

BY-LAW NO. 76-13

A RESTRICTED AREA (ZONING) BY-LAW

A by-law to regulate the use of land and the erection, use, bulk, height, and location of buildings and structures in the Corporation of The Improvement District of Opatatika

THE COUNCIL OF THE CORPORATION OF THE IMPROVEMENT DISTRICT OF OPASATIKA ENACTS AS FOLLOWS:

Definitions

Accessory Building	-Means a detached building, the use of which is incidental or secondary to that of the main building and not used for human habitation, located on the same building lot with the main building and includes a private garage;
Single-Family Dwelling	-means a separate building containing only one dwelling unit;
Dwelling Unit	-shall mean one or more habitable rooms constituting a self-contained unit and used or intended to be used together for living and sleeping purposes by one or more persons;
Seasonal Dwelling	-means one dwelling unit not occupied as a primary residence;
Registered Plan	-means a plan of subdivision approved under The Planning Act by The Ministry of Housing or its predecessors;
Front Yard	-means a yard extending across the full width of the building lot between the street or front boundary of the lot and the nearest portion of main building on the lot;
Side Yard	-means a yard extending from the front yard to the rear yard and from the side boundary of the building lot to the nearest portion of the main building;
Street	-means a public throughfare which affords the principal means of access to abutting property

Regulations

1. The provisions of this by-law shall apply to all the lands within the Municipality.
2. No land or building or structure shall be used for any purpose other than the use existing for such land, building or structure on the date of the passing of this by-law, with the exception of those permitted in Section 6.
3. No building or structure shall hereafter be erected or altered and no change of use in any building, structure, lot or premise shall be made except in conformity with the provisions of this by-law.

4. Nothing in this by-law shall apply to prevent the reconstruction of any building or structure that is damaged by cause beyond the control of the owner subsequent to the date of the passing of this by-law, provided the reconstruction of such building or structure will not increase the height, size or volume, or change the use of such building or structure.
5. Nothing in this by-law shall apply to prevent the strengthening or restoration to a safe condition of any building or structure, or alteration, repair, or addition to an existing building or structure, provided such strengthening, restoration, alteration, repair or addition will not increase the height, size or volume or change the use of such building or structure and provided the following requirements are met:
 1. approval of local Health Unit;
 2. adequate off-street parking is provided;
 3. minimum yard requirements are:

front yard	25 feet
side yard	5 feet on one side
	10 feet on the other side
 4. necessary permits have been obtained.
6. (i) No permanent residence or seasonal dwelling shall be erected except on a lot approved for that purpose within a registered plan of subdivision or on a lot approved for that purpose by the consent of the Minister under the provisions of Section 29 of The Planning Act.
(ii) The uses appropriate to a seasonal dwelling shall be limited to one summer cottage, chalet, cabin or camp, together with any accessory buildings, attached or detached, and such accessory uses may include a garage, boathouse, or steambath.
(iii) No permanent residence or seasonal dwelling shall be erected less than 30 feet from the front and rear lot lines and the minimum side yards shall not be less than 10 feet, measured at right angles from the side property lines on one side and 5 feet on the other side, except when the property abuts on provincial roadways in which instance Ministry of Transportation and Communications' regulations shall prevail.
(iv) No permanent residence, seasonal dwelling, chalet or cabin shall be erected on an area of less than 400 square feet, excluding porches and garages.
(v) No permanent residence, seasonal dwelling, chalet or cabin shall exceed 40 feet in height.
(vi) Every lot approved for the use of a permanent residence or seasonal dwelling shall have a minimum frontage width of 100 feet and a minimum area of 15,000 square feet, subject to the approval of the Ministry of the Environment and/or the Porcupine District Health Unit.
(vii) Notwithstanding any other provisions of this by-law, a vacant lot held in separate ownership from adjoining parcels on the date this by-law was passed and having less than the minimum frontage width and minimum area or both required by this by-law may be used for a purpose permitted in this by-law provided all other applicable provisions of this by-law are complied with including approval of the Ministry of the Environment and/or the Porcupine and District Health UNIT.

