

Office Consolidation

TOWN OF CARBERRY

ZONING BY-LAW No. 1977

IMPORTANT NOTICE

All persons making use of this Office Consolidation are reminded that it has no legislative sanction and that the amendments have been embodied only for convenient reference.

The original By-law and amendments should be consulted for all purposes of interpreting and applying the provisions of this By-law.

This Office Consolidation may have different formatting and page numbering than the original By-law

All amended text is enclosed with brackets as follows [.....]

UNOFFICIAL OFFICE CONSOLIDATION

TOWN OF CARBERRY ZONING BY-LAW NO. 1977

AMENDING BY-LAWS INCLUDED IN THIS OFFICE CONSOLIDATION

By-Law No.	Date Approved	Amendment Description
1995		“Private Parabolic Antennae...” permitted or conditional in all residential districts – text
2047		amend accessory building provisions – distance from main building in Parts IV,V,VI,VII & VIII – text
2056		redesignate from ARR to R – map 1
2072		redesignate from R to CH and from CH to RMH- map1
2118		add office bldgs. to Industrial Use Table - text
2169		Redesignate from “R” to “CC” (Map 1)
2189		allow for condo development in RDH Zone – text and map1
10/2000		Redesignate from “R” to “RMH” (Map 1)
1/2001		Redesignate from “RHD” to “CH” (Map 1)
9/2003		Redesignate from “RHD” to RMD” (Map 1)
2/2007		Pt Pcl A, Plan 7930 “R” to “RHD” - map
3/2007	July 10, 2007	Allow for single family and accessory uses as permitted uses in the RMD zone - text
5/2008		Redesignate from “RMH” to “RMD” & “R”
3/2009	July 14, 2009	Shot gun shall Man. Plant – text/map
5/2009		Redesignate from “ARR” to “R”
7/2010	July 12, 2011	Rezoning “ARR”, “CH” and “A80” to “OS”
1/2011	June 24, 2011	Delete Part IV Policy 2.(4) and replace with 2.(4) “RMH” Mobile Home Residential District. Also changes re Mobile Homes and Modular Homes to Table IV-1 and IV-II
4/2011	May 29/2013	Major Text changes
1/2014	January 29/14	Amendment # 2013/2 Rezoning “ARR” to “RHD”

TOWN OF CARBERRY

BY-LAW NO. 1977

Being a By-law to regulate the use and development of land within the Town of Carberry.

Whereas Section 40(1) of the Planning Act, Chapter 29, S.M. 1975, provides that a Zoning By-law may be enacted by the Council of a Municipality;

And whereas, pursuant to Section 30(1) of the said Planning Act, the Cypress District Planning Board has by By-law adopted a Development Plan;

And whereas, Section 34(2) of the same Act provides that a Zoning By-law shall be prepared upon the adoption of a Development Plan;

Now therefore, the Council of the Town of Carberry in meeting duly assembled enacts as follows:

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PART I – DEFINITIONS

RULES OF CONSTRUCTION

1. The following rules of construction apply to the text of this By-law.
 - (a) Words, phrases and terms defined herein shall be given the defined meaning.
 - (b) Words, phrases and terms not defined herein but defined in the Act and the Building, Electrical or Plumbing By-laws of the Town of Carberry shall be construed as defined in such Act and By-laws.
 - (c) Words, phrases and terms neither defined herein nor in the Building, Electrical or Plumbing By-laws of the Town of Carberry shall be given their usual and customary meaning except where, in the opinion of Council, the context clearly indicates a different meaning.
 - (d) The phrase "used for" includes "arranged for", "designed for", or "occupied for".
 - (e) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and", "or", or "either or", the conjunction shall be interpreted as follows:
 - (i) "and" indicates that all the connected items, conditions, provisions or events shall apply in any combination.
 - (ii) "or" indicates that the connected items, conditions, provisions or events may apply singly or in combination.
 - (iii) "either-or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
 - (f) The word "includes" shall not limit a term to the specified example, but is intended to extend the meaning to all instances or circumstances of like kind or character.

DIVISIONS OF BY-LAW

2. (1) This By-law is divided into PARTS, each PART being self-sufficient with a minimum of cross references.

DEFINITIONS

ACCESSORY

3. (1) "Accessory" when it is used in this By-law, shall have the same meaning as accessory use.

ACCESSORY BUILDING

3. (2) "Accessory Building" means a subordinate building located on the same zoning site as the principal building or use, the use of which is incidental and accessory to that of the principal building or use:
- (a) "Accessory building, attached" means an accessory building which is attached to the principal building and in determining the required yards, the attached accessory building shall be treated as being part of the main building.
 - (b) "Accessory building, detached" means an accessory building which is not attached to the principal building and in determining the required yards, the requirements for accessory uses, buildings and structures as shown in the Bulk Tables shall be used.
 - (c) "Accessory building, semi-detached" means an accessory building which is attached to the principal building by a structure such as, but not limited to, a breezeway. The required yards for a semi-detached accessory building shall be determined in the same manner as in paragraph (a) above.

ACCESSORY USE OR STRUCTURE

3. (3) "Accessory use or structure" means a use or structure on the same site with, and of a nature customarily incidental and subordinate to, the principal use or structure. The single exception to the above is accessory off-street parking facilities which are permitted by variation to locate elsewhere than on the same zoning site with the building, structure or use served.

ENABLING ACT

3. (4) "Act, the" means The Planning Act, being CHAPTER P80 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.

AGRICULTURAL ACTIVITIES

3. (5) "Agricultural activities" means a use of land for agricultural purposes including farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture, and

animal and poultry husbandry and the necessary accessory uses for packing, storing or treating the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

AGRICULTURAL IMPLEMENT SALES AND SERVICE

3. (6) "Agricultural implement sales and service" means a building and open area, used for display, sale or rental of new or used farm implements and where minor incidental repair work is done.

AIR LANDING STRIP

3. (7) "Air landing strip" means any area of land or water which is used or intended for use for the landing or taking off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including taxiways, aircraft storage and tie-down areas, hangars and other related buildings and open spaces.

ALTER OR ALTERATION

3. (8) "Alter or alteration" means a change or modification to an existing building, structure or use which unless otherwise provided for herein, does not increase the exterior dimensions with respect to height and area.

ALTERATIONS, INCIDENTAL

3. (9) "Alterations, incidental" means:
- (a) Changes or replacements in the non-structural parts of a building or structure, including but not limited to the following:
 - (i) an addition on the exterior of a building, such as an open porch;
 - (ii) alteration of interior partitions in all types of buildings; or
 - (iii) replacement of, or changes in, the capacity of utility pipes, ducts or conduits.
 - (b) Changes or replacements in the structural parts of a building, including but not limited to the following:
 - (i) adding or enlarging windows or doors in exterior walls;
 - (ii) replacement of building facades; or
 - (iii) strengthening the load bearing capacity, in not more than ten percent (10%) of the total floor area, to permit accommodation of a specialized

unit of machinery or equipment.

ALTERATIONS STRUCTURAL

3. (10) "Alterations, structural" means a structural alteration as defined in the Act.

AREA AFFECTED

3. (11) "Area, the" means all that land within the boundaries defined in PART II of this By-law.

AUTOMOBILE BODY SHOP

3. (12) "Automobile body shop" means a building wherein the repair and painting of automobiles takes place.

AUTOMOBILE LAUNDRY

3. (13) "Automobile laundry" means a building or portion thereof wherein facilities are provided for the washing, cleaning and polishing of motor vehicles.

AUTOMOBILE SERVICE STATION

3. (14) "Automobile service station" means a building or portion thereof and land used for supplying fuel, oil and minor accessories for motor vehicles at retail direct to the customer, and for making minor emergency repairs.

AUTOMOBILE OR TRAILER SALES AREA

3. (15) "Automobile or trailer sales area" means an open area, used for the display, sale or rental of new or used automobiles or trailers, and where repairs are made they shall be done within a completely enclosed building, except minor incidental repairs of automobiles or trailers to be displayed, sold or rented on the premises.

AUTOMOBILE WRECKING

3. (16) "Automobile wrecking" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

AWNING, CANOPY OR MARQUEE

3. (17) "Awning, canopy or marquee" means any rooflike structure, which may be constructed as an integral part of a building or attached in such a manner as not to be an integral part of a building, but is so constructed to provide shelter or shade over an entrance way or window.

BASEMENT OR CELLAR

3. (18) "Basement or cellar" means that portion of a building which is partially underground. A cellar may be used for recreational purposes but not to contain habitable rooms except by permission of Council and the Medical Health Officer.

[BED AND BREAKFAST See 3. (137)] (B/L 4/2011)

BOARD

3. (19) "Board" means the Board of The Cypress Planning District as established under the Act.

BUILDING

3. (20) "Building" means a building as defined in the Act.

BUILDING, MAIN OR PRINCIPAL

3. (21) "Building, main or principal" means a building in which is conducted the principal use of the site on which it is situated.

BUILDING, HEIGHT OF

3. (22) "Building, height of" means the total number of storeys in a building or the vertical distance measured from grade to the highest point of the roof surface if a flat roof, to the deck of a mansard roof, and to the mean height level between eaves and ridge for gable, hip or gambrel roof.

BULK

3. (23) "Bulk" means the following:
- (a) The size (including height of building and floor area), of buildings or structures;
 - (b) The area of the zoning site upon which a building is located, and the number of dwelling units or rooms within such building in relation to the area of the zoning site;
 - (c) The location of exterior walls of buildings in relation to site lines to other walls of the same building, to legally required windows, or to other buildings; and
 - (d) All open areas relating to buildings or structures and their relationships thereto.

CAMPING AND TENTING GROUNDS

3. (24) "Camping and tenting grounds" means a parcel of land planned and improved to accommodate travel trailers, camping trailers, pick-up coaches, motorized homes, tents, tent trailers or other camping accommodations used for travel, recreational and vacation uses.

CARPORT

3. (25) "Carport" means an attached building open on two or three sides for the shelter of privately owned automobiles.

CEMETERY

3. (26) "Cemetery" means land for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematoria, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.

CHILD CARE SERVICES

3. (27) "Child care services" means the provision of care for remuneration or reward to a child apart from his or her parents or guardians for a period in any one day exceeding (3) hours but not exceeding fourteen (14) hours:
- (a) "Drop-in babysitting service" means the provision of supervision on a temporary basis being equal to the period of time while the child is with the babysitting service of children in a commercial or institutional building while the parents or guardians of the children undertake some form of short term activity, such as shopping, entertainment, education or similar activities in close proximity to the place the child is under supervision on a temporary basis.
 - (b) "Home day care" means the provision of child care service to a maximum of eight (8) children including the children of the owner or tenant, not over twelve (12) years of age, in a family dwelling unit, in which the owner or tenant resides or churches or parish halls, with access to an outdoor recreation area.
 - (c) "Group day care" means the provision of child care service to nine (9) or more children not over the age of twelve (12) in a provincially licensed facility with access to an outdoor recreation area.

CLUB, PRIVATE, NON-PROFIT

3. (28) "Club, private, non-profit" means a non-profit corporation chartered by The Canada Corporation Act or The Manitoba Corporation Act, or an association consisting of

persons who are bona fide members paying annual dues, which owns, or leases a building or portion thereof; the use of such premises being restricted to members and their guests.

CLUB, RECREATIONAL

3. (29) "Club, recreational" means a non-profit corporation chartered by The Canada Corporation Act or The Manitoba Corporation Act, or an association consisting of persons who are bona fide members paying annual dues, which owns, or leases land or buildings or a portion thereof; the use of such premises being restricted primarily to the main use, which is a generally recognized sport or recreational activity, such as curling, squash, badminton or tennis.

CONDITIONAL USE

3. (30) "Conditional use" means the use of land or building as provided for in the Act.

CONDOMINIUM

3. (31) "Condominium" means a condominium as established under the provisions of The Condominium Act.

CONDOMINIUM, BARE LAND UNIT

3. (32) "Condominium, bare land unit" means a unit of land defined by delineation of its horizontal boundaries without reference to any buildings on a condominium plan.

CONDOMINIUM UNIT

3. (33) "Condominium unit" means a part of the land or building and is designated as a unit by the condominium plan, and is comprised of the space enclosed by its boundaries and all the material parts of the land within this space at the time the condominium declaration and plan are registered.

COUNCIL

3. (34) "Council" means the Council of the Town of Carberry.

COURT

3. (35) "Court" means an open unoccupied space, other than a required yard, on the same zoning site with a building and bounded on two (2) or more sides by such building or buildings.

DENSITY

3. (36) "Density" means the total number of dwelling units divided by the total area of land

to be developed, expressed in gross acres.

DEVELOPMENT OFFICER

3. (37) "Development Officer" means the officer appointed by the Board in accordance with the provisions of the Act.

DEVELOPMENT PLAN

3. (38) "Development Plan" means the Cypress Planning District Development Plan adopted by By-law No. 3 and amendments thereto.

DRIVE-IN ESTABLISHMENT

3. (39) "Drive-in establishment" means an establishment with facilities for attracting and servicing prospective customers travelling in motor vehicles, which are driven onto the site where the customer may or may not receive service in the vehicle.

DWELLING

3. (40) "Dwelling" means a building or portion thereof designed for residential occupancy.

[DWELLING, READY – TO – MOVE]

3. (40.1) *"Dwelling, Ready-To-Move" means a dwelling fabricated off-site and in accordance with Part 9 of the Manitoba Building Code, which is designed to be placed upon a basement or other approved foundation and does not include a modular home or mobile home. For the purposes of this By-law, a Ready-To-Move Dwelling shall be considered to be the same as a single-family dwelling.](B/L 6/2000)*

DWELLING, SINGLE-FAMILY

3. (41) "Dwelling, single-family" mean a detached building designed for and used by one (1) family.

DWELLING, TWO-FAMILY

3. (42) "Dwelling, two-family" means a detached or semi-detached building designed for and used by two (2) families, each having exclusive occupancy of a dwelling unit.

DWELLING, THREE AND FOUR FAMILY

3. (43) "Dwelling, three and four family" means a detached or semi-detached triplex, fourplex, town or row type building designed for and used by three (3) or four (4) families, each having exclusive occupancy of a dwelling unit.

DWELLING, MULTIPLE-FAMILY

3. (44) "Dwelling, multiple-family" means a building containing five (5) or more dwelling units, each unit designed for and used by not more than one (1) family.

DWELLING UNIT

3. (45) "Dwelling unit" means one (1) or more rooms in a building designed for one (1) or more persons as a single housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.

ENLARGEMENT

3. (46) "Enlargement" means an addition to the floor area of an existing building or structure, or an increase in that portion of a parcel of land occupied by an existing use.

EXTENSION

3. (47) "Extension" means an increase in the amount of existing floor area used for an existing use, within an existing building.

FAMILY

3. (48) "Family" means one or more persons related by blood or marriage or common-law marriage, or a group of not more than three (3) persons who may not be related by blood or marriage, living together as a single housekeeping unit.

"Family" also includes domestic servants.

"Common-law" means a man and a woman living together as a family without the sanctity of marriage.

A housekeeping unit referred to above, shall be deemed to exist if all members thereof have access to all parts of the dwelling unit.

FARM BUILDINGS OR STRUCTURES

3. (49) "Farm buildings or a structure" means any buildings or structures existing or erected on land used principally for agricultural activities but not including dwellings.

FLOOR AREA

3. (50) "Floor area" (as applied to bulk regulations) means the sum of the gross horizontal areas of the several floors of all buildings and structures on the zoning site, measured from the exterior faces of the exterior walls or from the centreline of party walls. In

particular, the floor area of a building or buildings shall include:

- (a) Basements when used for residential, commercial or industrial purposes, but not including space used for storage or the housing of mechanical or central heating equipment, and accessory off-street parking spaces;
- (b) Floor space used for mechanical equipment (with structural headroom of six (6) feet or more) except equipment, open or enclosed, located on the roof;
- (c) Elevator shafts and stairwells at each storey except shaft and stair bulkheads and exterior unroofed steps or stairs; and
- (d) Penthouse, mezzanines, attics where there is a structural headroom of seven (7) feet or more.

GARAGE

- 3. (51) "Garage" means a building or portion thereof in which a motor vehicle is, or motor vehicles are, stored, repaired, washed or serviced.

GARAGE, PRIVATE OR CARPORT

- 3. (52) "Garage, private or carport" means an accessory building or portion of a principal building, if attached, used by the occupants of the premises upon which it is located for the parking or temporary storage of private passenger motor vehicles and may also include the incidental storage of other personal property.

GRADE

- 3. (53) "Grade" (as applying to the determination of building or structure height), means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Development Officer.

GRAIN STORAGE STRUCTURE

- 3. (54) "Grain storage structure" means any structure which is designed to store any type of grain.

GROUP FOSTER HOME

- 3. (55) "Group Foster Home" means a building or portion thereof for the care of children who are wards of the Children's Aid Society or the Director of Welfare for the Province of Manitoba.

HOME OCCUPATION

3. (56) "Home occupation" means a use which:
- (a) Is carried on in a dwelling unit or mobile home or its permitted accessory building;
 - (b) Is carried on solely by the members of the family residing at the same dwelling unit or mobile home without the employment of other persons;
 - (c) Is incidental to or secondary to the use of the dwelling unit or mobile home;
 - (d) There is no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the principal or accessory building except as provided for herein;
 - (e) In the opinion of the Council, is not offensive or obnoxious or create a nuisance.
 - (f) Does not cause the generation of undue traffic and congestion in the neighbourhood.

HOTEL

3. (57) "Hotel" means a building or part thereof wherein accommodation is provided for transient lodgers, in any individual room or apartment, with or without cooking facilities. Permitted accessory uses include but are not limited to, restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

HOUSE, BOARDING, LODGING OR ROOMING

3. (58) "House, boarding, lodging or rooming" means a building or portion thereof, other than a hotel or motel, without cooking facilities, where lodging, or lodging and meals are provided for compensation exclusive of the proprietor and his family.

JUNK YARD

3. (59) "Junk yard" means an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to metals, paper, rags, rubber tires and bottles. A junk yard includes an automobile wrecking or dismantling yard but does not include uses established entirely within an enclosed building.

KENNEL

3. (60) "Kennel" means any premises on which more than two (2) animals are boarded, bred, trained or cared for, in return for remuneration or are kept for a purpose of sale. A kennel shall not include a veterinary clinic, animal hospital or animal pound.

LANE

3. (61) "Lane" means a street not over thirty-three (33) feet in width.

LIVESTOCK

3. (62) "Livestock" means cattle, swine, horses, poultry, sheep, rabbits, mink and similar animals.

LIVESTOCK PRODUCTION OPERATION

3. (63) "Livestock production operation" means any agricultural operation where livestock are confined, fed or raised.

The following are not subject to the requirements for livestock production operations unless, in the opinion of the Council, they create a pollution problem:

- (a) Cattle wintering operations;
- (b) Livestock auction markets;
- (c) Agricultural fairs;
- (d) Livestock sale yards, in which livestock may be kept for a period not exceeding ten (10) days.

LIVESTOCK WASTE UNIT

3. (64) "Livestock waste unit or L.W.U." means an amount of animal waste or waste equivalent, as set out in Section 8 of PART SEVEN of this By-law.

LOADING SPACE

3. (65) "Loading space" means an off-street space on the same zoning site with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which has access to a street or lane or other appropriate means of access.

LODGE

3. (66) "Lodge" means a hall or meeting place of a local branch for the members of a fraternal order or society, such as Masons, Knights of Columbus, Elks, Eagles and similar organizations.

MOBILE HOME

3. (67) "Mobile home" means a portable dwelling which is designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has at any time such wheels attached, or is jacked up or skirted.

MOBILE HOME PARK

3. (68) "Mobile home park" means a parcel of land upon which mobile home spaces are provided and have been approved by the Council.

MOBILE HOME SITE

3. (69) "Mobile home site" means a zoning site in a mobile home subdivision for the placement of a mobile home.

MOBILE HOME SPACE

3. (70) "Mobile home space" means a space in a mobile home park for the placement of a mobile home.

MOBILE HOME SUBDIVISION

3. (71) "Mobile home subdivision" means an area of land subdivided to provide mobile home sites in accordance with the subdivision approval procedure under The Act.

[MODULAR HOME]

3. (71.1) *Modular Home means a pre-fabricated portable dwelling unit similar to but distinct from a mobile home, but does not have a chassis designed to accommodate wheels. Modular homes are also distinct from ready-to-move dwellings, in that they are not designed to the same code requirements, nor with the same construction techniques. Modular homes are designed to be transported on flatbed trucks, and may be folded, collapsed or telescoped when in tow, and which may be extended on the site for additional interior space.](B/L 6/2000)*

MOTEL

3. (72) "Motel" means a building or part thereof, not over two (2) storeys in height wherein sleeping accommodation is provided for transient lodgers and in which there is an exit from each room or suite of rooms directly to the outdoors with access to grade level. Permitted accessory uses include but are not limited to restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

NON-CONFORMITIES

3. (73) See non-conformities PART II Section 11.

OPEN SPACE

3. (74) "Open space" means that required portion of a zoning site at ground level, unless otherwise stated, unoccupied by principal or accessory buildings and available to all the occupants of the building. The open space shall be unobstructed to the sky and shall not be used for service driveways or accessory off-street parking space or loading space, unless otherwise provided for herein, but shall be usable for landscaping, drying yards, recreational space and other leisure activities normally carried on outdoors. Balconies, roof and other like above grade level areas may also be considered as open space.

OWNER

3. (75) "Owner" means an owner as defined in the Act.

PARCEL OF LAND

3. (76) "Parcel of land" means a parcel as defined in the Act.

PARKING AREA

3. (77) "Parking area" means an open area of land other than a street or lane or an area within a structure used for the parking of vehicles.

PARKING AREA, PUBLIC

3. (78) "Parking area, public" means a parking area used for the temporary parking of vehicles and is available for public use whether free, for compensation or as an accommodation for clients, customers, employees or visitors.

PARKING SPACE

3. (79) "Parking space" means a space on a parking area, public parking area or zoning site for the temporary parking or storage of a vehicle.

PARTY WALL

3. (80) "Party wall" means a wall forming part of a building and used for separation of adjoining buildings occupied, constructed or adapted to be occupied by different persons or businesses.

PERFORMANCE STANDARD

3. (81) "Performance standard" means a standard established to control erosion, water consumption, water quality, noise, odour, smoke, toxic or noxious matter, vibration, fire and explosive hazards or glare or heat generated by, or inherent in, uses of land or buildings.

PERSONAL SERVICE SHOP

3. (82) "Personal service shop" means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and without limiting the generality of the foregoing may include such establishments as barber shops, beauty parlors, hair-dressing shops, hand laundries, shoe repair and shoe shining shops, tailor and dressmaking shops, valets and depots for collecting dry cleaning and laundry.

PLANNED UNIT DEVELOPMENT

3. (83) "Planned unit development" means a planned unit development as defined in the Act.

PREMISES

3. (84) "Premises" means an area of land with or without buildings.

PUBLIC UTILITY AND SERVICES

3. (85) "Public utility and services" means any system, works, plant equipment or services which furnishes services and facilities available at approved rates to or for the use of the inhabitants of Carberry, including but not limited to:
- (a) Communication, by way of telephone, telegraph, wireless or television;
 - (b) Public transportation, by bus or other vehicle;
 - (c) Production, transmission, delivery or furnishing of water, gas or electricity to the public at large; or
 - (d) Collection of sewage, garbage or other waste.

PUBLIC UTILITY BUILDING

3. (86) "Public utility building" means a building used by a public utility.

REPAIR

3. (87) "Repair" means the renewal or reconstruction of any part of an existing structure for the purpose of its maintenance or restoration.

RESIDENTIAL CARE FACILITY

3. (88) "Residential care facility" means the use of any building or structure or part thereof, however named, which is advertised, announced or maintained for the express or implied purpose of providing lodging, meals, care and supervision or transitional services to persons not related by blood, marriage or adoption to the operator nor to each other but does not include a facility which is licensed or designated by the Manitoba Health Services Commission.

RESORT COMMERCIAL

3. (89) "Resort, Commercial" means a commercial recreation establishment which may consist of one or more buildings containing single or multiple-family dwellings, recreational facilities and service facilities which are used on an intermittent basis. Other facilities which may be a part of the resort development includes; a camping and tenting grounds, a hotel, a retail store, an eating establishment, a marina, a golf course and other outdoor recreation game courts, areas and trails.

SENIOR CITIZEN HOME

3. (90) "Senior citizen home" means a building containing one or more dwelling units or individual rooms where elderly people live independent of personal care.

SERVICE SHOP

3. (91) "Service shop" means an enclosed building or part thereof whether conducted in conjunction with retail shopping or not, for the repair, sale and service of articles or materials as opposed to the manufacture of same. This type of shop shall exclude an automobile body shop.

SIGN

3. (92) "Sign" means any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol or trademark), banner, pennant or any other figure of similar character which:
- (a) Is a structure or any part thereof, or is attached to, painted on or in any other manner represented on or in a building or other structure;
 - (b) Is used to identify, direct attention to, or advertise; and
 - (c) Is visible from outside a building but shall not include show windows as such.

SIGN, ADVERTISING

3. (93) "Sign, advertising" means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zoning site where the sign is maintained, including a billboard sign.

SIGN, BULLETIN BOARD

3. (94) "Sign, bulletin, board" means a sign of permanent character, but with movable letters, words or numerals indicating the names of persons associated with, or events conducted upon, or products or services offered upon the premises upon which sign is maintained, e.g., school, church, community centre bulletin board sign and similar uses.

SIGN, BUSINESS

3. (95) "Sign, business" means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same zoning site where the sign is maintained.

SIGN, CONSTRUCTION

3. (96) "Sign, construction" means a sign which identifies a construction project and information relative thereto.

SIGN, FACIA OR WALL

3. (97) "Sign, facia or wall" means any sign attached against the surface of, or against or within a recess in the wall, a column or other perpendicular portion of a building in a position essentially parallel to said wall, column or other perpendicular position. A facia sign shall also mean any sign attached to the walls of two or more buildings and spanning the spaces between said buildings.

SIGN, FLASHING

3. (98) "Sign, flashing" means an illuminated sign on which artificial light is not maintained constant in intensity and color at all times when such sign is in use.

SIGN, FREESTANDING

3. (99) "Sign, freestanding" means a sign supported by a vertical column or columns placed in the ground with the sign surface area above ground level.

SIGN, IDENTIFICATION

3. (100) "Sign, identification" means a sign that identifies the business, owner, resident or the street address and which sets forth no other advertisement.

SIGN, ILLUMINATED

3. (101) "Sign, illuminated" means a sign designed to give forth any artificial light or reflect light from an artificial source.

SIGN, MARQUEE

3. (102) "Sign, marquee" means a sign attached to a marquee, canopy or awning projecting from and supported by a building.

SIGN, PROJECTING

3. (103) "Sign, projecting" means any sign other than a facia sign, which is attached to a building and extends beyond the exterior wall of the said building beyond the surface of that portion of the building to which it is attached.

SIGN, REAL ESTATE

3. (104) "Sign, real estate" means a sign advertising the sale, rental or lease of the premises on which it is maintained.

SIGN, ROOF

3. (105) "Sign, roof" means any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.

SIGN, SURFACE AREA

3. (106) "Sign, surface area" means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, including any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which it is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than one (1) yard from one another, the sign surface area of the sign shall be taken as the surface area of one face if the two faces are of equal area, or as the surface area of the larger face if the two faces are of unequal area.

SIGN, TEMPORARY

3. (107) "Sign, temporary" means a sign with or without a structural frame and intended for a limited period of display, and shall include a mobile sign, but shall have no red, green or amber lights thereon, and with no blinking or scintillating lights when the sign faces a residential area.

SITE

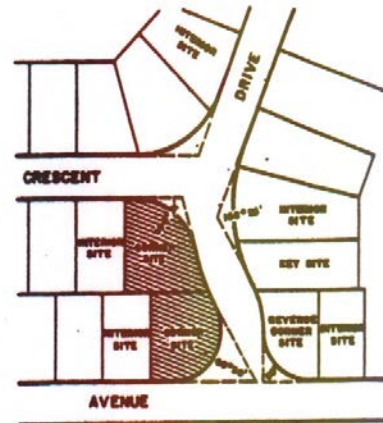
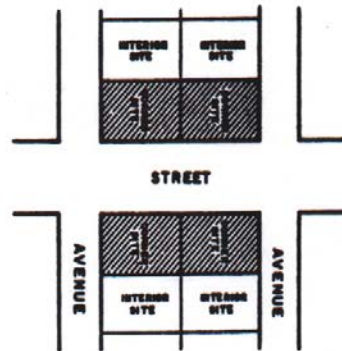
3. (108) "Site" means a zoning site as defined herein unless the context indicates otherwise. See mobile home site.

SITE AREA

3. (109) "Site area" means the computed area contained within the site lines.

SITE, CORNER

3. (110) "Site, corner" means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.



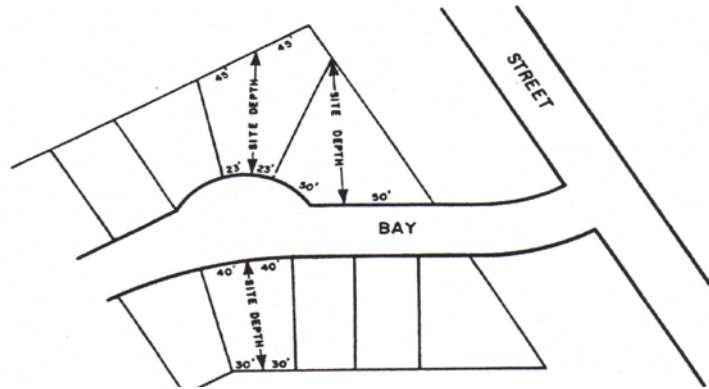
SITE COVERAGE

3. (111) "Site Coverage" means that part or percentage of the site occupied by buildings, including accessory buildings.

Structures which are below the finished site grade, including sewage lagoons, water reservoirs, parking structure below grade and similar structures shall not be included in site coverage.

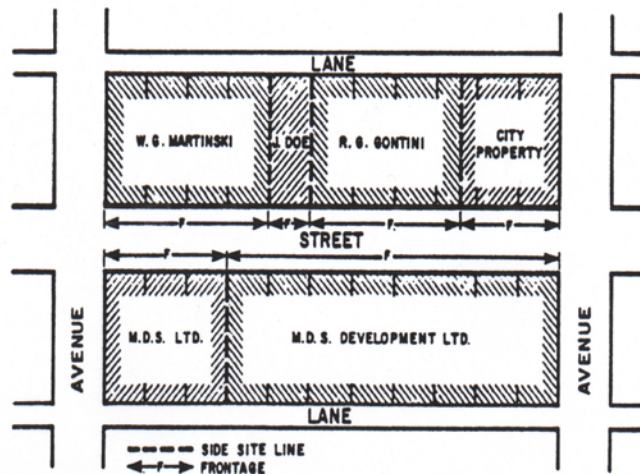
SITE DEPTH

3. (112) "Site depth" means the horizontal distance between the centre points in the front and rear site lines.



SITE FRONTAGE

3. (113) "Site frontage" means all that portion of a zoning site fronting on a street and measured between side site lines.

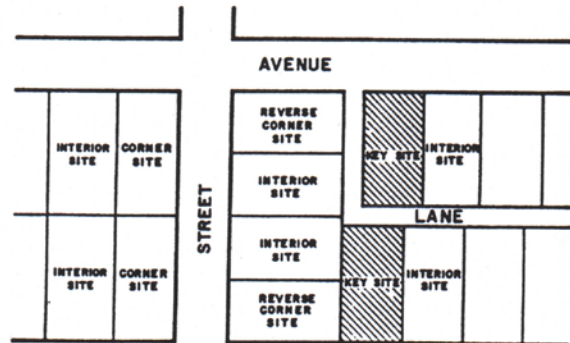


SITE, INTERIOR

3. (114) "Site, interior" means a site other than a corner site or a through site. (See sketches for other types.)

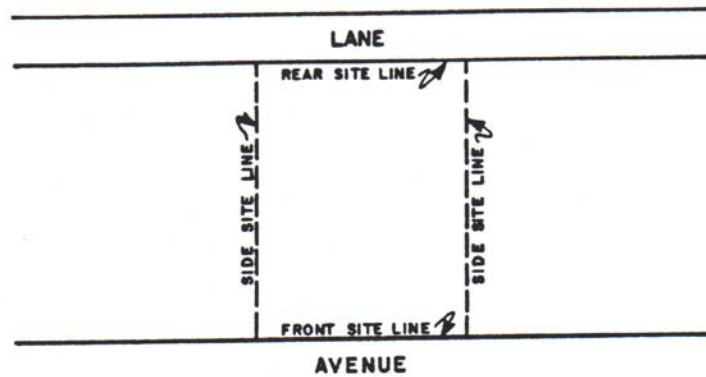
SITE, KEY

3. (115) "Site, key" means the first site to the rear of a reversed corner site.



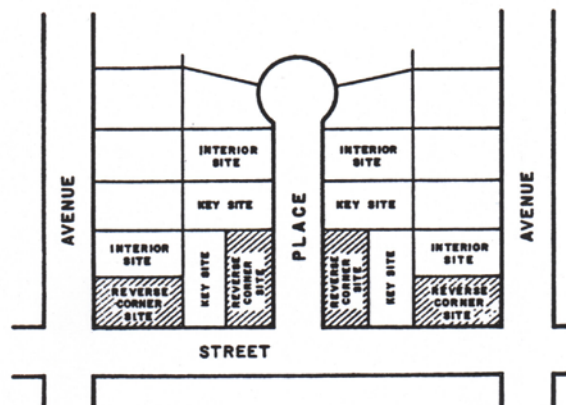
SITE LINES

3. (116) "Site lines" means as follows:
- (a) "Front site line" means that boundary of a site which is along an existing or designated street. For a corner site the Development Officer may select the front site line except where an interior site abuts the corner site, then the front site line shall be that line which is the continuation of the front site line of the interior site.
 - (b) "Rear site line" means that boundary of a site which is most nearly parallel to the front site line and in the case of a site in which the side site lines intersect, such as a triangular site, a line ten (10) feet in length within the site, parallel to and at the maximum distance from the front site line.
 - (c) "Side site line" means any boundary of a site which is not a front or rear site line.
 - (d) Where an irregular shaped site cannot have its site lines defined by the foregoing definitions, the front, rear and side site lines shall be determined by the Development Officer.



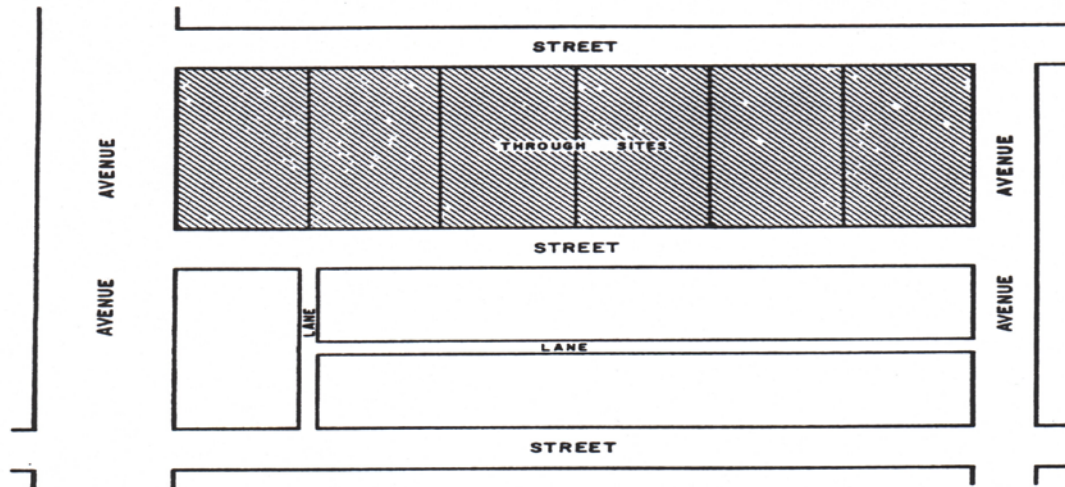
SITE, REVERSE CORNER

3. (117) "Site, reverse corner" means a corner site, the flanking street site line of which is substantially a continuation of the front site line of the first site to its rear.



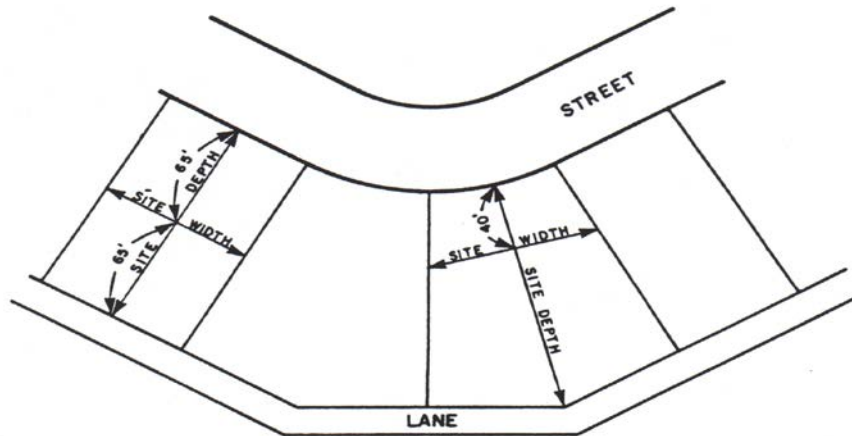
SITE, THROUGH

3. (118) "Site, through" means a site having a pair of opposite site lines along two (2) more or less parallel streets. On a through site, both street lines shall be deemed front site lines.



SITE WIDTH

3. (119) "Site width" means the horizontal distance between the side site lines, measured at right angles to the site depth at a point midway between the front and rear site line, or 40 feet from the front site line, whichever is the lesser.



SITE, ZONING

3. (120) "Site, zoning" means an area of land which is:
- (a) is occupied, or intended to be occupied by a main building or a group of such buildings and accessory buildings, or utilized for the principal use or uses thereto, together with such open spaces as are required under the provisions of this by-law.
 - (b) has frontage on a public street or has lawful means of access satisfactory to the Council but only including a private road or private lane.
 - (c) is of sufficient size to provide the minimum requirements of this by-law or as varied for a permitted or conditional use in a district where the use is located.

SPACE

3. (121) See mobile home space.

STABLE, PRIVATE

3. (122) "Stable, private" means a detached accessory building for the keeping of cattle or horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

STABLE, PUBLIC

3. (123) "Stable, public" means a stable other than a private stable.

STOREY

3. (124) "Storey" means that portion of any building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of such floor and the ceiling above it. A basement shall be counted as a storey for the purpose of height measurement if the vertical distance between the ceiling and the average finished level of the adjoining ground is more than five (5) feet.

STOREY, FIRST

3. (125) "Storey, first" means the storey with its floor closest to grade and having its ceiling more than five (5) feet above grade.

STOREY, SECOND

3. (126) "Storey, second" means the storey located immediately above the first storey.

STREET

3. (127) "Street" means a street as defined in the Act.

STRUCTURE

3. (128) "Structure" means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground and includes buildings, walls, fences, signs, billboards, poster panels, light standards and similar items.

TOT LOT

3. (129) "Tot lot" means an area dedicated to public playground use for pre-school children.

TOWN OR ROW TYPE DWELLINGS, LOTTED

3. (130) "Town or row type dwellings, lotted" means a single town or row type dwelling unit situated on a zoning site, the limits of which are designated on a plan of subdivision on record in the Brandon Land Titles Office.

TOWN OR ROW TYPE DWELLINGS, UNLOTTED

3. (131) "Town or row type dwellings, unlotted" means a number of town or row type dwelling units situated on a zoning site, where the buildings are part of a planned unit development and site lines are not designated for each building or building group.

TRAVEL TRAILER

3. (132) "Travel trailer" means a portable living accommodation designed to be used as accommodation for travel, recreation or vacation purposes that:
- (a) Is capable of being transported on its own chassis and running gear by towing or other means;
 - (b) Is placed on the chassis or body of a motor vehicle; or
 - (c) Forms part of a motor vehicle.

TRAVEL TRAILER PARK

3. (133) "Travel Trailer Park" shall mean any premises which are used or designed for temporary accommodation of two or more travel trailers, camping trailers, pick-up coaches, motorized homes, tents, tent trailers or other camping accommodations used as temporary dwellings whether or not a charge is made for such accommodation.

USE

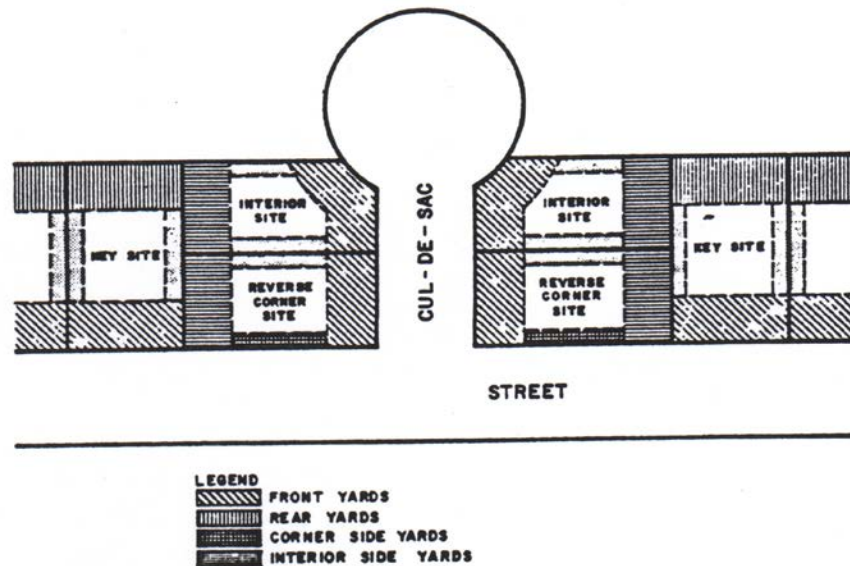
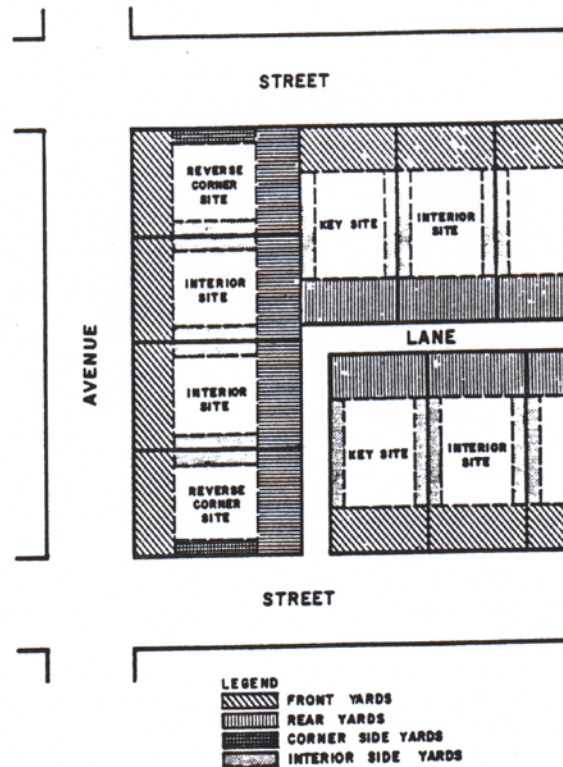
3. (134) "Use" means
- (a) Any purpose for which a building or other structure or parcel of land may be designed, arranged, intended, maintained or occupied; or
 - (b) Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a parcel of land.

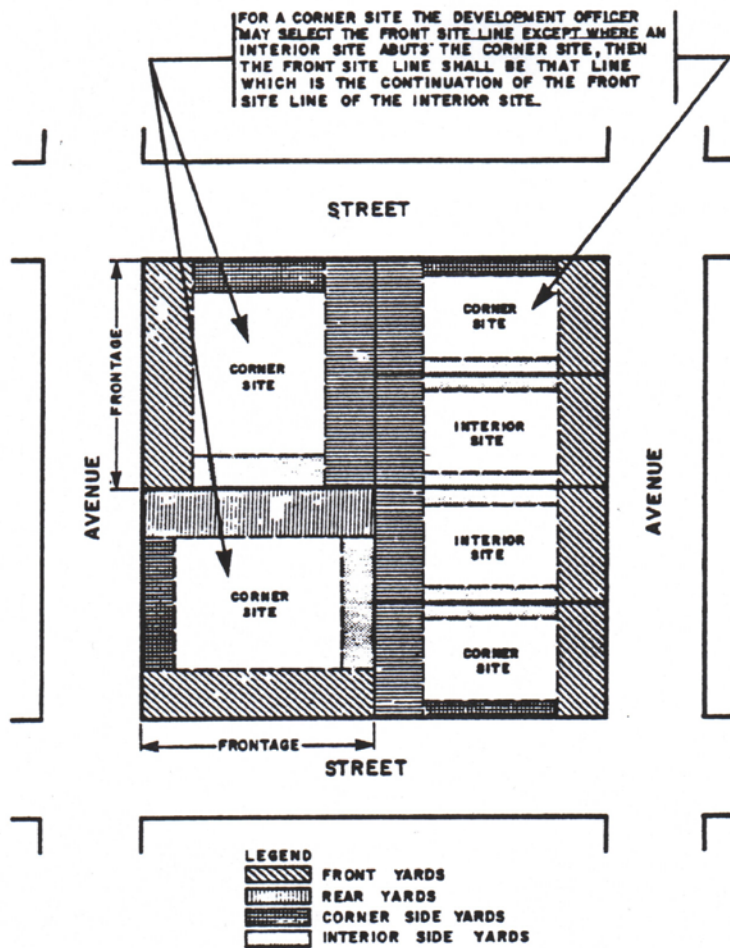
VEGETABLE STORAGE STRUCTURE

3. (135) "Vegetable Storage Structure" means any structure which is designed to store any type of vegetable for commercial purposes.

YARD

3. (136) "Yard" means an open area, on the same zoning site with a building or structure which yard is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted herein.
- (a) "Yard, required" means a yard extending along a site line or wall to a depth or width (measured from the site line or wall) specified in the yard requirements for the district in which such zoning site is located.
 - (b) "Yard, corner side" means a side yard which adjoins a street.
 - (c) "Yard, front" means a yard extending along the full length of the front site line between the side site lines.
 - (d) "Yard, interior side" means a side yard which is adjacent to another zoning site, or to a lane separating such side yard from another zoning site, or to the wall of a building adjacent to the wall of another building in a planned unit development.
 - (e) "Yard, rear" means a yard extending along the full length of the rear site line between the side site lines.
 - (f) "Yard, side" means a yard extending along the side site line from the required front yard to the required rear yard.
 - (g) The following sketches illustrate the foregoing definitions of the required yards:





[BED AND BREAKFAST

3. (137) (a) *shall mean a dwelling unit in which overnight accommodations and meals are provided for a fee.] (B/L 4/2011)*

PART II - ADMINISTRATION

SCOPE

TITLE

1. (1) This By-law shall be known as "The Town of Carberry Zoning By-law".

WHEN EFFECTIVE

1. (2) This By-law shall be in full force and effective when it is given third reading by the Council of the Town of Carberry.

THE AREA

1. (3) The Area to which this Zoning By-law shall apply shall be all of the Town of Carberry.

INTENT AND PURPOSE

1. (4) The regulations and provisions established by this By-law are deemed necessary in order to:
 - (a) Implement the objectives and policies of the Cypress Planning District Development Plan;
 - (b) To define and limit the powers and duties of the Council, the Board, and the Development Officer; and
 - (c) To regulate the following:
 - (i) All buildings and structures erected hereafter;
 - (ii) All uses of buildings, structures and land established hereafter;
 - (iii) All structural alterations or relocations of existing buildings and structures occurring hereafter; and
 - (iv) All enlargements or additions to existing buildings, structures or uses.
 - (v) The change of use of land, buildings and structures.

RESPONSIBLE AUTHORITY

1. (5)
 - (a) The authority responsible for the enactment of this By-law shall be the Council, in accordance with the provisions of the Act; and
 - (b) Subject to the provisions of the Act, the regulations, restrictions and boundaries set forth

in this By-law may from time to time be amended, supplemented, changed or repealed.

RESPONSIBILITIES OF COUNCIL

1. (6) Subject to the provisions of the Act, the Council is responsible for:
 - (a) Considering the adoption or rejection of proposed amendments or the repeal of this By-law;
 - (b) Acting as a Variation Board;
 - (c) Approving or rejecting conditional use applications, and may revoke the authorized conditional use for any violation of any additional conditions imposed by it; and
 - (d) Establishing a schedule of fees as provided for in Section 22 of this PART.

RESPONSIBILITIES OF THE BOARD

1. (7) Subject to the provisions of the Act, the Board is responsible for:
 - (a) Administering and enforcing the provisions of this By-law;
 - (b) Administering and enforcing those provisions of the Act, where applicable;
 - (c) In accordance with Section 21 (2) of the Act, establishing a schedule of fees and charges for permits. Until all applicable fees and charges have been paid in full, no action shall be taken on any application.

PLANNING ADVISORY COMMITTEE

2. Planning advisory committees may be established in accordance with the provisions of the Act.

AMENDMENTS

PROCEDURE

3. (1) Subject to the procedure required under the Act, an amendment may be initiated by a resolution of intention by the Council, or by application of one or more owners of the property or their agents within the area proposed to be changed. An application to amend the zoning by-law and all required information and fees as determined by Council and in accordance with Section 22 of this PART shall be made to the Council.

DECISION BY COUNCIL

3. (2) Council shall notify the applicant four (4) days in advance of the meeting, at which time it shall review all of the facts presented, and any representation by the applicant, study the facts presented, make its findings and determination in writing and shall transmit a copy thereof to the applicant. If Council approves the application, it shall proceed with the adoption of the

amendment in accordance with the provisions of the Act.

CONDITIONAL USE

4. (1) The development and execution of this By-law is based upon the division of The Area into districts, within which districts the use of land and buildings and structures in relation to the land are substantially compatible. It is recognized, however, that there are certain uses deemed conditional uses which, because of their unique characteristics cannot properly be classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighbouring land and of the public need for the particular use at the particular location. Such uses fall into two categories:
 - (a) Uses publicly operated or traditionally associated with the public interest; and
 - (b) Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighbouring property or public facilities.

APPLICATION

4. (2) An application for a conditional use shall be processed and approved or rejected in accordance with the provisions of the Act.

FILING AN APPLICATION

4. (3) The application shall be filed with the Council and shall be accompanied by a site plan and other data as the Council may prescribe and such fees as determined by Council.

EXPIRY OF APPROVAL

4. (4) The approval of Council in accordance with the provisions of the Act shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of the decision, unless it is renewed prior to the expiry date at the discretion of Council for an additional period not exceeding twelve (12) months.

EXISTING CONDITIONAL USE

4. (5) Where a use is classified as a conditional use under this By-law or amendments thereto, and exists as a permitted use or conditional use at the date of the adoption of this By-law, or amendments thereto, it shall be considered as a legally existing conditional use.

CHANGES TO AN EXISTING CONDITIONAL USE

4. (6) Any change in a conditional use shall be subject to the provisions of this Section and the appropriate provisions of the Act.

TEMPORARY USES

5. (1) Notwithstanding any provisions elsewhere contained in this By-law, the Council may permit, subject to such conditions as it may seem fit to impose, and for a period of six (6) months which may be renewed for not more than two (2) successive periods at the same location before expiry subject to approval of Council, the temporary use of lands, buildings or structures not in conformity with the requirements of this By-law if, in Council's opinion, the safety amenity or sanitary conditions of property in the vicinity will not be adversely affected thereby.

VARIATIONS

THE RIGHT TO APPLY

6. (1) Any person may apply for a variation order, in accordance with the provisions of the Act.
6. (2) An application for a variation order and all required information and fees, as determined by the Variation Board, shall be made to the Development Officer.

DEVELOPMENT AGREEMENT

AGREEMENT WITH TOWN OF CARBERRY

7. (1) Where an application is made for the amendment of this By-law, the Council may require the owner or the person entitled to be registered as owner of the land, building or structure to which the amendment shall apply, as a condition to its enactment, to enter into a development agreement with the Town of Carberry in respect of that land as well as contiguous land owned or leased by the applicant.

AGREEMENT TO COMPLY WITH ACT

7. (2) The provisions of said agreement shall be in accordance with the Act.

THE DEVELOPMENT OFFICER

DUTIES

8. (1) The Board shall appoint a development officer, who on behalf of the Town of Carberry, may:
 - (a) issue development permits in accordance with the provisions of this By-law.

POWERS

8. (2) The Development Officer may:
 - (a) Issue a development permit where the development of land, buildings or structures conforms to the adopted Development Plan, and the requirements of this By-law and amendments thereto, subject to the provisions of subsection (3);

- (b) Enter any buildings or premises at all reasonable hours in the performance of his duties with respect to this By-law;
- (c) Issue development permits for the temporary use of buildings, structures or land pursuant to the provisions of this By-law; and
- (d) Issue zoning memoranda or such other documents necessary for the administration and enforcement of this By-law.

DEFER APPROVAL OF PERMITS

- 8. (3) At the request of Council or the Board, the Development Officer shall:
 - (a) Defer approving an application for a development permit:
 - (i) as provided for in the Act;
 - (ii) which would result in a violation of this By-law or any By-law of the Town of Carberry; or
 - (iii) to any person who has failed to pay any fees due and owing to the Town of Carberry or the Board under this By-law.

DEVELOPMENT PERMIT

PERMIT REQUIRED

- 9. (1) The owner or his agent shall obtain all necessary permits as required by the Board, Council and other government agencies.

WHEN REQUIRED

- 9. (2) An application for a development permit is required for the following:
 - (a) The erection or construction or placement of any building, structure or mobile home, except fences and ornamental light standards;

NOTE: See definition of structure.

- (b) The addition, extension, structural alteration or conversion of any building or structure;
- (c) The relocation or removal or demolition of any building or structure.
- (d) The use of vacant land, buildings or structures; or
- (e) The change of use of land, buildings or structures.

REQUIREMENTS

9. (3) In addition to the requirements of any By-law of the Town of Carberry or any other provincial regulations, all applications for a development permit shall:
- (a) Be accompanied by a plan, drawn to scale, showing the actual dimensions and shape of the site to be built upon; the exact size and location on the site of buildings already existing, if any, and the location and dimensions of the proposed building, enlargement or structural alterations;
 - (b) Include such other information as may be required by the Council or Board, including existing or proposed building or structural alterations; existing or proposed use of the building and land; the number and location of automobile parking spaces and loading spaces; the number of families, dwelling units or rental units the building is designed to accommodate; conditions existing on the site; current copies of relevant titles, easements, caveats, a surveyor's certificate prepared by a Manitoba Land Surveyor and such other matters as may be necessary to determine conformance with and provide for the enforcement of this By-law; and
 - (c) No person shall erect, locate, repair, use, or occupy any building, land or structure contrary to any development permit or the material furnished in support of the application.

BUILDING PERMITS

PERMITS ISSUED PRIOR TO BY-LAW

10. (1) Unless otherwise provided for herein, building permits issued prior to the effective date of this By-law shall be considered valid for the purpose of this By-law provided all the conditions under which the permit was issued are complied with.

BUILDING TO BE MOVED

10. (2) No building or structure shall be moved in whole or in part to any other location unless every portion of the building or structure is made to conform to all the regulations of this By-law applying to the district in which it is to be located.

NON-CONFORMITY

DEFINITION

11. (1) "Non-Conformity" means one, or a combination of one or more, of the following:
- (a) A site or parcel of land;
 - (b) A building or structure;
 - (c) A use of a building or structure;

(d) A use of land; or

(e) A Sign;

which lawfully existed prior to the effective date of this By-law or amendments thereto, but does not conform to the provisions contained within this By-law or amendments thereto.

NON-CONFORMITIES

11. (2) Non-conformities are hereby classified in the following subsections (3) to (11).

NON-CONFORMING USES

11. (3) "Non-conforming uses" means any lawful use of a building, structure or a parcel of land, or portion thereof, which does not conform to one or more of the applicable use regulations of the district in which it is located, either on the effective date of this By-law or amendments thereto:

BUILDINGS OR STRUCTURES

11. (4) A "non-conforming building or structure" means any lawful building or structure, which does not comply with one or more of the applicable district bulk regulations on the effective date of this By-law or amendments thereto:

SITE OR PARCEL

11. (5) A "non-conforming site or parcel of land" means any lawful site or parcel of land which does not comply with the site area, site width or site depth on the effective date of this By-law, or amendments thereto, and was on record in the Land Titles Office and in separate ownership prior to the effective date of this By-law, or amendments thereto, and did not form part of a larger contiguous holding in the same ownership; and

SIGNS

11. (6) A "non-conforming sign" means any lawful sign, which does not comply with one or more of the applicable district bulk regulations on the effective date of this By-law or amendments thereto.

GENERAL PROVISIONS

11. (7) A non-conforming use and a non-conforming building or structure shall be regulated in accordance with and subject to the provisions of the Act, unless otherwise provided for herein.

STRUCTURAL ALTERATIONS

11. (8) Pursuant to Section 53(1) of the Act, a structural alteration may be made to a non-conforming building or structure, provided that the said alteration conforms to the requirements of this By-law, or where such requirements may be varied by a variation order.

REPAIR OR REBUILDING

11. (9) Pursuant to Section 53(3) of the Act, where Council determines that a building or structure is damaged or destroyed more than fifty (50%) percent of its replacement value above its foundation, the said building or structure may be repaired or rebuilt, but only in conformance with this By-law or its amendments, or where such requirements are varied by a variation order.

NON-CONFORMING PARCEL

11. (10) No building or structure may be erected on a non-conforming parcel of land unless:
- (a) The required yards are provided as set forth in the Bulk Table of the district in which the parcel of land is located; or
 - (b) Where a variation order for such yard requirements is granted.

NON-CONFORMING SIGNS

11. (11) A "non-conforming sign" shall be subject to all the provisions of this PART relating to non-conformities, except as provided hereafter;
- (a) A change in the subject matter represented on a sign shall not be considered a change of use; and
 - (b) A non-conforming sign may be structurally altered, reconstructed, or replaced in the same location and position provided that such structural alteration, reconstruction, or replacement does not result in:
 - (i) the creation of a new non-conformity or an increase in the degree of non-conformity; or
 - (ii) an increase in the sign surface area; or
 - (iii) an increase in the degree of illumination.

CERTIFICATE OF COMPLIANCE AND FEES

11. (12) Any fees made to the Development Officer for the issuance of a zoning memorandum in accordance with Section 51(1) of the Act shall be determined by Council.

INTERPRETATION AND APPLICATION

12. (1) In their interpretation and application, the provisions of this By-law shall be held to be the minimum requirements to satisfy the intent and purpose as set forth herein.

RELATION TO OTHER BY-LAWS

12. (2) Whenever provisions of any By-law of the Town of Carberry or any other requirements of the Provincial or Federal Government impose overlapping regulations over the use of land or buildings or bulk requirements or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest requirement shall govern.

PREVIOUS VIOLATIONS

12. (3) Unless otherwise provided for herein an existing building, structure or use which was illegal under the provisions of any planning scheme or zoning by-law in force on the effective date of this By-law and amendments thereto shall not become or be made legal solely by reason of the adoption of this By-law; and to the extent that, and in any manner that, said illegal building, structure or use is in conflict with the requirements of this By-law, said building, structure or use remains illegal hereunder.

SITE REDUCED

12. (4) A site area or site width or required yard reduced below the minimum requirements of this By-law by virtue of a public works, street or public utility shall be deemed to conform to the requirements of this By-law. (See PART IV SUBDIVISION CONTROL of The Planning Act.)

VARIATION ORDER OR SPECIAL EXCEPTION PRIOR TO BY-LAW

12. (5) A building or structure or use established by a variation order prior to the coming into force of this By-law shall, subject to the provisions of the variation order, be deemed to conform to the provisions of this By-law.

"A", "R", "C", OR "M" DISTRICT

12. (6) Whenever the terms "A" District, "R" District, "C" District or "M" District are used, they shall be deemed to refer to all Districts containing the same letter in their names.

FUTURE ROAD ALLOWANCE DEEMED EXISTING

13. No building or structure shall be erected upon any land designated for a future road allowance. Any development adjacent to said future road allowance shall comply with the requirements of the By-law as if the said future road allowance was already in existence.

PUBLIC UTILITIES AND SERVICES

14. Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of any public utility and service, as defined by this By-law, or public service such as police and fire protection, provided that the requirements of such public utility and services are of a standard compatible with the adjacent area as determined by the Development Officer, and that any building or structure erected in any district, complies with the required yard and area requirements applicable to the district.

PUBLIC MONUMENTS AND STATUARY

15. Nothing in this By-law shall be so interpreted as to interfere with the maintenance or erection of monuments, statuary, and similar structures.

SAND, GRAVEL OR MINERAL EXTRACTION OPERATIONS

16. These operations require a Development Permit before they can be undertaken.

ENFORCEMENT

17. The enforcement of this By-law, or any resolution or Order enacted by the Council under the Act or any regulation made thereunder shall be in accordance with the Act.

MUNICIPAL SERVICES

CONNECTING TO MUNICIPAL SERVICES

18. All principal buildings constructed on a site served by public or private sewer, water or hydro distribution shall be connected to such services. Sewer and water connections shall be made within the time limit specified in the Town of Carberry Sewer and Water By-law No. and any amendment thereto.

BASEMENT DWELLING UNIT

19. A basement dwelling unit shall comply with the provisions of this By-law, the Buildings and Mobile Homes Act, Chapter B93, S.M. 1977 and any other By-law or Act having jurisdiction.

STREET, LANE OR ROAD

FRONTAGE

20. (1) Where it shall deem fit, the Council may permit a use of land or buildings to be constructed upon sites having frontage on a private lane or road provided that said lane or road intersects with a street.

DUTIES OF THE OWNER

RESPONSIBILITY

21. (1) Neither the granting of a development permit nor the approval of the drawing and specifications nor the inspections made by the Development Officer shall in any way relieve the owner of the responsibility of complying with the requirements of this By-law or of any relevant By-laws of the Town of Carberry.

PERMITS REQUIRED

21. (2) Every owner shall:
- (a) Permit the Development Officer to enter any building or premises at any reasonable time for the purpose of administering or enforcing this By-law and shall not molest, obstruct or interfere with the Development Officer in the discharge of his duties under this By-law.
 - (b) After the development application has been approved and the permit issued, obtain the written approval of the Development Officer before doing any work at variance with the approved documents filed; and
 - (c) Be responsible for obtaining, where applicable, from the appropriate authorities, permits or licenses relating to the buildings, grades, sewers or water supply systems, plumbing, signs, blasting, street, occupancy, electrical, highways, and all other permits required in connection with the proposed work.

FEE SCHEDULE

FEES

22. (1) Council shall by By-law establish a fee schedule for variations, zoning amendments, zoning memorandum, conditional use orders and non-conforming certificates and other appropriate documents.

REPEAL

REPEAL OF PLANNING SCHEMES

23. All Planning Schemes adopted by the Town of Carberry under the repealed Planning Act, being Chapter 39, S.M. 1964, and all subsequent amendments thereto are hereby repealed.

PART III - ZONING

ZONING DISTRICTS

ZONING

1. In order to carry out the intent and purpose set forth in subsection (4) of Section 1 of PART II ADMINISTRATION, the following zoning districts are hereby established in the Area:
 - (1) "RA" Suburban District;
 - (2) "R" Residential District;
 - (3) "RHD" High Density Residential District;
 - (4) "RMH" Mobile Home Residential District;
 - (5) "CC" Downtown Commercial District;
 - (6) "CH" Urban Highway Commercial District;
 - (7) "M1" Light Industrial District;
 - (8) "M2" Heavy Industrial District;
 - (9) "A" Agricultural District;
 - (10) "ARR" Agricultural Residential Reserve District;
 - (11) "OS" Open Space District;
 - [(12) "MU" Mixed Use District;] **(B/L 4/2011)**

ZONING MAPS

2. The location and the boundaries of the zoning districts listed in Section 1 above are shown upon a Zoning Map attached hereto, marked as APPENDIX "A" to this By-law. Said Zoning Map forms part of this By-law. All notations, references and other information shown thereon, together with any amendments made by amending By-laws from time to time and shown thereon, together with any amendments to boundaries in the case of any street, lane or public utility right-of-way closing, as provided in Section 3 of this PART, shall be as much a part of this By-law as if the matters and information set forth by the said Zoning Map were fully described herein.

DIMENSIONS AND SCALE

2. (1) The scale and all dimensions of the Zoning Map are in feet.

REGISTERED PLANS

2. (2) All plan references on the Zoning Maps pertain to registered plans filed in the Brandon Land Titles Office.

ABBREVIATIONS

2. (3) The abbreviations noted on the Zoning Map mean the following:
- (a) "Blk." means Block;
 - (b) "Gov't. Rd. All'ce." means Government Road Allowance;
 - (c) "Pcl." means Parcel;
 - (d) "Pt." means Part;
 - (e) "Rge." means Range;
 - (f) "R.M. of North Cypress" means the Rural Municipality of North Cypress;
 - (g) "Sec." means Section;
 - (h) "Twp." means Township;
 - (i) "W.P.M." or "W" means West of the Principal Meridian;
 - (j) "P.R." means Provincial Road;
 - (k) "P.T.H." means Provincial Trunk Highway;
 - (l) "C.N.R." means Canadian National Railway;
 - (m) "C.P.R." means Canadian Pacific Railway.

BOUNDARIES

2. (4) Double heavy broken lines represent the zoning map boundary. Heavy broken lines represent zoning district boundaries. Where the zoning district boundary is broken by the name of a street, it shall be construed that the boundary continues through the name of the street. Where the limit of a zoning district boundary and the zoning map is co-terminus, the zoning map limit shall constitute the limits of the district boundary.

ZONING DISTRICT BOUNDARIES

INTERPRETATION OF ZONING BOUNDARIES

3. In the interpretation of the boundaries of the zoning districts as shown on the Zoning Maps the following rules shall apply:
 - (a) Notwithstanding that streets, lanes and public utility rights-of-way may be within zoning district boundaries, the regulations contained in this By-law shall not be deemed to be applicable to said streets, lanes and public utility rights-of-way;
 - (b) Boundaries indicated as following the centrelines of streets, highways or lanes shall be construed to follow such centrelines;
 - (c) Boundaries indicated as following lot, site or property holding lines on a registered plan shall be construed as following such lot, site or property holding lines;
 - (d) Boundaries indicated as following the Town's limits shall be construed as following the Town's limits;
 - (e) Boundaries indicated as following the centreline of the railway lines or railway rights-of-way or public utility lines or rights-of-way shall be construed to be midway between the main tracks or the centre of the right-of-way, as the case may be;
 - (f) If a street, or lane or Government Road Allowance shown on the Zoning Map is lawfully closed, the land formerly comprising the street or lane shall be included within the zoning district of the adjoining land provided that if the said street or lane was a zoning district boundary between two or more different zoning districts, the new zoning district boundary shall be the former centreline of the closed street or lane. Where a land owner acquires all of the closed street or lane adjacent to his or her property, the designation that applies to his or her property shall apply to all that portion of the acquired street or lane.

PART IV - RESIDENTIAL DISTRICTS

RESIDENTIAL DISTRICTS

INTENT AND PURPOSE

1. The Residential Districts established in this By-law are intended to provide sufficient land for various types of residential development in The Area in keeping with the provisions of the Development Plan.

ZONING DISTRICTS

2. In order to carry out the intent and purpose of section 1 above, there are hereby established the following zoning districts:

SINGLE-FAMILY DWELLING DISTRICT - UNSERVICED

2. (1) "RA" SUBURBAN DISTRICT

The "RA" Suburban District primarily provides for the development of low density Single-Family dwellings on sites not serviced by the municipal piped sewerage system.

SINGLE-FAMILY AND MULTIPLE-FAMILY DWELLING DISTRICT - SERVICED

2. (2) "R" RESIDENTIAL DISTRICT

The "R" Residential District primarily provides for the development of low density single-family dwellings to moderate density multiple-family dwellings containing up to eight (8) dwelling units when serviced by the municipal piped sewerage system.

MULTIPLE-FAMILY DWELLING DISTRICT

2. (3) "RHD" HIGH DENSITY RESIDENTIAL DISTRICT

The "RHD" High Density Residential District primarily provides for the development of moderate to high density multiple-family dwellings such as apartment buildings, garden apartments, town or row housing serviced by the municipal piped sewerage system.

MOBILE HOME RESIDENTIAL DISTRICT

- ~~{ 2. (4) ["RMH" MOBILE HOME RESIDENTIAL DISTRICT~~

~~The "RMH" Mobile Home Residential District primarily provides for the placement of mobile homes on leased spaces, within a mobile home park, or on sites within a mobile home subdivision. These areas are serviced by the municipal piped sewerage system.]~~

2. [(4) ***“RMH” MOBILE HOME RESIDENTIAL DISTRICT***

The “RMH” Mobile Home Residential District primarily provides for the placement of mobile or modular homes on leased spaces, within a mobile home park, or on sites within a mobile home subdivision. These areas are serviced by the municipal sewer system and individual wells.] (B/L 1/2011)

[MODULAR HOME RESIDENTIAL DISTRICT

2. (4) ***“RMD” MODULAR HOME RESIDENTIAL DISTRICT***

The “RMD” MODULAR HOME RESIDENTIAL DISTRICT provides for the development of modular homes served by the municipal piped sewerage system, as distinct from mobile home districts and single-family dwelling districts.](B/L 6/2000)

GENERAL PROVISIONS

3. The general provisions applying to all RESIDENTIAL DISTRICTS are contained within this PART. Also applying to these zoning districts are the provisions of PART I - "DEFINITIONS", PART II - "ADMINISTRATION", and "APPENDIX A".

INTERPRETATION OF REGULATIONS

4. In their interpretation and application, the provisions of this PART shall be held to be the minimum requirements to satisfy the intent and purpose as set forth in section 1 of this PART.

SCOPE OF REGULATIONS

5. (1) The provisions pertaining to this PART shall regulate:
- (a) All structures erected hereafter;
 - (b) All uses of land and structures established hereafter;
 - (c) All structural alterations or relocations of existing structures occurring hereafter;
 - (d) All enlargements of, or additions to, existing structures or uses; and
 - (e) The change of use of land, buildings, or structures.

USE REGULATIONS

RESIDENTIAL USE TABLE

6. (1) TABLE IV - I "RESIDENTIAL USE TABLE", lists all uses that are:
- (a) "P", Permitted,

(b) "C", Conditional, and

(c) "-", Not Permitted

in the Residential Districts. All listed uses are subject to the provisions contained herein.

GENERAL USE REGULATIONS

6. (2) No land shall be used or occupied and no structure shall be erected, altered, used or occupied hereafter for any use in any RESIDENTIAL DISTRICT in which such land or structure is located other than a use listed on TABLE IV - I, "RESIDENTIAL USE TABLE", with the following exception:

(a) Uses lawfully established prior to the effective date of this By-law.

CONDITIONAL USE

6. (3) Any use listed as a "CONDITIONAL USE" in TABLE IV - I, shall comply with the regulations set forth in section 4, PART II, ADMINISTRATION.

ACCESSORY USES

6. (4) In the Residential Districts accessory uses, buildings, and structures shall be limited to the following:

- (i) a children's playhouse, garden supply storage house, private greenhouse, private conservatory and private swimming pool, open or enclosed;
- (ii) a private garage, carport, covered patio, toolhouse, shed or other similar building;
- (iii) incinerators subject to the approval of the authority having jurisdiction;
- (iv) accessory off-street parking areas as required and regulated in section 8 of this PART;
- (v) signs as permitted and regulated in section 8 of this PART;
- (vi) *[private parabolic communication receiving antenna when located to the rear of the rear wall of the principal building.] (B/L 1995)*
- (vi) residential care facilities providing meals, residential services, care and supervision for eight or fewer children who are under the care of a child caring agency as defined by the Child Welfare Act or four or fewer adults who may be post mentally ill, mentally retarded or otherwise developmentally delayed in all Residential Districts;
- (vii) home occupations;
- (viii) Refuse and garbage area separate from required parking areas, buffers and open spaces for multiple-family dwellings and other permitted or approved used where the owner or

occupants produce fifty-four (54) cubic feet or more of garbage or refuse per week. The location and size of the area within the zoning site shall be subject to the approval of the Council.

RESIDENTIAL USE TABLE IV-I

LEGEND: P – Permitted C – Conditional - - Use Not Permitted	ZONING DISTRICTS				
	“RA”	“R”	“RHD”	“RMH”	["RMD"] (B/L 2000)
USES:					
[Accessory Uses, Buildings, and Structures (see Section 6 of this PART)]	P	P	P	P	P (B/L 03-2007) (B/L 4/2011)
[<i>Bed and Breakfast</i>]	C	C	C	-	-] (B/L 4/2011)
Boarding and Rooming Houses	-	C	P	-	-
[<i>Business and Professional Offices (such as law firms, insurance agents, and dental offices)</i>]	-	C	C	-	-] (B/L 4/2011)
Child Care Services:					
Drop-in Babysitting Service	-	C	P	P	-
Home Day Care	P	P	P	P	-
Group Day Care	-	C	P	-	-
Kindergartens and Nurseries	-	C	P	-	-
Churches, Church Hall	P	P	P	P	-
Fire Stations	P	P	P	P	-
Existing Uses legally established prior the adoption of this By-law	P	P	P	P	-
Grocery Store, Convenience Store	C	C	C	-	-
Libraries	C	C	C	C	-
Parks, Playgrounds, Tot Lots	P	P	P	P	P
[<i>Personal Services Shops(such as hair salons and barber shops)</i>]	-	C	C	-	-] (B/L 4/2011)
Modular Homes	-	-	-	-	P
Public Utilities, Services, (see PART II Section 14)	P	P	P	P	P
Planned Unit Developments (see Section 8(11) of this PART)	-	C	C	-	-
Residences:					
Single Family Dwellings	P	P	-	-	P](B/L 03-2007)
[<i>Two-Family Dwelling (B/L 2189)</i>]	-	P	P	-]	-
Three-Family Dwelling	-	P	C	-	-
Four-Family Dwelling	-	C	P	-	-
Multiple Family Dwellings (5 to 8 dwelling units)	-	C	P	-	-
Multiple Family Dwellings (9 and over dwelling units)	-	-	P	-	-
Mobile Homes[(<i>CSA Z240 or equivalent</i>)]	-	-	-	P	-

RESIDENTIAL USE TABLE IV-I

LEGEND: P – Permitted C – Conditional - - Use Not Permitted	ZONING DISTRICTS				
USES:	“RA”	“R”	“RHD”	“RMH”	[“RMD”] (B/L 2000)
(B/L 1/2011)					
Mobile Home Park	-	-	-	P	-
Modular Homes [(CSA A277 or equivalent)]	-	-	-	[P]	P](B/L 6/2000)
Residential Care Facilities including half-way type homes, rehabilitation homes, hostels and group foster homes providing meals, residential services, care and supervision for more than eight children who are under the care of a child caring agency as defined by the Child Welfare Act or more than four adults who may be post mentally ill, mentally retarded or otherwise developmentally delayed	-	C	P	-	-
Senior Citizen Multiple dwelling homes: Up to three dwelling units	-	P	C	-	-
From four to eight dwelling units	-	-	P	-	-
Nine and more dwelling units	-	-	P	-	-
Temporary Uses (See Section 7 of this PART and Section 5 of PART II)	P	P	P	P	P
[Private parabolic communication receiving antennae when located to the front of the rear wall of the principal building] (B/L 1995)	C	C	C	C	C]

(ix) In the "RMH" Residential Mobile Home District, the accessory uses, buildings and structures to serve a mobile home park or subdivision may also include:

(A) a storage compound;

(B) recreational facilities and appertaining structures;

(C) service building to house water pumps and other service facilities.

HOME OCCUPATIONS

6. (5) The provisions of this Section shall apply to all Residential Districts. Home occupations shall conform with the following additional condition:

(a) No more than three hundred (300) square feet of floor area shall be devoted to home

occupations in any dwelling unit or mobile home or building accessory thereto.

TEMPORARY BUILDINGS AND USES

7. (1) The provisions of this Section shall apply to all Residential Districts.

MAY BE PERMITTED

7. (2) Temporary buildings, structures and uses for construction materials or equipment, both incidental and necessary to construction on the same zoning site may be permitted on a temporary basis subject to the issuance of a development permit.

TERMS AND CONDITIONS

7. (3) A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by Council or the Development Officer.

VALIDATION PERIOD

7. (4) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than six (6) months and may not be renewed for more than two (2) successive periods at the same location.

SIZE OF BUILDINGS

7. (5) In all cases, temporary buildings and structures shall not exceed one thousand (1000) square feet in floor area and one (1) storey or fifteen (15) feet in height, and
- (a) May be used as an office space for the contractor or developer;
 - (b) Shall not be used for human habitation, except as temporary accommodation for a caretaker or watchman; and
 - (c) Shall not be detrimental to the public health, safety, convenience and general welfare.

BULK REGULATIONS

INTENT AND PURPOSE

8. (1) (a) The residential bulk regulations established herein are intended to ensure that the site area and yards will be adequate to allow space for the dwelling units, car parking, health and fire protection and recreational area, as well as to provide for convenient access for vehicles and pedestrians, sufficient space for natural light and air to penetrate all windows, and to provide setbacks from site boundaries to afford space for maintenance and privacy.

- (b) The Residential bulk regulations shall be as set forth in TABLE IV - II, RESIDENTIAL BULK TABLE.

RESIDENTIAL BULK TABLE IV-II

PERMITTED OR CONDITIONAL USES	ZONING DISTRICTS	REQUIREMENTS									
		MINIMUM								MAXIMUM	
		Site Area (sq.ft.)	Site Width (ft.)	Front Yard (ft.) g	Side Yard (ft.) g			Rear Yard (ft.)g		Height (ft.)	Coverage (%)
					interior	corner	on street side	lane	No lane		
Accessory Uses, Buildings and Structures	RA			30	5f	15		5f	5	20	10
	R			30	5f	12e		5f	5	15	10
	RHD			20	5f	15		5f	5	15	20
	RMH			20	5f	5e,f		5f	5	15	10
Boarding and Rooming Houses	R	5500	50	30	5c	12e		25	25	40	40
	RHD	5500	50	20	5c	12e		25	25	45	40
Churches and Church Halls	RHD	20000	100	30	12	15		10	10	30	60
Existing Commercial Development	RHD	10000	100	15	15	15		10	10	30	40
Fire Stations	RA	15000a	100	30	15	25		25	25	35	40
	R	10000	100	30	15c	15		25	25	30	35
	RHD	10000	100	20	15c	15		25	25	40	35
	RMH	10000	100	20	15	15		10	10	30	40
Group Day Care	R										
	RHD	10000	100	30	15	15		25	25	30	30
Kindergartens and Nurseries	R										
	RHD	10000	100	30	15	15		25	25	30	30
Libraries	RA			30							
	R			30							
	RHD			20							
	RMH	10000	100	20	15	15		15	25	30	35
Public Utilities, Services (see PART II Section 13)	RA			30	15	15		15	15		
	R			30							
	RHD			20							
	RMH	5000	50	20	15	15		10	10	20	25

RESIDENTIAL BULK TABLE IV-II

PERMITTED OR CONDITIONAL USES	ZONING DISTRICTS	REQUIREMENTS									
		MINIMUM								MAXIMUM	
		Site Area (sq.ft.)	Site Width (ft.)	Front Yard (ft.) g	Side Yard (ft.) g			Rear Yard (ft.)g		Height (ft.)	Coverage (%)
					interior	corner	on street side	lane	No lane		
Parks, Playgrounds, Tot-Lots, Recreation Areas	RA R RHD RMH	21780	100	75	0	15		10	10	30	40
Residences: Single-Family Dwellings	RA R RMD [B/L 03/2007]	15000a 5000	100 50	30 30	15 5b	25 12e		25	25	30	35
Two-Family Dwellings	R	6600	55	30	5b	12e		25	25	30	44
Three-Family Dwellings	R RHD	9000 9000	70 70	30 20	15c 15c	15 15		25 25	25 25	40 40	30 35
Four-Family Dwellings	R RHD	10000 10000	70 70	30 20	15c 15c	15 15		25 25	25 25	40 40	35 40
Multiple- Family Dwellings	R RHD	10000h 10000h	70 70	30 20	15c 15c	15 15		25 25	25 25	40 40	37 38
Mobile Home Dwellings	RMH	5000 per site	50	20	5d	15		10	10	25	55
		4000 per site	40	20	5d	15		10	10	25	50
[Modular Homes] (B/L 1/ 2011)	RMH	[5000 per site	50	20	5d	15		10	10	25	55]
		[4000 per site	40	20	5d	15		10	10	25	50]

RESIDENTIAL BULK TABLE IV-II

PERMITTED OR CONDITIONAL USES	ZONING DISTRICTS	REQUIREMENTS									
		MINIMUM								MAXIMUM	
		Site Area (sq.ft.)	Site Width (ft.)	Front Yard (ft.) g	Side Yard (ft.) g			Rear Yard (ft.)g		Height (ft.)	Coverage (%)
					interior	corner	on street side	lane	No lane		
											55] (B/L 1/20 11)
	RMD	5,000	50	[20	5b	15		10	10	25	
Residential Care Facilities	R RHD	10000h	70	20	15c	15		25	25	40	38
Senior Citizen Multiple Dwelling Homes	R RHD	10000h	70	20	15c	15		25	25	40	38
Other Permitted or Conditional Uses	RA R RHD	10000 10000	100 100	30 30 20	15 15 15	15 15 15]B/L 1995)	10 10 10	10 10 10	30 30 30	40 40 45
[Private parabolic com- munication re- ceiving antennae when located to the rear wall of the principal building](B/L 1995)				15	4	10	[20 (B/L 1995)			20]	

Explanations and Exceptions to the Bulk Requirements of Table IV-II are as follows:

- (a) Or as required by the Health Inspector, whichever is greater.
- (b) (i) Five (5) feet with a lane at the rear of the site.

- (ii) Six (6) feet for a dwelling having more than one storey with a lane at the rear of the site.
- (iii) Without a lane at the rear of the site one required side yard shall be a minimum of twelve (12) feet except where an attached garage or carport is provided at the side of the main building; in which case both the required side yards shall five (5) feet or six (6) feet for a building having more than one storey.
- (c) (i) Or one-half of the height of the building whichever is greater.
- (ii) Minimum distance between adjacent main buildings on the same site shall be the average height of the adjacent buildings.
- (d) (i) On that side of the mobile home containing the main entrance and/or window to the living room, the required side yard minimum shall be twenty (20) feet.
- (ii) Subject to (i) above, where there is no lane to the rear of the mobile home site or space, one required side yard minimum shall be fifteen (15) feet.
- (e) The required side yard on the street of a reverse corner site shall be twenty (20) feet.
- (f) (i) When located to the rear of the main building in which case the minimum required side yard may be five (5) feet unless the site is a corner or reverse corner site in which case the minimum required side yard on the street side shall be the same as the main building.
- (ii) Where a private garage has its vehicle entrance doors facing a lane, the garage must have a required rear yard of ten (10) feet.
- (g) Buildings, structures and hedges adjacent to Provincial Trunk Highway No. 5 and also its intersection with Provincial Road 351 shall have a setback in accordance with the regulations of the Highway Protection Act or as varied by the Highway Traffic Board.
- (h) First four (4) dwelling units require ten thousand (10,000) square feet plus one thousand (1,000) square feet for each additional dwelling unit.

RETENTION OF BULK REGULATIONS

- 8. (2) It shall be a continuing obligation of the owner to maintain the minimum site area, required yards and other open spaces required herein for any use as long as it remains in existence. Furthermore, the minimum site area, required yards and other open spaces allocated to a use as per requirements of this by-law shall not by virtue of change of ownership, or for any other reason, be used to satisfy the required yard, other open space, or minimum site area requirements for any other use on another site.

NUMBER OF BUILDINGS PERMITTED PER SITE

- 8. (3) (a) Not more than one (1) of the following uses and their accessory buildings shall be permitted on one (1) zoning site:

single-family dwelling

two-family dwelling

- (b) For all other permitted uses in the "R" districts, not more than one (1) principal building and its accessory buildings shall be permitted on a zoning site except in the cases of Planned Unit Developments and Mobile Home Parks.

SUBDIVIDING LAND

- 8. (4) No parcel of land shall hereafter be divided into sites, unless each site conforms with the regulations set forth in the BULK TABLE of this PART.

SITE SIZE REQUIREMENTS

- 8. (5) The site size requirements shall be as set forth in TABLE IV-II, except as provided in Section 11, PART II, "ADMINISTRATION".

DWELLING UNIT - MINIMUM SIZE

- 8. (6) (a) The minimum floor area of a single-family, two-family dwelling or mobile home shall be six hundred (600) square feet for each dwelling unit.
- (b) The minimum floor area of a three-family, four-family or multiple-family dwelling shall be four hundred (400) square feet for each dwelling unit.

PARKING

- 8. (7) (a) There shall be one (1) parking space per dwelling unit, mobile home or boarder, located on the same zoning site, or mobile home space, but not within the required front yard except in the case of mobile home, single, two-family, three-family or four-family dwelling where parking spaces are permitted in driveways located in the required front yard.
- (b) For multiple-family dwellings containing five (5) or more dwelling units there shall be one decimal five (1.5) parking spaces per each dwelling unit.
- (c) For other permitted uses within the Residential Districts there shall be an adequate number of parking spaces, as determined by Council, provided for employees, visitors and customers.
- (d) For churches and church halls, there shall be one (1) parking space for each fifteen (15) seats in the church.

SIGNS

SIGN REGULATIONS

8. (8) The regulations of this section are intended and designed to establish a minimum control of signs. Such control is deemed essential to promote the health, safety, and general welfare by reducing hazards to pedestrian and vehicular traffic, and by preventing unsightly and detrimental development having a blighting influence upon residential uses.

The following shall apply in all districts in this PART except wherein otherwise stated:

- (a) In the case of a residential dwelling, there shall be not more than one (1) illuminated or non-illuminated identification sign for each dwelling unit and each sign shall not exceed two (2) square feet in sign surface area.
- (b) In addition, in the "RHD" High Density Residential District there shall be not more than one (1) illuminated or non-illuminated identification sign not exceeding twelve (12) square feet in sign surface area for each multiple-family dwelling, building, boarding house, rooming house, Senior Citizen's housing development.
- (c) In the case of any other permitted uses, there shall not be more than one (1) illuminated or non-illuminated identification sign or bulletin board sign, not exceeding eighteen (18) square feet in sign surface area.
- (d) Advertising Signs are not permitted in the Residential Districts.
- (e) No sign shall be closer than five (5) feet to a site line.
- (f) No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
- (g) No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection, or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad grade crossing.
- (h) No rotating beam or beam shall be used in connection with any sign display; nor shall any flashing illumination resembling an emergency light be used for such purpose.
- (i) No flashing sign shall be permitted in or within three hundred (300) feet of any residential district or Provincial Roads and Provincial Trunk Highways.
- (j) All signs and sign structures shall be kept in repair and in proper state of preservation. Signs which have become obsolete because of discontinuance of the business service or activity, and have not been removed or relocated within thirty (30) days following such condition, may be removed by the Town at the owner's expense.
- (k) Where a sign has two or more faces, the area of all faces shall be included in determining the sign surface area of the sign, except that where two such faces are placed back to back and are at no point more than two (2) feet from one another.

- (l) It shall be unlawful to erect or maintain any sign on, over or above any land or right-of-way belonging to the Town unless such right is established by agreement with the Town, and all signs shall adhere to all the setback requirements of the district in which they are located.
- (m) The placing of advertising, business or identification signs within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the appropriate authority.
- (n) No advertising sign or other type of display sign shall be constructed in any district without the approval of the Council, except as otherwise stated herein.
- (o) The following signs shall not be subject to the provisions of this PART, except wherein otherwise stated:
 - (i) signs posted by duly constituted public authorities in the performance of their public duties.
 - (ii) Flags or emblems of a political, civic, educational or religious organization.
 - (iii) Temporary signs as may be authorized by Council for not more than two months at a time by written permit which shall show the size, shape, content, height, type of construction and location of such signs.
 - (iv) "No Trespassing" signs not exceeding three (3) square feet.
 - (v) Construction signs when placed on construction sites and not exceeding twenty-five (25) square feet.
 - (vi) Signs required for direction and convenience of the public including signs which identify rest rooms or parking entrance or exit, not exceeding five (5) square feet in area.
 - (vii) Real estate signs not exceeding ten (10) square feet which advertise the sale, rental or lease of a building, structure, site, or part thereof.

PLANS REQUIRED FOR DEVELOPMENT APPLICATION

- 8. (9) A development application for a multiple-family dwelling of 5 or more dwelling units in the "R" or "RHD" Residential Districts, in addition to complying with Section 9 of PART II ADMINISTRATION, shall be accompanied by plans drawn to scale showing the following:
 - (a) The exact shape and dimensions of the zoning site to be built upon, verified by a surveyor's certificate, prepared by a Manitoba Land Surveyor, indicating any existing structures, and where there is an existing structure on the adjoining site, the location of the nearest wall of said structure;

- (b) A site plan indicating the proposed building or buildings to be erected or altered;
- (c) The intended use of each building or part thereof, the number of storeys and gross floor area;
- (d) The location of entrance and loading points to existing and proposed structures;
- (e) The location of all curb cuts, driveways, parking areas, and loading spaces, and the method of illumination;
- (f) The location and type of landscaping, walls, fences, and screening;
- (g) Typical floor plans and elevations of proposed buildings and structures;
- (h) The number of dwelling units that a building is designed to accommodate.
- (i) The location of all outside facilities for waste disposal, and the location of fire hydrants;
- (j) All pedestrian walks, malls and open areas for use by tenants or the public;
- (k) The location, size, height and orientation of all signs on building faces; and
- (l) The type of ground surfacing to be used at various locations.

COMMERCIAL DEVELOPMENTS IN THE "RHD" HIGH DENSITY RESIDENTIAL DISTRICT

- 8. (10) The commercial developments in the "RHD" High Density Residential District in existence at the time of the adoption of the Development Plan shall be considered permitted uses and shall be consistent with the Bulk Requirements of the "CC" Downtown Commercial District.

[Business and Professional Offices (such as law firms, insurance agents, and dental offices), and Personal Service Shops (such as hair salons and barber shops) shall be approved as conditional uses in the "R" Residential District and "RHD" High Density Residential District only if the subject lands are designated as Mixed Use Area by the Cypress Planning District Development Plan By-law (See Map 3) (B/L 4/2011)]

[PLANNED UNIT DEVELOPMENT

- 8. (11)] **(Repealed B/L 2189)**

[BARE LAND CONDOMINIUM UNITS

- 8. (11) *Bare land condominium developments shall be considered as a permitted use in the "RHD" High Density Residential District, subject to the following provisions:*
 - (a) *The required yards for the entire condominium development site shall be the same as the required yards for development in the "RHD" High Density Residential District;*

- (b) *The boundary of each bare land condominium unit which abuts the private access roadway shall be deemed to be a front site line, the dwelling shall be set back a minimum distance of twenty (20) feet from the front site line, and this space shall be deemed to be a required front yard;*
- (c) *The boundary of each bare land condominium unit which is generally opposite to and most nearly parallel with the front site line described above shall be deemed to be a rear site line, the dwelling shall be set back a minimum distance of twenty (20) feet from the rear site line, and this space shall be deemed to be a required rear yard;*
- (d) *Other boundaries are deemed to be side site lines, and where two dwellings are connected by a party wall or other major structural element, the set back requirement shall be zero (0) feet along the common boundary; otherwise, the dwelling shall be set back a distance of five (5) feet from the side site line.*
- (e) *Accessory buildings, structures and uses shall be permitted and governed by the other provisions of this PART, and the bare land condominium unit boundaries shall be deemed to be site lines for the purposes of establishing required yards for accessory buildings and structures.] (B/L 2189)*

AREA AND YARD REQUIREMENTS

- 8. (12) Except as herein provided, the following special provisions shall apply in all "R" Residential districts to ensure adequate site and yard requirements:
 - (a) For the purpose of required side yard regulations, a semi-detached two-family dwelling, a row-house or a multiple-family dwelling with common party walls shall be considered as one (1) building occupying one (1) site.
 - (b)
 - (i) A semi-detached two-family dwelling, a side-by-side or duplex may be subdivided into two attached single-family dwellings, through the common party wall.
 - (ii) Unless otherwise approved, the lots so created by subdividing the side-by-side or duplex, may only be used for the purpose of single-family dwellings.
 - (iii) The site area resulting from this type of subdivision shall be a minimum of thirty-three hundred (3300) square feet, and the minimum site width shall be twenty-seven and one half (27.5) feet.
 - (c) Where a site is occupied for a use permitted in a district and has no buildings or structures thereon, the required yards for the district within which it is located shall be provided and maintained.
 - (d) No building or structure shall be permitted on a corner site when such building or structure is to be oriented in such a manner as to reduce the required front yard on the street on which such corner site has its frontage at the time this Zoning By-law becomes

effective.

- (e) The required yards shall be as set forth in the BULK TABLES of this PART.
- (f) Yards provided for a building or structure, existing on the effective date of this Zoning By-law or amendments thereto, shall not be reduced, or further reduced, if already less than the minimum required yards of this PART.
- (g) All required yards and other open space required for any use shall be located on the same site as the use.

FRONT YARD EXCEPTIONS

- 8. (13) Where sites comprising forty (40) percent or more of the entire frontage of the block (excluding reversed corner sites) are developed with buildings, the average front yard depths established by such buildings shall establish the minimum required front yard depths for the entire frontage of the block provided such average is less than the minimum required front yard in the District in which the site is located.

PROJECTIONS INTO REQUIRED YARDS

- 8. (14) Required yards shall be provided and maintained in accordance with the provisions of Section 8. (12) and shall be unobstructed from ground level to the sky, except as set forth in the BULK TABLES of this PART and as follows:
 - (a) Eaves may project into any required front, side or rear yard, a distance of not more than three (3) feet, provided that in no case shall an eave project within three (3) feet of a side site line. Chimneys may project into a required front, side or rear yard not more than three (3) feet, provided the width of such side yard is not reduced to less than three (3) feet.
 - (b) Fire escapes may extend or project into any required front, side or rear yard not more than four (4) feet.
 - (c) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard not more than five (5) feet and such balconies may extend into a required front yard not more than thirty (30) inches.
 - (d) Open, unenclosed porches, platforms, not covered by a roof or canopy, which do not extend above the level of the first storey of the building, may extend or project into any required side or rear yard not more than twelve (12) feet provided the width of a required side yard is not reduced to less than three (3) feet and may extend or project into any required front yard not more than ten (10) feet.
 - (e) Except as provided for in the Bulk Regulations of the Residential Districts, open-work ornamental fences, uncovered walks, arbors, trellises, lighting fixtures, landscape architectural features or guard railing, for safety protection around depressed ramps, may be located in any required front yard if maintained at a height of not more than three and

one-half (3-1/2) feet above the average ground level adjacent thereto. An open-work type railing not more than three and one-half (3-1/2) feet in height may be installed or constructed on any balcony, stairway, porch, platform or landing place mentioned above in subsection (c), (d).

- (f) Except as provided for in the Bulk Regulation of the Residential Districts, fences, hedges and lamp posts shall not exceed a height of six (6) feet above finished grade except in the case of fences required under various Government Department Regulations. A fence or hedge shall be permitted in any required front yard in which case the height shall not exceed three and one-half (3-1/2) feet.
- (g) Landscape features, such as trees, shrubs, flowers or plants, shall be permitted in any required front, side or rear yard provided they do not produce a hedge effect contrary to the provisions of subsection (f) above.
- (h) Name plates, signs, as permitted and regulated in this PART, or signs for lease or rental of the premises on which they are located as permitted in this PART, shall be allowed in any required front, side, or rear yard.
- (i) Open work ornamental fences, hedges, landscape architectural features or guard rails however, shall not be located and maintained so as to preclude complete access at all times about a main building. Gates or other suitable openings at least two and one-half (2-1/2) feet in width shall be deemed adequate for such access.

HEIGHT EXCEPTIONS

- 8. (15) The provisions of this PART shall not apply to limit the height of any ornamental dome, chimney, tower, electrical or telephone transmission line, television or radio mast, steeple, water storage tank, electrical apparatus or the mechanical operation of the building provided that no roof structure or any space above the height limit shall be permitted for the purpose of providing usable floor space.

ACCESSORY BUILDINGS, STRUCTURES AND USES PERMITTED

- 8. (16) Accessory buildings, except as otherwise regulated in the By-law, shall be subject to the following regulations:
 - (a) Where the accessory building is attached to a main building, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building.
 - (b) Detached accessory buildings shall not be located in any required yard, except a required rear yard or as provided for elsewhere herein.
 - [(c) *All detached accessory buildings shall be located a minimum of ten (10) feet from the main building. For the purpose of this By-law the ten (10) foot separation requirement shall be considered a required yard extending from the nearest side of the detached accessory building to the nearest wall of the main building.*] (B/L 2047)
 - [(d) *Private parabolic communication receiving antennae when considered as an accessory*

use shall have the required yards for accessory structures or as varied.] (B/L 1995)

- (e) In no instance shall an accessory building be located within a dedicated easement right-of-way.
- (f) No accessory building shall be erected prior to erection of the main building except where it is necessary for the storage of the tools and materials for use during construction of the main building.
- (g) Where a through site has a depth of less than two hundred (200) feet, an accessory building not exceeding one (1) storey nor fourteen (14) feet in height may be located in one of the required front yards, if such building is set back from the nearest street line a distance of not less than ten (10) percent of the depth of the site and at least five (5) feet from any side site line. In no case shall any accessory building project beyond the front yard line of an existing main building along the site width, but the accessory building need not be located more than thirty (30) feet from the street line.

THROUGH SITE - MAY BE TWO SITES

- 8. (17) A through site having a depth of two hundred (200) feet or more may be assumed to be two sites with the rear line of each approximately equidistant from the front site lines, provided all area and yard requirements are complied with.

NOXIOUS OR OFFENSIVE USES

- 8. (18) Notwithstanding anything herein contained, no use shall be permitted in any residential district under this PART which may be noxious or offensive by reason of the emission or production of odor, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise.

ONLY ONE MAIN BUILDING OR USE ON A SITE

- 8. (19) There shall be only one main building or one main use on a site except wherein otherwise stated.

MULTIPLE USES

- 8. (20) Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is conflict such as in the case of the site area and site frontage, the higher or more stringent requirement shall prevail.

BUILDING REMOVAL

- 8. (21) Upon completion of removal or demolition of a building from a zoning site, the old foundation shall be removed, any excavation shall be filled, the ground shall be levelled and the site shall be put in a safe and sanitary condition to the satisfaction of the Development Officer.

BUILDING GRADE

- 8. (22) All new principal buildings shall have a ground surface elevation as approved by the Development

Officer.

DWELLING UNIT LOCATION WITH RESPECT TO SANITATION FACILITIES

8. (23) Residential dwelling units shall not be located within one thousand three hundred and twenty (1320) feet of a waste disposal ground or Fifteen Hundred (1500) feet of a sewage lagoon or as recommended by the local Health Inspector.

GENERAL REQUIREMENTS FOR CONDITIONAL USE PRIVATE PARABOLIC COMMUNICATION RECEIVING ANTENNAE

8. (24) (i) *A private parabolic communication receiving antennae shall not be located to the front of the rear wall of a principal building unless it can be satisfactorily demonstrated to Council that the signal cannot be received elsewhere on the site.*
- (ii) *When locating a private parabolic communication receiving antennae to the front of the rear wall of a principal building in all yards it shall be positioned where, in Council's opinion, it will least affect the occupier of the adjacent sites.] (B/L 1995)*

"RMH" BULK REGULATIONS (IN ADDITION TO THE PRECEDING BULK REQUIREMENTS)

9. (1) The following additional requirements shall apply to mobile homes and accessory buildings and structures in an area designated "RMH" Residential Mobile Home District.

MOBILE HOME PARK REGULATION

9. (2) A mobile home park shall contain a minimum of ten (10) mobile home spaces and shall have a minimum site width of two hundred (200) feet.

BUFFER AREA

9. (3) A buffer area at least twenty (20) feet in width shall be provided within and adjacent to the perimeter of the mobile home park property.

DEVELOPMENT OF THE BUFFER AREA

9. (4) (a) The buffer area provided in subsection (3) above shall be developed as an area suitably landscaped with trees, shrubs, grass and similar horticultural features as shown on the site plans submitted pursuant to subsection (13) of this section.
- (b) The buffer area may be crossed by an access right-of-way a minimum of fifty (50) feet in width containing a concrete, gravel, or asphalt driveway from a street to the internal roadway system.
- (c) The buffer area shall contain no use other than permitted by paragraphs (a) and (b) above.

LOCATION OF STORAGE COMPOUND

9. (5) A storage compound shall not be located within the buffer area provided in subsection (3) and the compound shall be located as shown on the site plans submitted pursuant to subsection (13) of this section.

MOBILE HOME PARK OR SUBDIVISION INTERNAL ROADWAY SYSTEM

9. (6) Internal roadways within a mobile home park shall be as follows:
- (a) The internal roadway system shall have a right-of-way a minimum of fifty (50) feet in width.
 - (b) The internal roadway system shall have a concrete or asphalt or gravel driveway a minimum of twenty-five (25) feet in width.

NUMBER OF MOBILE HOMES

9. (7) There shall not be more than one mobile home per mobile home space or site.

DISTANCE FROM STORAGE COMPOUND, COMMON PARKING, SERVICE BUILDING

9. (8) A mobile home shall be a minimum distance of twelve (12) feet away from a storage compound or a common parking area and twenty (20) feet from a service building in a mobile home park or subdivision.

REQUIRED SERVICES FOR SPACE OR SITE

9. (9) A mobile home space or site shall be provided with the following:
- (a) A sewer connection;
 - (b) An approved potable water supply system that is satisfactory to Council;
 - (c) An electrical service outlet; and
 - (d) An adequate base support for the mobile home.

REQUIRED SERVICES FOR MOBILE HOME PARK

9. (10) A mobile home park shall be provided with:
- (a) An adequate street lighting system, satisfactory to Council.
 - (b) Any other services that Council considers necessary for the public health.

LOCATION OF ACCESSORY BUILDINGS

9. (11) Notwithstanding anything herein, no detached accessory building shall be located nearer a mobile home, including a mobile home on an adjoining space or site, than a distance of six (6) feet clear of all projections. Detached accessory buildings shall be located only in the required rear yard.

ACCESSORY STRUCTURES AND BUILDINGS

9. (12) All structures and buildings such as porches, additions, carports, private garages, skirting and storage facilities shall be painted or pre-finished and maintained so that the design, construction and maintenance, in the opinion of the Council, will compliment the main structure.

SITE PLANS - REQUIREMENTS

9. (13) Plans submitted to Council for approval of a mobile home park shall be drawn to scale and fully dimensioned indicating landscaping, access roads, mobile home spaces, buffers, storage compounds, common recreational area, retention of surface run-off and parking; and shall include such other information as may be necessary to determine conformance with this By-law.

MOBILE HOME STANDARDS

9. (14) All mobile homes must meet all structural standards as determined by The Buildings and Mobile Homes Act, Chapter B93, S.M. 1977.

PART V - COMMERCIAL DISTRICTS

COMMERCIAL DISTRICTS

INTENT AND PURPOSE

1. The Commercial Districts established in this By-law are intended to provide sufficient land in suitable locations to meet the needs of commercial development throughout The Area in keeping with the provisions of the Development Plan.

ZONING DISTRICTS

2. In order to carry out the intent and purpose of section 1 above, there are hereby established the following zoning districts:

DOWNTOWN COMMERCIAL DISTRICT

2. (1) "CC" DOWNTOWN COMMERCIAL DISTRICT

This zoning district primarily provides for appropriate land in The Area's central business area for the development of intensive retail, business, service and administrative uses.

URBAN HIGHWAY COMMERCIAL DISTRICT

2. (2) "CH" URBAN HIGHWAY COMMERCIAL DISTRICT

This zoning district primarily provides for appropriate land for those businesses requiring large sites, serving the motoring public and requiring direct access to a highway.

2. [(3) "MU" MIXED USE DISTRICT

The "MU" MIXED USE DISTRICT provides for residential and commercial uses that are compatible within the same district in order to provide for the transition between residential and commercial development, including those areas predominantly developed for residential use.] (B/L 4/2011)

GENERAL PROVISIONS

3. The general provisions applying to all commercial districts are contained within this PART. Also applying to these zoning districts are the provisions of PART I - "DEFINITIONS", PART II - "ADMINISTRATION", and "APPENDIX A".

INTERPRETATION OF REGULATIONS

4. In their interpretation and application, the provisions of this PART shall be held to be the minimum requirements to satisfy the intent and purpose as set forth in section 1 above.

SCOPE OF REGULATIONS

5. (1) The provisions pertaining to this PART shall regulate:
- (a) All structures erected hereafter;
 - (b) All uses of land and structures established hereafter;
 - (c) All structural alterations or relocations of existing structures occurring hereafter;
 - (d) All enlargements of, or additions to existing structures, or uses; and
 - (e) The changes of use of land, buildings or structures.

USE REGULATIONS

COMMERCIAL USE TABLE

6. (1) TABLE V - I, "COMMERCIAL USE TABLE", lists all uses that are:
- (a) "P", Permitted,
 - (b) "C", Conditional, and
 - (c) "-", Not Permitted.

in the Commercial Districts. All listed uses are subject to the provisions contained herein.

GENERAL USE REGULATIONS

6. (2) No land shall be used or occupied and no structure shall be erected, altered, used or occupied hereinafter for any use in any COMMERCIAL DISTRICT in which such land or structure is located other than a use listed on TABLE V - I, "COMMERCIAL USE TABLE", with the following exception:
- (a) Uses lawfully established prior to the effective date of this By-law.

CONDITIONAL USE

6. (3) Any use listed as a "CONDITIONAL USE" in TABLE V - I shall comply with the provisions as set forth in section 4, PART II - "ADMINISTRATION".

COMMERCIAL USE TABLE V-I

LEGEND: P – PERMITTED C - CONDITIONAL - - USE NOT PERMITTED	ZONING DISTRICTS		
USES:	“CC”	“CH”	[“MU”]
Accessory Uses, Buildings and Structures (see Section 6 of this PART)	P	P	P
Agricultural Implement Sales and Service	C	P	-
Amusement enterprises, including a bowling alley, dance hall theater and the like, if conducted wholly within a completely enclosed building	P	-	-
Animal Feed – Sales and Storage	-	P	-
*Arenas	P	P	-
*Auditoriums or Halls	P	P	-
Automobile Body Shop	C	P	-
Automobile or Trailer Sales Areas	P	P	-
*Automobile Service Stations and Automobile Trades	P	P	-
Automobile Laundry	P	P	-
Bakeries	P	-	-
Banks	P	-	-
[<i>Bed And Breakfast</i>]	-	-	C
Beverage Room, in conjunction with another permitted use	P	P	-
[<i>Business and Professional Offices (such as law firms, insurance agents, and dental offices)</i>]	P	P	P
Business College or Private Schools operated as a commercial enterprise	P	-	-
Bulk Propane Sales and Service	-	P	-
Bus Terminal	P	P	-
Book or Stationery Stores	P	-	P
Café, Coffee Shop	P	-	P
Café, Coffee Shop in conjunction with another use	P	P	P
Carpenter Shops or Cabinet Shops if conducted wholly within a completely enclosed building, but excluding wholesale manufacture	P	-	-
Catering Establishments	P	-	-
Child Care Facilities:			P
Drop-in Babysitting Service	P	-	
Home Day Care	P	-	P
Churches and Church Halls	P	-	P
Clinics	P	-	-
Confectionery Stores	P	-	-

COMMERCIAL USE TABLE V-I

LEGEND: P – PERMITTED C - CONDITIONAL - - USE NOT PERMITTED	ZONING DISTRICTS		
USES:	“CC”	“CH”	[“MU”]
*Dairies or Creameries	C	P	-
Department or Furniture Stores	P	-	-
*Drive-In Establishments where persons are served in automobiles, such as refreshment stands, restaurants, food stores, and the like, but not including drive-in theatres	P	P	-
Dry Cleaning, Laundry or Pressing Establishments	P	-	-
Dressmaking or millinery Shops	P	-	-
*Drive-In Theatres	-	P	-
Drug Stores	P	-	-
Dry Goods or Notion Stores	P	-	-
Existing Uses legally established prior to the adoption of this By-law	P	P	<i>P</i>
Fertilizer (non-hazardous Solid and Liquid only), Bulk Fuel Sales and Storage	-	P	-
Florists, Gift Shops	P	-	<i>P</i>
Frozen Food Lockers used exclusively for service to customers	P	-	-
Funeral Parlors	P	-	-
Gift Shops, in conjunction with some other permitted use	P	P	<i>P</i>
Grocery Stores	P	-	<i>C</i>
Hardware or Electrical Appliance Stores	P	-	-
Hotel	P	-	-
Interior Decorating Stores	P	-	-
Janitor Service	P	-	-
Jewellery Stores	P	-	-
Lumber Yards and Building Supplies, when contained within an enclosed structure or fenced and in conjunction with which there is a retail sales building	C	P	-
Mail Order Store	P	-	-
Meat Market or Delicatessen Stores	P	-	-
Miniature Golf Course	-	P	-
*Motels	P	P	-
Music Conservatories or Music Instruction	P	-	-
News Stands	P	-	<i>P</i>

COMMERCIAL USE TABLE V-I

LEGEND: P – PERMITTED C - CONDITIONAL - - USE NOT PERMITTED	ZONING DISTRICTS		
USES:	“CC”	“CH”	["MU"]
Non-profit Clubs and Lodges	P	-	-
Offices, Business and Professional	P	-	-
Pawn Shops	P	-	-
Personal Service Shops [<i>such as hair salons and barber shops</i>] (B/L 4/2011)	P	-	P
Photographers	P	-	P
Printing, Photostating or Blueprinting Shops	P	-	-
Public Parking Area	P	P	P
Public Utilities and Services (see PART II Section 14)	P	P	P
Radio and Television Shops	P	-	-
*Restaurants	P	C	-
Residences:			P
Dwelling units within the second storey or within the rear one-half of the first storey of a Commercial building	P	-	
Dwelling units within the front one-half of the first storey of a Commercial Building	C	-	P
Single-Family Dwellings	C	-	P
Two-Family Dwellings	C	-	P
Three-Family Dwellings	C	-	C
Four-Family Dwellings	C	-	C
Multiple-Family Dwellings (5 or more dwelling units)	C	-	C
Boarding Houses	C	-	C
Shoe Stores or Shoe Repair	P	-	C
Sales Buildings	P	P	-
Second-hand stores, if conducted wholly within a completely enclosed building	P	-	-
Service Clubs	P	-	-
*Service Shops	C	P	-
Signs (see Section 8(9) of this PART)	P	P	P
Signs, Advertising (See Section 8(9) of this PART)	C	C	C
Storage buildings in conjunction with retail stores, business offices, or other permitted use	P	P	-

COMMERCIAL USE TABLE V-I

LEGEND: P – PERMITTED C – CONDITIONAL - - USE NOT PERMITTED	ZONING DISTRICTS		
	“CC”	“CH”	[“MU”]
USES:			
Studios	P	-	-
Tailor Shops	P	-	-
Temporary Uses (see Section 7 of this PART and Section 5 of PART II	P	P	P
Tire Shops operated wholly within a building	P	P	-
Trade Schools, if conducted completely within an enclosed building	P	-	-
Travel Trailer Parks	-	P	-
Truck Terminals	-	P	-
Upholstering Shops, if conducted completely within an enclosed building	P	-	-
*Veterinary Offices	-	P	-

(B/L 4/2011)

*In the “CH” Highway Commercial District this use shall be connected to the municipal piped sewerage system or an approved holding tank.

ACCESSORY USES

6. (4) In the Commercial Districts accessory uses, buildings and structures shall be limited to the following:
 - (a) a children's playhouse, garden supply storage house, private greenhouse;
 - (b) a private garage, carport, covered patio, toolhouse, shed, or other similar building;
 - (c) incinerators subject to the approval of the authority having jurisdiction and which shall be incidental to the permitted use;
 - (d) the production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise normally incidental to a business and personal service and mercantile occupancies if conducted by the same ownership as the principal use;
 - (e) accessory off-street parking area and loading space as permitted and regulated in section 8. (7) and 8. (8) of this PART;

(f) Home occupations;

(g) signs as permitted and regulated in section 8. (9) of this PART;

(g) In the "CH" Urban Highway Commercial District, a single-family dwelling unit or mobile home for the caretaker or owner whose presence on the site, in the opinion of Council, is necessary.

TEMPORARY BUILDINGS AND USES

7. (1) The provisions of this Section shall apply to all Commercial Districts.

MAY BE PERMITTED

7. (2) Temporary buildings, structures and uses for construction materials or equipment, both incidental and necessary to construction in the same district may be permitted on a temporary basis subject to the issuance of a development permit.

TERMS AND CONDITIONS

7. (3) A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by Council or the Development Officer.

VALIDATION PERIOD

7. (4) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than six (6) months and may not be renewed for more than two (2) successive periods at the same location.

SIZE OF BUILDINGS

7. (5) In all cases, temporary buildings and structures shall not exceed 1000 square feet in floor area and one (1) storey or 15 feet in height, and:

(a) May be used as an office space for the contractor or developer;

(b) Shall not be used for human habitation, except as temporary accommodation for a caretaker or watchman; and

(c) Shall not be detrimental to the public health, safety, convenience and general welfare.

BULK REGULATIONS

8. (1) The Commercial bulk regulations shall be as set forth TABLE V - II, COMMERCIAL BULK TABLE.

COMMERCIAL BULK TABLE V-II

PERMITTED OR CONDITIONAL USES	ZONING DISTRICTS	REQUIREMENTS								
		MINIMUM							MAXIMUM	
		i Site Area (sq.ft.)	Site Width (ft.)	c Front Yard (ft.)	c,d Side Yard (ft.)		c,h Rear Yard (ft.)		Height (ft.)	Site Coverag e (%)
					interior	corner	lane	no lane		
Accessory Uses, Buildings, and Structures	CC CH [MU]			a a a	2g 5 5	2g 5 5	1 1 5	10 10 10	15 20 20	N/A N/A N/A]
Agricultural Im- plement Sales and Storage	CC CH	10000 40000	100 150	25 40	15 10	15 10e	10 1	10 15	30 30	40 N/A
Arenas, Auditoriums, Halls	CC CH	20000 40000	100 150	0 40	10 10	10e 10e	10 10	10 15	35 40	65 60
Automobile and Trailer Sales, Automobile Service Station, Automotive Trades, Automobile Laundry, Automobile Body Shop	CC CH	15,000 20,000b	100 100	25j 40k	25j 25k	25j 25k	25j 40k	25j 40k	30 30	30 35
Bulk Propane Sales and Service	CH	20,000	100	40,1	30,1	30,1	40,1	40,1	30	24
Churches and Church Halls	CC [MU]	20,000 20,000	100 100	0 30	10 10	10e 10e	10 10	15 15	45 45	65 65]

COMMERCIAL BULK TABLE V-II

PERMITTED OR CONDITIONAL USES	ZONING DISTRICTS	REQUIREMENTS								
		MINIMUM							MAXIMUM	
		i Site Area (sq.ft.)	Site Width (ft.)	c Front Yard (ft.)	c,d Side Yard (ft.)		c,h Rear Yard (ft.)		Height (ft.)	Site Coverag e (%)
					interior	corner	lane	no lane		
Drive-In Businesses (Not included Drive- In Theatres	CC CH	1800 30,000b	17 150	0 40	0 10	0e,f 10e	10 0	20 15	30 30	90 60
Drive-In Theatres	CH	217800	300	400	100	100	100	100	30	N/A
Fertilizer (non- hazardous solid and liquid), Bulk Fuel, Storage Sales and Service	CH	25,000b	100	40	10	10e	10	20	30	60
Hotel	CC	15,000	50	0	0	0e,f	10	20	45	90
Lumber Yards	CC	15,000	55	0	0	0e,f	10	20	30	80
	CH	20,000	100	40	10	10e	10	20	30	60
Miniature Golf Course	CH	43,000	100	40	10	10e	1	10	30	80
Motel	CC	15,000	100	30	10	10e	20	25	30	65
	CH	30,000	125	40	20	20	20	20	30	35
Residences: Single- Family Dwelling	CC [MU	5,000 5,000	50 50	30 30	5 5	12e 12e	20 20	20 20	30 30	36 36]
Two-Family Dwelling	CC [MU	6,600 6,600	55 55	30 30	5 5	12e 12e	20 20	20 20	30 30	43 43]
Three- Family Dwelling	CC [MU	9,000 9,000	70 70	30 30	15 15	15 15	25 25	25 25	40 40	40 40]
Four-Family Dwelling	CC [MU	10,000 10,000	70 70	30 30	15 15	15 15	25 25	25 25	40 40	40 40]
Multiple- Family Dwelling	CC [MU	10,000m 10,000m	70 70	20 20	15 15	15 15	25 25	25 25	45 45	40 40]
Boarding House	CC [MU	5,500 5,500	50 50	30 30	5 5	12e 12e	25 25	25 25	40 40	40 40]

COMMERCIAL BULK TABLE V-II

PERMITTED OR CONDITIONAL USES	ZONING DISTRICTS	REQUIREMENTS								
		MINIMUM							MAXIMUM	
		i Site Area (sq.ft.)	Site Width (ft.)	c Front Yard (ft.)	c,d Side Yard (ft.)		c,h Rear Yard (ft.)		Height (ft.)	Site Coverag e (%)
					interior	corner	lane	no lane		
Sales Buildings	CH	15,000	100	40	10	10e	1	15	30	50
Service Shops	CC	1,800	17	0	0	0e,f	1	15	30	N/A
	CH	20,000b	100	40	10	10e	10	20	30	60
Travel Trailer Parks	CH	40,000	200	45	10	10e,f	1	10	30	70
Truck Terminals	CH	80,000b	150	40	10	10e	1	15	30	70
Veterinary Offices	CH	15,000	100	40	10	10e	1	15	30	45
Other Permitted and Conditional Uses	CC	1,800	17	0	0	0e,f	1	10	30	N/A
	CH	5,000b	50	40	10	10e	10	20	35	30
	[MU	5,000	50	30	5	13e	20	20	30	36]

(B/L4/2011)

Explanations and Exceptions to the Bulk Requirements Table V - II are as follows:

- (a) The minimum required front yard for permitted accessory buildings and structures shall be the same as the minimum required front yard for the principal use of the site.
- (b) Site Areas as indicated or as required by the Health Inspector, whichever is greater.
- (c) Buildings, structures and hedges adjacent to Provincial Trunk Highway No. 5 and also its intersection with Provincial Road 351 shall have a setback in accordance with the regulations of the Highway Protection Act or as varied by the Highway Traffic Board.
- (d)
 - (i) Where a dwelling unit is contained within a commercial building both required side yards shall not be less than five (5) feet or as required in the BULK TABLE, whichever is greater.
 - (ii) The required side yard shall not be less than five (5) feet or as required in the TABLE, whichever is greater, where a Commercial District abuts a Residential District or Open Space District.
- (e) In the case of a reversed corner site, there shall be a minimum required side yard of fifteen (15) feet on the street side of the reversed corner site, if the key site is not in a commercial or industrial district.
- (f) In the case of a corner site, there shall be a minimum required side yard of ten (10) feet on the street side of the corner site, if the adjacent interior site is not in a commercial or industrial district.
- (g) The required side yard for an accessory building or structure located to the side of the principal building or structure shall be the same as the required side yard for the principal building or structure.
- (h) Where a dwelling unit is contained within a commercial building the rear yard shall be twenty (20) feet.
- (i) When a dwelling unit is contained within a commercial building in the "CH" Urban Highway Commercial District, the minimum site area shall be fifteen thousand (15,000) square feet.
- (j) Gasoline pumps shall have a required front, side and rear yard of fifteen (15) feet.
- (k) Gasoline pumps shall have a required front, side and rear yard of twenty (20) feet.
- (l) Bulk propane tanks shall have a required setback from building and site lines as regulated by the Department of Labour.
- (m) First four (4) dwelling units require eleven thousand (11,000) square feet and each additional dwelling unit thereafter requires an additional one thousand (1000) square feet of site area.
- [(n) *In the "MU" Mixed Use Area the bulk requirements are for new development only. Therefore,*

legally existing commercial development will be deemed in compliance with the bulk use requirements.] (B/L 4/2011)

RETENTION OF BULK REGULATIONS

8. (2) It shall be a continuing obligation of the owner to maintain the minimum site area, yards and other open spaces required herein for any use as long as it remains in existence. Furthermore, the minimum site area, yards and other open spaces allocated to a use as per requirements of this by-law shall not by virtue of change of ownership, or for any other reason, be used to satisfy the yard, other open space, or minimum site area requirements for any other use on another site.

AREA AND YARD REQUIREMENTS

8. (3) Except as herein provided, the following special provisions shall apply in all zoning districts to ensure adequate site and yard requirements:
- (a) For the purpose of required side yard regulations, a semi-detached two-family dwelling, a row-house or a multiple-family dwelling with common party walls shall be considered as one (1) building occupying one (1) site.
 - (b)
 - (i) A semi-detached two-family dwelling, a side-by-side or duplex may be subdivided into two attached single-family dwellings, through the common party wall.
 - (ii) Unless otherwise approved, the lots so created by subdividing the side-by-side or duplex, may only be used for the purpose of single-family dwellings.
 - (iii) The site area resulting from this type of subdivision shall be a minimum of thirty-three hundred (3300) square feet, and the minimum site width shall be twenty-seven and one half (27.5) feet.
 - (c) Where a site is occupied for a use permitted in a commercial district and has no buildings or structures thereon, the required yards for the district within which it is located shall be provided and maintained.
 - (d) No building or structure shall be permitted on a corner site when such building or structure is to be oriented in such a manner as to reduce the front yard requirement on the street on which such corner site has frontage at the time this Zoning By-law becomes effective.
 - (e) The yard requirements shall be as set forth in the BULK TABLES of this PART.
 - (f) Required yards provided for a building or structure, existing on the effective date of this Zoning By-law or amendments thereto, shall not be reduced, or further reduced, if already less than the minimum requirements of this PART.
 - (g) All required yards and other open space required for any use shall be located on the same

site as the use.

FRONT YARD EXCEPTIONS

8. (4) Where sites comprising forty (40) percent or more of the entire frontage of the block (excluding reversed corner sites) are developed with buildings, the average front yard depths established by such buildings shall establish the minimum front yard depths for the entire frontage of the block provided such average is less than the minimum front yard required in the Zoning District in which the site is located.

PROJECTIONS INTO REQUIRED YARDS

8. (5) Required yards shall be provided and maintained in accordance with the provisions of Section 8. (3) and shall be unobstructed from ground level to the sky, except as set forth in the BULK TABLES of this PART and as follows:
- (a) Eaves may project into any required front, side or rear yard, a distance of not more than three (3) feet, provided that in no case shall an eave project within three (3) feet of a side site line. Chimneys may project into a required front, side or rear yard not more than three (3) feet, provided the width of such side yard is not reduced to less than three (3) feet.
 - (b) Fire escapes may extend or project into any required front, side or rear yard not more than four (4) feet.
 - (c) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4) feet and such balconies may extend into a required front yard not more than thirty (30) inches.
 - (d) Open, enclosed porches, platforms not covered by a roof or canopy, which do not extend above the level of the first storey of the building, may extend or project into any required side or rear yard not more than twelve (12) feet provided the width of a required side yard is not reduced to less than three (3) feet and may extend or project into a required front yard not more than ten (10) feet.
 - (e) Except as provided for in the Bulk Regulations of each Zoning District, open-work ornamental fences, uncovered walks, arbors, trellises, lighting fixtures, landscape architectural features or guard railing, for safety protection around depressed ramps, may be located in any required front yard if maintained at a height of not more than three and one-half (3-1/2) feet above the average ground level adjacent thereto. An open-work type railing not more than three and one-half (3-1/2) feet in height may be installed or constructed on any balcony, stairway, porch, platform or landing place mentioned above in subsection (c) and (d).
 - (f) Except as provided for the Bulk Regulation of each Zoning District, fences, hedges and lamp posts shall not exceed a height of six (6) feet above finished grade except in the case of fences required under various Government Department Regulations. A fence or hedge

shall be permitted in any required front yard in which case the height shall not exceed three and one-half (3-1/2) feet.

- (g) Landscape features, such as trees, shrubs, flowers or plants, shall be permitted in any required front, side or rear yard provided they do not produce a hedge effect contrary to the provisions of subsection (f) above.
- (h) Name plates, signs, as permitted and regulated in this PART, or signs for lease or rental of the premises on which they are located as permitted in this PART, shall be allowed in any required front, side, or rear yard.
- (I) Open work ornamental fences, hedges, landscape architectural features or guard rails, however, shall not be located and maintained so as to preclude complete access at all times about a main building. Gates or other suitable openings at least two and one-half (2-1/2) feet in width shall be deemed adequate for such access.

DWELLING UNIT - MINIMUM SIZE

- 8. (6) (a) The minimum floor area of a single-family, two-family or mobile home dwelling shall be six hundred (600) square feet for each dwelling unit.
- (b) The minimum floor area of a three-family, four-family or multiple-family dwelling shall be four hundred (400) square feet for each dwelling unit.
- (c) The minimum floor area of a dwelling unit when contained in a commercial building shall be four hundred (400) square feet.

PARKING SPACE FOR RESIDENTIAL USE

- 8. (7) (a) There shall be one (1) parking space per dwelling unit located on the same zoning site, but not within the required front yard.
- (b) For multiple-family dwellings containing five (5) or more dwelling units there shall be one decimal five (1.5) parking spaces per each dwelling unit.

PARKING FOR COMMERCIAL USE

- 8. ~~(8) — Parking shall be permitted in the required front yard to within one (1) foot of the front site line for all uses except in the case of three, four, or multiple family dwellings and boarding houses.~~
- [(8) a) *Parking shall be permitted in the required front yard to within one (1) food of the front site line for all uses except in the case of three, four, or multiple-family dwellings and boarding houses.*
- b) *For commercial development that is proposed to be located in a neighbourhood developed for residential uses, at least two (2) spaces shall be provided as parking for staff and customers, and shall be located on the same zoning as the proposed commercial development]* **(B/L 4/2011)**

SIGNS

SIGN REGULATIONS

8. (9) The regulations of this section are intended and designed to establish a minimum control of signs. Such control is deemed essential to promote the health, safety, and general welfare by reducing hazards to pedestrian and vehicular traffic, and by preventing unsightly and detrimental development having a blighting influence upon residential, commercial and industrial uses.

The following shall apply in all zoning districts in this PART except wherein otherwise stated:

- (a) In the "CC" Downtown Commercial District, signs shall be permitted as follows:
 - (i) one lighted or unlighted fascia identification or business sign identifying any use contained within the building or structure, the surface area of all signs shall have an aggregate sign surface area not exceeding 20 percent of the surface of the wall to which they are attached;
 - (ii) one lighted or unlighted free-standing business or identification sign having a maximum height not exceeding twenty-five (25) feet; located in the required front yard, but no part of such sign shall be located nearer the front or side site lines than one (1) foot, the total aggregate sign surface areas are not to exceed thirty-two (32) square feet;
 - (iii) one lighted or unlighted business or identification sign not exceeding forty (40) square feet may be erected on the roof of the building containing the business it identifies, which sign shall not be in addition to a fascia sign but as an alternative thereof;
 - (iv) all types of signs that are free standing on a site shall be a minimum of three (3) feet from any site boundary.
- (b) In the "CH" - Urban Highway Commercial District, signs shall be permitted as follows:
 - (i) one lighted or unlighted fascia identification sign, the sign surface area not to exceed one (1) square foot for each ten (10) feet of site width of the property on which it is located, but not exceeding a total aggregate sign surface area of one hundred (100) square feet, for any building or use permitted in this zoning district. An accessory building or structure shall not qualify for a separate identification sign.
 - (ii) any identification or business sign permitted in subclause (i) above may be attached to the face or roof of a building or structure or it may be a free-standing sign, having an aggregate sign surface area not exceeding one hundred (100) square feet.
 - (iii) other types of signs not provided for in subclauses (i) and (ii), above, shall be

conditional uses.

- (iii) all types of signs that are free standing on a site shall be a minimum of five (5) feet from any site boundary.

[(c) *In the “MU” Mixed Use District, signs shall be permitted as follows:*

- (i) *In the case of a residential development, there shall not be more than one (1) non-illuminated identification sign for each dwelling unit and each sign shall not exceed two (2) square feet in sign surface area.*
- (ii) *In the case of a multiple-family development, there shall not be more than one (1) non-illuminated identification sign not exceeding twelve (12) square feet in sign surface area for each multiple-family dwelling building.*
- (iii) *In the case of any other permitted uses, there shall not be more than one (1) non-illuminated identification sign or bulletin board sign, not exceeding twelve (12) square feet in sign surface area.*
- (iv) *Other types of signs, including illuminated signs, not provided for in subclauses (i), (ii), and (iii), above, shall be conditional uses.*
- (v) *All types of signs that are free standing on a site shall be a minimum of five (5) feet from any site boundary.] (B/L 4/2011)*

- (d) No sign or sign structures shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
- (e) No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection, or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad grade crossing.
- (f) No rotating beam or beam shall be used in connection with any sign display; nor shall any flashing illumination resembling an emergency light be used for such purpose.
- (g) No flashing signs shall be permitted in any zoning district without the approval of the Council. In any event, no flashing sign shall be permitted within three hundred (300) feet of any residential district or Provincial Roads and Provincial Trunk Highways.
- (h) All signs and sign structures shall be kept in repair and in proper state of preservation. Signs which have become obsolete because of discontinuance of the business service or activity, and have not been removed or relocated within thirty (30) days following such condition, may be removed by the Town at the owner's expense.
- (i) Where a sign has two or more faces, the area of all faces shall be included in determining the sign surface area, except that where two such faces are placed back to back and are at no point more than two (2) feet apart from one another.

- (j) It shall be unlawful to erect or maintain a sign on, over or above any land or right-of-way belonging to the Town unless such right is established by agreement with the Town and all signs shall adhere to all the setback requirements of the zoning district in which they are located.
- (k) The placing of advertising, business or identification signs within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the appropriate authority.
- (m) No advertising billboard sign or other type of display sign shall be constructed in any commercial district without the approval of the Council, except as otherwise stated herein.
- (n) The following signs shall not be subject to the provisions of this PART, except wherein otherwise noted:
 - (i) signs posted by duly constituted public authorities in the performance of their public duties.
 - (ii) Flags or emblems of a political, civic, educational or religious organization.
 - (iii) Temporary signs as may be authorized by Council for not more than two months at a time by written permit which shall show the size, shape, content, height, type of construction and location of such signs.
 - (iv) "No Trespassing" signs not exceeding three (3) square feet.
 - (v) Construction signs when placed on construction sites and not exceeding twenty-five (25) square feet.
 - (vi) Signs required for direction and convenience of the public, including signs which identify rest rooms or parking entrance or exit, not exceeding five (5) square feet in area.
 - (vii) Real estate signs not exceeding ten (10) square feet which advertise the sale, rental or lease of a building, structure, site, or part thereof.

PUBLIC BUILDING HEIGHT

- 8. (10) Public buildings may be erected to a height not exceeding seventy-five (75) feet provided the minimum required front, side and rear yard requirements of the zoning districts in which they are located are increased by ten (10) percent for each increase in height of thirty (30) percent over the limit indicated in Table V - II, COMMERCIAL BULK TABLE.

HEIGHT EXCEPTIONS

8. (11) The provisions of this PART shall not apply to limit the height of any ornamental dome, chimney, tower, electrical or telephone transmission line, television or radio mast, steeple, water storage tank, electrical apparatus or the mechanical operation of the building provided that no roof structure or any space above the height limit shall be permitted for the purpose of providing usable floor area.

STORAGE OF MERCHANDISE

8. (12) There shall be no storage of merchandise in the front, side and rear yards of the "CC" Downtown Commercial District, except for storage in the front and rear yards for the following uses:
- Automobile and Trailer Sales, Automobile Service Station, Agricultural Implement Sales and Services and the rear yard of lumber yards.

ACCESSORY BUILDING AND USES PERMITTED

8. (13) (a) Where this By-law provides that any premises may be used or a building or structure may be erected or used for a purpose, the purpose includes any building or use accessory thereof.
- (b) Accessory buildings, except as otherwise regulated in the By-law, shall be subject to the following regulations:
- (i) Where the accessory building is attached to a main building, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building.
 - (ii) Detached accessory buildings shall not be located in any required yard, except a required rear yard in the "CC" Downtown Commercial District or required side or rear yard in the "CH" Urban Highway Commercial District or as provided for elsewhere herein.
 - [(iii) *All detached accessory buildings shall be located a minimum of ten (10) feet from any main building. For the purpose of this By-law the ten (10) foot separation requirement shall be considered a required yard extending from the nearest side of the detached accessory building to the nearest wall of the main building.*]
(B/L 2047)
 - (iv) In no instance shall an accessory building be located within a dedicated easement right-of-way.
 - (v) No accessory building shall be erected prior to erection of the main building except where it is necessary for the storage of the tools and materials for use during construction of the main building.

- (vi) Where a through site has a depth of less than two hundred (200) feet, an accessory building not exceeding one (1) storey nor fourteen (14) feet in height may be located in one of the required front yards, if such building is set back from the nearest street line a distance of not less than ten (10) percent of the depth of the site and at least five (5) feet from any side site line. In no case shall any accessory building project beyond the front yard line of a existing main building along the site width, but such accessory building need not be located more than twenty-five (25) feet from the street line.

SUBDIVIDING LAND

- 8. (14) No parcel of land shall hereafter be divided into sites unless each site conforms with the regulations set forth in the BULK REGULATIONS of each Commercial District.

SITE SIZE REQUIREMENTS

- 8. (15) The site size requirements shall be as set forth in the TABLE V - II, except as provided in Section 11, PART II, ADMINISTRATION.

THROUGH SITE - MAY BE TWO SITES

- 8. (16) A through site having a depth of two hundred (200) feet or more may be assumed to be two sites with the rear line of each site approximately equidistant from the front site lines, provided all site area and yard requirements are complied with.

NOXIOUS OR OFFENSIVE USES

- 8. (17) Notwithstanding anything herein contained, no use shall be permitted in any commercial district under this PART which may be noxious or offensive by reason of the emission or production of odor, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise.

ONLY ONE MAIN BUILDING OR USE ON A SITE

- 8. (18) There shall be only one main building or one main use on a site except wherein otherwise stated.

MULTIPLE USES

- 8. (19) Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is conflict such as in the case of site area and site frontage, the higher or more stringent requirement shall prevail.

LOCATION OF COMMERCIAL BULK PROPANE, NON-HAZARDOUS SOLID AND LIQUID FERTILIZER AND BULK OIL STORAGE, BUILDINGS AND STRUCTURES

- 8. (20) Bulk propane, non-hazardous solid and liquid fertilizer and bulk oil storage, buildings and structures shall not locate within one hundred twenty-five (125) feet of an established dwelling unit (other than of the owner or operator) or as recommended by the Department of Labour.

BUILDING REMOVAL

8. (21) Upon completion of removal or demolition of a building from a zoning site, the old foundation shall be removed, the excavation shall be filled, the ground shall be levelled and the site shall be put in a safe and sanitary condition to the satisfaction of the Development Officer.

BUILDING GRADE

8. (22) All new principal buildings shall have a ground surface elevation as approved by the Development Officer.

TRAVEL TRAILER PARK DEVELOPMENT PROVISIONS

8. (23) All site plans for a Travel Trailer Park must be submitted to Council for their consideration and approval prior to the issuance of a Development Permit.
- [8. (24) *Within the Mixed Use Area, proponents of commercial development may be required to sign development agreement with Council. Depending on content, such development agreements may be registered against affected titles as a means of protecting the interests of both parties involved. The development agreement will need to reflect proponent's plans for any of the following issues:*

(a) **LIGHTING**

Lighting for commercial uses in the Mixed Use Area shall be designed to direct illumination to the ground of the subject property only as a means to avoid light pollution from new development causing a nuisance for neighbouring residential development.

(b) **EXTERIOR BUILDING MATERIALS**

Exterior building materials in the Mixed Use Area shall be designed to be complimentary to neighbouring properties. For example, the exterior building facade of new developments within residential areas are to be designed primarily with residential characteristics, while mixed use development in commercial areas are to be designed primarily with commercial characteristics. A rendering or listing of materials to be used in the constructions of the development may be required.

(c) **PARKING**

Within the Mixed Use Area a proposed parking plan may be required to ensure developments do not negatively impact the traffic safety of the surrounding neighbourhood.

(d) **OTHER**

Any other issues related to the proposed development considered important by council.]

(B/L 4/2011)

PART VI - INDUSTRIAL DISTRICTS

INTENT AND PURPOSE

1. The Industrial Districts established in this By-law are intended to provide sufficient land in suitable locations to meet the needs of industrial development in The Area in keeping with the provisions of the Development Plan.

ZONING DISTRICTS

2. In order to carry out the intent and purpose of section 1 above, there are hereby established the following Zoning Districts:

LIGHT INDUSTRIAL DISTRICT "M1"

2. (1) "M1" LIGHT INDUSTRIAL DISTRICT

The purpose of this zoning district is to primarily provide for light manufacturing, processing, distribution, transportation and warehouse uses. Excluded are uses which in Council's opinion may be detrimental to adjoining or nearby uses or creates a nuisance factor, however, contained outside storage is permissible.

HEAVY INDUSTRIAL DISTRICT "M2"

2. (2) "M2" HEAVY INDUSTRIAL DISTRICT

The purpose of this zoning district is to primarily provide for a wide range of industrial uses where a certain level of nuisance factors must be accepted as characteristic of the use. Wherever practical "M2" uses are located as far as possible from residential districts and in such a way as to minimize any detrimental effect on other uses of land.

GENERAL PROVISIONS

3. The general provisions applying to all INDUSTRIAL DISTRICTS are contained within this PART. Also applying to these zoning districts are the provisions of PART I - "DEFINITIONS", PART II - "ADMINISTRATION", and "APPENDIX A".

INTERPRETATION OF REGULATIONS

4. In their interpretation and application, the provisions of this PART shall be held to be the minimum requirements to satisfy the intent and purpose as set forth in section 1 of this PART.

SCOPE OF REGULATIONS

5. (1) The provisions pertaining to this PART shall regulate:
 - (a) All structures erected hereafter;

- (b) All uses of land and structures established hereafter;
- (c) All structural alterations or relocations of existing structures occurring hereafter;
- (d) All enlargements of, or additions to existing structures, or uses; and
- (e) The change of use of land, buildings or structures.

USE REGULATIONS

INDUSTRIAL USE TABLE

6. (1) TABLE VI - I, "INDUSTRIAL USE TABLE", lists all uses that are:

- (a) "P", Permitted,
- (b) "C", Conditional, and
- (c) "-", Not Permitted

in the Industrial Districts. All listed uses are subject to the provisions contained herein.

GENERAL USE REGULATIONS

6. (2) No land shall be used, or occupied and no structure shall be erected, altered, used or occupied, hereinafter for any use in any INDUSTRIAL DISTRICT in which such land or structure is located other than a use listed on TABLE VI - I, "INDUSTRIAL USE TABLE", with the following exception:

- (a) Uses lawfully established prior to the effective date of this By-law.

CONDITIONAL USE

6. (3) Any use listed as a "CONDITIONAL USE" in TABLE VI - I shall comply with the provisions as set forth in section 4, PART II, "ADMINISTRATION".

ACCESSORY USES

- 6. (4) (a) An accessory use, building, or structure includes, but is not limited to the following:
 - (i) a garage, shed or building for storage incidental to a permitted use;
 - (ii) incinerators subject to the authority having jurisdiction, and which shall be incidental to the permitted use;
 - (iii) storage of goods used in or produced by manufacturing activities on the same

zoning site with such activities unless such storage is excluded by the zoning district regulations;

- (iv) the production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise normally incidental to a business and personal service and mercantile occupancies if conducted by the same ownership as the principal use;
- (v) in all industrial districts, a dwelling unit or sleeping accommodation for a watchman or caretaker and his family if in Council's opinion, it is demonstrated that his presence on the same zoning site as the principal use is essential and necessary.
- (vi) a retail or commercial use which is incidental to a permitted or approved use.

INDUSTRIAL USE TABLE VI-I

LEGEND: P – PERMITTED C - CONDITIONAL - - USE NOT PERMITTED		ZONING DISTRICTS	
USES:		“M1”	“M2”
*Abattoirs		C	P
Accessory Uses, Buildings and Structures (see Section 6 of this PART)		P	P
Agricultural Products Manufacturing and Processing:			
Animal Feeds		-	P
Farm Buildings and Structures		-	P
Farm Implements		-	P
Garden Implements		C	P
*In the Industrial District this use shall be connected to the municipal piped sewerage system or an approved holding tank.			
Seed Supplies		P	P
Automobile Body Shops		P	P
Automobile Service Stations		P	-
Automobile and Trailer Sales Areas		P	-
Automobile Wrecking Establishments		-	P
Bakeries		P	-
Beverage Manufacturing Establishment		P	P
Boat Building Shop		C	P
Building Contractors Yard		-	P
Bulk Propane Sales and Service		P	P
Bus Terminal		P	P
*Cleaning Establishments or Plants, including Dry Cleaners		P	-
*Dairies and Creameries		P	-
*Eviscerating Plant		C	C
Existing Uses legally established prior to the adoption of this By-law		P	P
Fertilizer (Non-hazardous solid and Liquid only) Bulk Fuel Sales and Storage (see Section 8(19) of this PART)		-	P

INDUSTRIAL USE TABLE VI-I

LEGEND: P – PERMITTED C - CONDITIONAL - - USE NOT PERMITTED	ZONING DISTRICTS	
	“M1”	“M2”
USES:		
*Food Processing Plant	C	P
Grain or Vegetable Storage Buildings	-	P
Junk Yards	-	P
Lumber Yards when within an enclosed structure and in conjunction with which there is a retail sales area	P	P
Lumber Yards	-	P
Maintenance Yards	-	P
<i>[Office Buildings (B/L 2118)]</i>	<i>C</i>	<i>C</i>
Public Utilities and Services (see PART II Section 14)	P	P
Plumbing and Sheet Metal Shops	P	P
Rail Freight Terminals and Yards	-	P
*Restaurants, when in conjunction with another permitted use	P	-
Retail Stores, when in conjunction with another permitted use	P	P
Sales Buildings	P	P
Service Shops	P	P
<i>[Shot Gun Shell Manufacturing Plant]</i>	-	<i>C/(B/L 3/2009)</i>
Signs (see Section 8(11) of this PART)	P	P
Sign Painting Shops	P	P
Signs, Advertising	C	C
*In the Industrial District this use shall be connected to the municipal piped sewerage system or an approved holding tank.		
Truck Terminals	-	P
*Veterinary Offices	P	-
Warehouses	P	P
Wholesale Business, Storage	P	P

*In the Industrial District this use shall be connected to the municipal piped sewage system or an approved holding tank.

- (vii) Accessory off-street parking or loading spaces as required and regulated in Section 8 (9) and (10) of this PART; and
- (viii) Signs as permitted and regulated in Section 8 (11) of this PART.

TEMPORARY BUILDINGS AND USES

7. (1) The provisions of this Section shall apply to the Industrial Districts.

MAY BE PERMITTED

7. (2) Temporary buildings, structures and uses for construction materials or equipment, both incidental and necessary to construction in the same zoning district may be permitted on a temporary basis subject to the issuance of a development permit.

TERMS AND CONDITIONS

7. (3) A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by Council or the Development Officer.

VALIDATION PERIOD

7. (4) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than six (6) months and may not be renewed for more than two (2) successive periods at the same location.

SIZE OF BUILDINGS

7. (5) In all cases, temporary buildings and structures shall not exceed 1000 square feet in floor area and one (1) storey or 15 feet in height, and:
- (a) May be used as an office space for the contractor or developer;
 - (b) Shall not be used for human habitation, except as temporary accommodation for a caretaker or watchman; and
 - (c) Shall not be detrimental to the public health, safety, convenience and general welfare.

BULK REGULATIONS

INDUSTRIAL BULK TABLE

8. (1) The Industrial bulk regulations shall be as set forth in TABLE VI - II, INDUSTRIAL BULK TABLE.

INDUSTRIAL BULK TABLE VI-II

PERMITTED OR CONDITIONAL USES	ZONING DISTRICTS	REQUIREMENTS								
		MINIMUM							MAXIMUM	
		Site Area (sq.ft.)	Site Width (ft.)	b Front Yard (ft.)	b,c Side Yard (ft.)		b Rear Yard (ft.)		Height (ft.)	Site Coverage (%)
					interior	corner	lane	no lane		
Abattoirs	M1 M2	30,000	100	20	20	20	20	20	30	50
Accessory Uses, Buildings, and Structures	M1 M2			20d 20d	5d 5d	10d 10d	1d 1d	10d 10d	25 N/A	N/A N/A
Animal Feeds, Manufacture	M2	15,000	100	20	5	10	5	10	30	60
Automobile Body Shop	M1 M2	10,000a	100	20	5	10	5	15	30	60
Automobile Services Station/ Automobile and Trailer Sales Areas	M1	15,000a	100	25e	25e	25e	25e	25e	30	30
Automobile Wrecking Establishments, Junk Yards	M2	25,000a	150	20	5	10	5	15	30	N/A
Bulk Propane Sales and Service	M1 M2	15,000a	100	25e	25e	25e	25e	25e	30	30
Eviscerating Plant	M1 M2	55,000a	100	20	20	20	25	25	30	55
Farm Buildings and Structures Manufacture	M2	20,000	100	20	5	10	5	10	35	75
Farm Implements Manufacture	M2	20,000	100	20	5	10	5	10	35	75
Fertilizer (non- hazardous solid and liquid), Bulk Fuel, Storage Sales and Service	M2	25,000a	100	20	5	10	5	15	30	70
Food Processing Plant	M1 M2	25,000a	100	20	5	10	5	15	30	70

INDUSTRIAL BULK TABLE VI-II

PERMITTED OR CONDITIONAL USES	ZONING DISTRICTS	REQUIREMENTS								
		MINIMUM							MAXIMUM	
		Site Area (sq.ft.)	Site Width (ft.)	b Front Yard (ft.)	b,c Side Yard (ft.)		b Rear Yard (ft.)		Height (ft.)	Site Coverage (%)
					interior	corner	lane	no lane		
Garden Implements Manufacture	M1 M2	15,000	100	20	5	10	5	10	30	60
Grain or Vegetable Storage Buildings	M2	15,000	100	20	5	10	10	10	50	60
Rail Freight Terminal and Yard	M2	80,000	200	20	5	10	5	15	35	70
<i>[Shot Gun Shell Manufacturing Plant (f)]</i>	<i>M2</i>	<i>217,800 (5 acres)</i>	<i>400</i>	<i>200</i>	<i>50</i>	<i>200</i>	<i>200</i>	<i>50</i>	<i>30</i>	<i>N/A](B/L 3/2009)</i>
Truck Terminal	M2	80,000	150	20	5	10	5	15	30	70
Veterinary Offices	M1	15,000a	100	20	5	10	5	15	25	60
Other Permitted or Conditional Uses	M1 M2	5,000a 10,000a	50 100	20 20	5 5	10 10	5 5	15 15	45 N/A	60 N/A

Explanations and Exceptions to the Bulk Requirements Table VI - II are as follows:

- The site area shall be as required in the BULK TABLE or as required by the Health Inspector, whichever is greater.
- Buildings, structures and hedges adjacent to Provincial Trunk Highway No. 5 and also its intersection with Provincial Road 351 shall have a setback in accordance with the regulations of the Highway Protection Act or as varied by the Highway Traffic Board.
- In the case of a reversed corner site, there shall be a minimum required side yard of fifteen (15) feet on the street side of the reversed corner site unless a greater requirement is indicated in the TABLE.
- Notwithstanding anything provided herein, in the case of detached accessory buildings or structures used for storage of hazardous materials all required yards must be the same as those required for the principal building or structure. See Section 8. (15) of this PART.
- Gasoline pumps shall have a required front, side and rear yard of fifteen (15) feet. Bulk propane tanks shall have a required setback from all buildings and site lines as regulated by the

Department of Labour.

- [(f) *Shot Gun Shell Manufacturing Plants are federally regulated by Natural Resources Canada and any federal setback or siting requirements greater than those in this by-law must be met.](B/L 3/2009)*

RETENTION OF BULK REGULATIONS

8. (2) It shall be a continuing obligation of the owner to maintain the minimum site area, yards and other open spaces required herein for any use as long as it remains in existence. Furthermore, the minimum site area, yards and other open spaces allocated to a use as per requirements of this by-law shall not by virtue of change of ownership, or for any other reason, be used to satisfy the yard, other open space, or minimum site area requirements for any other use on another site.

SUBDIVIDING LAND

8. (3) No parcel of land shall hereafter be divided into sites, unless each site conforms with the regulations set forth in TABLE VI - II.

SITE SIZE REQUIREMENTS

8. (4) The site size requirements shall be as set forth in TABLE VI - II, except as provided in Section 11, PART II, ADMINISTRATION.

AREA AND YARD REQUIREMENTS

8. (5) Except as herein provided, the following special provisions shall apply in all zoning districts of this PART to ensure adequate site and yard requirements:
- (a) For the purpose of side yard regulations, a semi-detached two-family dwelling, a row-house or a multiple-family dwelling with common party walls shall be considered as one (1) building occupying one (1) site.
 - (b) When a site is occupied for a use permitted in a zoning district and has no buildings or structures thereon, the required yards for the district within which it is located shall be provided and maintained.
 - (c) No building or structure shall be permitted on a corner site when such building or structure is to be oriented in such a manner as to reduce the required front yard requirement on the street on which such corner site has its site frontage at the time this Zoning By-law becomes effective.
 - (d) The yard requirements shall be as set forth in the BULK TABLES of this PART.
 - (e) Required yards provided for a building or structure, existing on the effective date of this Zoning By-law or amendments thereto, shall not be reduced, or further reduced, if already less than the minimum requirements of this PART.

- (f) All yards and other open space required for any use shall be located on the same site as the use.

FRONT YARD EXCEPTIONS

- 8. (6) Where sites comprising forty (40) per cent or more of the entire frontage of the block (excluding reversed corner sites) are developed with buildings, the average front yard depths established by such buildings shall establish the minimum front yard depths for the entire frontage of the block provided such average is less than the minimum front yard required in the District in which the site is located.

PROJECTIONS INTO REQUIRED YARDS

- 8. (7) Required yards shall be provided and maintained in accordance with the provisions of Section 8. (5) and shall be unobstructed from ground level to the sky, except as set forth in the BULK TABLES of this PART and as follows:
 - (a) Eaves may project into any required front, side or rear yard, a distance of not more than three (3) feet, provided that in no case shall an eave project within three (3) feet of a side site line. Chimneys may project into a required front, side or rear yard not more than three (3) feet, provided the width of such yard is not reduced to less than three (3) feet.
 - (b) Fire escapes may extend or project into any required front, side or rear yard not more than four (4) feet.
 - (c) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4) feet and such balconies may extend into a required front yard not more than thirty (30) inches.
 - (d) Open, unenclosed porches, platforms, not covered by a roof or canopy, which do not extend above the level of the first storey of the building, may extend or project into any required front, side or rear yard not more than twelve (12) feet provided the width of a required side yard is not reduced to less than three (3) feet.
 - (e) Except as provided for in the Bulk Regulations of each Zoning District, open-work ornamental fences, uncovered walks, arbors, trellises, lighting fixtures, landscape architectural features or guard railing, for safety protection around depressed ramps, may be located in any required front yard if maintained at a height of not more than three and one-half (3-1/2) feet above the average ground level adjacent thereto. An open-work type railing not more than three and one-half (3-1/2) feet in height may be installed or constructed on any balcony, stairway, porch, platform or landing place mentioned above in subsection (c) and (d).
 - (f) Except as provided for in the Bulk Regulation of the Industrial District, fences, hedges and lamp posts shall not exceed a height of six (6) feet above finished grade except in the case of fences required under various Government Department Regulations. A fence or hedge shall be permitted in any required front yard in which case the height shall not exceed three and one-half (3-1/2) feet.

- (g) Landscape features, such as trees, shrubs, flowers or plants, shall be permitted in any required front, side or rear yard provided they do not produce a hedge effect contrary to the provisions of subsection (f) above.
- (h) Name plates, signs, as permitted and regulated in this PART, or signs for lease or rental of the premises on which they are located as permitted in this PART, shall be allowed in any required front, side, or rear yard.
- (i) Open work ornamental fences, hedges, landscape architectural features or guard rails, however, shall not be located and maintained so as to preclude complete access at all times about a main building. Gates or other suitable openings at least two and one-half (2-1/2) feet in width shall be deemed adequate for such access.

DWELLING UNIT - MINIMUM SIZE

- 8. (8) The minimum size floor area of a dwelling unit accessory to a principal use shall be four hundred (400) square feet.

LOADING SPACES

- 8. (9) The following table indicates the required loading spaces for all industrial uses:

<u>Floor area of building</u>	<u>Minimum Number of Loading Spaces</u>
Up to and including 5,000 square feet	Nil
5,001 square feet up to and including 15,000 square feet	1 loading space
15,001 square feet up to and including 40,000 square feet	2 loading spaces
Over 40,000 square feet	2 loading spaces plus 1 additional loading space for each additional 25,000 square feet or portion thereof in excess of 40,000 square feet.

PARKING SPACES

- 8. (10) All parking spaces shall be provided on the same zoning site as the principal use.

SIGNS

SIGN REGULATIONS

- 8. (11) The regulations of this section are intended and designed to establish a minimum control of signs.

Such control is deemed essential to promote the health, safety, and general welfare by reducing hazards to pedestrian and vehicular traffic, and by preventing unsightly and detrimental development having a blighting influence upon residential, business and industrial uses.

The following shall apply in all zoning districts of this PART except wherein otherwise stated:

- (a) One lighted or unlighted fascia business or identification sign identifying any use contained within the building or structure, the sign surface area not exceeding one (1) square foot for each ten (10) feet of site width of property on which it is located, but not exceeding a total sign surface area of one hundred (100) square feet, for any building or use permitted in this zoning district. An accessory building or structure shall not qualify for a separate identification sign.
- (b) Any identification or business sign permitted in clause (a) above may be attached to the face or roof of a building or structure or it may be a free-standing sign, having an aggregate sign surface area not exceeding one hundred (100) square feet.
- (c) Bulletin Board signs shall be permitted to a maximum size of thirty-two (32) square feet.
- (d) All types of signs that are free standing on the site shall be a minimum of three (3) feet from any site boundary.
- (e) No sign or sign structures shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
- (f) No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection, or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad grade crossing.
- (g) No rotating beam or beam shall be used in connection with any sign display; nor shall any flashing illumination resembling an emergency light be used for such purpose.
- (h) No flashing signs shall be permitted in any district without the approval of the Council. In any event, no flashing sign shall be permitted within three hundred (300) feet of any residential district or Provincial Roads and Provincial Trunk Highways.
- (i) All signs and sign structures shall be kept in repair and in proper state of preservation. Signs which have become obsolete because of discontinuance of the business service or activity, and have not been removed or relocated within thirty (30) days following such condition, may be removed by the Town at the owner's expense.
- (j) Where a sign has two or more faces, the area of all faces shall be included in determining the sign surface area, except that where two such faces are placed back to back and are at no point more than two (2) feet apart from one another.
- (k) It shall be unlawful to erect or maintain any sign on, over or above any land or right-of-way belonging to the Town unless such right is established by agreement with the Town, and all signs shall adhere to all the setback requirements of the zoning district in which

they are located.

- (l) The placing of advertising, business or identification signs within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the appropriate provincial authority.
- (m) No advertising billboard sign or other type of display sign shall be constructed in any industrial district without the approval of the Council, except as otherwise stated herein.
- (n) The following signs shall not be subject to the provisions of this By-law, except wherein otherwise noted:
 - (i) Signs posted by duly constituted public authorities in the performance of their public duties.
 - (ii) Flags or emblems of a political, civic, educational or religious organization.
 - (iii) Temporary signs as may be authorized by Council for not more than two months at a time by written permit which shall show the size, shape, content, height, type of construction and location of such signs.
 - (iv) "No Trespassing" signs not exceeding three (3) square feet.
 - (v) Construction signs when placed on construction sites and not exceeding twenty-five (25) square feet.
 - (vi) Signs required for direction and convenience of the public, including signs which identify rest rooms or parking entrance or exit, not exceeding five (5) square feet in area.
 - (vii) Real estate signs not exceeding ten (10) square feet which advertise the sale, rental or lease of a building, structure, site, or part thereof.

SPECIAL YARDS ALONG DISTRICT BOUNDARIES

- 8. (12) The following special yard requirements shall apply along residential district boundaries:
 - (a) (i) Where a side site line in an Industrial District abuts a side site line in an adjacent Residential District, the front yard requirement of the Residential District shall extend for a distance of one hundred (100) feet into the Industrial District; and a required side yard of twenty-five (25) feet in width shall be provided along the side site line in the Industrial District.
 - (ii) the side yard provided shall not be used for accessory off-street loading, or storage of materials, or processing of any kind, except where a solid fence of six (6) feet high is provided and maintained along the site line abutting the Residential District Boundary.

- (iii) parking spaces within the front yard shall not be permitted within ten (10) feet of the said zoning district boundary.
- (b) Where a side site line in an Industrial District abuts a rear site line in an adjacent Residential District, a side yard of twenty-five (25) feet shall be provided in the Industrial District along the rear site line.
- (c) Where a rear site line in an Industrial District abuts a side or rear site line in an adjacent Residential District, a required rear yard of fifty (50) feet in depth shall be provided along the rear site line in the Industrial District.
- (d) Where a boundary yard as described in paragraphs (a), (b), and (c) is provided, a compact hedge, row of shrubbery or a solid fence six (6) feet in height shall be provided and maintained along the site line abutting the Residential District Boundary.

OPEN SPACE

- 8. (13) Where the district lines in an Industrial District and an Agricultural or Commercial District are co-terminus, there shall be a minimum required side or rear yard of fifteen (15) feet on the adjoining Industrial land except where a greater required side or rear yard is provided for elsewhere herein.

HEIGHT EXCEPTIONS

- 8. (14) The provisions of this PART shall not apply to limit the height of any ornamental dome, chimney, tower, electrical or telephone transmission line, television or radio mast, steeple, water storage tank, electrical apparatus or the mechanical operation of the building provided that no roof structure or any space above the height limit shall be permitted for the purpose of providing usable floor area.

ACCESSORY BUILDING AND USES PERMITTED

- 8. (15) Where this By-law provides that any premises may be used or a building or structure may be erected or used for a purpose, the purpose includes any building or use accessory thereof.

Accessory buildings, except as otherwise regulated in the By-law, shall be subject to the following regulations:

- (a) Where the accessory building is attached to a main building, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building.
- (b) Detached accessory buildings shall not be located in any required yard, except a required side or rear yard or as provided for elsewhere herein.
- [(c) *All detached accessory buildings shall be located a minimum of ten (10) feet from any main building. For the purpose of this By-law the ten (10) foot separation requirement shall be considered a required yard extending from the nearest side of the detached accessory building to the nearest wall of the main building.*] (B/L 2047)

- (d) In no instance shall an accessory building be located within a dedicated easement right-of-way.
- (e) No accessory building shall be erected prior to erection of the main building except where it is necessary for the storage of the tools and materials for use during construction of the main building.
- (f) Where a through site has a depth of less than two hundred (200) feet, an accessory building not exceeding one (1) storey nor fourteen (14) feet in height may be located in one of the required front yards, if such building is set back from the nearest street line a distance of not less than ten (10) percent of the depth of the site and at least five (5) feet from any side site line. In no case shall any accessory building project beyond the front yard line of an existing main building along the site width, but such accessory building need not be located more than twenty-five (25) feet from the street line.

NOXIOUS OR OFFENSIVE USES

- 8. (16) Notwithstanding anything herein contained, no use shall be permitted in any zoning district other than the "M2" District which may be noxious or offensive by reason of the emission or production of odor, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise. This shall not be so interpreted as to prohibit those uses specifically permitted in the "M1" District.

ONLY ONE MAIN BUILDING OR USE ON SITE

- 8. (17) There shall be only one main building or one main use on a site except wherein otherwise stated.

MULTIPLE USES

- 8. (18) Where any land or building is used for more than one purpose, all provisions of this PART relating to each use shall be satisfied. Where there is conflict such as in the case of site area and site frontage, the higher or more stringent requirement shall prevail.

LOCATION OF COMMERCIAL BULK PROPANE, NON-HAZARDOUS SOLID AND LIQUID FERTILIZER AND BULK OIL STORAGE, BUILDINGS AND STRUCTURES

- 8. (19) Bulk propane, non-hazardous solid and liquid fertilizer and bulk oil storage, buildings and structures shall not locate within one hundred and twenty-five (125) feet of an established dwelling unit (except that of the owner or operator) or as recommended by the Department of Labour.

BUILDING REMOVAL

- 8. (20) Upon completion of removal or demolition of a building from a zoning site, the old foundation shall be removed, any excavation shall be filled, the ground shall be levelled and the site shall be put in a safe and sanitary condition to the satisfaction of the Development Officer.

BUILDING GRADE

8. (21) All new main buildings shall have a ground surface elevation as approved by the Development Officer.

PART VII - AGRICULTURAL DISTRICTS

INTENT AND PURPOSE

1. The Agricultural District established in this By-law is intended to provide sufficient land in suitable locations to allow rural uses to occur but in such a fashion as to be easily converted to urban development upon need in The Area in keeping with the provisions of the Development Plan.

The intent and purpose of this PART is to limit and regulate development in specific areas until such time as additional lands are required to accommodate the needs of the community.

ZONING DISTRICTS

2. In order to carry out the intent and purpose of section 1 above, there is hereby established in The Area the following zoning districts:

"A" AGRICULTURAL DISTRICT

2. (1) The "A" Agricultural District primarily provides for appropriate land in the Area's fringe for the development of agricultural uses.

"ARR" AGRICULTURAL - RESIDENTIAL RESERVE DISTRICT

2. (2) The "ARR" Agricultural-Residential Reserve District primarily provides for an appropriate amount of land, in The Area, to be maintained as agricultural land and to be readily available for residential development.

GENERAL PROVISIONS

3. The general provisions applying to all AGRICULTURAL DISTRICTS are contained within this PART. Also applying to the agricultural districts are the provisions of PART I - "DEFINITIONS", PART II - "ADMINISTRATION", and "APPENDIX A".

INTERPRETATION OF REGULATIONS

4. In their interpretation and application, the provisions of this PART shall be held to be the minimum requirements to satisfy the intent and purpose as set forth in section 1 of this PART.

SCOPE OF REGULATIONS

5. (1) The provisions to this PART shall regulate:

- (a) All structures erected hereafter;
- (b) All uses of land and structures established hereafter;
- (c) All structural alterations or relocations of existing structures occurring hereafter;
- (d) All enlargements of or additions to existing structures or uses; and
- (e) The change of use of land, buildings or structures.

USE REGULATIONS

AGRICULTURAL USE TABLE

6. (1) TABLE VII - I, "AGRICULTURAL USE TABLE", lists all uses that are:

- (a) "P", Permitted,
- (b) "C", Conditional, and
- (c) "-", Not Permitted

in the Agricultural Districts. All listed uses are subject to the provisions contained herein.

AGRICULTURAL USE TABLE VII-I

LEGEND: P – PERMITTED C - CONDITIONAL - - USE NOT PERMITTED	ZONING DISTRICTS	
	"A"	"ARR"
USES:		
Accessory Use, Buildings and Structures (see Section 6 of this PART)	P	P
Agricultural Specialized Uses including Nurseries, Market Gardening, Commercial Greenhouses, Public and Private States not subject to registration under the Clean Environment Act	P	-
Agricultural Uses including Market Gardening, Field Crops and Tame Forage Production which, in the opinion of Council, are not obnoxious or detrimental to the public welfare	P	P
Auction Market	C	-
Cemeteries	C	-
Churches	P	-
Existing Uses legally established prior to the adoption of this By-law	P	P
Exhibition Grounds	C	-
Golf Courses	C	-
Kennel, Pounds and Animal Clubs	C	-
Livestock Production Operations in existence at this time of approval of the Development Plan October 22nd, 1981	C	C

AGRICULTURAL USE TABLE VII-I

LEGEND: P – PERMITTED C - CONDITIONAL - - USE NOT PERMITTED	ZONING DISTRICTS	
	“A”	“ARR”
USES:		
Parks, Picnic Areas, Playgrounds owned or approved by Council	C	C
Public Utilities and Services (see PART II Section 14)	P	P
Sewage Disposal Lagoons	C	-
Signs (See Section 8.9) of this PART)	P	P
Signs, Advertising	C	-
Temporary Uses (see Section 7 of this PART and Section 5 of this PART II)	P	P

GENERAL USE REGULATIONS

6. (2) No land shall be used or occupied and no structure shall be erected, altered, used or occupied hereinafter for any use in the Agricultural District, in which such land or structure is located other than a use listed in TABLE VII - I, "AGRICULTURAL USE TABLE", with the following exception:
- (a) Uses lawfully established prior to the effective date of this By-law.

CONDITIONAL USE

6. (3) Any use listed as a "CONDITIONAL USE" in TABLE VII - I shall comply with the regulations as set forth in section 4, PART II - "ADMINISTRATION".

ACCESSORY USES, BUILDINGS AND STRUCTURES

6. (4) In the "A" Agricultural District accessory uses, buildings or structures shall be limited to the following:
- (a) Farm dwelling to include only a single-family dwelling or a mobile home when on the same site with a permitted or approved agricultural activity;
- (b) Staff dwelling, to include only a single-family dwelling, two-family dwelling, dormitory, and mobile home when on the same site with a permitted or approved agricultural activity and other permitted or approved uses where, in the opinion of the Council, said dwelling is essential for the maintenance, operation and care of the permitted or approved use;
- (c) Buildings or structures for the operation and maintenance of an agricultural activity;
- (d) Storage of goods used in or produced by agricultural activities on the same site with such activities, unless such storage is excluded by the zoning district regulations;

- (e) A private garage, carport, covered patio, toolhouse, shed, and other similar buildings for the storage of domestic equipment and supplies;
 - (f) Incinerators and individual sewage disposal systems, subject to the authority having jurisdiction;
 - (g) Home Occupations;
 - (h) Signs as permitted and regulated in Section 8. (9) of this PART.
6. (5) In the "ARR" Agricultural-Residential Reserve District, accessory uses, buildings and structures shall be limited to the following:
- (a) Buildings or structures for the operation and maintenance of an agricultural activity;
 - (b) Incinerators subject to the approval of the authority having jurisdiction;
 - (c) Storage of goods used in or produced by agricultural activities;
 - (d) Home Occupations;
 - (e) Signs as permitted and regulated in Section 8. (9) of this PART.
 - (f) Existing Farm Dwellings and Staff Housing related to the agricultural activity;
 - (g) An existing garage, carport, covered patio, tool-house, shed, and other similar buildings for the storage of domestic equipment and supplies;

TEMPORARY BUILDINGS AND USES

7. (1) The provisions of this Section shall apply to the Agricultural Districts.

MAY BE PERMITTED

7. (2) Temporary buildings, structures and uses for construction materials or equipment, both incidental and necessary to construction in the same zoning district may be permitted on a temporary basis subject to the issuance of a development permit.

TERMS AND CONDITIONS

7. (3) A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by Council or the Development Officer.

VALIDATION PERIOD

7. (4) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than six (6) months and may not be renewed for more than two (2) successive periods at the same location.

SIZE OF BUILDINGS

7. (5) In all cases, temporary buildings and structures shall not exceed 1000 square feet in floor area and one (1) storey or 15 feet in height, and:
- (a) May be used as an office space for the contractor or developer;
 - (b) Shall not be used for human habitation, except as temporary accommodation for a caretaker or watchman; and
 - (c) Shall not be detrimental to the public health, safety, convenience and general welfare.

BULK REGULATIONS

8. (1) The Agricultural bulk regulations shall be as set forth in TABLE VII - II, AGRICULTURAL BULK TABLE.

AGRICULTURAL BULK TABLE VII-II

PERMITTED OR CONDITIONAL USE	ZONING DISTRICTS	REQUIREMENTS						
		MINIMUM					MAXIMUM	
		a Site Area (a.c.)	Site Width (ft.)	b Front Yard (ft.)	b Side Yard (ft.)	b Rear Yard (ft.)	Height (ft.)	Site Coverage %
Accessory Use, Buildings and Structures, c	A ARR			125	15	10	20	N/A

AGRICULTURAL BULK TABLE VII-II

PERMITTED OR CONDITIONAL USE	ZONING DISTRICTS	REQUIREMENTS						
		MINIMUM					MAXIMUM	
		a Site Area (a.c.)	Site Width (ft.)	b Front Yard (ft.)	b Side Yard (ft.)	b Rear Yard (ft.)	Height (ft.)	Site Coverage %
Agricultural Specialized Uses Including Nurseries, Commercial Greenhouses, Public and Private Stables not subject to registration under the Clean Environment Act	A	5	300	125	15	15	35	N/A
Agricultural Specialized use: Market Gardening	A	5	300	125	15	15	30	N/A
	ARR	40	660	125	15	15	N/A	N/A
Auction Market	A	2	150	40	15	15	35	70
Cemetery	A	2	150	25	15	25	N/A	60
Churches and Church Halls	A	0.5	100	30	15	25	35	50
Exhibition Grounds	A	5	300	40	15	25	35	70
Existing Single- Family Dwellings	ARR	15000 Sq.Ft.	100	30	15	25	30	N/A
Golf Courses	A	50	575	40	15	15	35	N/A
Kennels, Pound and Animal Clubs	A	4	250	40	15	25	30	70

AGRICULTURAL BULK TABLE VII-II

PERMITTED OR CONDITIONAL USE	ZONING DISTRICTS	REQUIREMENTS						
		MINIMUM					MAXIMUM	
		a Site Area (a.c.)	Site Width (ft.)	b Front Yard (ft.)	b Side Yard (ft.)	b Rear Yard (ft.)	Height (ft.)	Site Coverage %
Livestock Production operations in existence at the time of approval of the Develop- ment Plan October 22, 1981	A ARR	40	660	125	15	25	30	N/A
Parks, Picnic Areas, Playgrounds owned or approved by Council	A ARR	0.5	100	30	15	25	30	50
Public Utilities and Services	A ARR	5000 Sq.Ft.	50	30	15	25	30	20
Sewage Disposal Lagoon	A	3	300	125	50	50	30	35
Other Permitted and Conditional Uses	A ARR	1.5	200	125	15	25	30	45

Explanations and Exceptions to the Bulk Requirements Table VII - II are as follows:

- (a) The site area shall be as required in the TABLE or as required by the Health Inspector, whichever is greater.
- (b) Buildings, structures, and hedges adjacent to Provincial Trunk Highway No. 5 and also its intersection with Provincial Road 351 shall have a setback in accordance with the regulations of the Highway Protection Act or as varied by the Highway Traffic Board.
- (c) Notwithstanding anything herein, no detached accessory building for agricultural use shall be

located closer than twenty (20) feet to any single-family dwelling.

RETENTION OF BULK REGULATIONS

8. (2) It shall be a continuing obligation of the owner to maintain the minimum site area, yards and other open spaces required herein for any use as long as it remains in existence. Furthermore, the minimum site area, yards and other open spaces allocated to a use as per requirements of this by-law shall not by virtue of change of ownership, or for any other reason, be used to satisfy the yard, other open space, or minimum site area requirements for any other use on another site.

SUBDIVIDING LAND

8. (3) No parcel of land shall hereafter be divided into sites, unless each site conforms with the regulations set forth in TABLE VII - II.

LOT SIZE REQUIREMENTS

8. (4) The site size requirements shall be as set forth in TABLE VII - II, except as provided in Section 11, PART II, "ADMINISTRATION".

AREA AND YARD REQUIREMENTS

8. (5) Except as herein provided, the following special provisions shall apply in all zoning districts of this PART to ensure adequate site and yard requirements:
- (a) For the purpose of side yard regulations, a semi-detached two-family dwelling, a row-house or a multiple-family dwelling with common party walls shall be considered as one (1) building occupying one (1) site.
 - (b) Where a site is occupied for a use permitted in a district and has no buildings or structures thereon, the required yards for the zoning district within it is located shall be provided and maintained except in the case of the sites located in the "A" and "ARR" Districts.
 - (c) No building or structure shall be permitted on a corner site when such building or structure is to be oriented in such a manner as to reduce the front yard requirement on the street on which such corner site has its site frontage at the time this Zoning By-law becomes effective.
 - (d) The yard requirements shall be as set forth in the BULK TABLES of this PART.
 - (e) Required yards provided for a building or structure, existing on the effective date of this Zoning By-law or amendments thereto, shall not be reduced, or further reduced, if already less than the minimum requirements of this PART.
 - (f) All required yards and other open space required for any use shall be located on the same site as the use.

PROJECTIONS INTO REQUIRED YARDS

8. (6) Required yards shall be provided and maintained in accordance with the provisions of Section 8. (5) and shall be unobstructed from ground level to the sky, except as set forth in the BULK TABLES of this PART and as follows:
- (a) Eaves may project into any required front, side or rear yard, a distance of not more than three (3) feet, provided that in no case shall an eave project within three (3) feet of a side site line. Chimneys may project into a required front, side or rear yard not more than three (3) feet, provided the width of such side yard is not reduced to less than three (3) feet.
 - (b) Fire escapes may extend or project into any required front, side or rear yard not more than four (4) feet.
 - (c) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard not more than five (5) feet and such balconies may extend into a required front yard not more than thirty (30) inches.
 - (d) Open, unenclosed porches, platforms, not covered by a roof or canopy, which do not extend above the level of the first storey of the building, may extend or project into any required front, side or rear yard not more than twelve (12) feet provided the width of a required side yard is not reduced to less than three (3) feet.
 - (e) Except as provided for in the Bulk Regulations of the Agricultural Districts, open-work ornamental fences, uncovered walks, arbors, trellises, lighting fixtures, landscape architectural features or guard railing, for safety protection around depressed ramps, may be located in any required front yard if maintained at a height of not more than three and one-half (3-1/2) feet above the average ground level adjacent thereto. An open-work type railing not more than three and one half (3-1/2) feet in height may be installed or constructed on any balcony, stairway, porch, platform or landing place mentioned above in subsection (c) and (d).
 - (f) Except as provided for in the Bulk Regulation of the Agricultural Districts, fences, hedges and lamp posts shall not exceed a height of six (6) feet above finished grade except in the case of fences required under various Government Department Regulations. A fence or hedge shall be permitted in any required front yard in which case the height shall not exceed three and one-half (3-1/2) feet.
 - (g) Landscape features, such as trees, shrubs, flowers or plants, shall be permitted in any required front, side or rear yard provided they do not produce a hedge effect contrary to the provisions of subsection (f) above.
 - (h) Name plates, signs, as permitted and regulated in this PART, or signs for lease or rental of

the premises on which they are located, as permitted in this PART, shall be allowed in any required front, side, or rear yard.

- (i) Open work ornamental fences, hedges, landscape architectural features or guard rails, however, shall not be located and maintained so as to preclude complete access at all times about a main building. Gates or other suitable openings at least two and one-half (2-1/2) feet in width shall be deemed adequate for such access.

HEIGHT EXCEPTIONS

- 8. (7) The provisions of this PART shall not apply to limit the height of any ornamental dome, chimney, tower, electrical or telephone transmission line, television or radio mast, steeple, water storage tank, electrical apparatus or the mechanical operation of the building provided that no roof structure or any space above the height limit shall be permitted for the purpose of providing usable floor area.

ACCESSORY BUILDING AND USES PERMITTED

- 8. (8) (a) Where this By-law provides that any premises may be used or a building or structure may be erected or used for a purpose, the purpose includes any building or use accessory thereof.

Accessory buildings, except as otherwise regulated in the By-law, shall be subject to the following regulations:

- (i) Where the accessory building is attached to a main building, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building.
- (ii) Detached accessory buildings shall not be located in any required yard, except a required side or rear yard or as provided for elsewhere herein.
- [(iii) *All detached accessory buildings shall be located a minimum of ten (10) feet from any dwelling unit. For the purpose of this By-law the ten (10) foot separation requirement shall be considered a required yard extending from the nearest side of the detached accessory building to the nearest wall of the dwelling unit.*]
(B/L 2047)
- (iv) In no instance shall an accessory building be located within a dedicated easement right-of-way.
- (v) No accessory building shall be erected prior to erection of the main building except where it is necessary for the storage of the tools and materials for use during construction of the main building.

SIGNS

SIGN REGULATIONS

8. (9) The regulations of this section are intended and designed to establish a minimum control of signs. Such control is deemed essential to promote the health, safety, and general welfare by reducing hazards to pedestrian and vehicular traffic, and by preventing unsightly and detrimental development having a blighting influence upon residential, commercial and industrial uses.

The following shall apply in all zoning districts of this PART except wherein otherwise stated:

No signs are permitted in the AGRICULTURAL DISTRICTS except the following:

- (a) No more than one (1) illuminated or non-illuminated business or identification sign, not exceeding thirty-two (32) square feet in sign surface area and having a height of fifteen (15) feet shall be permitted for any building or use permitted in the Agricultural Districts.
- (b) Real estate signs not exceeding ten (10) square feet which advertise the sale, rental or lease of a building, structure, site, or part thereof.
- (c) In the case of identifying any dwelling, there shall be not more than one (1) illuminated or non-illuminated identification sign, not exceeding four (4) square feet in area.
- (d) All free standing signs shall be five (5) feet from site lines.
- (e) No sign or sign structures shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
- (f) No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection, or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad grade crossing.
- (g) No rotating beam or beam shall be used in connection with any sign display; nor shall any flashing illumination resembling an emergency light be used for such purpose.
- (h) No flashing signs shall be permitted in any district without the approval of the Council. In any event, no flashing sign shall be permitted within three hundred (300) feet of any residential district or Provincial Roads and Provincial Trunk Highways.
- (i) All signs and sign structures shall be kept in repair and in proper state of preservation. Signs which have become obsolete because of discontinuance of the business service or activity, and have not been removed or relocated within thirty (30) days following such condition, may be removed by the Town at the owner's expense.
- (j) Where a sign has two or more faces, the area of all faces shall be included in determining the sign surface area, except that where two such faces are placed back to back and are at no point more than two (2) feet apart from one another.

- (k) It shall be unlawful to erect or maintain any sign on, over or above any land or right-of-way belonging to the Town unless such right is established by agreement with the Town, and all signs shall adhere to all the setback requirements of the zoning district in which they are located.
- (l) The placing of advertising, business or identification signs within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the appropriate provincial authority.
- (m) No advertising sign or other type of display sign shall be constructed in any agricultural district without the approval of the Council, except as otherwise stated herein.
- (n) The following signs shall not be subject to the provisions of this By-law, except wherein otherwise noted:
 - (i) Signs posted by duly constituted public authorities in the performance of their public duties.
 - (ii) Flags or emblems of a political, civic, educational or religious organization.
 - (iii) Temporary signs as may be authorized by Council for not more than two months at a time by written permit which shall show the size, shape, content, height, type of construction and location of such signs.
 - (iv) "No Trespassing" signs not exceeding three (3) square feet.
 - (v) Construction signs when placed on construction sites and not exceeding twenty-five (25) square feet.
 - (vi) Signs required for direction and convenience of the public, including signs which identify rest rooms or parking entrance or exit, not exceeding five (5) square feet in area.

MINIMUM DWELLING SIZE

- 8. (10) The minimum floor area of a single-family dwelling, farm dwelling, staff house or mobile home shall be six hundred (600) square feet per dwelling unit.

LIVESTOCK PRODUCTION OPERATIONS

- 8. (11) A conditional use permit shall be required for the expansion of an existing Livestock Production Operation producing in excess of ten (10) Livestock Waste Units which shall state the use of the land, buildings or structures and the capacity, in terms of number of animals, or the operation and the method of waste disposal, and may require a letter of acceptance from the Environmental Control Branch.

CATEGORY OF LIVESTOCK PRODUCT OPERATIONS REQUIRING REGISTRATION UNDER THE CLEAN ENVIRONMENT ACT

8. (12) All operators of new or expanding livestock production operations falling into the following category shall register the operation.
- (a) any operation producing in excess of ten (10) Livestock Waste Units and located within a residential or recreation area.

LIVESTOCK WASTE UNIT OR L.W.U.

8. (13) TABLE OF LIVESTOCK WASTE UNITS - L.W.U. TO BE USED IN DETERMINING THE NUMBER OF L.W.U. PRODUCED BY A LIVESTOCK PRODUCTION OPERATION.

LIVESTOCK WASTE UNIT CONVERSION TABLE

TYPE OF OPERATION	LIVESTOCK WASTE UNITS <u>(L.W.U.)</u>
<u>Dairy Cattle</u>	
1 Milk Cow	1.0
1 Milk Cow plus Dry Cows	1.2
1 Milk Cow plus Dry Cows replacement heifers, calves	1.4
<u>Beef Cattle</u>	
1 Beef Animal of Feedlot Capacity	0.36
1 Beef Cow plus replacement heifers, calves (All year Dry lot Capacity)	0.7
1 Beef Cow plus replacement heifers, calves (Winterlot Capacity)	0.42
1 Beef Cow plus bulls, replacement heifers, calves (Summer pasture only)	0.28
<u>Swine</u>	
1 Sow (Farrow-Finish) plus boars, replacement gilts, suckling pigs to market	2.0
1 Sow (Farrow-Weanling) plus boars, replacement gilts, suckling pigs to 40 pounds	0.8
1 Feeder Pig (40 pounds to market) Feeder Barn Capacity	0.2
<u>Chickens</u>	
100 Laying Hens	0.9
100 Chicken Broilers	0.53
100 Hens in Breeder Flock	1.2
<u>Turkeys</u>	
100 Turkey Broilers	0.85

LIVESTOCK WASTE UNIT CONVERSION TABLE

TYPE OF OPERATION	LIVESTOCK WASTE UNITS (L.W.U.)
100 Turkey Feeders	1.5
100 Turkey Hens in Breeder Flock	2.2
<u>Ducks</u>	
100 Ducks	1.0
<u>Geese</u>	
100 Geese	1.1
<u>Horses</u>	
1 Horse	0.5
<u>Sheep</u>	
1 Ewe, plus rams, lambs	0.1
<u>Rabbits</u>	
10 Does, plus bucks, litters	0.4

ONLY ONE MAIN BUILDING OR USE ON A SITE

8. (14) There shall be only one main building or one main use on a site except where otherwise stated.

MULTIPLE USES

8. (15) Where any land or building is used for more than one purpose, all provisions of this PART relating to each use shall be satisfied. Where there is conflict such as in the case of site area and site frontage, the higher or more stringent requirement shall prevail.

BUILDING REMOVAL

8. (16) Upon completion of removal or demolition of a building from a zoning site, the old foundation shall be removed, any excavation shall be filled, the ground shall be levelled and the site shall be put in a safe and sanitary condition to the satisfaction of the Development Officer.

DWELLING UNIT LOCATION WITH RESPECT TO SANITATION FACILITIES

8. (17) Dwelling units shall not be located within one thousand three hundred and twenty (1320) feet of a waste disposal ground or Fifteen Hundred (1500) feet of a sewage lagoon or as recommended by the local Health Inspector.

PART VIII - OPEN SPACE DISTRICT

INTENT AND PURPOSE

1. The Open Space District established in this By-law is intended to provide sufficient land in suitable locations to accommodate governmental, educational, institutional and public recreational uses in keeping with the provisions of the Development Plan.

ZONING DISTRICT

2. In order to carry out the intent and purpose of section 1 above, there is hereby established in The Area the following zoning district:

- (1) "OS" Open Space District

The purpose of this zoning district is to primarily provide locations for a wide range of governmental, educational, institutional and public recreation uses.

GENERAL PROVISIONS

3. The general provisions applying to the OPEN SPACE DISTRICT are contained within this PART. Also applying to this zoning district are the provisions of PART I - "DEFINITIONS", PART II - "ADMINISTRATION", and "APPENDIX A".

INTERPRETATION OF REGULATIONS

4. In their interpretation and application, the provisions of this PART shall be held to be the minimum requirements to satisfy the intent and purpose as set forth in section 1 of this PART.

SCOPE OF REGULATIONS

5. (1) The provisions pertaining to this PART shall regulate:
 - (a) All structures erected hereafter;
 - (b) All uses of land and structures established hereafter;
 - (c) All structural alterations or relocations of existing structures occurring hereafter;
 - (d) All enlargements of, or additions to existing structures or uses; and
 - (e) The change of use of land, building or structure.

USE REGULATIONS

6. (1) TABLE VIII - I, "OPEN SPACE USE TABLE" lists all uses that are:

- (a) "P", Permitted,
- (b) "C", Conditional, and
- (c) "-", Not Permitted

in the Open Space District. All listed uses are subject to the provisions contained herein.

OPEN SPACE USE TABLE VIII-I

LEGEND: P – PERMITTED C - CONDITIONAL - - USE NOT PERMITTED	ZONING DISTRICTS
USES:	“OS”
Accessory Uses, Building and Structures (see Section 6 of this PART)	P
Arenas and Halls	P
Exhibition Grounds	P
Existing Uses legally established prior to the adoption of this By-law	P
Golf Courses	P
Hospitals	P
Medical Clinics	P
Parks, Playgrounds owned or approved by the Council	P
Public Institutions and Buildings	P
Public, Private and Parochial Schools	P
Public Utilities and Services (see PART II Section 14)	P
Residential Care Facilities including half-way type homes, rehabilitation homes, hostels, and group foster homes providing meals, residential services, care and supervision for more than eight children who are under the care of a child caring agency as defined by the Child Welfare Act or for more than eight adults who may be post mentally ill, mentally retarded or otherwise developmentally delayed	P
Senior Citizen Homes, Personal Care Homes	P
Signs (see Section 8.5 of this PART)	P
Swimming Pools, Wading Pools	P
Travel Trailer Parks	P
Temporary Uses (see Section 7 of this PART and Section 5 of PART II)	P

GENERAL USE REGULATIONS

6. (2) No land shall be used or occupied and no structure shall be erected, altered, used or occupied, hereinafter for any use in the Open Space District in which such land or structure is located other than a use listed in TABLE VIII - I, "OPEN SPACE USE TABLE", with the following exception:
- (a) Uses lawfully established prior to the effective date of this By-law.

CONDITIONAL USE

6. (3) Any use listed as a "CONDITIONAL USE" in TABLE VIII - I shall comply with the regulations as set forth in section 4, PART II, "ADMINISTRATION".

ACCESSORY USES

6. (4) An accessory use, building, or structure includes but is not limited to the following:
- (a) Buildings or structures for the operation, maintenance, and administration of a permitted use;
- (b) Buildings or structures incidental to a permitted use;
- (c) Staff dwelling, to include only a single-family dwelling, two-family, dormitory, or mobile home when on the same site with a permitted or approved use where, in the opinion of Council, said dwelling is essential for the maintenance, operation and care of the use.
- (d) Home occupations;
- (e) Signs as permitted and regulated in section 8. (4) of this PART.

TEMPORARY BUILDINGS AND USES

7. (1) The provisions of this Section shall apply to the Open Space District.

MAY BE PERMITTED

7. (2) Temporary buildings, structures and uses for construction materials or equipment, both incidental and necessary to construction in the same zoning district may be permitted on a temporary basis subject to the issuance of a development permit.

TERMS AND CONDITIONS

7. (3) A development permit for a temporary building structure or use shall be subject to such terms and

conditions as required by Council or the Development Officer.

VALIDATION PERIOD

7. (4) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than six (6) months and may not be renewed for more than two (2) successive periods at the same location.

SIZE OF BUILDINGS

7. (5) In all cases, temporary buildings and structures shall not exceed 1000 square feet in floor area and one (1) storey or 15 feet in height, and:
- (a) May be used as an office space for the contractor or developer;
 - (b) Shall not be used for human habitation, except as temporary accommodation for a caretaker or watchman; and
 - (c) Shall not be detrimental to the public health, safety, convenience and general welfare.

BULK REGULATIONS

OPEN SPACE BULK TABLE

8. (1) The Open Space bulk regulations shall be as set forth in TABLE VIII - I, OPEN SPACE BULK TABLE.

OPEN SPACE BULK TABLE VIII-II

PERMITTED OR CONDITIONAL USES	REQUIREMENTS								
	MINIMUM							MAXIMUM	
	Site Area (sq.ft.)	Site Width (ft.)	a Front Yard (ft.)	a Side Yard (ft.)		a Rear Yard (ft.)		Height (ft.)	Site Coverage (%)
				interio r	corne r	lane	no lane		
Accessory Uses, Buildings, and Structures			30	15	15	10	10	20	10
Arenas and Halls	12,000	80	30	15	15	25	25	45	55
Exhibition Grounds	87,120	300	30	25	25	25	25	N/A	60
Golf Courses	50 AC.	575	30	15	15	15	15	N/A	N/A

OPEN SPACE BULK TABLE VIII-II

PERMITTED OR CONDITIONAL USES	REQUIREMENTS								
	MINIMUM							MAXIMUM	
	Site Area (sq.ft.)	Site Width (ft.)	a Front Yard (ft.)	a Side Yard (ft.)		a Rear Yard (ft.)		Height (ft.)	Site Coverage (%)
				interio r	corne r	lane	no lane		
Hospitals	87,120	200	30	25	25	25	25	45	60
Medical Clinics	5,000	50	30	10	10e	5	10	30	40
Parks, Playgrounds owned or approved by Council	21,000	100	30	15	15	25	25	N/A	N/A
Public Institutions and Buildings	10,000	80	30	15	15	25	25	45	35
Public, Private and Parachial Schools	25,000c	125d	30	25	25	25	25	45	70
Public Utilities and Services	5,000	50	30	15	15	15	15	30	20
Residential Care Facilities	10,000b	70	30	15	15	25	25	40	37
Senior Citizen Housing, Personal Care Housing	10,000b	70	30	15	15	25	25	40	37
Swimming Pools, Wading Pools	10,000	100	30	15	15	25	25	N/A	30
Travel Trailer Parks	40,000	200	30	15	15	25	25	30	62
Other Permitted and Conditional Uses	30,000	100	30	15	15	25	25	40	55

Explanations and Exceptions to the Bulk Requirements Table VIII – I are as follows:

- (a) Buildings, structures and hedges adjacent to Provincial Trunk Highway No. 5 and also its intersection with Provincial Road 351 shall have a setback in accordance with the regulations of the Highway Protection Act or as varied by the Highway Traffic Board.
- (b) Ten thousand (10000) square foot site for the first four dwelling units and one thousand (1000) square feet for each additional dwelling unit.
- (c) A site area of twenty-five thousand (25000) square feet shall be required for each classroom or as required by the Provincial Department of Education, whichever is greater.

- (d) A site width of one hundred and twenty-five (125) feet per classroom until a site width of three hundred (300) feet is reached shall be required.

RETENTION OF BULK REGULATIONS

- 8. (2) It shall be a continuing obligation of the owner to maintain the minimum site area, yards and other open spaces required herein for any use as long as it remains in existence. Furthermore, the minimum site area, yards and other open spaces allocated to a use as per requirements of this by-law shall not by virtue of change of ownership, or for any other reason, be used to satisfy the yard, other open space, or minimum site area requirements for any other use on another site.

MINIMUM DWELLING SIZE

- 8. (3) The minimum size floor area of a dwelling unit accessory to a permitted use shall be four hundred (400) square feet.

SUBDIVIDING LAND

- 8. (4) No parcel of land shall hereafter be divided into lots unless each site conforms with regulations set forth in TABLE VIII - II.

SIGNS

SIGN REGULATIONS

- 8. (5) The regulations of this section are intended and designed to establish a minimum control of signs. Such control is deemed essential to promote the health, safety, and general welfare by reducing hazards to pedestrian and vehicular traffic, and by preventing unsightly and detrimental development having a blighting influence upon residential, commercial and industrial uses.

The following signs shall apply in all zoning districts under this PART except wherein otherwise stated:

- (a) Not more than two (2) illuminated or non-illuminated identification signs, each not exceeding twenty-five (25) square feet in sign surface area and having a height of fifteen (15) feet shall be permitted for any building or use.
- (b) Real Estate signs maximum of ten (10) square feet.
- (c) In the case of identifying any dwelling, there shall not be more than one (1) illuminated or non-illuminated identification sign, not exceeding four (4) square feet in area.
- (d) Advertising signs are not permitted in the Open Space District.

- (e) No sign or sign structures shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. Free standing signs shall be five (5) feet from site lines.
- (f) No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection, or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad grade crossing.
- (g) No rotating beam or beam shall be used in connection with any sign display; nor shall any flashing illumination resembling an emergency light be used for such purpose.
- (h) No flashing signs shall be permitted in any zoning district without the approval of the Council. In any event, no flashing sign shall be permitted within three hundred (300) feet of any residential district or Provincial Roads and Provincial Trunk Highways.
- (i) All signs and sign structures shall be kept in repair and in proper state of preservation. Signs which have become obsolete because of discontinuance of the business service or activity, and have not been removed or relocated within thirty (30) days following such condition, may be removed by the Town at the owner's expense.
- (j) Where a sign has two or more faces, the area of all faces shall be included in determining the sign surface area, except that where two such faces are placed back to back and are at no point more than two (2) feet apart from one another.
- (k) It shall be unlawful to erect or maintain any sign on, over or above any land or right-of-way belonging to the Town unless such right is established by agreement with the Town, and all signs shall adhere to all the setback requirements of the zoning district in which they are located.
- (l) The placing of advertising, business or identification signs within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the appropriate authority.
- (m) No advertising sign or other type of display sign shall be constructed in any zoning district without the approval of the Council, except otherwise stated herein.
- (n) The following signs shall not be subject to the provisions of this PART, except wherein otherwise noted:
 - (i) Signs posted by duly constituted public authorities in the performance of their public duties.
 - (ii) Flags or emblems of a political, civic, educational or religious organization.
 - (iii) Temporary signs as may be authorized by Council for not more than two months

at a time by written permit which shall show the size, shape, content, height, type of construction and location of such signs.

- (iv) "No Trespassing" signs not exceeding three (3) square feet.
- (v) Construction signs when placed on construction sites and not exceeding twenty-five (25) square feet.
- (vi) Signs required for direction and convenience of the public including signs which identify rest rooms or parking entrance or exit, not exceeding five (5) square feet in area.

PARKING

- 8. (6) For each permitted or approved use there shall be adequate parking spaces provided for employees and visitors to the satisfaction of Council and one parking space provided for each dwelling unit on the same zoning site as the principal use, excluding personal care rooms.

PUBLIC BUILDING, HEIGHT

- 8. (7) Public buildings and hospitals may be erected to a height not exceeding seventy-five (75) feet provided the minimum front, side and rear yard requirements of the zoning districts in which they are located are increased by ten (10) percent for each increase in height of thirty (30) percent over the limit indicated in TABLE VIII - II Open Space Bulk Table.

AREA AND YARD REQUIREMENTS

- 8. (8) Except as herein provided, the following special provisions shall apply in the zoning district under this PART to ensure adequate site and yard requirements:
 - (a) For the purpose of side yard regulations, a semi-detached two-family dwelling, a row-house or a multiple-family dwelling with common party walls shall be considered as one (1) building occupying one (1) site.
 - (b) Where a site is occupied for a use permitted in a zoning district and has no buildings or structures thereon, the required yards for the zoning district within which it is located shall be provided and maintained.
 - (c) No building or structure shall be permitted on a corner site when such building or structure is to be oriented in such a manner as to reduce the front yard requirement on the street on which such corner site has its site frontage at the time this Zoning By-law becomes effective.
 - (d) The yard requirements shall be as set forth in the BULK TABLES of this PART.

- (e) Required yards provided for a building or structure, existing on the effective date of this Zoning By-law or amendments thereto, shall not be reduced, or further reduced, if already less than the minimum requirements of this PART.
- (f) All yards and other open space required for any use shall be located on the same site as the use.

PROJECTIONS INTO REQUIRED YARDS

- 8. (9) Required yards shall be provided and maintained in accordance with the provisions of Section 8. (8) and be unobstructed from ground level to the sky, except as set forth in the BULK TABLES of this PART and as follows:
 - (a) Eaves may project into any required front, side or rear yard, a distance of not more than three (3) feet, provided that in no case shall an eave project within three (3) feet of a side site line. Chimneys may project into a required front, side or rear yard not more than three (3) feet, provided the width of such side yard is not reduced to less than three (3) feet.
 - (b) Fire escapes may extend or project into any required front, side or rear yard not more than four (4) feet.
 - (c) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard not more than five (5) feet and such balconies may extend into a required front yard not more than thirty (30) inches.
 - (d) Open, unenclosed porches, platforms, not covered by a roof or canopy, which do not extend above the level of the first storey of the building, may extend or project into any required front, side or rear yard not more than twelve (12) feet provided the width of a required side yard is not reduced to less than three (3) feet.
 - (e) Except as provided for in the Bulk Regulations of this District, open-work ornamental fences, uncovered walks, arbors, trellises, lighting fixtures, landscape architectural features or guard railing for safety protection around depressed ramps, may be located in any required front yard if maintained at a height of not more than three and one-half (3-1/2) feet above the average ground level adjacent thereto. An open-work type railing not more than three and one-half (3-1/2) feet in height may be installed or constructed on any balcony, stairway, porch, platform or landing place mentioned above in subsections (c) and (d).
 - (f) Except as provided for in the Bulk Regulation of each District, fences, hedges and lamp posts shall not exceed a height of six (6) feet above finished grade except in the case of fences required under various Government Department regulations. A fence or hedge shall be permitted in any required front yard in which case the height shall not exceed three and one-half (3-1/2) feet.

- (g) Landscape features, such as trees, shrubs, flowers or plants, shall be permitted in any required front, side or rear yard provided they do not produce a hedge effect contrary to the provisions of subsection (f) above.
- (h) Name plates, signs, as permitted and regulated in this PART, or signs for lease or rental of the premises on which they are located, as permitted in this PART, shall be allowed in any required front, side, or rear yard.
- (i) Open-work ornamental fences, hedges, landscape architectural features or guard rails, however, shall not be located and maintained so as to preclude complete access at all times about a main building. Gates or other suitable openings at least two and one-half (2-1/2) feet in width shall be deemed adequate for such access.

HEIGHT EXCEPTIONS

- 8. (10) The provisions of this PART shall not apply to limit the height of any ornamental dome, chimney, tower, electrical or telephone transmission line, television or radio mast, steeple, water storage tank, electrical apparatus or the mechanical operation of the building provided that no roof structure or any space above the height limit shall be permitted for the purpose of providing usable floor area.

ACCESSORY BUILDINGS AND USES PERMITTED

- 8. (11) Where this PART provides that any premises may be used or a building or structure may be erected or used for a purpose, the purpose includes any building or use accessory thereof.

Accessory buildings, except as otherwise regulated in the By-law, shall be subject to the following regulations:

- (a) Where the accessory building is attached to a main building, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building.
- (b) Detached accessory buildings shall not be located in any required yard, except in required side and rear yards or as provided for elsewhere herein.
- [(c) *All detached accessory buildings shall be located a minimum of ten (10) feet from any main building. For the purpose of this By-law the ten (10) foot separation requirement shall be considered a required yard extending from the nearest side of the detached accessory building to the nearest wall of the main building.*] (B/L 2047)
- (d) In no instance shall an accessory building be located within a dedicated easement right-of-way.
- (e) No accessory building shall be erected prior to erection of the main building except as

otherwise provided for herein.

NOXIOUS OR OFFENSIVE USES

8. (12) Notwithstanding anything herein contained, no use shall be permitted in any Open Space district under this PART which may be noxious or offensive by reason of the emission or production of odor, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise.

ONLY ONE MAIN BUILDING ON A SITE

8. (13) There shall be only one main building and one main use on a site except wherein otherwise stated.

MULTIPLE USES

8. (14) Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is conflict such as in the case of site area and of frontage, the higher or more stringent requirement shall prevail.

BUILDING REMOVAL

8. (15) Upon completion of removal or demolition of a building from a zoning site, the old foundation shall be removed, any excavation shall be filled, the ground shall be levelled and the site shall be put in a safe and sanitary condition to the satisfaction of the Development Officer.

BUILDING GRADE

8. (16) All new main buildings shall have a ground surface elevation as approved by the Development Officer.

DWELLING UNIT LOCATION WITH RESPECT TO SANITATION FACILITIES

8. (17) Dwelling units shall not be located within one thousand three hundred and twenty (1320) feet of a waste disposal ground or Fifteen Hundred (1500) feet of a sewage lagoon or as recommended by the local Health Inspector.

TRAVEL TRAILER PARK DEVELOPMENT PROVISION

8. (18) All site plans for the park must be submitted to Council for their consideration and approval prior to the issuance of a Development Permit.

"PART IX" - APPENDIX

APPENDIX "A" ZONING MAP of By-law No. 1977

TOWN OF CARBERRY

DONE AND PASSED in Council duly assembled at the Town of Carberry, Manitoba, this 20 day of October A.D. 1983.

Mayor

Secretary-Treasurer

Received First Reading on this 23 day of June A.D. 1983.

Received Second Reading on this 11 day of August A.D. 1983.

Received Third Reading on this 20 day of October A.D. 1983.



TOWN OF CARBERRY

OFFICE CONSOLIDATION

ZONING MAP ONE OF BY-LAW NO. 1977

- LEGEND:
- "R" RESIDENTIAL DISTRICT
 - "RHD" HIGH DENSITY RESIDENTIAL DISTRICT
 - "RMD" RESIDENTIAL MODULAR DWELLING DISTRICT
 - "RMH" MOBILE HOME RESIDENTIAL DISTRICT
 - "CC" DOWNTOWN COMMERCIAL DISTRICT
 - "CH" URBAN HIGHWAY COMMERCIAL DISTRICT
 - "M" INDUSTRIAL DISTRICT
 - "M1" LIGHT INDUSTRIAL DISTRICT
 - "M2" HEAVY INDUSTRIAL DISTRICT
 - "A" AGRICULTURAL DISTRICT
 - "A80" RURAL DISTRICT
 - "ARR" AGRICULTURAL-RESIDENTIAL RESERVE DISTRICT
 - "OS" OPEN SPACE DISTRICT

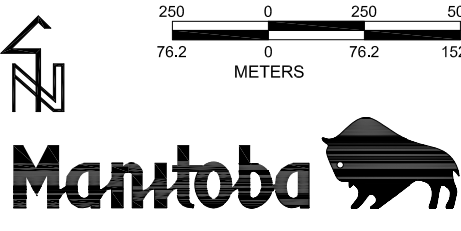
--- LIMITS OF THE ZONING DISTRICT
--- MUNICIPAL LIMITS

Amendments

- 2006
- 2072
- 2189
- 10/2000
- 1/2001
- 9/2003
- 2/2007
- 5/2008
- 3/2009
- 5/2009
- 7/2010

NOTE:

* Revised Town of Carberry boundary includes zoning districts that were previously shown in the RM of North Cypress - Zoning By-law No. 1896. (Refer to RM of North Cypress by-law for requirements.)



DATE: September, 2011
DRAWING NO.: ZONING MAP 1
REVISION: (DRAWING NO.)

**TOWN OF CARBERRY
ZONING BY-LAW NO. 7/2010**

BEING a Bylaw of the Town of Carberry to amend the TOWN OF CARBERRY ZONING By-law No. 1977, as amended.

WHEREAS Section 80(1) of *The Planning Act* provides that a Zoning By-law may be amended in accordance with Sections 80 to 82 of the Act, following the amendment process pursuant to Sections 74 to 79;

AND WHEREAS the Council of the Town of Carberry deem it expedient and in the best interest of the corporation to amend the Town of Carberry Zoning By-law No. 1977;

NOW THEREFORE, the Council of the Town of Carberry, in meeting duly assembled, enacts as follows:

THAT the Town of Carberry Zoning By-law No. 1977 as amended, is hereby further amended as follows:

1. Map Amendment

ZONING MAP No.1 – TOWN OF CARBERRY attached to and being part of the Town of Carberry Zoning By-Law No. 1977, as amended, is hereby further amended in order that lands described as follows:

an area of land located in the northwest corner of Carberry, west of Wellwood Road and north of a westerly projection of Stickle Avenue to a westerly projection of Wheatland Drive, more particularly described as an area of land commencing at a point adjacent to the westerly side of Wellwood Road approximately 587 feet north of the north side of First Avenue and then along a westerly perpendicular projected line approximately 1000 feet to a point and then along a northerly perpendicular line projected approximately 2000 feet to a point and then along an easterly perpendicular line projected approximately 1000 feet to the westerly side of Wellwood Road and then from this point along a southerly perpendicular projected line approximately 2000 feet to the point of commencement, as shown outlined in a heavy solid line on a map attached hereto and marked as Schedule "A" and made part of the amending By-law No. 7-2010.


be reclassified:

FROM: PART "ARR" - AGRICULTURAL RESIDENTIAL RESERVE DISTRICT;
PART "CH" - URBAN-HIGHWAY COMMERCIAL DISTRICT; AND
PART "A80" - RURAL DISTRICT.

TO: "OS" - OPEN SPACE DISTRICT.

DONE AND PASSED BY THE COUNCIL OF THE TOWN OF CARBERRY, duly assembled in the Province of Manitoba this 12 day of July, 2011.

THE TOWN OF CARBERRY

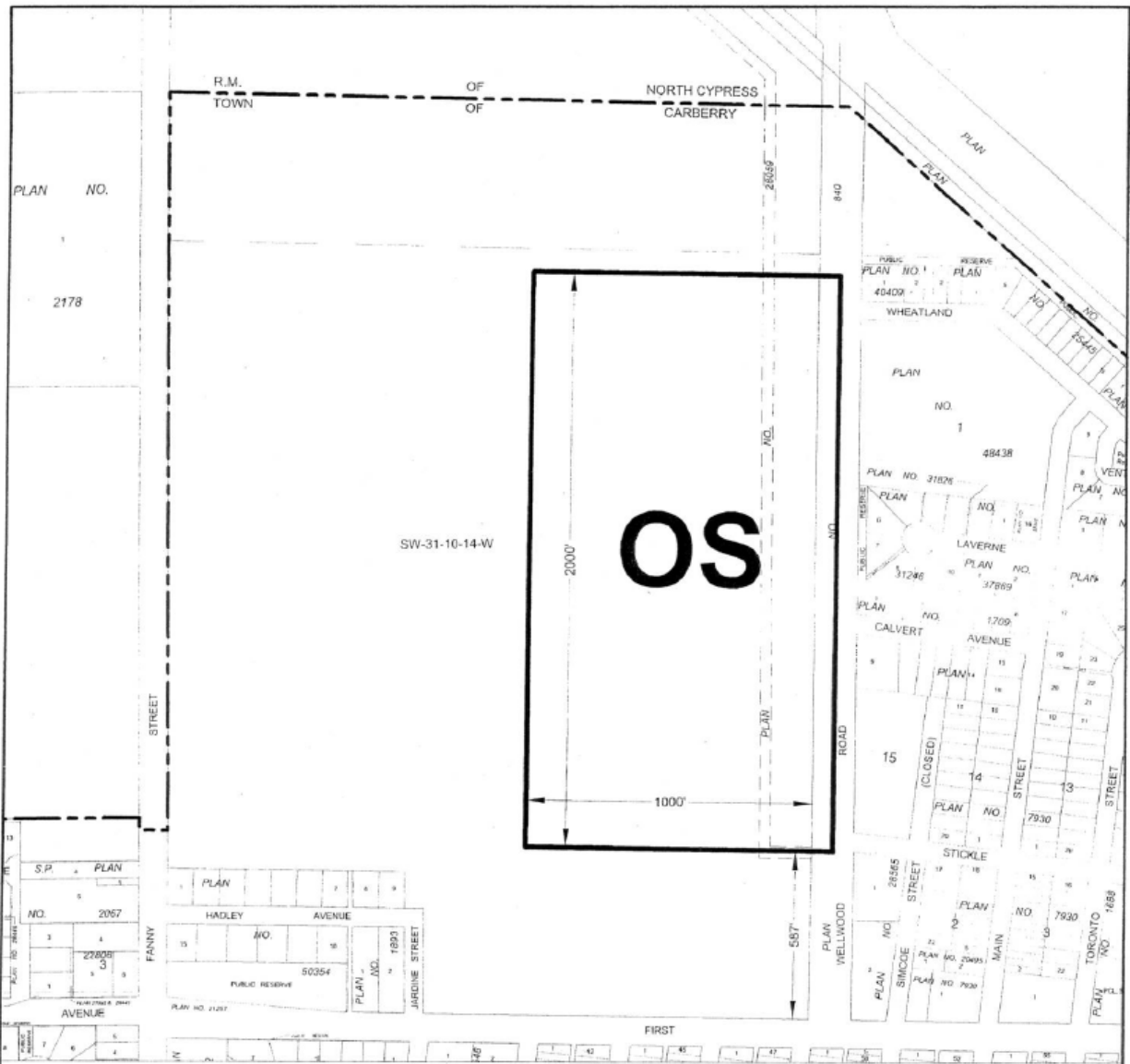

MAYOR


C.A.O.

RECEIVED FIRST READING THIS 11 DAY OF OCTOBER, 2010
RECEIVED SECOND READING THIS 8 DAY OF FEBRUARY, 2011
RECEIVED THIRD READING THIS 12 DAY OF JULY, 2011

Certified to be a true and correct copy of By-law 7/2010 passed by the Council of the Town of Carberry on 12 day of July, 2011.


Brent McMillan CAO



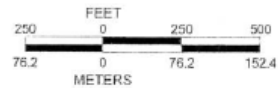
SCHEDULE "A" **Of By-Law No. 7/2010**

AMENDING ZONING MAP 1
TOWN OF CARBERRY
BY-LAW NO. 1977

LEGEND:

- AREA AFFECTED BY THIS BY-LAW
- MUNICIPAL BOUNDARY
- "OS" OPEN SPACE DISTRICT

Town Of Carberry



Local Government
Community And Regional Planning

DATE December, 2010 DRAWING NO. ZBL_BL 7/2010
REVISED DRAWING NO.

TOWN OF CARBERRY

BY-LAW NO. 1/2011

BEING A BY-LAW OF THE TOWN OF CARBERRY TO AMEND THE TOWN OF CARBERRY ZONING BY-LAW NO. 1977, AS AMENDED.

WHEREAS Section 80(1) of *The Planning Act* provides that a Zoning By-law may be amended in accordance with Sections 80 to 82 of the Act, following the amendment process pursuant to Sections 74 to 79;

AND WHEREAS the Council of the Town of Carberry deem it expedient and in the best interest of the corporation to amend the Town of Carberry Zoning By-law No. 1977;

NOW THEREFORE, the Council of the Town of Carberry, in meeting duly assembled, enacts as follows:

THAT the Town of Carberry Zoning By-law No. 1977, as amended, is hereby further amended as shown in **bold** text as follows:

TEXT AMENDMENTS

- 1) PART IV – RESIDENTIAL DISTRICTS, delete policy 2. (4) and replace as follows:

2. (4) "RMH" MOBILE HOME RESIDENTIAL DISTRICT

The "RMH" Mobile Home Residential District primarily provides for the placement of mobile or modular homes on leased spaces, within a mobile home park, or on sites within a mobile home subdivision. These areas are serviced by the municipal sewer system and individual wells.

- 2) PART IV – RESIDENTIAL DISTRICTS, RESIDENTIAL USE TABLE TABLE IV-I delete and replace as follows:

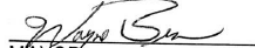
LEGEND: P – Permitted C – Conditional - - Use Not Permitted	ZONING DISTRICTS				
	"RA"	"R"	"RHD"	"RMH"	"RMD"
USES:					
Residences:					
Single Family Dwellings	P	P	-	-	P
Two-Family Dwelling	-	P	P	-	-
Three-Family Dwelling	-	P	C	-	-
Four-Family Dwelling	-	C	P	-	-
Multiple Family Dwellings (5 to 8 dwelling units)	-	C	P	-	-
Multiple Family Dwellings (9 and over dwelling units)	-	-	P	-	-
Mobile Homes (CSA Z240 or equivalent)	-	-	-	P	-
Mobile Home Park	-	-	-	P	-
Modular Homes (CSA A277 or equivalent)	-	-	-	P	P

- 3) PART IV – RESIDENTIAL DISTRICTS, RESIDENTIAL BULK TABLE IV-II delete and replace as follows:

PERMITTED OR CONDITIONAL USES	ZONING DISTRICTS	REQUIREMENTS									
		MINIMUM								MAXIMUM	
		Site Area (sq.ft.)	Site Width (ft.)	Front Yard (ft.) g	Side Yard (ft.) g			Rear Yard (ft.)g		Height (ft.) site	Coverage (%)
Residences: Single-Family Dwellings	RA R RMD	15000a 5000	100 50	30 30	15 5b	25 12e		25 25	25 25	30 30	35 35
Two-Family Dwellings	R	6600	55	30	5b	12e		25 25	25 25	30 30	44 44
Three-Family Dwellings	R RHD	9000 9000	70 70	30 20	15c 15c	15 15		25 25 25	25 25 25	40 40 40	30 30 35
Four-Family Dwellings	R RHD	10000 10000	70 70	30 20	15c 15c	15 15		25 25 25	25 25 25	40 40 40	35 35 40
Multiple-Family Dwellings	R RHD	10000h 10000h	70 70	30 20	15c 15c	15 15		25 25 25	25 25 25	40 40 40	37 38
Mobile Home Dwellings	RMH	5000 per site	50	20	5d	15		10 10	10 10	25 25	55 55
		4000 per site	40	20	5d	15		10 10	10 10	25 25	50 50
	RMH	5000 per site	50	20	5d	15		10 10	10 10	25 25	55 55
		4000 per site	40	20	5d	15		10 10	10 10	25 25	50 50
Modular Homes	RMD	5,000	50	20 30	15 5b	15 12e		10 25	10 25	25 30	55 35

DONE AND PASSED BY THE COUNCIL OF THE TOWN OF CARBERRY, duly assembled in the Province of Manitoba this 7 day of June A.D. 2011.

THE TOWN OF CARBERRY


MAYOR


C.A.O.

Read a first time this 4th day of April, 2011.

Read a second time this 7th day of June, 2011.

Read a third time this 7th day of June, 2011.

Certified to be a true and correct copy of By-law No. 1 /2011 passed by the Council of the Town of Carberry at their meeting on June 7, 2011.

Dated this 24 day of June, 2011.


Brent McMillan, CAO

TOWN OF CARBERRY

BY-LAW NO. 2/2013

BEING a By-law of the Town of Carberry to amend the TOWN OF CARBERRY ZONING By-law No. 1977, as amended.

WHEREAS Section 80(1) of *The Planning Act* provides that a Zoning By-law may be amended in accordance with Sections 80 to 82 of the Act, following the amendment process pursuant to Sections 74 to 79;

AND WHEREAS the Council of the Town of Carberry deem it expedient and in the best interest of the corporation to amend the Town of Carberry Zoning By-law No. 1977;

NOW THEREFORE, the Council of the Town of Carberry, in meeting duly assembled, enacts as follows:

THAT the Town of Carberry Zoning By-law No. 1977 as amended, is hereby further amended as follows:

1. Map Amendment

ZONING MAP No.1-TOWN OF CARBERRY attached to and being part of the Town of Carberry Zoning By-Law No. 1977, as amended, is hereby further amended in order that lands described as follows:

an area of land located in the northwest corner of Carberry, west of Mitchell Road (aka Wellwood Road) and north of First Avenue, more particularly described as the southerly 590 feet which lies on the north side of First Avenue and the easterly 530 feet located west of Mitchell Road (aka Wellwood Road), excepting thereout the southerly 362 feet., as shown outlined in a heavy solid line on a map attached hereto and marked as Schedule "A" and made part of the amending By-law No. 2/2013.

be reclassified:

FROM: "ARR"- AGRICULTURAL RESIDENTIAL RESERVE DISTRICT;

TO: "RHD"- RESIDENTIAL HIGH DENSITY DISTRICT

DONE AND PASSED by the Council of the Town of Carberry duly assembled at the Town of Carberry in the Province of Manitoba this 14 day of January, 2014.

TOWN OF CARBERRY



Mayor


(S E A L)



CAO

READ a first time this 10 day of December, 2013.
READ a second time this 14 day of January, 2014.
READ a third time this 14 day of January, 2014.

Certified to be a true and correct copy of By-law No. 2/2013 passed by the Council of the Town of Carberry at their meeting on January 14, 2014.



Brent McMillan, CAO
Town of Carberry

PLAN

53304

RHD

228'

530'

362'

ROAD

840

MICHELL

PLAN

FIRST

AVENUE

Schedule "A"
Of By-law No. 2-2013

Amending Zoning Map 1
Town of Carberry
Zoning By-Law No. 1977

Legend:

 Area Affected
"RDH" Residential High Density Zone

Town of Carberry

0 50 100 200 300 Feet



Manitoba



Municipal Government
Community & Regional Planning

Date: November, 2013