

Rural Municipality of De Salaberry Zoning By-law

Schedule “A” to By-law No. 2369-18





Rural Municipality of De Salaberry

By-Law No. 2369-18

BEING a Bylaw of the Rural Municipality of De Salaberry to adopt a Zoning Bylaw;

WHEREAS Section 68 of *The Planning Act* provides authority for preparation of a zoning bylaw;

AND WHEREAS Section 75 of the said *Planning Act* provides authority for adoption of a zoning bylaw;

NOW THEREFORE, BE IT AND IT IS HEREBY ENACTED BY THE COUNCIL OF THE RURAL MUNICIPALITY OF DE SALABERRY, IN SESSION DULY ASSEMBLED, AS FOLLOWS:

1. That the Bylaw 2208-05 being the Rural Municipality of De Salaberry Zoning Bylaw and all amendments thereto are hereby repealed;
2. That the attached Zoning Bylaw, marked Schedule "A", is hereby adopted and shall be known as: The Rural Municipality of De Salaberry Zoning Bylaw.
3. That the Rural Municipality of De Salaberry Zoning Bylaw shall take force and effect on the date of third reading of this bylaw.

DONE AND PASSED by the Council of the Rural Municipality of De Salaberry duly assembled in Manitoba this 9th day of October, A.D. 2018.

"Original signed by Marc Marion, Reeve"
REEVE

"Original signed by Kristine Shields, CAO"
CHIEF ADMINISTRATIVE OFFICER

Read a first time this 31st day of July, 2018.

Read a second time this 9th day of October, 2018, as amended.

Read a third time this 9th day of October, 2018.

I, Kristine Shields, Chief Administrative Officer of the RM of De Salaberry certify this to be a true and correct copy of Bylaw 2369-18, passed at regular meeting of council on October 9, 2018.

Kristine Shields
Chief Administrative Officer
The Rural Municipality of De Salaberry

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1 DEFINITIONS

1.1 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 applicable By-laws of the Rural Municipality (RM) of De Salaberry shall be construed as defined in such act and by-laws.
 - c. Words, phrases and terms neither defined herein nor in the Building By-law of the Rural Municipality of De Salaberry or the applicable building code shall be given their usual and customary meaning except where, in the opinion of The Rural Municipality, 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; and
 - 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 examples, but is intended to extend the meaning of all instances or circumstances of like kind or character.

1.2 GENERAL DEFINITIONS

1. "**Abattoir**", means a building, structure, or part thereof, used for the slaughtering of animals, rendering of meat, and related activities.
2. "**Abut or Abutting**", means a site or use that physically touches another site or use, and shares a site line or boundary with it.
3. "**Act, the**", means *The Planning Act*, being Chapter P80 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.
4. "**Agricultural operation**", means an agricultural, horticultural or silvicultural operation that is conducted in order to produce agricultural products on a commercial basis, and includes:

- a. the production of crops, including grains, oil seeds, hay and forages, and horticultural crops, including vegetables, fruit, mushrooms, sod, trees, shrubs and greenhouse crops;
 - b. the use of land for grazing;
 - c. the production of eggs, milk and honey;
 - d. the raising of game animals, fur-bearing animals, game birds, bees and fish;
 - e. the processing necessary to prepare an agricultural product for distribution from the farm gate;
 - f. the operation of agricultural machinery and equipment, including the tillage of land and the application of fertilizers, manure, soil amendments and pesticides, whether by ground or aerial application;
 - g. the storage, use or disposal of organic wastes for agricultural purposes.
5. **“Agricultural processing,”** means facilities which store and process agricultural products, including dairy, packaging and processing, grain elevators and the cleaning and processing of grains.
6. **“Agricultural services”**, means services and activities directly related to the agricultural industry, including, implement sales and services and the temporary storage of any agriculture product for future use, delivery or processing.
7. **“Agriculture, Indoor”**, means indoor horticultural or aquacultural operations using hydroponic or other means to engage in growing plants for consumption and non-food products, such as licensed cannabis cultivation facilities.
8. **“Agriculture, specialized”** means the use of land for greenhouses, apiculture, floriculture, horticulture including market gardening, orchards and tree farming, and similar agricultural activities on a commercial basis but on parcels smaller than 80 acres. Specialized agriculture may contain limited retail of goods produced on site and educational components, but agricultural production is to be the primary activity.
9. **“Aircraft landing field”**, means an area of land utilized to accommodate landing and take-off movements of aircraft for personal and agricultural use.
10. **"Alteration, 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 or ducts.
 - b. Changes or replacements in the structural parts of a building or structure, 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.
11. "**Alteration, structural**", means the construction or reconstruction of supporting elements of a building or other structure.
 12. "**Anhydrous ammonia storage**", means an area for the storage of anhydrous ammonia that is commonly used as a fertilizer, including sales and service.
 13. "**Animal confinement facility**", means a barn or an outdoor area where livestock are confined by fences or other structures excluding grazing.
 14. "**Automobile, Vehicular sales and rental**" means the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, utility trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and sale of parts. This Use includes automobile dealerships, car rental agencies and motorcycle dealerships.
 15. "**Automobile and vehicular service**" means a development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This Use includes transmission shops, fuel stations, car washes, muffler shops, tire shops, automotive glass shops, upholstery shops, autobody repair and paint shops.
 16. "**Auction mart, livestock**", means a facility in which livestock are kept on a temporary basis for the purposes of selling and distribution.
 17. "**Basement**", means a portion of a building between a floor and ceiling that is located partly underground, but with a portion of the floor to ceiling height thereof above the average grade of the adjoining ground.
 18. "**Bed and Breakfast**", means a home-based business operated as an accessory use to a single-unit residential use that provides temporary lodging (other than a hotel or motel) to guests for short periods of time, and that may also provide breakfasts to guests.
 19. "**Building**", means:
 - a. a structure used or to be used for dwelling, public or commercial purposes, or a combination of all, or;
 - b. a prefabricated structure of the kind described in clause (a); or
 - c. a mobile home
 20. "**Building, agricultural**", means a structure on agricultural land designed, constructed and used to house farm implements, livestock, or agricultural products or products used by the owner,

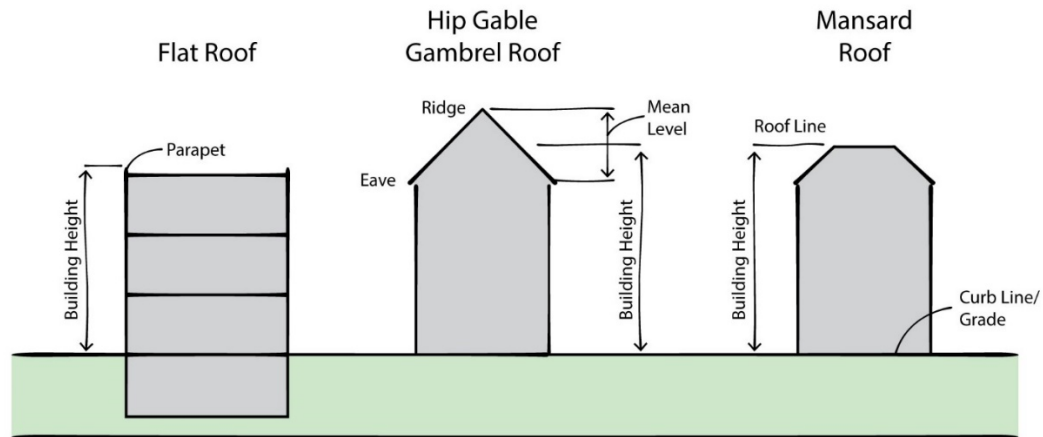
occupant, employees and persons engaged in the pick-up or delivery of agricultural produce or products grown or raised on the premises but does not include a dwelling.

21. "**Building, main or principal**", means a building or structure on a site that contains permitted principle uses.
22. "**Bulk fuel and chemical storage**", means the use of land for the storage, sale or distribution of synthetic or petroleum-based fluids or chemicals, fertilizers, and other potentially hazardous or noxious materials, primarily on a wholesale basis.
23. "**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.
24. "**Cannabis Cultivation**" means the licensed growing of cannabis plants and harvesting material from those plants, as well as associated activities.
25. "**Cannabis Processing**" means the licensed manufacturing, packaging and labelling of cannabis products destined for sale to consumers, and the intra-industry sale of these products to provincially authorized distributors, as well as associated activities.
26. "**Cannabis store**", means the premises specified in a retail cannabis license where the retail sale of cannabis is authorized in accordance with the Safe and Responsible *Retailing of Cannabis Act*.
27. "**Cemetery**", means land for the burial of the human remains, including mausoleums when operated in conjunction with and within the boundaries of the cemetery.
28. "**Clinic**", means a facility for the provision of human health services and related activities such as preparation of castings, dentures, and x-rays, for patients without overnight accommodations, and associated laboratory facilities.
29. "**College or University**", means a development which is publicly or privately supported or subsidized involving assembly for post-secondary educational, training or instructing purposes, and includes administration offices required for the provision of such services on the same site.
30. "**Commercial school**", means an establishment, other than elementary or junior high schools, senior high schools, or colleges and universities, offering training or instruction in a trade, art, or occupation, including beauty schools, dance schools, and trade or vocational schools.
31. "**Concrete and asphalt batching plant**", means land and buildings used for the storage and mixing of the constituent elements of concrete or asphalt and includes parking, maintenance, mechanical repair and refueling of mixing vehicles used to deliver product batched at the premises.
32. "**Condominium**", means individual ownership of a unit in a multiple-unit structure where expenses common to all parties are shared.

33. "**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.
34. "**Contractors establishment**", means land and/or buildings intended for the storage of equipment and materials and contracting businesses such as road building, construction, plumbing, electrical and landscaping on the same site.
35. "**Crematorium**", means a facility containing a certified furnace or similar device intended for use in the incineration of human or animal corpses.
36. "**Day care, Community**", means the provision of child care services for more than twelve (12) children in a provincially licensed facility;
37. "**Day care, Home**", means the provision of child care services in a dwelling unit to children, including the children of the owner or tenant, not over twelve (12) years of age. The number of children shall not exceed six (6); and
38. "**Day care, Group** ", means the provision of child care services for more than six (6) but not more than twelve (12) children not over twelve (12) years of age in a provincially licensed facility.
39. "**Development**", means:
 - a. the construction of a building on, over or under land;
 - b. a change in use or intensity of use of a building or land;
 - c. the removal of soil or vegetation from land and
 - d. the deposit or stockpiling of soil or material on land or the excavation of land.
40. "**Development permit**", means a permit issued under the zoning by-law, authorizing development, and may include a building permit.
41. "**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.
42. "**Drive-through**", means any use designed or operated to allow patrons, while outside on the premises in motor vehicles, to order, request, exchange, donate, or receive goods, wares, merchandise, products, foods, beverages, or services.
43. "**Dwelling, mobile home**", means a portable dwelling that is designed for residential occupancy, built upon or having a frame or chassis to which wheels may be attached, which may move it upon a highway.
44. "**Dwelling, multiple-unit**", means a building containing three (3) or more dwelling units, each unit designed for and used by one (1) family. Access can be from an interior corridor or direct from the outside of the unit.
45. "**Dwelling, single-unit**", means a detached building designed for use by one (1) family, including

homes built on-site and newly constructed ready-to-move (RTM), and modular homes.

46. "**Dwelling, two- unit**", means a detached or semi-detached building designed for and used by not more than two (2) families, each having exclusive occupancy of a dwelling unit.
47. "**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.
48. "**Eating and drinking establishment**", means the selling of prepared foods, for consumption within the premises or take-out. This includes licensed drinking establishments, restaurants, cafes, delicatessens, home delivery or catering.
49. "**Emergency Services**", means public institutions which provide protective and emergency response services, including police, fire, ambulance or paramedic services.
50. "**Entertainment/amusement facilities**", means a commercial facility open to the public offering recreational activities including, but limited to, video arcades, bowling, movie theatres, and miniature golfing.
51. "**Exterior storage**", means the storage of merchandise, goods, inventory, materials or equipment or other items that are not intended for immediate sale, by locating them outside.
52. "**Flood protection level**", means either the 200-year flood or a recorded flood exceeding the 200-year flood (design flood) plus 0.61 metres (2 feet) of freeboard.
53. "**Funeral home/mortuary**", means a facility for the storage and cremation of deceased human bodies, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.
54. "**Garden suite**", means a moveable, secondary dwelling unit, which is located temporarily on the same lot as the principal single-unit dwelling.
55. "**Group home**", means a residence that is licensed for the accommodation of less than six (6) persons, exclusive of staff or receiving family, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical health.
56. "**Gun range**", means a licensed indoor or outdoor facility for the recreational discharge of firearms.
57. "**Height**", when used with reference to a building or structure, means the vertical distance between the horizontal plane through grade and a horizontal plane through:
 - i. the highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than 20 degrees; and
 - ii. the average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slope of more than 20 degrees, provided that in such cases the ridge line of the roof shall not extend more than 1.5 m. (5 ft.) above the maximum permitted building height of the Zoning District.



58. **"Hobby Poultry"**, means the keeping of a limited number of hens on a non-agricultural property for personal use.
59. **"Home industry"**, means an industry or profession carried out in a building accessory to a dwelling as a secondary use generally in keeping with the trade or calling of the occupant.
60. **"Home occupation"**, means an occupation, trade, profession or craft that is carried on in a dwelling unit or its accessory building and which is clearly incidental or accessory to the residential use of the dwelling.
61. **"Home business"** means non-offensive light manufacturing activities and small businesses that may be permitted as a second use, in addition to the principal use.
62. **"Hotel"**, means a development used for the provision of rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor and are not equipped with individual kitchen facilities.
63. **"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.
64. **"Keeping of animals"**, means sheltering and raising of non-poultry animals (excluding pets) of less than 10 animal units (cumulative across species) for personal use.
65. **"Kennel"**, means any premises on which more than three (3) animals over the age of six (6) months are boarded, bred, trained or cared for, in return for remuneration or are kept for the purpose of sale. A kennel shall not include a veterinary clinic.
66. **"Landscape and garden supply"**, means an establishment, including a building, part of a building

or open space, for the display and/or sale of plants, trees, and other materials used in indoor or outside planting for retail sales and incidental wholesale trade.

67. "**Livestock operation**", means a permanent or semi-permanent facility or non-grazing area where livestock producing at least 10 animal units of livestock are kept or raised, either indoors or outdoors, and includes feedlots and all associated manure collection facilities, but does not include an auction mart.
68. "**Manufactured home**", means a factory built dwelling unit certified prior to the placement on the lot as having been built as a modular home in accordance with Canadian Standards Association (CSA) building regulations, being placed on a permanent foundation, having its chassis or frame permanently removed, and arriving at the lot ready for occupancy apart from incidental operations and connections.
69. "**Manufacturing, heavy**" includes manufacturing, assembly, processing and storing of products and goods in an enclosed and/or outdoor facility from which significant emissions may be generated during the normal course of operations. Uses include foundries, chemical plants and refineries.
70. "**Manufacturing, light**", includes manufacturing, assembly and processing of products and goods entirely contained within an enclosed facility, from which little or no emissions are generated during the normal course of operations, and outdoor storage is minimal.
71. "**Manure storage facility, earthen**", means a structure built primarily from soil, constructed by excavating or forming dikes, and used for storing or treating livestock manure, but does not include:
 - a. a collection basin;
 - b. a field storage site; or
 - c. a temporary composting site for manure.
72. "**Manure storage facility, non-earthen**", means a non-earthen structure, molehill, tank or other non-earthen facility for storing or treating manure, but does not include a gutter or concrete pit used to contain liquid or semi-solid manure for less than 30 days for the purpose of moving the manure to a manure storage facility.
73. "**Mobile Food Vehicle**", means a motorized vehicle or towed vehicle designed and equipped to serve food. This includes food cooked and prepared for vending and commissary-prepared, ready-to-eat or packaged foods in individual servings.
74. "**Mobile home park**", means an area of land with required improvements and utilities upon which two or more mobile home spaces are provided.
75. "**Modular home**", means a building assembly or system of building sub-assemblies manufactured

in its entirety, or in substantial part, off-site and transported to the point of use for installation on-site, with or without other specified components, as a finished building or as part of a finished building in accordance with CSA building regulations. Modular homes need not have electrical, plumbing, heating, ventilation, insulation or other service systems, but when such systems are installed at the off-site manufacture or assembly point, they shall be deemed a part of such building or system of building assemblies. Modular homes do not include open frame construction which can be completely inspected on-site.

76. **“Motel”**, means a development used for the provision of rooms or suites for temporary lodging or light housekeeping, where each room or suite has its own exterior access.
77. **“Outdoor Solid Fuel Heating System”**, means a self-contained unit designed to provide heating to the principal building or any other structure or area on the premises.
78. **“Park and ride facility”**, means a facility where commuters convene and cars are parked for the purposes car-pooling, ride sharing or accessing transit.
79. **“Personal Services”**, means the use of a building to provide services involving the care of a person or apparel, such as; shoe repairs, laundry and dry- cleaning, beauty and barber shops, clothing/costume rental, tanning, registered massage therapy, other personal grooming facilities and domestic assistance services. Personal services may include limited retail of products related to the services provided on premises.
80. **“Place of assembly”**, means a building (excluding dwelling units), or portion thereof, in which persons may gather for recreational, educational, political, social, or other purposes. Places of Assembly may include indoor or outdoor components and may be licensed for serving food and alcoholic beverages.
81. **“Place of worship”**, means a building used for worship by an association and may include an assembly hall as an accessory use. Churches, synagogues, mosques, temples and sweat lodges are examples of places of worship.
82. **“Preschool”**, means a public or privately-operated institution offering early childhood education to children prior to the commencement of compulsory education at elementary school.
83. **“Private communication tower”**, means a tower housing communication and transmitting equipment, such as antennae or dishes, for personal, non-commercial use.
84. **“Private greenhouse or conservatory”**, means an accessory, enclosed structure used for the growing and storage of plants for personal use. Private greenhouses or conservatories shall adhere to the bulk requirements for accessory structures for the zone in which they are located.
85. **“Private swimming pool”**, means an artificially constructed basin, lined with concrete, fibreglass,

vinyl or like material, that is capable of containing a water depth greater than 2 feet (0.60 metres) and is located on the property of a single family dwelling.

86. **“Private Windmill”**, means a wind energy generating system intended to primarily serve the electrical needs of the on-site user or consumer (either behind the meter or off-grid) rather than to produce power for resale.
87. **“Professional, financial and office support service”**, means a development primarily used for the provision of professional, management, administrative, consulting, and financial services. Typical uses include the offices of lawyers, accountants, engineers, and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial uses.
88. **“Public utility”**, means any person, firm, corporation, municipal department, or board duly authorized to furnish, and furnishing under provincial or municipal regulations to the public, electricity, gas, steam, communication, telegraph, transportation, or water services. For the purposes of the By-law Public Utility also means the use of land for the purpose of providing such service.
89. **“Public works yard”**, means a premises operated by the RM or Province for the storage, manufacture, maintenance or repair of buildings, infra structure, materials or equipment.
90. **“Ready to move home (RTM)”**, means a method of constructing a dwelling unit whereby all of its component parts have been assembled in an off-site manufacturing facility and transported to a site where it is anchored to a permanent foundation. RTM homes must be constructed to Canadian Standards Association (CSA) standards by a CSA certified builder.
91. **“Recreation facility, indoor”**, means a public facility for sports, fitness, leisure and recreation in which facilities are primarily located inside an enclosed building or structure.
92. **“Recreation facility, outdoor”**, means a public facility for sports, fitness, leisure and recreation in which facilities are primarily located outside.
93. **“Recycling collection centre”** means a municipally-managed drop-off point for temporary storage of recoverable resources, such as newspapers, glassware, plastics, and metal cans. No processing of such items is allowed on premises.
94. **“Residential care facility”**, means the use of a building for the purpose of providing lodging, meals, care and supervision or transitional services to persons.
95. **“Resort, commercial”**, means a commercial recreation establishment which may consist of one or more buildings containing single- or multiple-family dwelling units, recreational facilities, camping and tenting grounds, hotel or motel, a dining establishment, marina, golf course, tennis

courts, and other outdoor recreational uses.

96. "**Retail**" means the use of a building or portion of a building where goods and/or personal services are sold directly to the public, including non-livestock auction marts. For the purpose of this By-law, this does not include eating and drinking establishments, wholesale operations, scrapyards and/or any other uses that may include storage and disposal of commodities which may potentially have offensive or hazardous effects beyond its site or building limits.
97. "**Retail - convenience store**", means a store intended to serve the day to day needs of the residents of the neighbourhood in which it is located. Typical uses include small food stores, drug stores, and variety stores selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter.
98. "**Retail - Large**", means a building or portion of a building where the retail use occurs in a space with a ground floor area equal to or greater than 5,000 square feet (465 square meters).
99. "**Retail - Small**", means a building or portion of a building where the retail use occurs in a space with a ground floor area of less than 5,000 square feet (465 square meters).
100. "**Repair**", means the renewal or reconstruction of any part of an existing building or structure for the purpose of its maintenance, restoration, or renovation.
101. "**Resource extraction**", means the quarrying and/or extraction of surface or subsurface minerals and natural resources including aggregate, forestry products and peat moss.
102. "**Riding academy**", means a commercial facility where horses are sheltered, fed, or kept for sale or hire to the public. Training of horses and riders may also be conducted.
103. "**School - Elementary or junior high**", means an accredited school under the sponsorship of a public, private or religious agency providing instruction to students at the elementary or junior high school level.
104. "**School - Senior high**", means an accredited school under the sponsorship of a public, private or religious agency providing instruction to students at the senior high school level.
105. "**School bus storage and maintenance**", means a facility with indoor and outdoor components on which school buses are parked when not in use, maintained and repaired. Other activities related to regular School Division operations, such as indoor storage and maintenance of equipment.
106. "**Scrap yard**", means an area where waste or scrape materials are brought, stored, baled, disassembled or handled, sold, or exchanged and may include metals, paper, rubber and glass. A scrap yard includes automobile wrecking but does not include such uses established entirely within an enclosed building.

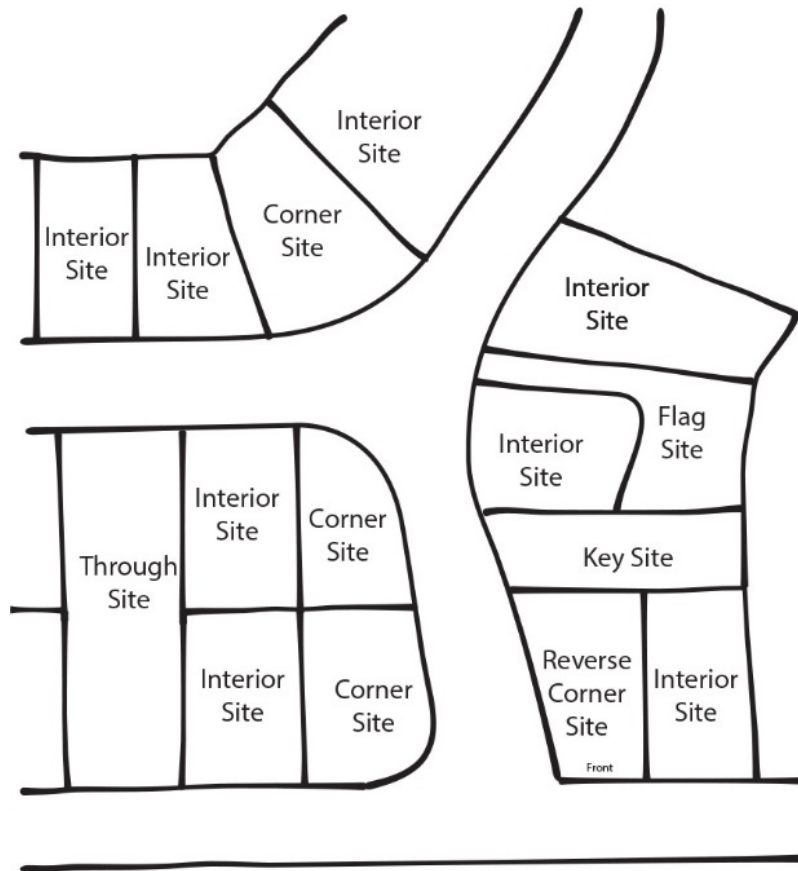
107. **“Secondary suite”**, means a self-contained accessory dwelling unit located either within a permanent, detached, single-unit dwelling, or in an accessory building, on a single zoning site. A secondary suite contains a single housekeeping unit and has its own separate access, cooking, sleeping and sanitary facilities which are separate from and not shared with those of the principal dwelling. This use does not include two-unit dwellings or multiple-unit dwellings.
108. **“Sewage treatment plants and lagoons”**, means municipally-operated facilities for the treatment of human waste.
109. **“Shipping container”**, means an intermodal freight container that is used for the transportation and storage of goods and materials which are loaded onto trucks, trains or ships. For the purpose of this by-law, a shipping container does not have wheels and does not include a truck body, trailer or transport trailer.
110. **“Shopping centre”**, means a building or group of buildings designed, developed, owned and managed as a unit by a single owner or tenant, or group of owners or tenants, containing two or more separated spaces for lease or occupancy of commercial uses or business or professional offices.
111. **“Solar collector”**, means a device used to harness the energy of the sun to provide electricity for on-site personal consumption. Solar Collectors may be roof mounted or ground mounted and are accessory to a main building on the site.
112. **“Solid waste disposal facility”** means a defined area of land or excavation that receives municipal household waste and other non-hazardous waste.
113. **“Stable”**, means a private or public detached accessory building for the keeping of cattle, horses, or similar animals.
114. **“Storage Compound”**, means an area of land with or without buildings or structures used for the temporary outside storage of finished products, raw materials, goods, or motor vehicles.
115. **“Storage facility”**, means a facility in which the main use is the storage of goods, materials, equipment or vehicles. Storage facilities can be enclosed within buildings (indoor) or all or part of the facility may be outdoor.
116. **“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.
117. **“Temporary car shelter”**, means a portable covering, usually purchased in a kit, which is used to protect an automobile, vehicle, or other general items from the natural elements on a temporary basis.

118. **“Trucking terminals and freight services”**, means an indoor or outdoor facility where trucks as common carriers are dispatched for compensation, or where freight handling facilities are provided.
119. **“Use”**, means:
- a. any purpose for which a building or structure or 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 structure or on land.
120. **“Use, conditional”**, means a use of a building or land described as a conditional use in Section 2.5 of this By-law which may have unique operating characteristics, may have potential operational or other impacts on adjacent properties, or may have unusual site development demands.
121. **“Use, permitted”**, **“Permitted use”**, means the use of land, building or structure provided in this zoning by-law for which a development permit shall be issued upon an application having been made, if the use meets all the requirements of this by-law.
122. **“Use, principal”**, means the main use conducted on a zoning site or within a building or structure.
123. **“Veterinary clinic”**, means a building, structure or parts thereof where one or more registered veterinarian surgeons including associated staff provide examinations and surgical or medical treatment to domestic pets, animals or livestock, and may include treatment rooms, laboratories, dispensaries, pharmacy and associated office. A kennel is not permitted in association with a Veterinary clinic.
124. **“Waste transfer station”** means a facility where municipal solid waste is unloaded and temporarily prior to shipment to a solid waste disposal facility.
125. **“Wind generating system”**, means an energy generating system designed and built to generate electricity by using wind energy for commercial sale and distribution to the electricity grid.

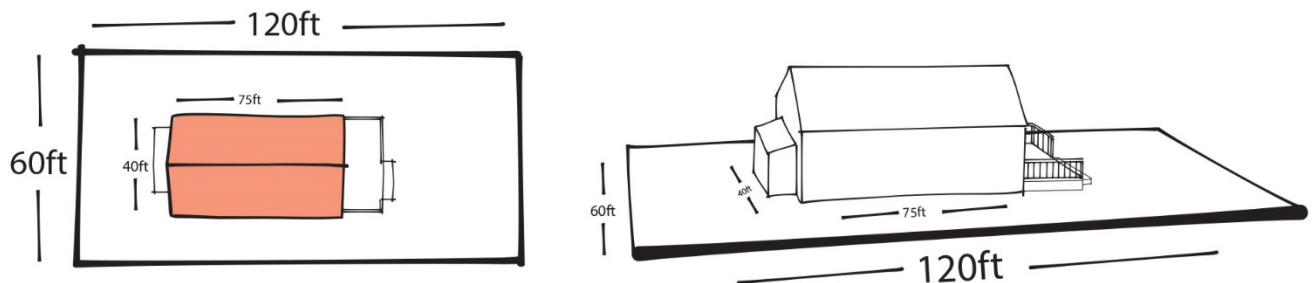
1.3 TECHNICAL DEFINITIONS

1. **“Animal units or A.U.”**, means the number of animals of a particular category of livestock that will excrete 73 kg of total nitrogen in a 12-month period.
2. **“Density”**, means the total number of dwelling units divided by the total land area to be developed expressed in gross acres/hectares
3. **“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.
4. **“Site”**, means an area of land consisting of one or more abutting lots.

5. **"Site area"**, means the computed land area contained within the site lines.
6. **"Site, corner"**, means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.
7. **"Site, corner, reverse"**, means a corner lot, the rear of which abuts the side of another lot.



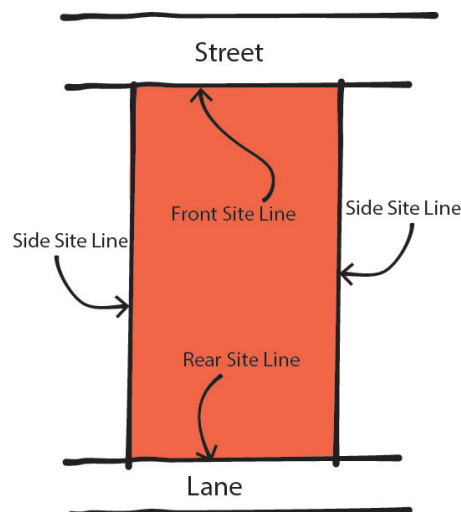
8. **"Site coverage"**, means the area, measured as a percentage of the total site area, which is occupied by a principal or accessory building, or structure.



If site area is 7,200sf and applicable building footprint is 3,000sf, site coverage is 41.6%

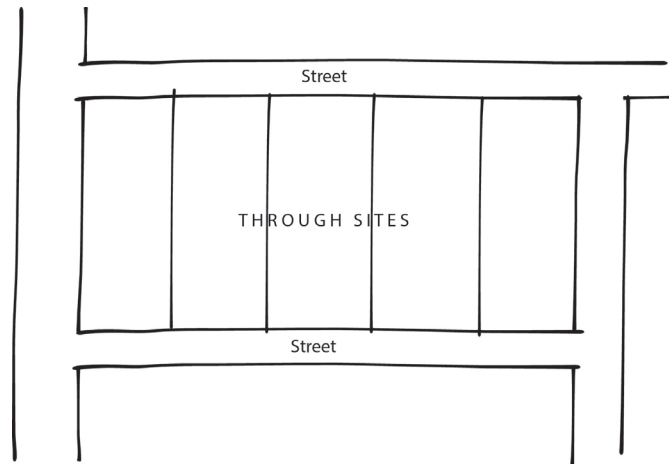
9. **"Site depth"**, means the horizontal distance between the centre points of the front and rear site lines.

10. **"Site, flag"**, means a lot on which the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.
11. **"Site frontage"**, means all that portion of a zoning site fronting on a street and measured between side site lines.
12. **"Site, interior"**, means a site other than a corner site or a through site.
13. **"Site lines"**, means as follows:
 - a. **"Front site line"**, means that boundary of a site that is along an existing or designated street. For a corner site the CAO, Development Officer, or designate may determine the front site line.
 - b. **"Rear site line"**, means that boundary of a site that is most nearly parallel to the front site line. In the case of a site in which the side site lines intersect, such as a triangular site, a line 10 feet (3 metres) in length within the site, parallel to and at the maximum distance from the front site line.
 - c. **"Side site line"**, means a boundary of a site that is not a front or rear site line.
 - d. Where the front site line is a curve, as in a cul-de-sac or curved street, the front site line shall be deemed to be formed by a straight line joining the two points where the side site lines meet at the edge of the road allowance; and
 - e. Where an irregular shaped site cannot have its site lines identified by the foregoing definitions, the CAO, Development Officer, or designate shall determine the front, rear and side site lines.



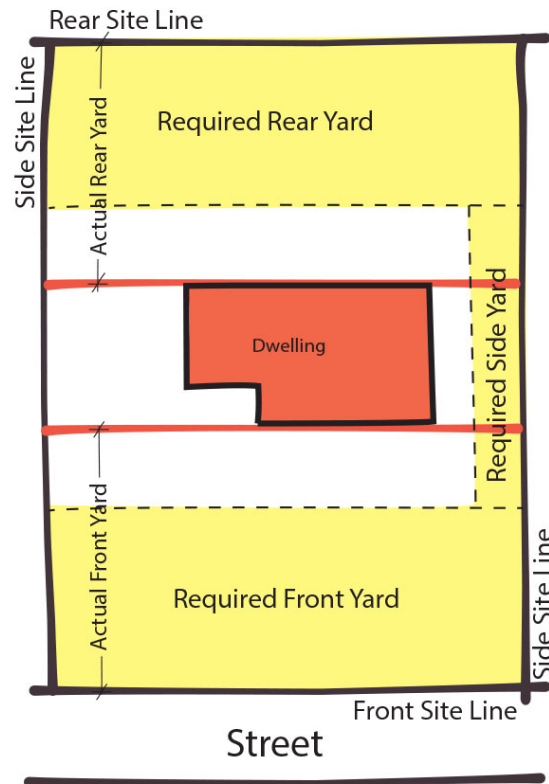
14. **"Site requirements"**, means some or all of the following:
 - a. the area of the zoning site upon which a building is located, and/or the number of dwelling

- units or rooms within such building in relation to the area of the zoning site;
 - b. the location of exterior walls of buildings in relation to site lines, other walls of the same building, legally required windows, and/or other buildings;
 - c. all open areas relating to buildings or structures and their relationship thereto; and/or
 - d. the size (including height and floor area) of buildings or structures.
15. **"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.



16. **"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 lines, or 40 feet (12.1 metres) from the front site line, whichever is the lesser.
17. **"Site, zoning"**, means an area of land which:
- 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 street or has any lawful means of access; and
 - c. is of sufficient size to provide the minimum requirements of this by-law for a permitted or conditional use in a zone where the use is located.
18. **"Yard"**, means an open area, on the same zoning site containing a building or structure which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted:
- a. **"Required yard"**, means a yard extending along a site line to a depth or width (measured from the site line) specified in the yard requirements for the zone in which such zoning site is located;

- b. **"Required front yard"**, means a yard extending along the full length of the front site line between the side site lines;
- c. **"Required rear yard"**, means a yard extending along the full length of the rear site line between the side site lines; and
- d. **"Required side yard"**, means a yard extending along the side site line from the front yard to the rear yard.



1.4 SIGNAGE DEFINITIONS

1. **"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.
2. **"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.

3. **"Sign, digital"**, means an electronic sign which is illuminated and/or displays messages and/or moving imagery.
4. **"Sign, fascia 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 portion. A fascia sign shall also mean any sign attached to the walls of two or more buildings and spanning the space between said buildings.
5. **"Sign, flashing"**, means an illuminated sign on which artificial light is not maintained constant in intensity and colour at all times when such sign is in use.
6. **"Sign, freestanding"**, means a sign supported by a vertical column or columns placed in the ground with the sign surface area above ground level.
7. **"Sign, illuminated"**, means a sign designed to give forth an artificial light or reflect light from an artificial source.
8. **"Sign, off-site"**, means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zoning site were the sign is maintained, including a billboard sign
9. **"Sign, on-site"**, means a sign that identifies the business owner, resident or the street address or directs attention to a business, commodity, service or entertainment conducted, sold or offered upon the same zoning site where the sign is maintained.
10. **"Sign surface area"**, means the entire area within a single continuous perimeter enclosing the extreme limits of the display excluding the necessary supports or uprights on which it is placed. Where a sign has two or more faces, the areas 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 3 feet (0.9 metres) from one another.

2 ADMINISTRATION

2.1 SCOPE OF THE BY-LAW

TITLE

1. This by-law shall be known as "*The Rural Municipality of De Salaberry Zoning By-law*".

THE AREA

2. This By-law controls and regulates the use and development of land in the RM of De Salaberry as shown on the zoning Maps in Schedule A.

2.2 INTENT AND PURPOSE

1. The regulations and provisions established by this by-law are deemed necessary in order to:
 - a. Implement the objectives and policies of *The Rural Municipality of De Salaberry Development Plan (2362/18)*;
 - b. Define and limit the powers and duties of the Rural Municipality of De Salaberry Council (Council) and the CAO, Development Officer, or designate; and
 - c. Regulate the use and development of land and buildings by:
 - i. dividing the municipality into zones;
 - ii. prescribing permitted and conditional uses for land and buildings in each zone; and
 - iii. setting out the procedure for applying for and issuing development permits, non-conforming certificates, zoning memoranda and other similar documents; including the classes of minor development, if any, that does not require a development permit.

2.3 GENERAL SITE PROVISIONS

SITE REQUIREMENTS

1. Except as otherwise provided herein, the owner shall maintain the minimum yards and site coverage required for any use in any zone.

VIOLATION OF PROVISIONS

2. No building or structure shall be added to, altered, enlarged, or reconstructed, and no site shall be reduced in area or yard requirements if such addition, reconstruction, enlargement, reduction or alteration will cause violation of any provisions of this By-law.

MULTIPLE USES

3. There may be more than one principal use, building or structure on a single site where it is reasonable to conduct such additional uses on the same site, and if the proposed uses are listed as Permitted or Conditional on the Use Table, without requiring subdivision or rezoning of the subject parcel (e.g.

mixed-use development, shopping centre, strip mall). Where any land or building is used for more than one principal use, 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 frontage, the higher or more stringent requirement shall prevail.

MULTIPLE ZONES

4. Where a parcel is within two or more zones each such portion of said parcel is considered a separate zoning site as defined herein.

2.4 DEVELOPMENT AGREEMENTS

1. Where an application is made for the amendment of this by-law, making a variance order, approving a subdivision or approving a conditional use, Council may require the owner to enter into an agreement pursuant to Section 150 of *The Act*. The development agreement may be registered in the Property Registry.

2.5 CONDITIONAL USES

1. The development and execution of this by-law is based upon the division of the RM into zones. Within each zone the use of land, buildings and structures in relation to the land are to be substantially compatible. There are certain uses deemed conditional uses which, because of their unique characteristics, cannot properly be classified in any particular zone or zones without consideration of the impact of those uses upon neighbouring land and of the public need for the particular use at that particular location.

FILING AN APPLICATION

2. The application shall be made to the CAO, Development Officer, or designate and must be accompanied by a site plan and any supporting material, including engineering reports or studies, and such fees as required by Council.

EXPIRY OF APPROVAL

3. 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. The conditional use order may be extended for an additional period not longer than twelve (12) months, if an application is received before the initial deadline.

EXISTING CONDITIONAL USE

4. Where a use is classified as a conditional use under this by-law, or amendments hereto, and legally exists as a permitted or conditional use at the date of the adoption of this by-law or amendments hereto, it shall be considered as an existing conditional use.

CHANGES TO AN EXISTING CONDITIONAL USE

5. Any change in a conditional use shall be subject to the provisions of this section and the appropriate provisions of *The Act*.
6. In the case of conditional use livestock operations, only a change to increase the intensity or total animal unit size of the operation, or a change to one of the conditions imposed on the approved

conditional use will trigger the requirement for a new conditional use. Development and/or building permits would still be required for any enlargements or extensions of the floor area of the operation.

REVOKING A CONDITIONAL USE ORDER

7. Council may revoke an approved conditional use order for a violation of any conditions imposed by it as per the provisions of *The Act*.

CONDITIONS OF APPROVAL

8. Council may impose conditions on a conditional use which serve to secure the objectives of the Zoning By-law or Development Plan By-law. Such conditions may include, but are not limited to:
 - a. Safeguards to control potentially dangerous, noxious or offensive effects such as:
 - i. noise or vibration
 - ii. odour, smoke, dust or other airborne particles;
 - iii. radiation, fire or explosive materials;
 - iv. heat, humidity or glare; and
 - v. toxic and noxious matters including waste.
 - vi. hours of operation and other performance standards as required;
 - b. Design and siting requirements including:
 - i. the provision of open space, landscaping, planting, screening and buffering including fences;
 - ii. off-street parking and loading areas; outdoor storage and display areas; grading and surface drainage;
 - iii. lot surfacing;
 - iv. pedestrian and vehicular circulation systems including entrances and exits;
 - v. outdoor lighting;
 - vi. signs
 - vii. refuse and garbage storage and screening of enclosures;
 - viii. snow storage;
 - ix. location of buildings, structures within the site; and
 - x. building design and architectural appearances.
 - c. Upgrading of municipal services including sewer, water, drainage, transportation and other services and systems as required or for the provision of individual on-site servicing; and/or
 - d. Other matters deemed necessary by Council to ensure a desirable and compatible development.

2.6 VARIANCES

1. An application for a variance order shall be made to the CAO, Development Officer, or designate and must be accompanied by any supporting material, such detailed design and a site plan, and fees required by Council.
2. The CAO, Development Officer, or designate may, in accordance with the provisions of *The Act*, make an order that varies the height, distance, area, size or intensity of use requirements and the number of parking spaces.

EXPIRY OF APPROVAL

3. 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. The variance order may be extended for an additional period not longer than twelve (12) months, if an application is received before the initial deadline.

REVOKING A VARIANCE ORDER

4. Council may revoke an approved variance order for a violation of any conditions imposed by it.

CONDITIONS OF APPROVAL

5. Council may impose conditions on a variance which serve to secure the objectives of the Zoning By-law. Such conditions may include, but are not limited to:
 - b. Safeguards to control potentially dangerous, noxious or offensive effects such as:
 - i. noise or vibration
 - ii. odour, smoke, dust or other airborne particles;
 - iii. radiation, fire or explosive materials;
 - iv. heat, humidity or glare; and
 - v. toxic and noxious matters including waste.
 - vi. hours of operation and other performance standards as required;
 - b. Design and siting requirements including:
 - i. the provision of open space, landscaping, planting, screening and buffering including fences;
 - ii. off-street parking and loading areas; outdoor storage and display areas; grading and surface drainage;
 - iii. lot surfacing;
 - iv. pedestrian and vehicular circulation systems including entrances and exits;
 - v. outdoor lighting;
 - vi. signs
 - vii. refuse and garbage storage and screening of enclosures;

- viii. snow storage;
 - ix. location of buildings, structures within the site; and
 - x. building design and architectural appearances.
- c. Upgrading of municipal services including sewer, water, drainage, transportation and other services and systems as required or for the provision of individual on-site servicing; and/or
 - d. Other matters deemed necessary by Council to ensure a desirable and compatible development.

2.7 CAO, DEVELOPMENT OFFICER, OR DESIGNATE

- 1. In accordance with the provisions of *The Act*, Council designates the CAO, Development Officer or designate to act on behalf of the Rural Municipality of De Salaberry:

2.8 PERMITS

PERMITS REQUIRED

- 1. The owner or his/her agent shall obtain all necessary permits as required by Council and other government agencies.

DEVELOPMENT PERMITS

- 2. No person shall undertake or permit the existence of a development that is subject to this By-law without first making application and obtaining a development permit for that purpose, except for the following:
 - a. the carrying out of work or maintenance or repair to any building or structure, provided that such works do not include structural alterations or major renovations;
 - b. the erection, construction or the maintenance of gates, fences, or other non-structural means of enclosures less than 6 feet (1.8 metres) in height;
 - c. the construction or maintenance of that part of a public utility placed in or upon a public utility easement;
 - d. the carrying out by the Rural Municipality of De Salaberry, any operation for the maintenance or improvement of a public utility, including the inspection, repair or renewal thereof;
 - e. the erection, placement, enlargement, non-structural alteration, relocation or use of any building or structure not exceeding 108 square feet (10. sq. metres) that is normally incidental or accessory to a dwelling as the principal building or use;
 - f. general landscaping and the planting or removal of trees and hedges intended as a shelterbelt or buffer, except where said landscaping results in a change in the average grade of the site by 6 inches (15.2 centimetres) or more in height;
 - g. the construction or erection of permitted non-illuminated signs; and
 - h. Open decks and patios less than 2 feet (0.6 metres) above grade.

DEVELOPMENT PERMIT REQUIREMENTS

3. In addition to the requirements of any applicable by-law of the Rural Municipality of De Salaberry, or any other Provincial regulations, all applications for a development permit shall be accompanied by any supporting material and fees required by Council. No person shall erect, locate, relocate, use, or occupy any building, land or structure contrary to any development permit or the material furnished in the support of the application.

WITHHOLDING DEVELOPMENT PERMIT

4. The CAO, Development Officer, or designate may withhold issuing a development permit:
 - a. as provided for in *The Act*;
 - b. that would result in a violation of this by-law or any by-law of the Rural Municipality of De Salaberry; or
 - c. when any fees are due and owing to the Rural Municipality of De Salaberry under this by-law.

DWELLING UNITS PERMITTED ON A PARCEL

5. No person shall be issued a development permit to construct more than one dwelling unit or place mobile home dwellings on a parcel of land, except as otherwise regulated in this By-law.

BUILDING TO BE MOVED

6. No building or structure shall be moved or relocated 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 zone in that it is located and is inspected by the building inspector to ensure the building or structure complies with requirements of the *National Building Code* and any Manitoba Amendments.

2.9 NON-CONFORMITIES

NON-CONFORMING USES AND BUILDINGS

1. 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*.

CONTINUANCE OF LAWFULLY EXISTING NON-CONFORMITIES

2. All buildings and structures, parcels of land, and uses of land that lawfully existed before the enactment of this zoning by-law are deemed to conform to the site and use requirements of the zone in which the buildings and structures, parcel of land or use of land are situated. Any expansion, addition, relocation or reconstruction of the said buildings and structures or change in use shall conform to the site and use requirements of the zone in which they are located unless varied by a variance order.

INCIDENTAL ALTERATIONS

3. Incidental alterations that do not increase the non-conformity and otherwise conforms to this by-law may be made to an existing building that does not conform to the zoning by-law, pursuant to *The Act*.

REPAIR OR REBUILDING

4. Where a building that does not conform to the provisions of the zoning by-law, is damaged or destroyed to an extent of fifty (50) percent or more of the replacement value of the building above its foundation, said building must not be repaired or rebuilt except in conformity with this by-law and any approved variance.

NON-CONFORMING PARCEL

5. If the size or dimensions of an existing parcel of land do not conform to the zoning by-law, the owner of the land may:
 - a. use the land for any use permitted under the by-law; and
 - b. construct or alter a building on the land if all requirements of the by-law, such as yards, building height and floor area, are met.

SITE REDUCED

6. Wherever a requirement of site area, width, frontage, depth of required yard is reduced below the minimum requirements of this by-law by virtue of a highway, road allowance, drain, right-of-way or the section survey, such site shall be deemed to conform to the requirements of this by-law. Site reductions resulting from subdivisions made by any owner shall not qualify for this exception.

DISCONTINUANCE OF NON-CONFORMING USE

7. If the use of land or the intensity of the use of land does not conform to the zoning by-law and the non-conformity has been discontinued for a period of time, the use of the land, and any discontinuance of said use of the land shall be addressed in conformity with the *Act*.

ACCESSORY USES

8. A use that is accessory to a principal non-conforming use may continue as long as the principal use exists.

NON-CONFORMITY MAY BE ALTERED BY VARIANCE

9. Council may permit the following alterations to an existing non-conformity by variance order as per *The Act*:
 - a. construction on a non-conforming building beyond that permitted under subsection 3 of this section;
 - b. an increase in the intensity of an existing non-conforming use, other than a variance to increase the number of animal units in a non-conforming livestock operation;
 - c. the repair or rebuilding of a non-conforming building that has sustained more damage than permitted under subsection 4 above; or
 - d. the extension of the use in accordance with the *Act*.
10. Where any of the above variances do not result in the elimination of the non-conformity, the subject building, structure, use or parcel shall retain its non-conforming status as per subsection 1 above.

2.10 INTERPRETATION AND APPLICATION

RELATION TO OTHER BY-LAWS AND REGULATIONS

1. Developments approved under this by-law are subject to applicable Provincial or Federal approvals. Whenever provisions of any by-law of the Rural Municipality of De Salaberry, or any other requirements of the Provincial or Federal Governments impose overlapping regulations on the use of land or buildings or site regulations or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest requirement shall govern.

COMPLIANCE WITH OTHER REQUIREMENTS

2. The granting of a development permit in compliance with the provisions of this By-law shall not in any way relieve the person obtaining such permit from full responsibility of complying with the requirements of any other Municipal, Provincial or Federal statutes, by-laws, regulations or orders or those of any of their agencies.

PREVIOUS VIOLATIONS

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

2.11 ENFORCEMENT

1. As a condition of amending this by-law any resolution, or order enacted by Council under *The Act*, or any regulation made thereunder, shall be in accordance with the provisions of *The Act*.
2. The Rural Municipality of De Salaberry may impose fines or penalties for offences under this by-law as per the *Municipal By-law Enforcement Act* and/or any other fees by-laws enacted by the RM.

2.12 TRANSITION FROM PREVIOUS BY-LAW

REPEAL

1. This by-law replaces *RM of De Salaberry By-law 2208-05* which is hereby repealed.

TRANSITION

2. Any use of land or a building lawfully in existence under applicable laws and any Variance or Conditional Use Order or both, shall upon enactment of the By-law and repeal of that order or orders, be deemed to comply with this By-law to the extent and for the period of time authorized by such orders.

APPLICATION IN PROGRESS

3. A development for which final approval was granted prior to the adoption of this By-law may be completed in accordance with the previous By-law.

4. Where a development application has been submitted for any type of approval covered in this by-law, but final approval has not been granted by the approving authorities prior to the effective date of this By-law, the application shall be reviewed and considered in accordance with the provisions of the by-law that was in effect at the time of the application.
5. Where amendments to a map of *By-law 2208-05* is in process and not completed prior to the adoption of this Zoning By-law, Council shall determine the closest appropriate zone within the category of zones within this By-law if the amending by-law receives third reading after adoption of this By-law.

3 LAND USE AND DEVELOPMENT PROVISIONS

INTENT AND PURPOSE

1. The provisions of this Part apply to all zones within the Rural Municipality except- wherein otherwise stated.

3.1 DEVELOPMENT STANDARDS

3.1.1 YARDS

GENERAL REQUIREMENTS

1. Except as herein provided, the following provision shall apply in all zones to ensure adequate yards and setbacks:
 - a. The yard requirements shall be as set forth in the Bulk Use Requirements Table of each zone;
 - b. All yards and other open space required for any use shall be located on the same site as the use;
 - c. Where a site is occupied for a use and has no buildings or structures thereon, the required yards for the zone shall be provided and maintained;
 - d. Where permitted in this By-law, a building containing more than one unit with common party walls, such as a semi-detached two-unit dwelling, multiple-unit dwellings, or multiple-tenant businesses shall be considered as one (1) building occupying one (1) site for the purpose of side yard regulations;
 - e. Minimum required yards contained in this By-law do not relieve the owner from compliance with applicable provincial, federal or municipal requirements where said requirements demand greater setbacks;
 - f. On a site, no fence, wall, hedge, shrubs or other landscape features shall be placed in such a manner as to produce a fence effect or visual barrier hazardous to vehicle and pedestrian traffic;
 - g. Plantings proposed within the control line of a declared provincial trunk highway right-of-way and/or provincial road requires a permit from the applicable provincial authority; and
 - h. Plantings, in the Rural Areas, in yards adjacent to a municipal right-of-way shall be no closer than 15 feet (4.5 metres) from the property line.

YARD EXCEPTIONS

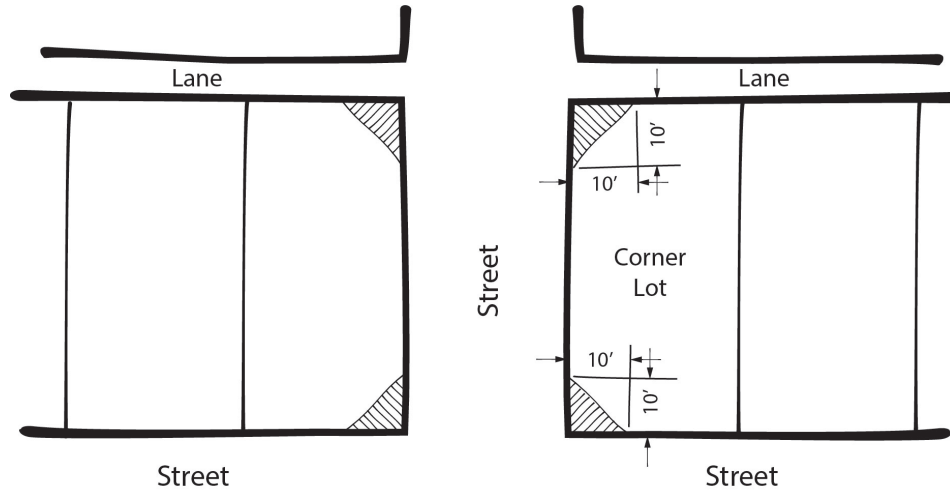
2. The following features and accessory buildings, structures and uses may be permitted to project into or locate in required yards:
 - a. Agricultural crops including haying and grazing fields may be permitted into required yard;
 - b. Architectural features such as eaves, gutters, chimneys, bay windows, alcoves (to a maximum of 20 square feet), awnings, canopies, and fire escapes may project 5 feet (1.5 metres) into

any yard provided said features project no closer than 5 feet (1.5 metres) to any side site line, except that:

- i. In the “C” and “CH” Zones where they may project to the site line;
 - ii. In the RS and RT zones there must be 10 feet (3 metres) of separation between the eaves on buildings on adjacent lots; and
 - iii. Architectural features of an accessory building or structure located to the rear of a main building may project no closer than 5 feet (1.5 metres) to the side or rear site line;
- c. Fences and Hedges, except as provided in 3.1.3, may be located in any front yard to a maximum height of 4 feet (1.2 metres) and in any side or rear yard to a maximum height of 6 feet (1.8 metres);
 - d. Incidental storage of materials shall be permitted in any required rear or side yard;
 - e. Landscape features such as lighting, trees, shrubs, flowers or plants shall be permitted in any required yard provided they do not produce a hedge effect contrary to item (d) above (fences and hedges);
 - f. Open, unenclosed and uncovered stairways, balconies and porches, less than 2 feet (0.6 metres) above grade, attached to the main building with a maximum 3.5 feet (1 metre) high railings may project up to 10 feet (3 metres) into any required rear yard;
 - g. Public recreation areas may be located in any required front yard where a permitted use;
 - h. Public utility equipment, cables, and lines necessary for the provision of services may be located in a required yard;
 - i. Refuse/garbage storage bins and structures are not permitted in any required front yard; and
 - j. Uncovered walks, driveways, fixtures and other landscape architectural features, guardrails for safety purposes around ramps and accessibility ramps may be located in a required yard.

CORNER ALIGNMENTS

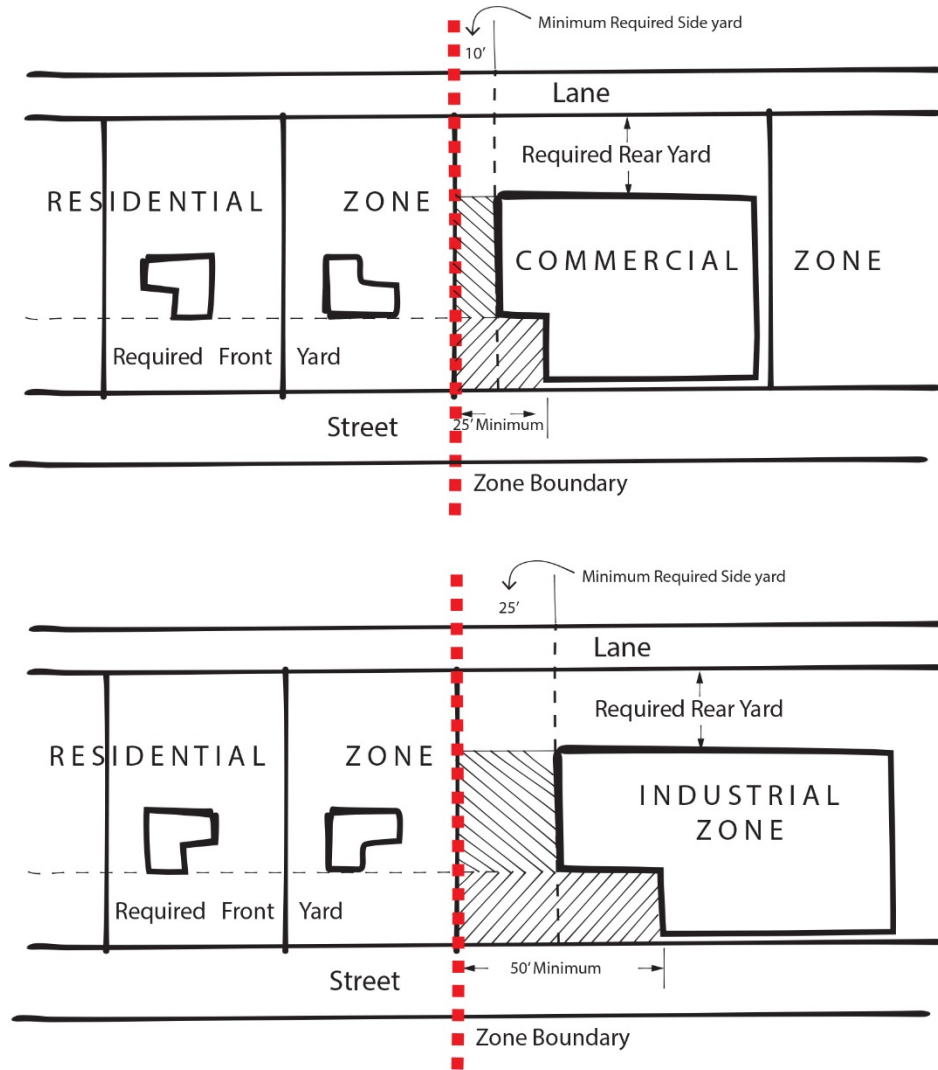
3. Notwithstanding any provision contained in this Part, on corner sites within the “C” zone, the following shall apply:
 - a. Within the hatched triangular shaped areas of corner sites as shown below, no fence, wall structure, hedge, shrubs, or other horticultural landscape features shall be placed in such a manner as to produce a fence effect or visual barrier greater than 2.5 feet (0.7 metres) above the average level of the ground.



YARDS ABUTTING RESIDENTIAL ZONE LIMITS

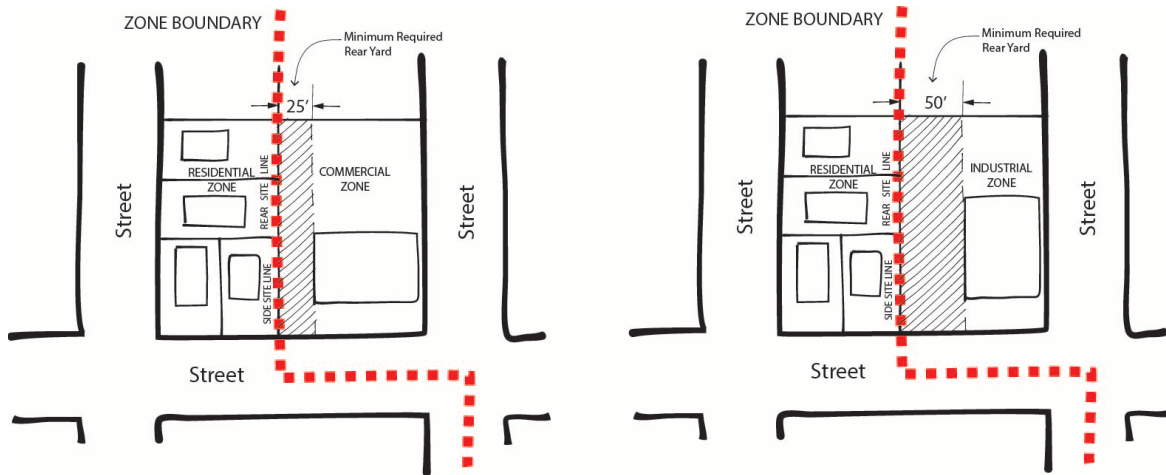
4. Notwithstanding any provision of this By-law, the following special yard requirements shall apply along with all Residential Zone limits:
 - a. where a side site line in the "C" or "I" zones abuts a side site line in an adjacent Residential Zone, the required front yard in the Residential Zone shall extend for a distance of 25 feet (7.6 metres) in the case of the "C" zone, and 50 feet (15.2 metres) in the case of the "I" zone from the zone limit;
 - b. a side yard of 10 feet (3 metres) in the case of the "C" zone and 25 feet (7.6 metres) in the case of the "I" zone shall be provided along the side site line which abuts the Residential Zone;

The following diagram illustrates the requirements under (a) and (b):



- c. where a rear site line in the "C" or "I" zones abuts a side or rear site line in an adjacent Residential Zone, a rear yard of 25 feet (7.6 metres) in the case of the "C" and zone, and 50 feet (15.2 metres) in the case the "I" zone shall be provided along the rear site line.
 - i. The residential component of a mixed-use development within the "C" zone shall only be required to meet the required rear yard of the applicable RM zone.

The following diagram illustrates the requirements of this clause:



- d. where a yard as described in clauses (a), (b) or (c) is provided in the “C” or “I” zones a compact hedge, row of shrubbery or a solid fence 6 feet (1.8 metres) in height shall be provided and maintained along the site line abutting the Residential Zone limit.

3.1.2 SIGN REGULATIONS

GENERAL

1. The regulations herein are designed to establish a minimum control of signs.
2. The following provisions shall apply to all signs erected or maintained within the RM, except wherein otherwise stated:
 - a. No sign or sign structure shall be erected at any location where it may interfere with or obstruct the view of any street, intersection or railway grade crossing, or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign display;
 - b. All signs and sign structures shall be kept in good repair and in a proper state of preservation.
 - c. Signs which have become obsolete because of discontinuance of the operation or activity or are not maintained in good condition or repair shall be repaired, removed or relocated within thirty (30) days following notice by the CAO, Development Officer, or designate; and
 - d. Flashing signs and digital signs are not permitted within Residential Zones or within 100 feet (30 metres) of Residential Zones.
3. Signs erected or maintained within the Urban Areas are subject to the following:
 - a. Except for freestanding signs and those signs listed in within the “Permit not required” subsection, all signs, as accessory structures, shall comply with the minimum yard requirements for accessory buildings, structures and uses in the zone in which they are to be located or erected; and

- b. Signs and sign structures shall be permitted in accordance with this Section, subject to the issuance of a development permit, except as provided in the “Permit not required” subsection.

TABLE 3-1: SIGN TABLE

ZONES	TYPE OF SIGN		STYLE OF SIGN PERMITTED	ON-SITE SIGNS		FREESTANDING SIGNS	
	Off-Site	On-Site		Max. Sign Surface Area	Max. No. of Signs	Max. Height Requirements (ft.)	Min. Distance to All Site Lines (ft.)
All residential uses in "RS", "RT" and "RMH"	-	P	Non-illuminated, non-flashing fascia/wall or freestanding	3 sq. ft.	1 (a)	3	5
All uses in "RM" and assembly uses and day care in "RS"	-	P	Non-illuminated or illuminated, non-flashing, non-digital fascia/wall or freestanding	32 sq. ft.	1 (b)	5	5
All "C" zones and commercial uses within "HG" zone	C	P	Non-illuminated or illuminated, all types, non-flashing or flashing or digital	20% of area of building face	-	30	5
"I"	C	P	Non-illuminated or illuminated, non-flashing, freestanding or fascia/wall	20% of area of building face	1 (b)	30	5
"OS" and "IN"	-	P	Same as "I" zone	32 sq. ft. or 20% of building face	1 (b)	30	5
"AG" and "AL" zones,	C	P	Non-illuminated, non-flashing fascia/wall or freestanding	32 sq. ft.	1 (b)	5	5
"RR" and residential uses within "HG" zone	-	P	Non-illuminated, non-flashing fascia/wall or freestanding	3 sq. ft.	1 (a)	3	5

EXCEPTIONS TO REQUIREMENTS

- a) One additional sign is permitted for an approved home occupation to a maximum 3 square feet (0.2 sq. metres) in sign surface.
- b) In the case of a corner site, two (2) such signs, one facing each street, may be permitted.

PERMIT NOT REQUIRED

4. The following types of non-illuminated, signs may be constructed without a permit, however, this shall not relieve the owner or person in control of such signs from erecting and maintaining the signs in a safe condition:
 - a. Signs posted by duly constituted public authorities in the performance of their public duties;
 - b. Flags or emblems of a political, civic, educational or religious organization;
 - c. Commemorative or memorial signs or tablets;
 - d. Signs required by law, governmental order or regulation;
 - e. A residential on-site sign for identification and/or home occupation purposes not exceeding 3 square feet (0.2 sq. metres) each in sign surface area;
 - f. Temporary signs including real estate signs, construction signs, election signs, and garage sale signs and similar;
 - g. Private signs required for direction and convenience of the public, including signs identifying restrooms or parking entrances or exits, not exceeding 5 square feet (0.4 sq. metres) in sign surface area; and
 - h. "No Trespassing" or "Private Property" and similar warning signs not exceeding 3 square feet (0.2 sq. metres) in surface area.

3.1.3 PARKING AND LOADING

PROVISIONS FOR OFF-STREET PARKING

1. Off-street parking spaces shall be provided and maintained in accordance with the requirements of the zone where the use is located and the following provisions:
 - a. The surface of an accessory off-street parking area and its access driveways shall be surfaced and designed in such a manner that there will be no free flow of water onto either adjacent properties or along public sidewalks. They may be paved with either asphalt, concrete or paving bricks, or suitably surfaced with gravel, crushed rock or other aggregate material;
 - b. Within the Urban Areas of St. Malo and Otterburne parking areas within the Commercial zones and the "RM" zones Council may require hard-surfaced parking areas of asphalt, concrete or similar materials;
 - c. Where a window to a habitable room is located less than 5 feet (1.5 metres) above grade, there shall be at least 8 feet (2.4 metres) separating the window from any parking space;
 - d. When a building is enlarged, or a use is extended or changed, the accessory off-street parking spaces shall be provided for the enlargement, extension, or new use in accordance with the specific requirements of the particular zone in which the use is located; and
 - e. Where a common parking area abuts an "RS" or "RT" zone, the owner or developer of the parking area shall construct and maintain a solid fence or hedge not less than 5 feet (1.2 metres) or more than 6 feet (1.8 metres) in height along any portion of the parking area boundary which abuts the said "RS" or "RT" Zones.

NUMBER OF PARKING SPACES REQUIRED

2. Accessory off-street parking for all uses shall be provided according to Table 3-2: PARKING GROUP TABLE. The parking group for each use shall be identified on the Use and Site Tables in each zone. For the purpose of computing the off-street spaces, the following shall apply:
 - a. In cases where floor area is the unit for determining the required number of accessory off-street parking spaces, said unit shall not include any area used for parking or loading within the principal building or structure and shall not include any area used for incidental service storage, mechanical equipment, heating systems and similar uses;
 - b. In stadiums, sports arenas, places of worship and other places of assembly in which those in attendance occupy benches, pews or other similar seating, each 2 feet (0.6 metres) of such seating facilities shall be counted as one (1) seat for the purpose of determining the accessory off-street parking;
 - c. When the computation of the number of accessory off-street parking spaces required by the By-law results in a requirement of a fractional parking space, any fraction less than one-half (1/2) of a parking space may be disregarded, whereas a fraction of one-half (1/2) or more of a parking space shall be counted as one (1) parking space.
3. In the case of a hotel/motel the number of spaces for any on-site eating and drinking establishment or retail business/services shall be calculated according to Table 3-2 in addition to the spaces required for the hotel/motel.
4. Mixed use developments in the "C" zone shall provide parking for multiple-unit components and commercial/business or eating and drinking establishments separately as per Table 3-2.

ACCESSIBLE PARKING

5. Notwithstanding the parking requirements detailed in Table 3-2, all commercial and institutional uses which serve as destinations for the general public shall provide accessible parking spaces in addition to those required as per Table 3-2. Additionally, at least one of all required visitor parking spaces as outlined on Table 3-2 must be accessible.
6. Accessible parking spaces must be at least 12 feet (3.6 metres) wide and located in close proximity to building entrances with barrier-free paths between the parking area and building. Furthermore, accessible parking spaces must be appropriately marked and reserved for persons disabled by barriers. The provision of accessible parking shall be as follows:

Number of Total Parking Spaces Required as Per Table 3-2	Number of Accessible Parking Spaces Required
1-25	1
26-50	2
51-100	3
100+	4 +1 for each additional 20 required spaces

PARKING AREA DESIGN

7. The layout and design of accessory off-street parking areas shall be as follows:
 - a. The minimum dimensions for off-street accessory parking areas shall be in accordance with Table 3-3;
 - b. Where access to a parking space is directly from a lane, the width of the lane adjacent to said parking space may be computed as part of the aisle width required for said parking space;
 - c. Each parking area shall have a vertical clearance of at least 7.5 feet (2.2 metres) from floor to grade; and
 - d. The angle of parking shall be measured between the centreline of the parking space and the centreline of the aisle. Where the angle of parking varies from that set forth in Table 3-3 the CAO, Development Officer, or designate shall determine which set of requirements shall apply.

PROVISIONS FOR OFF-STREET LOADING

8. All accessory off-street loading spaces shall be located within the same zoning site and shall be maintained in accordance with the following provisions:
 - a. Each off-street loading space shall have access to a public street or lane;
 - b. Each off-street loading space shall be not less than 12 feet (3.6 metres) in width nor have less than 12 feet (3.6 metres) overhead clearance. In no case shall the length of the loading space be such that a vehicle in the process of loading or unloading shall project into any street or lane;
 - c. The accessory off-street loading spaces provided for a use shall be solely for the loading and unloading of vehicles and shall not be used to satisfy any accessory off-street parking requirements or portion thereof;
 - d. When a building or structure is enlarged, or a use is extended or changed, the accessory off-street loading spaces shall be provided for the enlargement, extension or new use; and
 - e. When the computation of the number of accessory off-street loading spaces required by this By-law results in a requirement of a fractional loading space, any fraction less than one-half (1/2) of a loading space may be disregarded, whereas a fraction of one-half (1/2) or more of a loading space shall be counted as one (1) loading space.

LOADING REQUIREMENTS

9. Accessory off-street loading spaces shall be provided as follows:
 - a. No separate off-street loading space is required for any building having a gross floor area of less than 10,000 square feet (929 sq. metres), however one of the required off-street parking spaces shall also serve as an off-street loading space;
 - b. Commercial and Industrial Uses which occupy a floor area larger than 10,000 square feet (929 sq. metres) shall provide one (1) loading space for each 20,000 square feet (1858 sq. metres) of gross floor area or part thereof; and
 - c. Institutional and public uses including public medical clinics, assembly halls, clubs, lodges, government, schools and office buildings which occupy a floor area larger than 10,000 square

feet (929 sq. metres) shall provide one (1) loading space for each 30,000 square feet (2787 sq. metres) of gross floor area or part thereof.

ENTRANCES AND EXITS

10. The following regulations shall apply to all off-street public parking areas, automobile service stations, drive-in establishments, shopping areas and other such commercial uses requiring the provision of vehicular entrances and exits to the site:

a. Access to the site for vehicles shall be only by way of entrances and exits provided in accordance with the following:

Minimum width of an entrance or exit 15 feet (4.5 metres)

Minimum width of a combined entrance and exit 25 feet (7.6 metres)

Maximum width of an entrance or exit 25 feet (7.6 metres)

Maximum width of a combined entrance and exit 35 feet (10.6 metres)

Minimum distance between any part of an entrance, exit or combined entrance and exit, and the intersection of street site lines or the intersection of a street site line and a side site line on a public lane 15 feet (4.5 metres)

11. The owner shall provide and maintain a barrier on or near all street site lines to prevent vehicles entering or exiting the site other than by the entrances and exits permitted in this by-law.

SCHOOLS AND EDUCATIONAL FACILITIES

12. All schools must provide queuing and loading areas for buses and private cars. These areas shall be able to accommodate at least three busses and five private automobiles.

SNOW STORAGE

13. All developments required to provide on-site parking of 5 or more spaces must provide areas for snow storage. Snow storage may occur within required yards as long as it does not interfere with adjacent sites, visibility or public streets and lanes.

TABLE 3-2: PARKING GROUP TABLE

PARKING GROUP TABLE	
Parking Use No.	Number of Parking Spaces Required
<i>A minimum of 2 parking spaces must be provided for use numbers 3-12</i>	
1	1 space per dwelling unit/site
2	2 spaces per dwelling unit + additional 10% marked visitor parking
3	1.5 spaces per unit + additional 10% marked visitor parking
4	1 space per 3 beds
5	1 space per 200 sq. ft. of gross floor area
6	1 space per 500 sq. ft. of gross floor area
7	1 space per 2000 sq. ft. of gross indoor floor area and/or 1 space per 20,000 sq. ft. of exterior storage area (as applicable)
8	1 space per 3 seats for public use, or 33% of maximum occupancy (whichever is greater)
9	1 space per employee, plus 2 customer parking spaces
10	5 spaces per classroom
11	10 spaces per classroom
12	1 space per rentable chamber + additional 5% (See section 3.1.3 #4)

TABLE 3-3: PARKING DIMENSIONS

Angle of parking space	Minimum dimensions of parking space	Minimum parking isle width
90 degrees	9 feet wide by 20 feet long; or 10 feet wide by 19 feet long *	20 feet
Angled		
Parallel	8 feet wide by 23 feet long *	
* Minimum ceiling height of 7 feet for covered or structured parking		

BICYCLE PARKING REQUIREMENTS

14. All developments within the “RM,” “C,” “IN” and “I” zones are required to provide bicycle parking as follows:
 - a. one lockable bicycle space per 20 (twenty) required automobile spaces shall be provided to a maximum of twelve (12) bicycle spaces; and
 - b. bicycle parking must be provided with safe and convenient access to building entrances.

3.1.4 DEVELOPMENT RESTRICTED

UNSUITABLE FOR DEVELOPMENT

1. Notwithstanding the provisions contained in this By-law, Council may prohibit or restrict the development of an area of land for a use permitted in a zone if the area has been identified either by Council or other agencies as being subject to flooding, erosion, bank instability, landslide, subsidence, marshy or unstable, or otherwise hazardous or unsuitable for the proposed development and use by virtue of its soil or topography.

SEWAGE LAGOONS, WASTE DISPOSAL SITES AND LANDFILLS

2. No dwelling, mobile home dwelling or other habitable building shall be constructed or located within 1,500 feet (457.2 metres) of the site of any municipal sewage lagoon or solid waste disposal site.
3. Dwellings, mobile home dwellings or other habitable buildings shall be set back from any landfill as per the applicable Provincial policy.

NOXIOUS OR OFFENSIVE USES

4. Notwithstanding anything herein contained, no use shall be permitted in any zone which may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise unless the use is permitted in the subject zone, satisfactory measures are undertaken to mitigate or eliminate such effects and necessary licensing has been obtained from the applicable provincial authority, as required. Normal agricultural practices are not considered to be noxious or offensive uses.

ANHYDROUS AMMONIA FACILITIES

5. Anhydrous ammonia storage facilities shall be set back 330 feet (100 metres) from any public roadway, and shall be separated by a distance of 2,640 feet (804.6 metres) from any individual residence or any residential area. Any residential development within this buffer area requires a conditional use.

PROXIMITY TO ACTIVE RAILWAYS

6. Within all zones no habitable portion of a dwelling shall be constructed within 100 feet (30 metres) of an active railway line. For new multi-lot subdivisions Council may require fences and/or berms as per the Canadian Federation of Municipalities' *Guidelines for New Development in Proximity to Railway Operations*.

3.1.5 MOBILE HOME REGULATIONS

1. All mobile home dwellings shall have painted, durable skirting to screen the view of the foundation supports and under the carriage of the mobile home within sixty (60) days of location on the site.
2. Within the Urban Areas all mobile home dwellings must be located within a "RMH" zone.

3.1.6 MOBILE HOME PARKS

1. All mobile home parks shall provide:

- a. A central open space area equivalent to 200 square feet (18.5 sq. metres) per mobile home space or 2400 square feet (222.9 sq. metres), whichever is greater; and
- b. An all-weather surface internal roadway to serve all mobile homes with a minimum 24 square foot (7.3 sq. metre) wide driving surface and 40 foot (12.1 metre) total width.

ACCESSORY BUILDINGS AND USES

- 2. The types of accessory uses, buildings and structures permitted in mobile home parks shall be as set forth in Section 3.2.7.
- 3. The site and other requirements for buildings and structures in the “RMH” Zone, as outlined in Table 3-4 shall apply in mobile home parks except that the requirements shall be interpreted as applying to a “mobile home space” rather than a “site.”

TABLE 3-4: MOBILE HOME PARK (RMH) REQUIREMENTS

DESCRIPTION	DIMENSIONAL REQUIREMENTS
Site area, minimum for mobile home park	1 acre
Maximum density	6 mobile homes per acre
Minimum area of each mobile home space	4500 sq. ft.
Minimum width of each mobile home space	45 ft.
Minimum depth of each mobile home space	100 ft.
Minimum side to side clearance between mobile home dwellings (porches, carports, additions and projections are considered part of the mobile home)	10 ft.
Minimum end-to-end clearance between mobile homes	30 ft.
Minimum distance from mobile home to roadway	10 ft.
Minimum distance from mobile home to public street or mobile home park boundary	30 ft.

3.1.7 SUBDIVISION OF EXISTING ATTACHED DWELLINGS

- 1. A site with a two-unit attached dwelling or row type dwelling located thereon may be subdivided into two or more sites provided that:
 - a. Any new site line shall, where possible, be a straight line between the front and rear site lines, locate in such a manner that the party wall of two adjacent units shall form part of the new site line;
 - b. Each site created shall have frontage on a street other than a lane;
 - c. Each site created shall provide not less than one (1) on-site parking space having access directly to either a public lane or street;
 - d. The permitted use for each site shall be for one attached single-unit dwelling unit and permitted accessory uses only; and

- e. Notwithstanding the minimum requirements of Table 4-6, any new site created pursuant to this subsection shall have a minimum site area of 2,000 square feet (185.8 sq. metres) and a minimum frontage of 20 feet (6 metres). No side yard is required along a party wall.

3.1.8 HEIGHT EXCEPTIONS

1. The maximum height requirements contained in the Dimensional Standard Tables of this By-law shall not apply to limit the height of:
 - a. chimneys and flues;
 - b. elevators and bulkheads;
 - c. flagpoles, communication towers, aerials, lines, and wind turbine generator towers;
 - d. roof-mounted satellite dishes;
 - e. steeples and spires
 - f. water storage tanks, electrical apparatus or mechanical rooms, without habitable space, associated with the operation of a building or structure; and
 - g. grain elevators and grain or other agricultural product handling structures
2. The maximum height of a private communication tower shall be 50 feet (15.2 metres) above the height of the main building on the site.
3. The maximum height of a solar collector shall be 8 feet (2.4 metres) above the height of the main building on the site, except for in the AG and AL zones where the height is limited to 25 feet (7.62 metres).

3.1.9 OUTDOOR LIGHTING

1. Outdoor lighting shall be low-glare in nature and placed in a manner so that no direct rays of light are directed at adjoining properties, or interfere with the integrity of traffic control devices; and
2. If ground mounted, the maximum height of outdoor lighting fixtures shall be 35 feet (10.6 metres).

3.1.10 OUTDOOR SOLID FUEL HEATING SYSTEMS

1. An outdoor solid heating system building or structure shall comply with the following regulations:
 - a. No person shall install an outdoor solid fuel heating system building or structure without first obtaining a development permit from the CAO, Development Officer, or designate and no development permit to install an outdoor solid fuel heating system building or structure shall be issued unless all the regulations of this By-law have been satisfied;
 - b. No outdoor solid fuel heating system building or structure shall be located in the Urban Areas of St. Malo and Otterburne or within 1.61km (1 mile) of the boundary of a Urban Area;
 - c. Outdoor solid fuel heating system buildings or structures are considered accessory uses and shall be developed in accordance with Section 3.2.7 of this By-law.
 - d. An outdoor solid fuel heating system building or structure shall be located:

- i. Behind the rear wall of the main building on the site;
 - ii. At least 50 feet (15.2 metres) clear of all projections from the main building or other accessory buildings or structures on the site; and
 - iii. At least 50 feet (15.2 metres) feet from any lot line.
- e. The outdoor fuel heating system building or structure shall be developed in accordance with all applicable CSA regulations and provincial and/or federal regulations and codes.
 - f. Notwithstanding Section 3.1.8 of the By-law or the Bulk Tables, the minimum height of any chimney that is part of a solid fuel heating system building or structure shall be eleven 11feet (3.3 metres); and
 - g. The minimum separation space between an outdoor solid fuel heating system appliance and the walls and ceiling of the any building or structure which contain it shall be 5 feet (1.5 metres).

3.1.11 FLAG LOTS

1. Should a flag lot be approved, the following standards apply:
 - a. The minimum width of the access strip (“pole”) is 25 feet;
 - b. A sign displaying the address of the proposed lot must displayed on the “pole” of the lot;
 - c. The proposed lot must meet all dimensional standards of the zone within which the lot is proposed;
 - d. Only the “flag” portion of the lot shall be included in calculating total lot area and lot coverage; and
 - e. All yard setbacks of the applicable zone must be applied to the proposed lot within the “flag” portion of the lot.

3.2 USE SPECIFIC STANDARDS

3.2.1 SHIPPING CONTAINERS

1. Notwithstanding the other regulations of this By-law the following provisions shall apply to shipping containers:
 - a. Shall only be used for accessory storage;
 - b. Shall only be located to the side or the rear yard provided that it is:
 - i. Screened from view from any public street and abutting properties;
 - ii. Complies with the site coverage and setback requirements of the zone;
 - iii. Not located in any required yard; and

- iv. Not located in any required parking areas or landscape buffer.
- c. Shall be included in all calculations to determine maximum site coverage.
- d. The maximum number of shipping containers on any property shall be limited to 1;
- e. Notwithstanding the above, when actively used for the transportation of goods and materials within the “I” zones no maximum shall apply; and
- f. Notwithstanding the above, a shipping container may be permitted for temporary storage on construction sites in accordance with Section 3.2.8 upon issuance of a development permit from the CAO, Development Officer, or designate.

3.2.2 HOME OCCUPATIONS, HOME BUSINESSES AND HOME INDUSTRIES

1. All Home Occupations, Home Businesses and Home industries must be operated by the resident of the subject property

HOME OCCUPATIONS

2. Home occupations shall be subject to the following standards:
 - a. The activity is to be conducted entirely within the dwelling unit or accessory building;
 - b. no exterior display; no exterior storage of products or materials, and no other exterior indication of the home occupation;
 - c. no generation of obnoxious or offensive noise or smell beyond the subject property boundaries; the principal or accessory buildings;
 - d. no generation of undue traffic and congestion in the neighbourhood;
 - e. minimum of one additional off-street parking space to be provided;
 - f. operation to be limited to a maximum to two (2) work vehicles on premises; and
 - g. applicant obtains a development permit from the CAO, Development Officer or Designate.

HOME BUSINESS

3. Non-offensive light manufacturing activities and small businesses may be allowed as an accessory use. This use is subject to the following standards:
 - a. The accessory use will not generate unacceptable amounts of noise, odour or traffic, create unsightly appearances or other disturbances that may be deemed unsuitable;
 - b. The proposed use will not create a potential for conflict with activities that would normally occur in the specific zone;
 - c. Exterior storage of products or materials to be limited to the rear yard and shielded from public view so as not to be visible from the road by a structure high enough to afford adequate screening, being a minimum of 6 feet (1.8 metres) in height; and
 - d. The applicant obtains a development permit from the CAO, Development Officer, or designate.

4. If a Home business creates a situation where:
 - a. materials and commodities are delivered to or from the residence which are of such bulk or quantity as to require regular or frequent delivery by commercial vehicle or trailer; or
 - b. customers' or clients' vehicles are parked in such a manner or of such frequency as may be considered incompatible in the subject zone; or
 - c. it contravenes any of the other requirements outlined in this Section.

It shall be considered the home business has become a principal use and must satisfy by-law as such.

HOME INDUSTRY

5. A Home Industry shall comply with the following regulations:
 - a. The applicant shall obtain a development permit from the CAO, Development Officer, or designate.
 - b. The Home Industry shall only be allowed in conjunction with a dwelling unit and be carried out in a building that is accessory to a dwelling unit and does not exceed a floor area of 2,500.00 square feet (232.25 sq. metres)
 - c. The employment of family and non-family members is allowed as part of the Home Industry to a maximum of four (4) persons.
 - d. The selling of goods or services related to the Home Industry is allowed.
 - e. The character and scale of the Home Industry shall not create offensive or objectionable impacts on any adjoining sites.
 - f. Outside storage of goods and materials is allowed as part of the Home Industry, subject to the following:
 - i. the storage shall be located to the rear of a line adjacent to and parallel with the front wall of the building;
 - ii. the storage area shall be fenced or screened from public view to the satisfaction of the Designated Officer or Council; and
 - iii. the storage shall not project above the height of the fence or screening.
 - g. Notwithstanding Section 3.1.2 of this By-law, the Home Industry may have one identification sign with a maximum area of 16 square feet (1.49 sq. metres), indicating the name of the occupant and/or Home Industry of the occupant provided the sign is attached to and parallel with the wall of the principal or accessory building.
 - h. There shall be no mechanical or electrical equipment used which creates noise, or visible and audible interference in radio or television reception in adjacent dwelling units.

- i. The Home Industry shall not be permitted if, in the opinion of the Designated Officer, such use would be more appropriately located in another Zoning District having regard for, among other matters, potential traffic generation and potential interference with the character of the area.
- j. The Home Industry shall comply with all environmental and public health standards of the Province of Manitoba. If Council determines that a proposed Home Industry may conflict with these standards, the application shall be referred to the appropriate Provincial department(s) prior to issuing a development permit.
- k. In addition to the information regulations of Section 2.8 of this By-law, each application for a development permit for a proposed Home Industry shall include a description of the use to be undertaken at the premises and an indication of where any materials, equipment or vehicles associated with the use are to be stored.
- l. A permit for a Home Industry is not transferable to a new homeowner.
- m. All Home Industries must be operated in accordance with all plans and documents approved as part of the application.
- n. If customer parking is provided, it shall be located in the rear yard.
- o. No toxic matter, explosive, flammable, combustible, corrosive, radioactive, or other restricted material may be used, stored, or produced,
- p. In no case shall the home occupation be open to the public at times earlier than 8:00 a.m. or later than 10:00 p.m. unless permitted by the Municipality in writing.

3.2.3 HOBBY POULTRY

- 1. Up to a maximum of six (6) hens, may be kept subject to the following:
 - a. No person shall establish hobby poultry on a site without first obtaining a development permit from the CAO, Development Officer, or designate;
 - b. The coop and enclosure must meet the following standards:
 - i. located in the rear of the lot behind the dwelling and not located within the Accessory Use setbacks;
 - ii. positioned a minimum of 15 feet (4.6 m) from any neighbouring property line; and
 - iii. enclosure must be covered entirely on all sides and top by chicken-grade fencing.
 - c. On lots of 4 or more acres an additional 2 hens per acre are permitted to a maximum number of twenty (20) hens.
- 2. Hobby Poultry is subject to registering with the applicable Provincial authority.

3.2.4 KEEPING OF ANIMALS

1. On parcels of at least 4 acres, a limited number of non-domesticated animals (non-poultry) may be kept on site, subject to the following:
 - a. No person shall establish keeping of animals on a site without first obtaining a development permit from the CAO, Development Officer, or designate;
 - b. Animals on-site are not to exceed one (1) animal unit per 3 acres;
 - c. Animals must be kept in a suitable enclosure and shall not be allowed to roam in un-fenced areas; and
 - d. Any structure intended for the keeping of animals is only permitted in the rear yard of a site and must maintain a 15 foot (4.5 metre) setback from any site line.
2. Keeping of animals is subject to registering with the applicable Provincial authority.

3.2.5 BACKYARD BEE KEEPING

1. Backyard bee keeping must meet the following requirements:
 - a. No person shall establish an apiary on a non-agricultural site without first obtaining a development permit from the CAO, Development Officer, or designate;
 - b. Hives are limited to a maximum of four (4) per site and must be:
 - i. Set back at least 25 feet (7.5 metres) from any site line;
 - ii. Concealed behind a solid fence 6 feet (1.8 metres) in height.

3.2.6 CANNABIS STORES

1. Licensed retail of cannabis and cannabis products, in accordance with the *Safe and Responsible Retailing of Cannabis Act*, may be established as an accessory Conditional Use within commercial zones.
2. Cannabis stores shall not be established within 1000 feet (304 metres) of the property line of a school or recreation facility (indoor or outdoor).

3.2.7 ACCESSORY BUILDINGS, STRUCTURES AND USES

GENERAL

3. Accessory buildings, structures and uses shall be permitted on the same zoning site as the main building, structure or use subject to the provisions of this Section 3.2.7 and the Use Table and Bulk Use Requirements Table of the zone in which the accessory buildings, structures and uses are to be located.

LOCATION AND USE

4. Accessory buildings and structures, except as otherwise regulated in this By-law, shall be subject to the following regulations:
 - a. Where the accessory building or structure is attached to a main building or structure, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building or structure;
 - b. Detached accessory buildings or structures shall not be located in any required front yard;
 - c. Detached accessory buildings or structures shall not be located closer than 10 feet (3 metres) to any main or accessory building or structure;
 - d. No accessory building or structure shall be erected prior to the main building or structure except:
 - i. where it is necessary for the storage of the tools and materials for use during construction of the main building or structure or is essential to the construction of the main building or structure;
 - ii. permit(s) for the main building or structure are taken out at the same time as the permit for the accessory building or structure.
 - e. Accessory buildings or structures shall not be used for human habitation except as otherwise permitted herein.

TYPES PERMITTED

5. Accessory buildings, structures and uses shall be limited to those listed on Tables and Table 3-5 for each respective zone, except where Council approves a variance because the accessory building, structure or use would be compatible with the character and use of the subject zone.

SECONDARY SUITES

6. Secondary Suites must comply with the *Manitoba Building Code* and are subject to the following regulations:
 - a. Are not permitted in association with a multiple-unit or two-unit dwelling;
 - b. A minimum of one off-street parking space must be provided for each suite.

For attached Secondary Suites:

- c. Not more than one (1) Secondary Suite shall be permitted within a principal dwelling.
- d. Maximum floor area shall not exceed 40% of the total habitable floor space of the principal dwelling or 861.1 square feet (80 sq. metres), whichever is the lesser.

For detached Secondary Suites:

- e. Not more than 1 Secondary Suite shall be permitted on an established zoning site.
- f. Maximum floor area shall be:
 - i. No greater than 861.1 square feet (80 sq. metres).
- g. Building height (Maximum):
 - i. Secondary Suite (above garage): 26.2 feet (8 metres)

- ii. Secondary Suite (at Grade): 15.0 feet (4.5 metres)
- h. Setbacks (Minimum):
 - i. From Front Lot Line: must be equal to or greater than the minimum setback from the front property line for a principal dwelling within the same zone.
 - ii. From Rear Lot Line: must be equal to or greater than the minimum setback from the rear property line for an accessory structure within the same zone.
- i. From Side Lot Line:
 - i. Must be equal to or greater than the minimum setback from the side property line for a principal dwelling within the same zone.
- j. From Corner Side Lot Line:
 - i. Must be equal to or greater than the minimum setback from the exterior side property line for a principal dwelling within the same zone.
- k. Separation from the Principal Dwelling (Minimum): 20 feet (6 metres)

SOLAR COLLECTORS, PRIVATE WINDMILLS AND NATURAL ENERGY DEVICES

7. Private windmills, when accessory to a main residential use within the rural areas, are a permitted use. Private windmills shall not be established in urban areas.
8. Solar collectors, when mounted on a peaked roof shall be attached flush to the roof and are considered a permitted use.
9. Solar collectors, when located on the ground, which are accessory to a main building, shall adhere to the accessory structure standards of the applicable zone, but are limited to a height of 8 feet (2.4 metres) above the ground and are considered permitted or conditional according to Table 3-5.
10. Solar collectors, when mounted on a flat roof, shall adhere to the standards in Section 3.1.8.

TABLE 3-5: ACCESSORY USE, BUILDING OR STRUCTURE TABLE

USE, BUILDING OR STRUCTURE		AG	All C	RR	RP	RS	RM	I	OS	IN	HG
		AL				RT					
1	Administrative and business offices	C	P (a)	-	-	-	-	P	P	P	P
2	Agricultural buildings	P	-	C	-	-	-	-	-	-	C
3	Aircraft landing field	P	-	-	-	-	-	-	-	-	-
4	Athletic fields, park areas, play areas and similar	-	P	C	P	P	P	-	P	P	P
5	Backyard Bee Keeping (see Section 3.2.5)	P	P	C	-	-	-	-	-	C	C
6	Bed and breakfast	C	C	C	C	C	-	-	-	-	C

7	Cannabis Store	-	C	-	-	-	-	-	-	-	-	
USE, BUILDING OR STRUCTURE												
		AG AL	All C	RR	RP	RS RT	RM	I	OS	IN	HG	
8	Cemetery	C	C	-	-	C	-	-	-	-	C	
9	Day Care, Community (c)	-	C	-	-	-	C	-	C	C	-	
10	Day Care, Group	C	C	C	C	C	C	-	C	C	C	
11	Day Care, Home	P	P (b)	P	P	P	P	-	P	-	P	
12	Drive-through	-	C(d)	-	-	-	-	-	-	-	-	
13	Dwelling unit - Except when a dwelling is the main use, a single-unit dwelling, mobile home dwelling or dwelling unit for the owner/operator or for an institution/industrial site or caretaker if necessary	-	C (a)	-	-	-	-	C	-	-	-	
14	Eating and Drinking Establishment	-	C	-	-	-	C	-	-	C	C	
15	Fuel pumps and associated structures when incidental to a service station	-	P	-	-	-	-	P	-	-	-	
16	Garden Suite	C	-	C	C	C	-	-	-	-	C	
17	Hobby poultry (see section 4) and associated structures.	P	-	P	C	-	-	-	-	-	C	
18	Home Business (See Section 3.2.2)	C	-	C	C	C	C	-	-	-	C	
19	Home Industry (See Section 3.2.2)	C	-	C	-	-	-	-	-	-	C	
20	Home Occupations (See Section 3.2.2)	P	P	P	P	P	C	-	-	-	P	
21	House, Boarding, rooming and lodging	-	-	-	-	C	-	-	-	-	-	
22	Keeping of animals (see section 3.2.4) and associated structures.	P	-	P	C	-	-	-	-	-	C	
23	Kennel	C	-	C	-	-	-	-	-	-	C	
24	Off-street parking and loading areas	P	P	P	P	P	P	P	P	P	P	
25	Outdoor patio accessory to an Eating and drinking establishment	-	C	-	-	-	-	-	-	C	C	

26	Outdoor solid fuel heating system (See Section 3.1.10)	P	-	P	-	-	-	-	P	-	-
27	Private garage, carport, covered patio, tool house, canvas shelter, shed or similar building	P	P	P	P	P	P	P	P	P	P
USE, BUILDING OR STRUCTURE		AG AL	All C	RR	RP	RS RT	RM	I	OS	IN	HG
28	Place of Assembly	-	C	-	-	-	-	-	C	P	C
29	Private communication tower	P	P	P	P	P	P	P	P	P	P
30	Private greenhouse or conservatory	P	C (b)	P	P	P	-	-	-	P	P
31	Private swimming pool	P	P	P	P	P	P	-	-	-	P
32	Private windmill	P	-	-	-	-	-	-	-	C	-
33	Retail business/service and other permitted/conditional commercial uses when incidental to the main commercial, institutional or industrial use	C	P (a)	-	-	-	-	P	-	P	P
34	Sales and service areas associated with a retail business/service	C	P	-	-	-	-	P	-	-	P
35	Secondary Suite	C	C (b)	C	C	C (e)	-	-	-	-	C
36	Shipping Container (see section 3.2.1)	P	C	C	-	-	-	P	-	-	-
37	Solar collector	P	P	P	P	C	C	P	P	P	P
38	Stable	P	-	C	-	-	-	-	P	C	C
39	Storage compounds, storage of goods used in or produced by activities on site unless excluded by other provisions herein	C	C	-	-	-	-	P	-	-	C (d)

EXCEPTIONS TO REQUIREMENTS

- a) Applies only to existing single-unit dwellings with commercial zoning.
- b) Applies only when accessory to a school or place of worship.
- c) Applies within the RS zone only.

- d) Outdoor storage compounds are permitted for non-residential uses only.
- e) An accessory dwelling unit for the owner/operator is permitted only when contained within the same building as the main use provided that:
 - a. no more than fifty (50) percent of the total building floor area is occupied by the dwelling unit.
- f) In the AG, AL, RR and HG zones a detached secondary suite may be a mobile home.

3.2.8 TEMPORARY BUILDINGS, STRUCTURES AND USES

PERMIT REQUIRED

- 1. Buildings, structures and uses may be permitted on a temporary basis, subject to the issuance of a development permit from CAO, Development Officer, or designate.
- 2. A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required the CAO, Development Officer, or designate.
- 3. 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.

TEMPORARY CAR SHELTERS

- 4. Temporary car shelters require a one-time development permit and one-time building permit and are subject to the following:
 - a. Must be kept in good condition at all times;
 - b. Are authorized only for residential sites;
 - c. Must be located on the same piece of land as the main building that they serve;
 - d. Must not be placed within a required yard for accessory structures; and
 - e. Must be installed within a driveway or a parking space and cannot be located within a front yard.
- 5. Temporary car shelters are intended to be used for sheltering vehicles from snow and ice during the winter months.
- 6. Each residential zoning site is permitted to have 1 (one) temporary car shelter.

EXCEPTIONS

- 7. Notwithstanding the above provisions a development permit shall not be required for:
 - a. The use, erection or construction of temporary buildings or structures associated with a development authorized by a separate development permit for the period of construction;

- b. Temporary buildings, structures and uses associated with fairs, events, games, exhibitions, public markets, sales in public places, transient traders and similar provided the necessary licenses under *The Municipal Act* are obtained as required; and
- c. A maximum of one trailer or recreational vehicle per site may be used for seasonal lodging only in the “RP” zone.

CONSTRUCTION

- 8. Temporary buildings, structures and uses to be used in conjunction with a construction site:
 - a. Shall not exceed 1,000 square feet (92.9 sq. metres) in floor area nor 15 feet (4.5 metres) in height;
 - b. May be used for storage of construction materials and equipment incidental to and necessary for construction;
 - c. May be used for office space for contractor or developer;
 - d. May be used for temporary asphalt and concrete batching plants
 - e. Shall not be used for human habitation, except as temporary accommodation for a caretaker or other staff; and
 - f. Shall not be detrimental to the public health, safety, convenience and general welfare.

3.2.9 LANDSCAPING AND SCREENING REQUIREMENTS

- 1. Where off-street parking for fifty (50) or more vehicles is provided at-grade on a site, 1.50 square meters of landscaped area shall be provided for each parking space. The required landscaped area shall not be provided within a required yard and shall be situated in a manner as to provide visual relief and/or a protected, landscaped walking route through the parking area to the main building entrance.
- 2. Any parking area or loading area in a “C” or “RM” zone which is visible from an “RS” or “RT” zone shall provide opaque fencing, masonry wall, earthen berm and/or landscaped screening at least 4 feet (1.2 metres) in height.
- 3. Garbage enclosures and collection areas which are located within a “C”, “RM” or “I” zone and are visible from public streets and/or a “RS”, “RT” or “RM” zone shall be enclosed within opaque fencing, a masonry wall and/or landscaped screening at least 6 feet (1.8 metres) in height.
- 4. If landscaped screening is provided it shall consist of coniferous trees or shrubs and/or deciduous trees and shrubs. Landscaping must be maintained to provide effective screening to a height of 6 feet (1.8 metres).

3.2.10 DRIVE-INS AND DRIVE-THROUGHS

- 1. All drive-ins and drive-throughs, whether a principle or accessory use, are subject to the following:

- a. No drive-ins or drive-throughs shall be located on a lot or site which is adjacent to a lot with residential zoning, unless they are separated by separate building or a public street;
- b. No portion of a drive-in or drive-through shall be located within a required yard;
- c. All drive-through facilities shall provide vehicle queuing spaces as follows:
 - i. A minimum of four (4) queuing spaces must be provided if the drive-through facility has one point of contact;
 - ii. Drive-through facilities with two points of contact require a minimum of six (6) queuing spaces; and
 - iii. Queuing spaces shall not be counted towards minimum parking requirements.

3.2.11 PUBLIC SERVICES

PUBLIC MONUMENTS

- 1. Nothing in this By-law shall be so interpreted as to interfere with the maintenance and erection of public monuments, statuary and similar historic or memorial markers.

PUBLIC UTILITIES

- 2. Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of any public utilities, as defined by this By-law, or public service such as police and fire protection provided that the requirements of such utilities or public services is of a standard compatible with the adjacent area and that any building or structure erected in any zone complies with the yard and area requirements applicable to the zone.

3.2.12 ALTERNATE FORMS OF DEVELOPMENT

CONDOMINIUMS

- 1. In bare land unit condominium developments:
 - a. Each "bare land unit" shall be considered a "site" for the purposes of determining site area and width, yards and other requirements;
 - b. The provisions of the Use Table and Bulk Use Table for the zone in which the development is to be located and all other regulations and requirements of this By-law shall apply.

3.2.13 MOBILE FOOD VEHICLE

- 1. Mobile Food Vehicles shall comply with the following regulations:
 - a. Shall be fully licensed and meet all Provincial requirements for such uses, including the Office of the Fire Commissioner and Manitoba Health.
 - b. Prior to obtaining a development permit or business license from the RM of De Salaberry the applicant or business owner shall provide the following information:
 - i. the applicants and/or business owners name and operating name.

- ii. a copy of the Health Permit.
 - iii. the proposed hours of operation.
 - iv. an indication of the type of food being sold.
- c. Shall obtain a development permit and business license from the RM of De Salaberry. Development permits or business licenses are not transferable.
- d. Shall provide evidence that the applicant or business owner has obtained a policy of commercial liability insurance in the amount of \$2,000,000.00. The insurance policy shall name the RM of De Salaberry as an additional insured with evidence of cross insurance liability.
- e. Mobile Food Vehicles are only allowed within or adjacent to Commercial or Industrial zoned properties and other areas identified by the RM of De Salaberry.
- f. Street locations and sidewalks are available to all licensed vendors daily on a first-come first served basis.
- g. Vendors shall comply with all municipal regulations, parking zone restrictions and posted signs.
- h. Sales shall only be on the curbside of the vehicles.
- i. Mobile Food Vehicles cannot block driveway aisles.
- j. No Mobile Food Vehicles shall be located and operated within 30 m. (98.4 ft.) of a Drive-In Food Service, Eating and Drinking Establishment, Hotel or Truck Stop except with the written consent of the proprietor of these operations.
- k. Cannot operate within 61.0 m. (200.0 ft.) of the property boundary of any public or private school with grades kindergarten to 12.
- l. Can sell only food and non-alcoholic beverages.
- m. Shall not impede the safe movement of vehicular and pedestrian traffic.
- n. Mobile Food Vehicles shall also comply with the following regulations:
 - i. Vehicles shall provide independent power supply which is screened from view.
 - ii. Vehicles shall not have external signage or equipment not contained within the vehicle.
 - iii. Vehicles shall not use outside sound amplifying equipment or other similar devices, lights or noisemakers such as bells, horns or whistles.
 - iv. Propane tanks shall be attached to, or within, the vehicle and allow for adequate ventilation and screening of the tank.
 - v. Vehicles shall not be parked within 3.0 m. (9.8 ft.) of an intersection, any building entrance or doorway or access ramp/parking space designated for disabled persons. Further, vehicles shall not be parked within 4.5 m. (14.8 ft.) of any fire hydrant.
 - vi. Operators of Mobile Food Vehicles shall maintain clean work and storage areas, present a neat appearance and provide a garbage receptacle for customers.

3.2.14 PRIVATE POOLS AND HOT TUBS

1. Outdoor pools and hot tubs must comply with the following regulations:
 - a. Shall obtain a building permit.
 - b. Shall comply with yard requirements for accessory buildings, structures, and uses as set forth in the relevant use and bulk requirements. Notwithstanding the above requirements no outdoor pool or hot tubs shall be located closer than five (5) feet to any side or rear site line.
 - c. All outdoor pools and hot tubs without lockable covers shall be enclosed as per the regulations of the applicable *Building Code*.

4 LAND USE ZONES

4.1 ZONING

ESTABLISHMENT OF ZONES

1. In order to carry out the intent and purposes set forth in Section 2.2, the following zones are hereby established:

AGRICULTURAL ZONES

"AG" Agriculture General Zone: this zone provides for general agricultural activities, including grain production, pasturage and specialized agriculture, apiculture, market gardening, horticulture, silviculture and livestock operations on a commercial scale. The Agriculture General Zone also provides flexibility to accommodate a variety of agriculture-related and resource-based uses through the conditional use process.

"AL" Agriculture Limited Zone: this zone provides for agricultural uses similar to the Agriculture General Zone however, due to the proximity to Urban Areas, Hamlet Areas, Rural Living Areas and environmentally sensitive areas, certain uses that may conflict with these areas, such as livestock operations (LO), are more restricted.

RESIDENTIAL ZONES

"RS" Residential – Single Unit Zone: this zone provides for the development of single-unit dwellings and associate or compatible uses within the Urban Areas of St. Malo and Otterburne.

"RT" Residential – Two Unit Zone: this zone provides for the development of low and medium density single and two-unit dwellings as well as associated and compatible uses within the Urban Areas of St. Malo and Otterburne.

"RM" Residential – Multiple Unit Zone: this zone provides for the development of "townhome" or "apartment" multiple-unit dwellings in one or more structure and associated or compatible uses within the Urban Areas of St. Malo and Otterburne.

"RMH" Residential – Mobile Home Zone: this zone provides for the development of mobile home parks and subdivisions for mobile home dwellings and associated or compatible uses.

"RR" Rural Residential Zone: this zone provides for the development of low density single-unit dwellings and/or mobile home dwellings utilizing on-site wastewater and water services within rural areas. It may also include other uses that are compatible with the residential character of this zone.

"RP" Residential – Parkland: this zone provides for the development of serviced and un-serviced single-unit dwellings and associate or compatible uses in the areas adjacent to St. Malo, St. Malo Provincial Park, and the Rat River south of St. Malo.

COMMERCIAL ZONES

"C" Commercial Zone: this zone provides land in the Urban Areas to be developed as multi-functional in nature and support a diverse variety of appropriate uses within the Urban Areas of St. Malo and Otterburne. The "C" zone may accommodate mixed uses containing commercial and residential components. Mixed use

development may occur in single buildings with commercial and retail uses located on the ground floor and residences located on upper floors; or on a single site in separate buildings.

"CH" Commercial – Highway Zone: this zone provides for highway-orientated commercial which serves the travelling public or are not be suitable within Hamlet Areas and Urban Areas. The CH zone is also intended to provide for limited light manufacturing and agriculturally-orientated commercial in rural areas.

INDUSTRIAL ZONES

"I" Industrial Zone: This zone provides for manufacturing, assembling, processing, distribution, wholesaling and warehousing uses within enclosed buildings. This zone is intended to accommodate uses which may cause nuisances for other land uses.

OPEN SPACE ZONE

"OS" Open Space Zone: this zone provides areas where the primary land uses are buffer areas, public parks, cemeteries, recreation facilities, schools and school grounds.

HAMLET GENERAL ZONE

"HG" Hamlet General Zone: this zone includes residential, local commercial and community facilities under one zone to provide maximum flexibility in Hamlets of of Carey, Dufrost, and La Rochelle.

INSTITUTIONAL ZONE

"IN" Institutional Zone: this zone provides for institutional uses, including post-secondary educational institutions such as colleges and universities, in Urban Areas.

4.1.1 ZONING MAPS

1. The location and the boundaries of the zones listed in Section 4.1 are shown upon zoning maps attached hereto, marked as Schedule A to this by-law. Said zoning maps form 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 this section, shall be as much a part of the by-law as if the matters and information set forth by the said zoning maps were full described herein.

4.1.2 INTERPRETATION OF ZONE REQUIREMENTS

INTERPRETATION

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.

USES

2. The Use Tables for each zone list all uses that are:

"P" - Permitted; or

"C" - Conditional;

in their respective zones. All listed uses shall be interpreted in accordance with PART 1: DEFINITIONS; shall be dealt with in accordance with procedures outlined in PART 2: ADMINISTRATION and shall be subject to the provisions contained in PART 3: LAND USE AND DEVELOPMENT PROVISIONS.

3. No land shall be used or occupied, and no building or structure shall be erected, altered, used, relocated or occupied hereafter for any use in any zone in which such land, building or structure is located other than a use listed in the Use Table for the subject zone.

USES NOT LISTED

4. Uses of land, buildings, or structures not listed in a Use Table may not be allowed.

DIMENSIONAL STANDARDS

5. Site and other requirements shall be as set forth in the BULK USE REQUIREMENTS TABLE for each zone. The requirements set forth therein shall apply to all uses, structures or buildings.

TABLE 4-1: PRINCIPAL USE TABLE – ALL ZONES

USES	Rural				Commercial		Residential				Industrial	Institutional	Open Space	Parking Group # as per Table 3-2
	AG	AL	RR	HG	C	CH	RS	RT	RM	RP	I	IN	OS	
Agricultural														
Agricultural operations (except livestock operations)	P	P												-
Agriculture, Indoor	P	P												9
Agricultural Processing	P	P												9
Cannabis Cultivation	P	P												9
Livestock operations producing less than 300 AU's	P	C(a)												9
Livestock operations producing 300 or more AU'S	C	C(a)												9
Specialized Agriculture less than 80 acres in size	C	C	C											9
Agricultural related														
Abattoirs (b)	C	C												9
Agricultural services	C	C												6
Anhydrous ammonia facilities (see section 3.1.4)	C													9
Auction mart - livestock	C	C												7
Cannabis Processing	C	C												9
Childcare														
Community day care					P							P		5
Group day care	C	C	C	C										5
Commercial sales and services														
Automobile and vehicular sales (c)				C	C	P					C			6
Automobile and vehicular service (c)				C	C	P					C			5
Cannabis store					C	C								5
Drive-in establishment					C	P								6
Drive-through					C	P								9
Eating and drinking establishment					P	P								8
Entertainment/Amusement Facility					P	P								5
Hotel/Motel					C	C								12
Landscape and garden supply		C		C	C	C					C			7
Personal services				C	P	C								6
Professional, financial and office support services				C	P	C								6
Resort, commercial		C	C	C						C				12
Retail - convenience store				C	P	P								5
Retail - large					P	C								6
Retail - small				C	P	C								6
Shopping centre					C	C								5
Storage facility				C		P					C			7
Community														
Clinic					P	C						C		5
Emergency services				P	P	P						P		6
Funeral home/mortuary					C	C					C			6
Hospital												P		4
Indoor recreation facility				C			C					P		8
Outdoor recreation facility				P								P		6
Parks, public reserves and open space	P	P	P	P	P	P	P	P	P	P	P	P	P	-
Place of assembly				C	P	C						P		8
Place of worship				C	C	C	C					P		8

TABLE 4-2: PRINCIPAL USE TABLE – ALL ZONES - CONTINUED

USES	Rural				Commercial		Residential				Industrial	Institutional	Open Space	Parking Group # as per Table 3-2
	AG	AL	RR	HG	C	CH	RS	RT	RM	RP	I	IN	OS	
Dwellings														
Single Unit (d)	C	C	P	P	-	-	P	P	C	P				1
Two-unit							C	P	P	C				1
Multiple-unit (e)					C				P	C		C		2
Boarding, rooming and lodging houses							C	C				C		4
Group home							C	C						4
Mobile home/Manufactured home, single (d)	C	C	C	C										1
Residential care facility									P			C		4
Education														
College or university												P		(f)
Commercial school					P	C								11
Preschool				C	C		C							10
School - elementary or junior high							C	C				P		10
School - senior high												P		10
Manufacturing														
Light manufacturing		C		C		C					P			9
Heavy manufacturing											P			9
Natural Resources														
Resource Extraction	C	C												9
Public Works and utilities														
Public Utility	P	P	P	P	P	P	P	P	P	P	P	P	P	9
Public works yard	C	C		C	C	C					P			9
Recycling collection centre		C			C	C						P		-
Sewage treatment plants, lagoons	C	C												9
Solid waste disposal facilities	C													9
Waste transfer station	C													9
Wind generating systems	C	C												-
Recreation														
Gun ranges		C												6
Camping and tenting grounds		C	C	C						C			P	1
Riding academies	C	C												6
Other Uses														
Cemeteries		C		C								C	C	9
Concrete and asphalt batching plants		C												9
Contractors establishments				C							P			9
Crematorium		C				C					P			9
Kennels		C				C								6
Scrap yard		C									C			9
Veterinary Clinics				C	P	P						P		6

TABLE 4-3: PRINCIPAL USE TABLE – ALL ZONES - CONTINUED

USES	Rural				Commercial		Residential				Industrial	Institutional	Open Space	Parking Group # as per Table 3-2
	AG	AL	RR	HG	C	CH	RS	RT	RM	RP	I	IN	OS	
Transportation														
Aircraft landing field/airport	P	P												9
Bulk fuel storage/sales	C	C									C			9
Park and ride facility				C		C								-
School bus storage and maintenance		C				C					P			9
Trucking terminals and freight services						C					P			9
a) As per Development Plan policy 3.1.19 new Livestock Operations may only be established to a maximum of 20au (3.1.19.1), existing operations may expand up to 299 (3.1.19.3) or 399au (3.1.19.3).														
b) Abattoirs shall not be established within 1000 feet (304 metres) of a RR, RS, RT, RM, RP or HG zone														
c) Automobile sales, rental and services within C, CH and HG zones shall not include outdoor storage of derelict vehicles or equipment.														
d) All pre-owned buildings being moved into the RM require approval of the Designated Officer as per Section 2.8 #6														
e) Multiple-unit structures within the C zone may be developed on upper floors of commercial buildings. If developed as standalone buildings multiple-unit structures shall adhere to the bulk requirements of the RM zone; Multiple-unit structures within the RP Zone shall only be developed on														
f) Parking requirements for College and University shall be established based on parking requirements for each proposed component and may be increased or decreased by the Designated Officer.														

4.2 AGRICULTURAL ZONES

The following Bulk Use Requirements apply to the Agricultural Zones.

TABLE 4-4: AGRICULTURAL BULK USE REQUIREMENTS

Agricultural Zones			Minimum Requirements						Maximum Requirements
			Site		Yards				Building Height (feet)
			Site Area (acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)		Rear Yard (feet)	
Zone	Category	Use				Interior	Corner		
AG	Agricultural Uses	Primary	80	600	75	25	25	25	-
		Accessory	-	-	75	25	25	25	-
	Residential Uses and Other Uses	Primary	2	200	75	25	25	25	25
		Accessory	-	-	75	25	25	25	25
AL	Agricultural Uses	Primary	80	300	75	25	25	25	-
		Accessory	-	-	75	25	25	25	-
	Residential Uses and Other Uses	Primary	2	200	75	25	25	25	25
		Accessory	-	-	75	25	25	25	25

4.2.1 REGULATION OF LIVESTOCK OPERATIONS

1. Animal units shall be calculated using Schedule B of this by-law.

MUTUAL SEPARATION OF DWELLINGS AND LIVESTOCK OPERATIONS

2. A mutual separation distance shall be maintained between a livestock operation and any dwelling or designated areas
3. The separation distances are to be calculated based on the residences and the designated areas in existence on the date the municipality receives an application to expand or establish the livestock operation or establish a dwelling.

NOTICE OF PUBLIC HEARING FOR LIVESTOCK OPERATIONS

4. Variances for separation distances between livestock operations and dwellings or designated areas must notify the livestock operation from which the separation distance is required.

LIVESTOCK SEPARATION DISTANCES

Size of Livestock Operation in Animal Units	Separation Distance in Meters (Feet) From Single Residence		Separation Distance in Meters (Feet) From Designated Areas in Development Plan	
	To Earthen Manure Storage Facility or Feedlot	To Animal Confinement Facility and Non-earthen Manure Storage Facility	To Earthen Manure Storage Facility or Feedlot	To Animal Confinement Facility and Non-earthen Manure Storage Facility
10 – 100	200 (656)	100 (328)	800 (2,625)	530 (1,739)
101 – 200	300 (984)	150 (492)	1200 (3,937)	800 (2,625)
201 – 300	400 (1,312)	200 (656)	1600 (5,249)	1070 (3,511)
301 – 400	450 (1,476)	225 (738)	1800 (5,906)	1200 (3,937)
401 – 800	500 (1,640)	250 (820)	2000 (6,561)	1330 (4,364)
801 – 1,600	600 (1,968)	300 (984)	2400 (7,874)	1600 (5,249)
1,601 – 3,200	700 (2,297)	350 (1,148)	2800 (9,186)	1870 (6,135)
3,201 – 6,400	800 (2,625)	400 (1,312)	3200 (10,499)	2130 (6,988)
6,401 – 12,800	900 (2,953)	450 (1,476)	3600 (11,811)	2400 (7,874)
>12,800	1000 (3,281)	500 (1,640)	4000 (13,123)	2670 (8,760)

4.3 COMMERCIAL ZONES

1. The following Bulk Use Requirements apply to the Commercial Zones.

TABLE 4-5: COMMERCIAL BULK USE REQUIREMENTS

Commercial		Minimum Requirements						Maximum Requirements	
		Site		Yards					
		Site Area (feet ² /acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)		Rear Yard (feet)	Site Coverage (%)	Building Height (feet/storeys)
Zone	Use				Interior	Corner			
C	Primary	3,000	30	5 (a)	2	15	20	60	2 storeys
	Accessory	-	-	5 (b)	2	15	10	10	15
CH	Primary	20000 (c)	100	25	10	20	20	40	2 storeys
	Accessory	-	-	25	10	20	10	10	15

EXCEPTIONS TO BULK REQUIREMENTS

- a) Front yard setbacks within the “C” zone shall match the average of the neighbouring two adjacent commercial structures on either side of the subject site. In cases when a commercial structure is replacing an existing home in an Urban Area this does not apply.
- b) Service station fuel pumps shall be located a minimum of 15 feet (4.5 metres) from any site line and 30 feet (9.1 metres) from the front site line
- c) IF HC development is un-serviced, it shall adhere to the bulk requirements of the HG zone.

ADDITIONAL REQUIREMENTS

- a) Bare Land Condominiums shall be developed in accordance with Section 3.2.12 of this by-law.
- b) Yard requirements for Commercial Uses adjacent to Residential Zones shall be in accordance with Section 3.1.1 #4 of this by-law.

4.4 RESIDENTIAL ZONES

1. The following Bulk Use Requirements apply to the Residential Zones.

TABLE 4-6: RESIDENTIAL BULK USE REQUIREMENTS

Residential Zones		Minimum Requirements							Maximum Requirements	
		Site			Yards					
		Site Area (feet ² /acres)	Lot Area per Dwelling Unit	Site Width (feet)	Front Yard (feet)	Side Yard (feet)		Rear Yard (feet)	Site Coverage (%)	Building Height (feet / storeys)
Zone	Use					Interior	Corner			
RS	Primary	5,500	n/a	50	25	5	12	25	45	30
	Accessory	-	-	-	25	5	12	5	10	15
RT	Primary	7,700	3,850	70	25	5	12	25	n/a	30
	Accessory	-	-	-	25	5	12	5	10	15
RM	Primary	10,000	2,500	80	20	5	12	25	50	2 storeys
	Accessory	-	-	-	20	5	12	10	10	15
RP (serviced)	Primary	10,000	n/a	80	30	5	12	25	35	30
	Accessory	-	-	-	30	5	12	5	10	15
RP (un-serviced)	Primary	20,000	n/a	100	30	10	15	25	25	30
	Accessory	-	-	-	30	5	12	5	10	15
RR	Primary	2ac	n/a	200	50	15	20	25	10	30
	Accessory	-	-	-	30	10	12	10	5	15

EXCEPTIONS TO BULK REQUIREMENTS

- a) For RMH Zone see Table 3-4.
- b) Within the RS zone, existing zoned sites shall not be subdivided to a lot width and/or area measuring less than the average of the adjacent 2 lots on either side of the subject lot on the same side of the street.
- c) When a new dwelling is established on a site adjacent to sites with existing dwellings, the new dwelling must have a front yard consistent with the average of the adjacent 3 front yards on either side of the subject site. For a corner lot, the average setback for the three nearest properties on the same block will be used for calculating the required front yard.
- d) When a two-unit dwelling is proposed in the “RS” or “RM” zones, the minimum requirements of the “RT” zone are applied.
- e) When a site contains two main buildings, the separation between main buildings shall be at least the distance of the two interior side yards required within the applicable zone.

ADDITIONAL REQUIREMENTS

1. Bare Land Condominiums shall be developed in accordance with Section 3.2.12 of this by-law.

4.5 INDUSTRIAL ZONE

1. The following Bulk Use Requirements apply to the Industrial Zones.

TABLE 4-7: INDUSTRIAL BULK USE REQUIREMENTS

Industrial		Minimum Requirements						Maximum Requirements	
		Site		Yards				Site Coverage (%)	Building Height (feet)
		Site Area (feet ²) (acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet) (a)		Rear Yard (feet) (a)		
Interior	Corner								
Zone	Use								
I	Primary	15,000	100	20	10	20	25	70	35
	Accessory	-	-	20	10	20	10	10	20

ADDITIONAL REQUIREMENTS

2. Yard requirements for Industrial Uses adjacent to Residential Zones shall be in accordance with Section 3.1.1 #4 of this by-law.

4.6 OPEN SPACE AND INSTITUTIONAL ZONES

TABLE 4-8: OPEN SPACE AND INSTITUTIONAL ZONES BULK REQUIREMENTS

Open Space and Institutional Zones		Minimum Requirements						Maximum Requirements	
		Site		Yards					
		Site Area (feet ² /acres)	Site Width (width)	Front Yard (feet)	Side Yard (feet)		Rear Yard (feet)	Site Coverage (%)	Building Height
Zone	Use				Interior	Corner			
OS	Primary	15,000	100	25	10	15	25	50	35
	Accessory	-	-	25	10	15	10	10	15
IN	Primary	20,000	100	25	15	20	20	30	2 Storeys
	Accessory	-	-	25	5	12	10	20	15

4.7 HAMLET GENERAL ZONE

1. The following Bulk Use Requirements apply to the Hamlet General Zone.

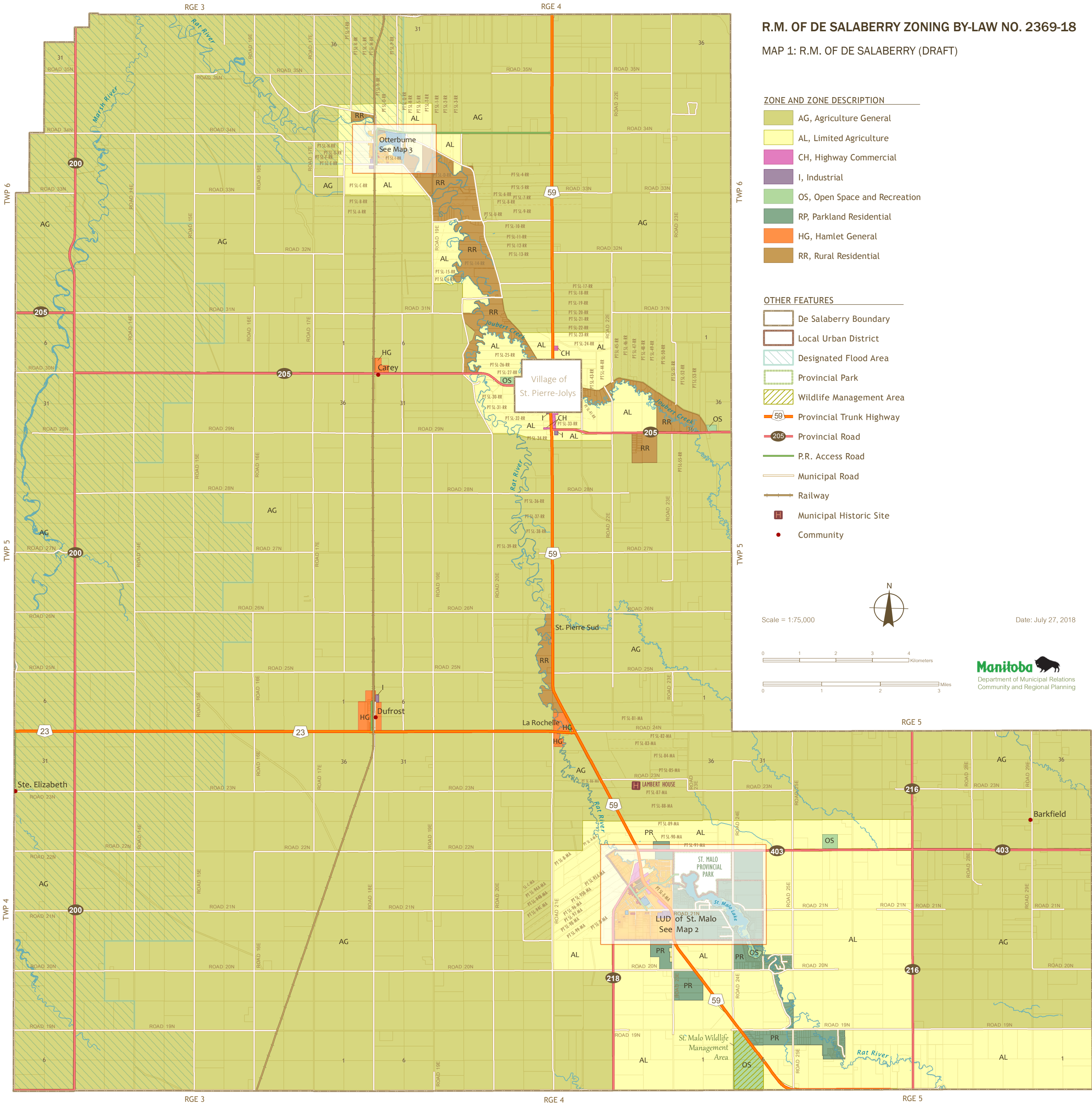
TABLE 4-9: HAMLET GENERAL BULK USE REQUIREMENTS

Hamlet General Zone		Minimum Requirements						Maximum Requirements	
		Site		Yards					
		Site Area (feet ² /acres)	Site Width (width)	Front Yard (feet)	Side Yard (feet)		Rear Yard (feet)	Site Coverage (%)	Building Height
Zone	Use				Interior	Corner			
HG	Primary	2	200	50	15	20	25	30	2 Storeys
	Accessory	-	-	50	5	12	5	20	15

5 SCHEDULE A – ZONING MAPS

R.M. OF DE SALABERRY ZONING BY-LAW NO. 2369-18

MAP 1: R.M. OF DE SALABERRY (DRAFT)



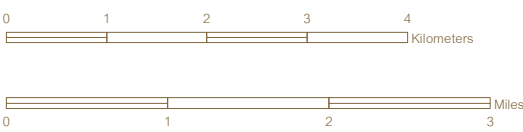
ZONE AND ZONE DESCRIPTION

- AG, Agriculture General
- AL, Limited Agriculture
- CH, Highway Commercial
- I, Industrial
- OS, Open Space and Recreation
- RP, Parkland Residential
- HG, Hamlet General
- RR, Rural Residential

OTHER FEATURES

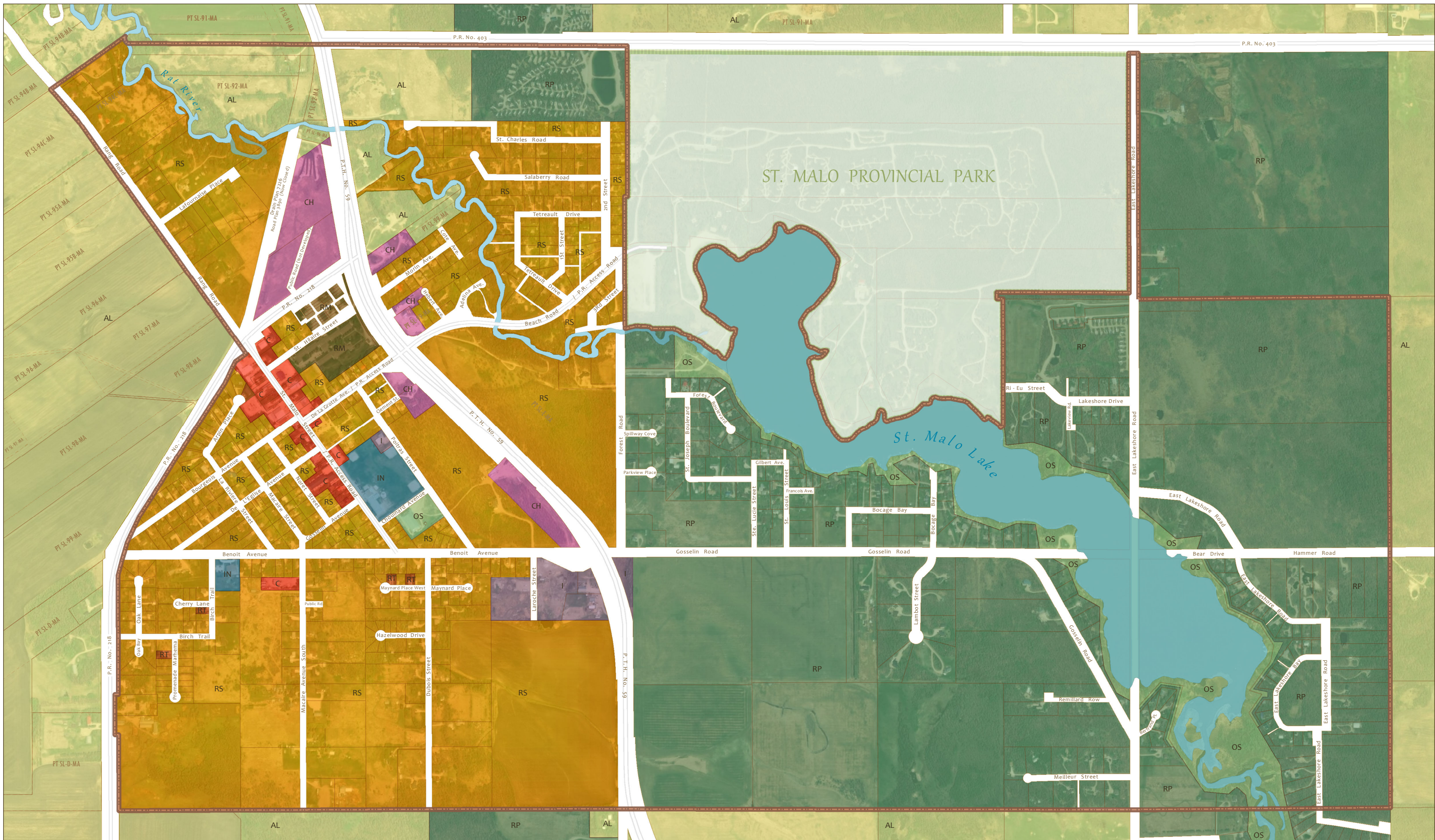
- De Salaberry Boundary
- Local Urban District
- Designated Flood Area
- Provincial Park
- Wildlife Management Area
- 59 Provincial Trunk Highway
- 205 Provincial Road
- P.R. Access Road
- Municipal Road
- Railway
- Municipal Historic Site
- Community

Scale = 1:75,000



Date: July 27, 2018





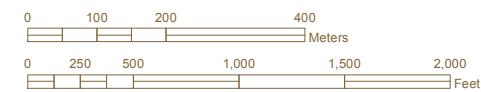
**R.M. OF DE SALABERRY ZONING
BY-LAW NO. 2369-18**

MAP 2: L.U.D. OF ST. MALO (DRAFT)

ZONE AND ZONE DESCRIPTION

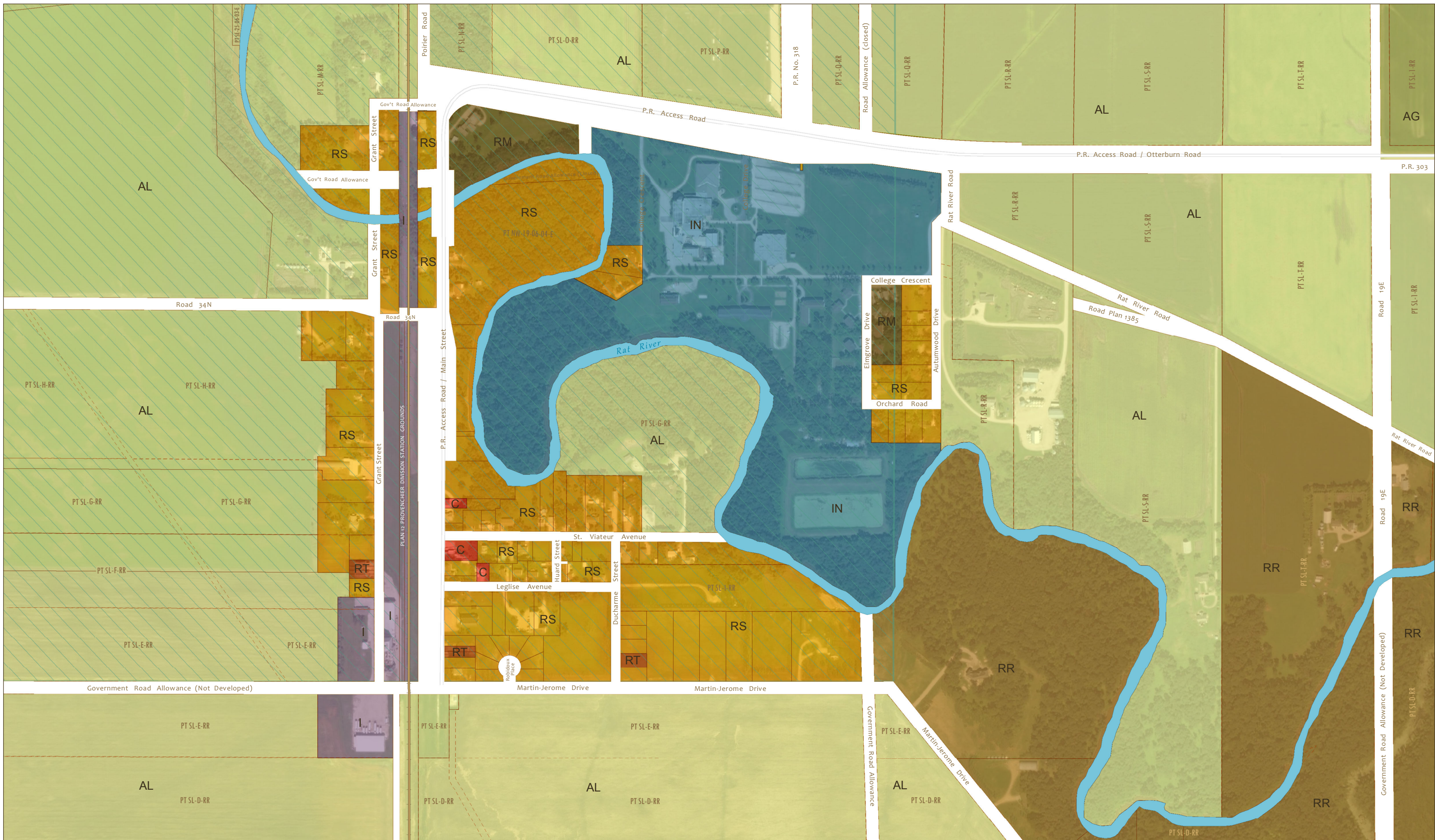
- | | | | |
|---|---|---|---|
| AL, Limited Agriculture | I, Industrial | RP, Parkland Residential | RM, Residential Multi-Family |
| C, Urban Commercial | IN, Institutional | RS, Residential Single Family | |
| CH, Highway Commercial | OS, Open Space and Recreation | RT, Residential Two Family | |

Scale = 1:10,900



Date: July 27, 2018
Projection: NAD 83, UTM Zone 14
Data source: Provincial Government

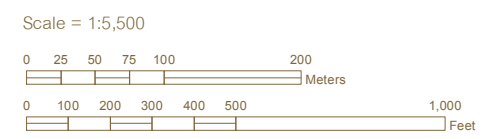




**R.M. OF DE SALABERRY ZONING
BY-LAW NO. 2369-18**
MAP 3: OTTERBURNE (DRAFT)

ZONE AND ZONE DESCRIPTION			
	AG, Agriculture General		I, Industrial
	AL, Limited Agriculture		IN, Institutional
	C, Urban Commercial		RS, Residential Single Family
	RT, Residential Two Family		RM, Residential Multi-Family
	RR, Rural Residential		

OTHER FEATURES	
	Designated Flood Area
	Railway



Date: July 27, 2018
Projection: NAD 83, UTM Zone 14
Data source: Provincial Government



6 SCHEDULE B – ANIMAL UNIT TABLE

ANIMAL UNIT TABLE		AU Produced by One Livestock	Livestock Producing One AU
Dairy			
	Milking cows, including associated livestock	2	0.5
Beef			
	Beef cows, including associated livestock	1.25	0.8
	Backgrounder	0.5	2
	Summer pasture/replacement heifers	0.625	1.6
	Feeder cattle	0.769	1.3
Pigs			
	Sows, farrow to finish (110-115 kg)	1.25	0.8
	Sows, farrow to weanling (up to 5 kg)	0.25	4
	Sows, farrow to nursery (23 kg)	0.313	3.2
	Weanlings (5-23 kg)	0.033	30
	Growers/finishers (23-113 kg)	0.143	7
	Boars (artificial insemination operations)	0.2	5
Chickens			
	Broilers	0.005	200
	Roasters	0.01	100
	Layers	0.0083	120
	Pullets	0.0033	300
	Broiler breeder pullets	0.0033	300
	Broiler breeder hens	0.01	100
Turkeys			
	Broilers	0.01	100
	Heavy toms	0.02	50
	Heavy hens	0.01	100
Horses			
	Mares, including associated livestock	1.333	0.75
Sheep			
	Ewes, including associated livestock	0.2	5
	Feeder lambs	0.063	16
Other livestock or operation type			
Please inquire with your regional agricultural engineer or livestock specialist Source: Farm Practices Guidelines			