools."

Industrial Use

Means the use of land, **building** or **structures** for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, or storage or adapting for sale of any goods, substances, article or thing, or any part thereof and the storage of building and construction equipment and materials as distinguished from the buying and selling of commodities and the supplying of personal services. This definition does not include a mine, pit or quarry or obnoxious industry. **Accessory uses** may include transportation, wholesaling, storage, shipping and receiving incidental to the industrial use.

1. **Class I Industry - Light Industrial**

Means a place of business for a small scale, self-contained plant or building which produces, manufactures, assembles or stores a product which is contained in a package and has a low probability of fugitive emissions e.g. noise, odour, dust and vibration. Such industries operate in the daytime only with infrequent movement of products and /or heavy trucks and no outside storage. 'Light Industrial Uses' or 'Class I Industry' is a classification and other uses defined in this Regulation may be classified as such.

2. **Class II Industry - Medium Industrial**

Means a place of business for medium scale process and manufacturing with outdoor storage of wastes or materials (e.g. it has an open process) and where there are periodic or occasional outputs of fugitive emissions e.g. noise, odour, dust and/or vibration. Shift operations occur and there is frequent movement of products and /or heavy trucks during daytime hours. 'Medium Industrial Uses' or 'Class II Industry' is a classification and other uses defined in this Regulation may be classified as such.

3. **Class III - Heavy Industrial Uses**

Means a place of business for uses characterized as having emissions such as noise, smoke, odour, fumes or vibrations or extensive outside storage as part of their normal operations. Such uses include sawmills, pulp and paper mills, refineries, smelting operations and similar uses which are intended to be secluded from residential or other **sensitive land uses** in order to limit any potential **adverse effects** on the environment or the surrounding areas and public health. 'Heavy Industrial Uses' or 'Class III Industry' is a classification and other uses defined in this Regulation may be classified as such.

Institutional Use

Means any land, **building**, **structure** or part thereof **used** to provide non-profit or non-commercial purposes for governmental, educational, charitable, fraternal or other public services.

Junk Yard - see Wrecking Yard

Kennel

Means a commercially operated **building** or **structure** where four (4) or more dogs over the age of six months are kept, bred or boarded. [See also Animal Hospital]

Landfill Site – see **Waste Management Facility**

Land Occupant

Means a person who possesses a valid Certificate of Occupation (includes Temporary Certificate of Occupation) or a Certificate of Possession for a specific parcel of land.

Land Use Plan

Means Atikameksheng Anishnawbek Community Land Use Plan that has been adopted and amended by Council pursuant to the Land Management Code.

Lane

Means a public thoroughfare other than a street or pedestrian way, improved or not, which has a right-of-way width of 10 m or less and which provides a secondary means of for vehicular traffic to abutting **lots** and which is not intended for general traffic circulation.

Laundromat

Means a **building** where coin-operated laundry machines are made available to the public for the purpose of laundry cleaning.

Livestock

Means animals associated with an **agricultural use** such as but not limited to cattle, horses, goats, sheep, swine or the young thereof.

Livestock Facility

Means one or more barns or permanent **structures** with livestock-occupied portions, intended for the keeping or housing of livestock and includes all manure or material storages and **anaerobic digesters**.

Livestock Sales Outlet

Means a **building** or **structure** where **livestock** are bought and sold.

Loading Space

Means a space or bay located on a **lot** or within a **building** which is **used** or intended to be used for the temporary parking of any **commercial vehicle** while loading or unloading goods, merchandise, or materials in connection with the use of the lot or any building thereon, and which has unobstructed access not necessarily in a straight line to a **street** or **lane.**

Logging Operation

Means an area of land and/or **building** of a logging contractor where equipment and materials are stored and may include repairs to logging equipment.

Lot

Means a parcel of land which is capable of being legally conveyed in accordance with Land Management Code.

Lot Area

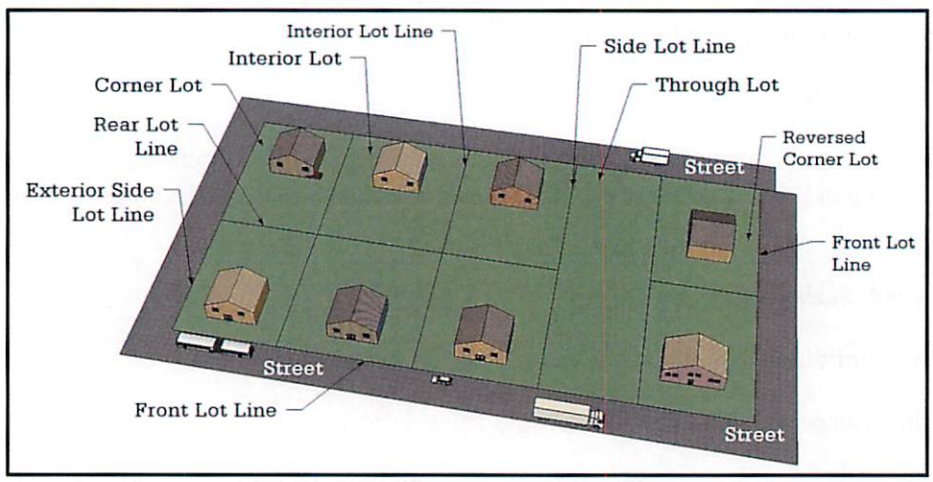
Means the total horizontal area measured within the limits of the **lot lines** of the **lot** excluding the horizontal area of any flood plain or wetland area located on such **lot.**

Lot, Corner

Means a **lot** situated at an intersection of two or more streets, or at the intersection of two parts of the same street which have an interior angle or intersection of not more than one hundred and thirty-five (135) degrees.

Where such street lines are curved, the angle of intersection of the 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 side lot lines. In the latter case, the corner of the lot shall be deemed to be that point on the street line nearest to the point of intersection of the said tangents, and any portion of a corner lot distant not more than 30 m (98.4 ft.) from the corner measured along the street line shall be deemed to be an **interior lot** [see **Figure 18.9**].

Figure 18.9



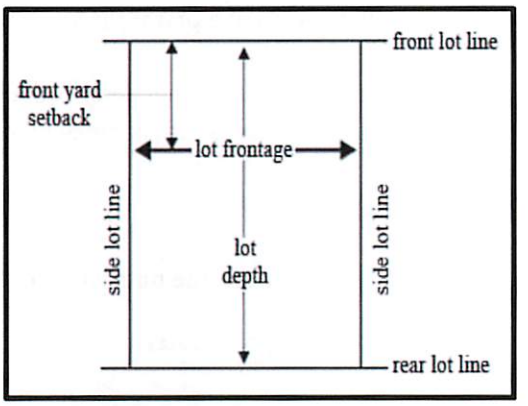
Lot Coverage

Means that percentage of land or lot area covered by **buildings** and **structures** above ground level and which excludes that portion of such land or lot area which is occupied by a building or portion thereof which is completely below ground level, and shall exclude a fence, a sewage disposal system and an in-ground swimming pool.

Lot Depth

Means the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, "lot depth" shall mean the length of a straight line joining the middle of the front lot line with the middle of the rear lot line. If there is no rear lot line, "lot depth" shall mean the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines [see **Figure 18.10**]

Figure 18.10



Lot Frontage

Means the horizontal distance between the side lot lines. Where such side lot lines are not parallel, it shall be the width of a lot measured between the intersections of the side lot lines with a line equal to the front yard setback back from and parallel or concentric to the front lot line. Arc distances shall apply on curved lines [see **Figure 18.10**].

Lot, Interior

Means a **lot** other than a corner or a **through lot** which has frontage on a **street.**

Lot Line

Means a boundary line of a **lot** or the vertical projection thereof:

Lot Line - Exterior Side

Means a **lot line** located between the front and rear lot lines and dividing the **lot** from a street [see **Figure 18.10**].

Lot Line,

Front Means:

1. In the case of an **interior lot**, the line dividing the **lot** from the **street,** street allowance or **private road**;
2. In the case of a **corner lot**, the shorter **lot line** abutting a **street** shall be deemed to be the front lot line;
3. In the case of a **corner lot** with two street lines of equal length, the **lot line** that abuts the wider **street,** or abuts a **highway** shall be deemed to be in the front line, and in the case of both streets being under the same jurisdiction and of the same width, the **lot line** where the principal access to the **lot** is provided shall be deemed to be the front lot line;
4. In the case of a lot with water access only, the front lot line shall be on the street side. In the case of a through **waterfront lot** with water access only, the longest shoreline shall

be deemed to be the front lot line;

5. in the case of a **private road**, the **lot line** adjacent to the **entrance** shall be deemed to be the front lot line;
6. In all other cases not described above, the front lot line shall be deemed to be where the principal access or **entrance** to the **lot** is approved.

Lot Line, Rear

Means the **lot line** furthest from, and opposite to, the **front lot line** [see **Figure 18.10**].

Lot Line, Side Interior

Means a **lot line** other than a **front lot line, rear lot line** or **exterior side lot line**. On a **lot** with more than four sides, any **lot line** not otherwise defined as a front, rear or side lot line shall be considered as an interior side lot line [see **Figure 18.10**]

Lot, Through

Means a lot having a frontage on two parallel or approximately parallel **streets** and where such **lot** qualifies as being both a **corner lot** and a though lot, such lot shall be considered as a corner lot [see **Figure 18.10**].

Lot, Width

Means the average horizontal dimension between the two longest opposite sides measured on a line 6 m [19.6 ft.] back from the **front lot line** and parallel to it.

Lot Width, Corner Lot

Means the horizontal distance between the longest **front lot line** and the opposite **side lot line**, measured along a line 6 m [19.6 ft.] back from and parallel to the shorter **front lot line,** except in the case:

Where the **front lot lines** are curved, in which case, the lot width shall be calculated on the basis that the street lot lines are deemed to be the tangents produced to their points of intersection, from the points of intersection of the side lot lines and curved street lot line; or

Where a **corner lot** indicates that a **sight triangle** has been removed or has a rounded corner, in which case, the **lot width** shall be calculated on the basis that the **front lot lines** shall be deemed to comprise the street lines produced to their point of intersection.

Marine Facility

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

Medical Clinic - see Clinic

Mine

Means a mine as defined in the Ontario Mining Act. Mining shall have a similar meaning.

Mine Hazard

Means any feature on a mine as defined under the Province of Ontario's Mining Act or any related disturbance of the ground that has not been rehabilitated.

Mineral Aggregate Operation

Means:

1. Lands under license or permit, used as a **pit** or **quarry** other than for **wayside pits** and **wayside quarries**, issued in accordance with the laws and regulation of **Atikameksheng Anishnawbek**; and

2. Associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

Mineral Mining Operation

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

Miniature Golf Course

Means an area of land, **building** or **structure** or part thereof operated for profit or gain as a commercial place of amusement in which facilities are provided to stimulate the game of golf or any aspect of the game on a small scale, but does not include a driving range.

Mobile Home – see **Dwelling – Mobile Home**

Mobile Home Park

Means land which has been provided and designed for the location thereon of two (2) or more occupied **mobile homes.**

Mobile Home Lot or Site

Means an area, similar to a **lot**, located in a **mobile home park,** intended to be or occupied by a **mobile home** or a permitted **accessory use.**

Mobile Home Yard

Means a line similar to a **front yard, rear yard, interior side yard** or **exterior side yard** as applied to a **mobile home lot or site**.

Motel

Means a **building** or buildings designed or used for the accommodation of the travelling or vacationing public, containing therein three (3) or more guest rooms, each guest room having a separate entrance directly from outside and may include an accessory eating establishment but does not include a **bed and breakfast establishment**.

Motor Home - see Recreational Vehicle

Motor Vehicle or Vehicle

Means an automobile, commercial vehicle, truck, **recreational vehicle,** transport tractor, farm tractor, road building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a snowmobile or a streetcar.

Museum

Means a **building** or buildings used, or to be used, for the preservation of a collection of paintings and/or other works of art, and/or objects of natural history, and/or of mechanical scientific and/or philosophical inventions, instruments, models and/or designs, and dedicated or to be dedicated to the recreation of the public, together with any libraries, reading rooms, laboratories and/or other offices and/or premises used or to be used in connection therewith.

Non-Complying

Means any **existing building, structure** or **lot** which does not comply with one or more of the zone regulations and standards of this Regulation.

Non-Conforming

Means any **existing use, building, structure** or **lot** which is not a permitted use in the **zone** where such **use, building** or **structure** is located.

Non-Residential

Means a **use, building** or **structure,** designed intended or used for purposes other than those of a **dwelling** or a **residential use**.

Nursing or Convalescent Home - see Continuum-of-Care Facility

Nursery - see Commercial Greenhouse, Nursery or Garden Centre

Office

Means a **building, structure** or part thereof used or intended to be used in the performance and transaction of business including administrative, clerical and professional activities but shall not include the manufacturing of any product.

Open Space

Means the open, unobstructed space on a **lot** including landscaped areas, pedestrian walkways, patios, **swimming pools** or similar areas but not including any driveway, ramp, **parking spaces** or **aisles, loading spaces** or manoeuvring areas and similar areas.

Open Storage

Means the storage of goods, merchandise or equipment outside of a **building** or **structure** on a **lot** or portion thereof. This definition shall not include a storage use located in a building, a **salvage yard**, a **parking area**, a **loading space** or a **parking space**.

Outdoor Display

Means an area set aside outside of a **building** or **structure,** other than a **parking area, loading space** or **parking space** which is **used** in conjunction with a business located within the building or structure on the same property, for the display of goods, merchandise, equipment and seasonal produce and products and may include garden supplies and Christmas trees, new merchandise or the supply of services.

Park

Means an area of land, whether enclosed or not, which is devoted to recreational or leisure uses including but not limited to a, playground, play field, athletic field, field house, , bleachers, , skateboard park, , splash pad, greenhouse, botanical gardens, community gardens, bandstand, skating rink, tennis courts, bowling green, , refreshment concession, ,

Parking Area

Means a **lot** or portion thereof required in accordance with the provisions of this Regulation for the temporary storage or parking of **motor vehicles accessory** to uses in all **zones**, and includes the storage or parking of three (3) or more **motor vehicles,** horses and buggies and includes a **carport** or **private garage** and includes any associated **driveways, aisles**, pedestrian aisles, **lanes** or other areas required for the movement or parking of motor vehicles but does not include a **street** or **lane,** a **lot** for the sale or lease of **motor vehicles** or the storing or impounding of **motor vehicles** or wrecked vehicles.

Parking Space

Means an area used for the temporary parking of one **motor vehicle** or one horse and buggy.

Parking Space, Barrier Free

Means a **parking space** for the temporary parking of a **motor vehicle** used by a handicapped or disabled person.

Patio

Means a surfaced, open space of land at grade adjacent to a residential dwelling which is used as an extension to the interior of the home for private entertainment or leisure activities and is uncovered. In a commercial setting, a patio means a surfaced open space area at grade used in conjunction with a restaurant where seating accommodation is provided and where meals and beverages may be served and consumed and is uncovered.

Permitted

Means permitted by this Regulation.

Permitted Use

Means a **use** which permitted in the **zone** where such **use** is located.

Person

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

Personal Service Establishment

Means a **building** wherein a personal service is performed including but not limited to a barber shop, beauty salon, aesthetician, shoe repair, photographic store, **laundromat** or a **dry-cleaning distribution station** but excludes a manufacturing or fabrication of goods for sale.

Pit

Means land or land under water from which **aggregate** as defined **herein** is being or has been excavated in order to supply material for construction, manufacturing or industrial purposes, but shall not include rehabilitated land or an excavation incidental to the erection of a **building** or a **structure** for which a building permit has been granted by **Atikameksheng Anishnawbek,** or an excavation incidental to the construction of any public works.

Place of Assembly

Means a **building** specifically set aside for and primarily engaged in the operation of arts and craft shows, trade fairs, fashion shows, public meetings, banquets, conference meetings, **Band** meetings, civic, political, social or religious activities a private club or a fraternal organization

and similar activities.

Place of Worship

Means a **building** or an open area dedicated to religious worship or activities and may include an **accessory dwelling,** an **accessory dwelling unit** or other secondary meeting facilities and may include **accessory uses** such as a church hall, auditorium, Sunday school, parish hall, rectory, manse, **cemetery**.

Playground, Play Facility

Means a **park** or part thereof which is equipped with active recreational facilities oriented to children [see also **Park**].

Porch or Veranda

Means a covered entrance to a **building** usually with a separate roof and unenclosed and used as an outdoor living space.

Portable Asphalt Plant

Means 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 and which is not of permanent construction, but which is to be dismantled at the completion of the construction process.

Portable Concrete Plant

Means a **building** or a **structure** with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process and which is not of permanent construction, but which is to be dismantled at the completion of the construction process.

Printing and Publishing Establishment

Means a **building** or part thereof used primarily for printing, regardless of the method, and publishing of newspapers, periodicals, books, maps and similar publications and also includes the sale and servicing of printing and duplicating equipment.

Private Club - see Club, Private

Private Road

Means a private right-of-way over private property which affords access to two or more abutting **lots** and which is not maintained by a **public authority.**

Professional Office – see Office

Public Authority

Means **Atikameksheng Anishnawbek** and other similarly recognized public utility or agencies established or exercising any power or authority under any special or general statute and includes any committee or local authority established by this Regulation.

Public Street – see Street

Public Utility

Means a water works or water supply system, sewage works, electrical power or energy generating transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system, a telecommunications system, **communications facility** and includes and lands, **buildings** or **structures** or equipment required for the administration or operation of any such system and which is operated by a **public authority** or publicly governed company.

Public Service Use

Means a **building, structure** or **lot** used for public services by **Atikameksheng Anishnawbek,** the Government of Canada or the Province of Ontario, or any Boards or Commissions thereof, and any communications facility, any telephone, telecommunications or railway company, any company supplying gas, Hydro One, any conservation authority, public utilities company or similarly recognized agencies.

Quarry

Means any open excavation made for the removal of any consolidated rock or mineral including limestone, sandstone or shale, in order to supply material for construction, industrial or manufacturing purposes, but shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by **Atikameksheng Anishnawbek**, or an excavation incidental to the construction of any public works.

Reconstruction or Renovation

Means the repair and restoration of a previously **existing building** or **structure** to a safe condition but shall not include its replacement.

Recreational Camp (Hunt Camp, Fishing Camp)

Means a **building** or **structure** intended to provide basic shelter and accommodation on a temporary basis for persons engaged in such activities as hunting, fishing, snowmobiling, hiking or other similar forms of recreation but does not include a **seasonal dwelling**. See Atikameksheng Anishnawbek Recreation Camp Lot Regulations (Adopted 2011).

Recreational Commercial Establishment

Means an establishment, **building** or **structure**s where any recreational, social or cultural uses are operated commercially for profit on lands in private ownership, such as health clubs, golf courses,

open or enclosed skating or curling rinks, open or enclosed pools, open or enclosed badminton or tennis courts, squash courts, bowling alleys, gymnasia, band shell or open theatre, and other similar uses except as otherwise specifically defined in this Regulation. [See also **Bingo Hall**]

Recreational Vehicle

Means any **vehicle** so constructed that is suitable for being **attached** to a **motor vehicle** for the purpose of being drawn or is propelled by the **motor vehicle** and is capable of being used for living, sleeping, eating or accommodation of **persons** on a temporary, transient or short term basis, even if the vehicle is jacked up or its running gear is removed. Examples include a motor home, tent trailer, a camper trailer, a recreational trailer, a fifth wheel or a bus converted into a motor home. For the purposes of this definition, a recreational vehicle shall be considered a **structure** for the purposes of establishing setbacks only. A recreational vehicle shall not be deemed to include a **mobile home.** The definition of a recreational vehicle shall not be interpreted to include recreational equipment such as boats, boat or vehicle trailers, personal watercraft, snowmobiles, all-terrain vehicles (ATVs) or other equipment used for recreational purposes and which are normally stored or parked on a lot.

Recreational Vehicle Campground – see Campground

Recreational Vehicle Sales and Storage

Means a **building** and/or **lot** which are **used** for the display, storage and/or sale of boats, and **recreational vehicles** or recreational equipment.

Recreational Vehicle Repair Garage

Means a **building** used for the repair, servicing, painting, refinishing, restoration or alteration of **recreational vehicles** and boats for gain or profit, but does not include a salvage yard

Recycling Depot or Transfer Station

Means a special **waste management facility** which only serves as a temporary storage site for clean materials such as glass, paper, cardboard, plastic, metal and other similar products which will be transferred to another location for reuse. This definition does not include any other type of waste management system [See also **Waste Management Facility**].

Redevelopment - see Development

Renewable Energy System

Means a system that generates electricity, heat and/or cooling from a renewable energy source (e.g. wind, water, biomass, biogas, biofuel, solar energy, and geothermal energy).

Renovate

Means to strengthen, improve, repair, retrofit or restore to a better state any aspect of an **existing**

building. Renovation shall not include the removal of more than 50% of the walls (wall studs) in a building. Renovation shall include the replacement of a foundation only where the foundation is structurally unsound as determined by the **Chief Building Official.**

Residential Care Facility – see Continuum-of-Care Facility
Residential Use

Means the use of land, **buildings** or **structures** for human habitation or as a **dwelling**.

Restaurant

Means a **building** or **structure** where food is prepared and offered for sale to the public for consumption within or outside the building or structure.

Retail Store

Means a **building** wherein goods, wares, merchandise, groceries, substances or articles are offered for sale to the general public, and may include the limited storage of goods, wares, merchandise, substances or articles, and shall not include any other **use** defined **herein**.

Retirement Home – see Continuum-of-Care Facility

Right-of-way - see Easement

Road - see Street

Room, Non-Habitable

Means any room located within a **dwelling** that is not a habitable room, including but so as not to limit the foregoing, a laundry room, a pantry, a lobby, a stairway, a closet, a **porch**, a recreation room, a porch, a balcony, a **private garage**, an unfinished attic, a **cellar**, a boiler room and any space used for the service and maintenance of such dwelling or for vertical travel between **storeys.**

Row House - see Dwelling, Townhouse

Salvage Yard

Means a **lot** and/or **building** or portion thereof where used goods, wares, merchandise, articles, **motor vehicles**, machinery or parts thereof are processed or sold for further use, dismantled or abandoned. This definition may include a junk yard, a wrecking yard, a scrap metal yard, and an automobile wrecking yard on the premises.

Satellite Dish/Receiver

Means a structure designed, used or intended to be used to send or receive signals to or from a satellite.

Sawmill or Planing Mill

Means a **building, structure** or area where timber is cut or sawed, either to finished lumber or as an intermediary step.

Sawmill, Portable

Means equipment which is portable (e.g. may be drawn by a **motor vehicle**) and is **used** on a temporary basis for the cutting of saw logs

School

Means a public educational establishment operated by a Board of Education [see also Institutional Use].

School, Private

Means an educational establishment not operated by a public school board wherein teaching or instruction is offered in such fields as academics, dancing, music, art, sports, business or trade, and any other such specialized school conducted for gain, and also includes such fields as a studio for photography and arts and crafts. A private school may be an elementary, secondary or adult school. [See also School].

Seating Capacity

Means the number of persons which can be accommodated in a **building** or **structure** or part thereof in a seated position on chairs, benches, forms or pews.

Self-Storage Facility

Means a commercial **building** or part of a **building** wherein items are stored in separate, secured storage areas or lockers and may include the exterior storage of boats and water-related equipment, recreational equipment and **recreational vehicles**.

Semi-Detached Dwelling - see Dwelling, Semi-Detached

Sensitive Land Use

Means the use of or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one (1) or more adverse effects from emissions or discharges generated by nearby facilities and includes, but is not limited to, a **dwelling**, **day nursery**, or an educational or health facility (e.g. **school,** hospital). A sensitive land use may be a part of the natural or built environment.

Separation Distance

Means the horizontal distance between **buildings** or **structures** or physical features measured from the closest point of the exterior wall of such building or structure, or of such physical structure.

Septage

Means untreated sanitary waste from a septic tank, privy or holding tank.

Service Outlet or Shop

Means a **building** whether in conjunction with a **retail store** or not, **used** for the repair or servicing of goods, commodities, articles or materials, but not the manufacturing thereof. Automotive repairs and services are not permitted under this definition.

Setback

Means:

1. With reference to a **street,** the least horizontal distance between the **front lot line** and the nearest **building line**.
2. With reference to a **water body,** the least horizontal distance between the **high-water mark** and the nearest **building line.**
3. With reference to a **building, structure** or land **use** and not applicable under paragraph (1) or (2), shall mean the least horizontal distance from the **building, structure** or land **use** in question; and
4. With reference to a **private road,** shall mean the least horizontal distance between the edge of the travelled portion of the road and any **building** or **structure**, or the limit of the road as shown and measured on a survey.

Sewage and Water Services

Means:

1. **Private Communal Sewage Services**

   Means a sewage works within the meaning of Section 1 of the Ontario Water Resources Act that serves six or more lots or private residences and is not owned by **Atikameksheng Anishnawbek**.

2. **Private Communal Water Services**

   Means a non-municipal drinking-water system within the meaning of Section 2 of Ontario's Safe Drinking Water Act, 2002 that serves six or more lots or private residences.

3. **Individual On-Site Sewage Services**

   Means individual autonomous sewage disposal systems within the meaning of s.8.1.2 O.Reg. 403/97, under the National Building Code, 1992 that are owned, operated and managed by the owner of the property upon which the system is located.

4. **Individual On-Site Water Services**

   Means individual, autonomous water supply systems that are owned, operated and managed

by the owner of the property upon which the system is located.

5. **Water Services**

Means a drinking-water system within the meaning of Section 2 of Ontario's Safe Drinking Water Act, 2002.

6. **Partial Services**

Means sewage services or private communal sewage services and individual on-site water services; or water services or private communal water services and individual on-site sewage service s.

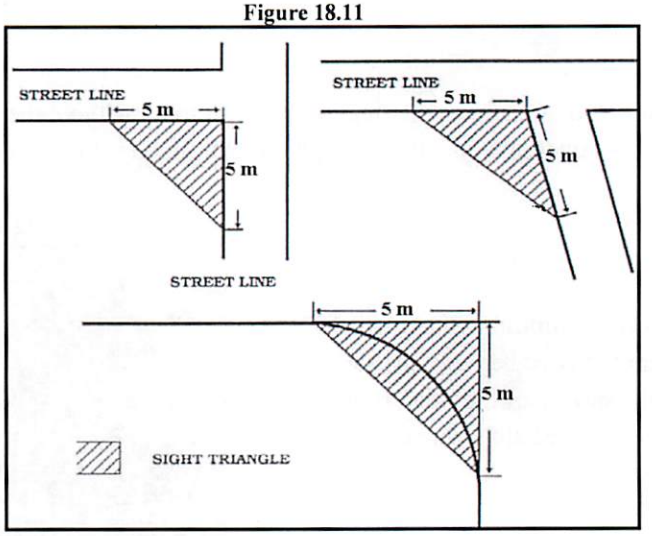
Shooting Range or Rifle Club

Means land, **buildings, structures** or premises used for recreational target practice, skeet shooting, pistol shooting, rim fire and centre fire, a sporting clay range rifle shooting, archery, gun or hunter safety instruction and may include **accessory** facilities.

Sight Triangle

Means a triangular space, free of **buildings, structures** and obstructions, formed by the street lines abutting a **corner lot** and a third line drawn from a point on a street line to another point on a street line, each such point being the required sight distance from the point of intersection of the street lines [See **Figure .11**].

Figure 18.11



Sign

Means any writing, letter work or numeral, any pictorial representation, illustration, drawing, image or decoration, any emblem, logo, symbol or trademark or any device with similar characteristics which:

1. Is a **structure,** or part of a **structure,** or which is **attached** thereto or mounted thereon; and
2. Which is used to advertise, inform, announce, claim, give publicity or attract attention.

Sleep Cabin - see Guest Cabin

Small Animal Husbandry

No raising, and / or keeping of chickens, roosters, or rabbits permitted. The **owner** or tenant of **dwelling** of the **lot** shall not maintain mentioned livestock.

Solar Collector

Means a device consisting of photovoltaic panels that collect solar power from the sun. A solar collector may be attached to a **building** or **structure** or erected on a post(s).

Solarium

Means a glassed-in **structure** or room projecting from an exterior or main wall of a **building** which may be used for sunning, therapeutic exposure to sunlight, or for a use where the intent is to optimize exposure to sunlight.

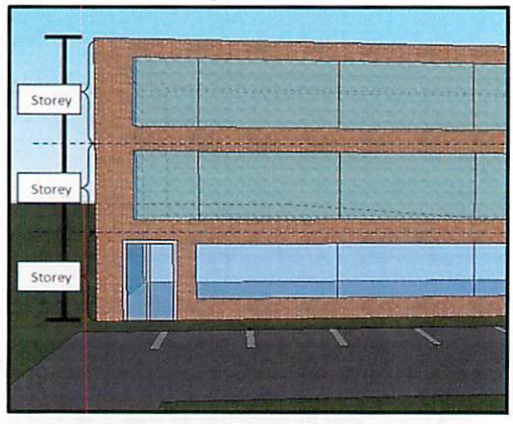
Stacking Lane

Means an on-site lane for motorized vehicles which accommodates vehicles using a **drive-through facility** that is separated from other vehicular traffic and pedestrian circulation. Stacking lanes may be separated by any combination of barriers, markings or signage.

Storage Container

Means a trailer portion of a tractor trailer unit or transport truck without the running gear, or shall mean a rail or sea container or a manufactured portable or mobile storage unit.

Figure 18.12



Storey

Means that portion of a **building** other than a **cellar** or **basement** included between the surface of any floor and the surface of the floor, roof deck, ceiling or roof immediately above it. [See **Figure 18.12**]

Street

Means a public thoroughfare, road or **highway** affording principal means of access or **entrance** to abutting properties, and which has been assumed by a **public authority**. Street allowance or road allowance shall have a similar meaning.

Street, Improved

Means a **street** which has been constructed for the conveyance of vehicular traffic and is maintained by a **public authority.**

Street Line

Means the limit of the road or street allowance and is the dividing line between a **lot** and a **street** or **private road.**

Structure

1. Means anything constructed or erected, the **use** of which requires location on the ground or attached to something having location on the ground and, without limiting the generality of the foregoing, includes a **recreational vehicle, a sign, a fence, a swimming pool, a deck**, an **individual on-site sewage services** (i.e. septic tank).

Studio

Means a **building** or part thereof used:

1. As the workplace of a cabinetmaker, ornamental welder, photographer, artist, or artisan or any similar artist or craftsman, where unique articles are made or fabricated and offered for sale;
2. For the instruction of art, music, languages or similar disciplines.

Swimming Pool

Means an open or covered in-ground or above ground outdoor **structure used** for swimming, wading, diving or recreational bathing which is at least 50 cm [19.6 inches] in depth and may include a hot tub or whirlpool or Jacuzzi or portable structure.

Tavern

Means a "tavern" as defined by Ontario's Liquor License Act.

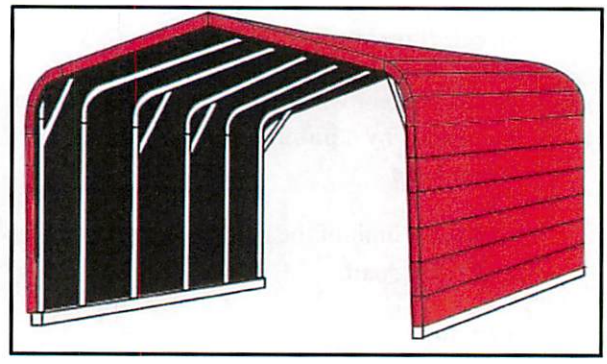
Tea Room

Means a **restaurant** where the seating capacity does not exceed 20 patrons.

Figure 18.13

Temporary Car Shelter

Means a non-permanent **structure** designed to be temporary and is **erected** to provide shelter primarily to a **motor vehicle** during winter months and shall be designed to be dismantled or removed (see **Figure 18.13**).



Tourist Commercial Retail Store

Means a **retail store** catering principally to the tourism industry.

Tourist Establishment

Means land **buildings** or **structures** used for the purpose of sleeping accommodation on a temporary basis by tourists or vacationers, including a **motel**, lodge or **bed and breakfast establishment**, and rental cottage or cabin where more than 3 such rental units occupy the same property, including **accessory uses** such as dining, meeting and beverage rooms and similar uses.

Tourist Outfitters Establishment

Means land, **buildings** or **structures** operated throughout all or part of a year which may or may not furnish overnight accommodation and facilities for serving meals and furnishes equipment, supplies or services to persons in connection with angling, hunting, camping or other similar recreational purposes.

Townhouse - see Dwelling - Row of Townhouse

Trailer, Travel Trailer or Recreational vehicle - see Recreational Vehicle

Trailer Park - see Campground

Transfer Station (See Recycling Depot)

Transportation Depot or Truck

Terminal

Means land **buildings** or **structures** where commercial vehicles are kept for hire, rental and/or leased, or stored and/or parked for remuneration and/or from which such vehicles are dispatched for hire as common carriers and where such land, structure or building may be used for the storage and/or distribution of goods, wares, and merchandise.

Use or Used

Means the purpose for which a **lot** or a **building** or a **structure** is designed, arranged, occupied or maintained.

Use, Accessory – see **Accessory Use**

Vehicle – see Motor Vehicle

Veterinary Establishment - see Animal Hospital

Video Rental Outlet

Means a **building** or part of a building wherein the primary use is the rental of video tapes and may include the rental of video cassette recorders video cameras, video games, DVDs and similar electronic devices.

Village

Means the "Community Development Zone" land use category as set out in Atikameksheng Anishnawbek Community Land Use Plan.

Warehouse

Means a **building** or **structure** or portion thereof used or intended to be **used** for the bulk storage of goods, merchandise, or materials.

Waste Management Facility

Means land or a site which is licensed or approved by the Ministry of the Environment and/or its agents where garbage, refuse, compost, domestic or industrial waste, excluding radioactive or toxic chemical wastes is disposed of or dumped. This definition shall include waste transfer stations and recycling depots [see also **Recycling Depot**].

Water Body

Means any bay, lake, river, natural watercourse or canal but excluding a drainage or irrigation channel.

Wayside Pit

Means land from which unconsolidated aggregate is removed by means of open excavation on a temporary basis for use by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

Wayside Quarry

Means land from which consolidated aggregate is removed by means of open excavation on a temporary basis for use by a public road authority solely for the purpose of a particular project or

contract of road construction and not located on the road right-of-way.

Welding Shop

Means a **building** or **structure** or part thereof where metal products are joined, repaired or shaped by welding but no mass productions shall be involved.

Wetlands

Means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favored the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wetlands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

Wholesale Establishment

Means a **building** or part of a building where goods, wares, merchandise or articles are stored in bulk for sale in wholesale quantities but does not include premises where any goods, wares, merchandise, substances or articles are offered or kept for sale at retail.

Wind Farm

Means a collection of **wind turbines** all in the same geographical location which are used in combination for the generation of mechanical or electrical generation.

Wind Turbine

Means a machine designed and used for converting the kinetic energy in wind into mechanical energy or electrical energy.

Wind Turbine, Commercial

Means a **wind turbine** where the mechanical or electrical energy is sold commercially for profit or gain.

Workshop - see **Custom Workshop**

Wrecking Yard – see Salvage Yard

Yard

Means an area of open land between a main wall of a **building** and a **lot line** that, except for landscaping or **accessory buildings** and projections specifically permitted elsewhere in this Regulation, is unobstructed above grade [see **Figure 18.14**].

Yard, Front

Means a **yard** extending across the full width of the **lot** between the **front lot line** and a line

drawn parallel or concentric thereto and through the point of the main wall of a **main building** closest to the **front lot line** [see **Figure 18.14].**

Yard, Rear

Means a **yard** extending across the full width of the **lot** between the **rear lot line** and a line drawn parallel or concentric thereto and through the point of the main wall of the **main building** closest to the **rear lot line**. Where there is no **rear lot line**, the **rear yard** shall be measured from the intersection of the **side lot lines** to the closest point of the main wall of the main building [see **Figure 18.14**].

Yard Sale

Means the occasional or infrequent sale (e.g. one or two days annually) of household goods, clothing, furniture, tools, recreational equipment or other secondhand articles or sundry items, usually by the households on an individual property and may include a joint sale by neighbours on the same **street** or a joint sale at a **school,** a **place of worship** or other location.

Yard, Side

Means a **yard** extending from the **front yard** to the **rear yard** between the **side lot line** and a line drawn parallel or concentric thereto and through the point of the main wall of a building closest to the **side lot line** [see **Figure 18.14**].

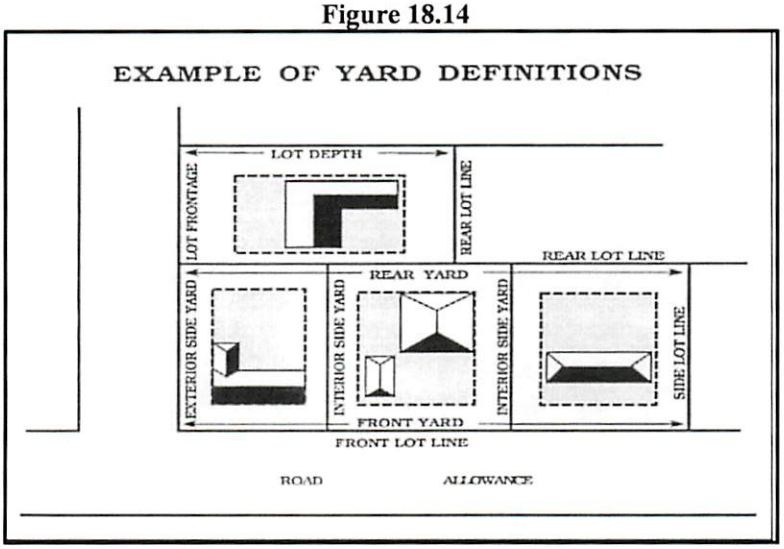
Yard, Side Exterior

Means a **side yard** adjacent to a **street** [see **Figure 18.14**].

Yard, Side - Interior

Means a **side yard** other than an **exterior side yard** [see **Figure 18.14**].

Figure 18.14



Zone

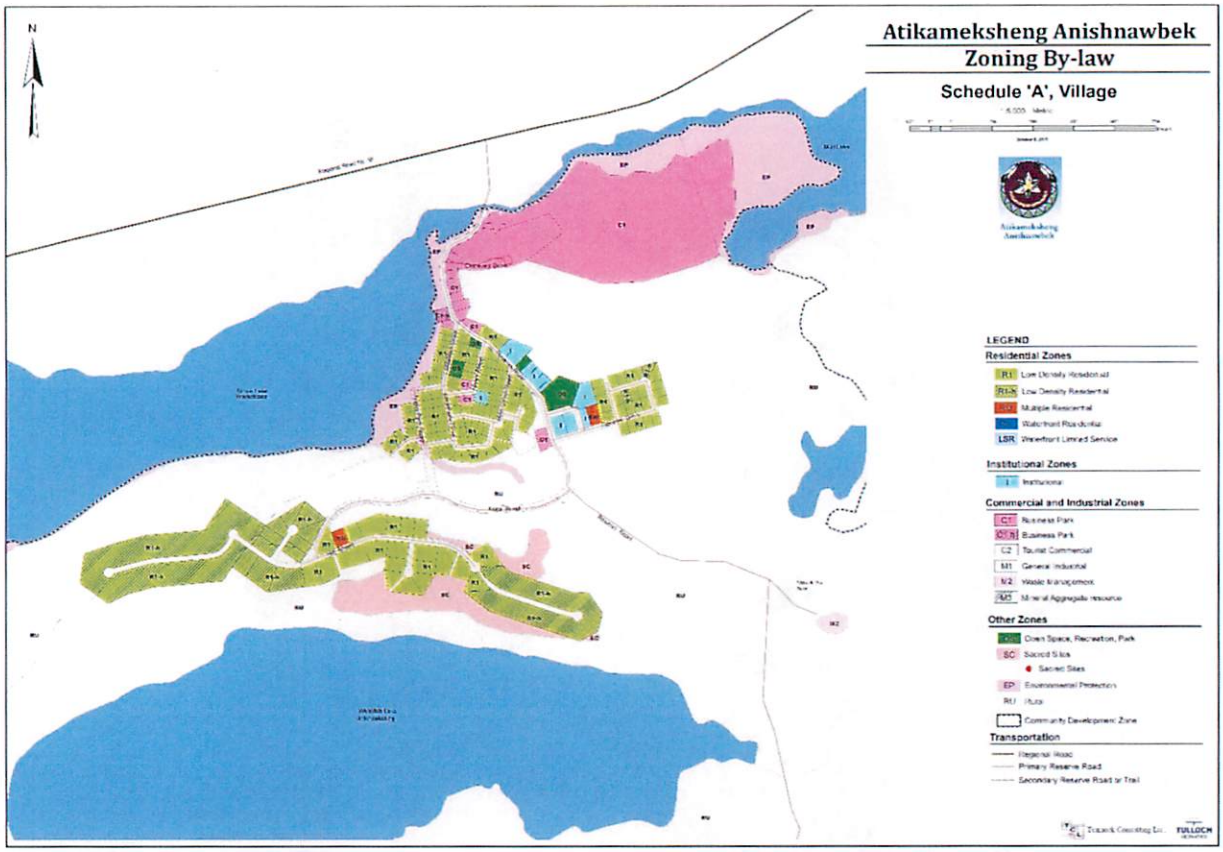
Means a designated area of land use demarcated on the Schedules attached hereto.

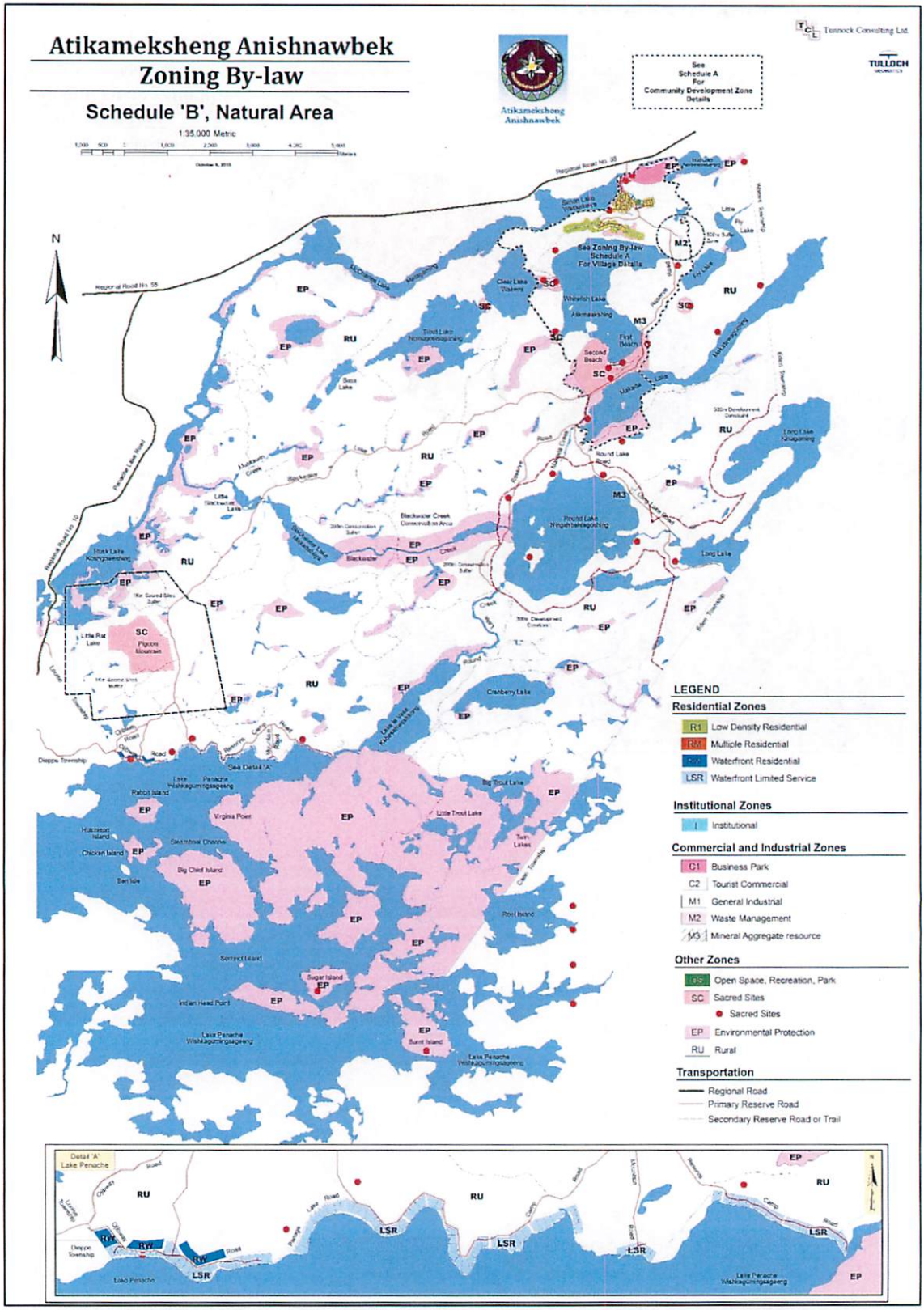
Means any provision of this Zoning Regulation which is listed under the heading "Zone Regulations" and includes anything which is applicable to the zone or use.

Zoning Administrator

Means the officer, employee or such other person as may from time-to-time be designated by Council charged with the duty of enforcing the provisions of this Regulation

19 Zoning Regulation Maps




Atikameksheng Anishnawbek
Zoning By-law
Schedule 'B', Natural Area
1:35,000 Metric
Tunnock Consulting Ltd.
TULLOCH
Atikameksheng Anishnawbek
See Schedule A For Community Development Zone Details
N
See Zoning By-law Schedule A For Village Details
Detail 'A' Lake Penache
LEGEND
Residential Zones
R1 Low Density Residential
RM Multiple Residential
RW Waterfront Residential
LSR Waterfront Limited Service
Institutional Zones
I Institutional
Commercial and Industrial Zones
C1 Business Park
C2 Tourist Commercial
M1 General Industrial
M2 Waste Management
M3 Mineral Aggregate resource
Other Zones
OS Open Space, Recreation, Park
SC Sacred Sites
Sacred Sites
EP Environmental Protection
RU Rural
Transportation
Regional Road
Primary Reserve Road
Secondary Reserve Road or Trail