

THE VILLAGE OF ST-PIERRE-JOLYS ZONING BY-LAW

BEING *SCHEDULE "A"*

ATTACHED TO BY-LAW No. 2010-6

OF

THE VILLAGE OF ST-PIERRE-JOLYS

This document is an office consolidation of by-law amendments which has been prepared for the convenience of the user. The Community Planning Branch expressly disclaims any responsibility for errors or omissions.

THE VILLAGE OF ST-PIERRE-JOLYS BY-LAW NO. XXXX

BEING a By-law of the Village of St-Pierre-Jolys to regulate the use and development of land.

WHEREAS, *The Planning Act* provides that the council of a municipality may enact a Zoning By-law which generally conforms to a development plan adopted for the area;

AND WHEREAS, *The Planning Act* provides that the council of a municipality shall enact a Zoning By-law upon the adoption of a development plan;

NOW THEREFORE, the Council of the VILLAGE OF ST-PIERRE-JOLYS, in meeting duly assembled, enacts as follows:

THAT By-law No. 1997-07, being the Village of St-Pierre-Jolys Zoning By-law, 2005, as amended, is hereby repealed and replaced with By-law No. _____.

This By-law shall come into full force on, from and after the date on which it received third reading by the Council.

DONE and PASSED in Council assembled this _____ day of _____ A.D. 2010.

Mayor

Chief Administrative Officer

Received 1st reading this ___ day of _____ A.D. 2010.

Received 2nd reading this ___ day of _____ A.D. 2010.

Received 3rd reading this ___ day of _____ A.D. 2010.

Village of St-Pierre-Jolys-Laws

Amending the Village of St-Pierre-Jolys Zoning By-law (Adopting By-Law 2010-6)

ADOPTING BY-LAW	CHANGES & AMENDMENTS	CONTENT AFFECTED		REMARKS
		TEXT	MAP	
2012-8	<ul style="list-style-type: none"> Text amendments to Table 7.1 Commercial Use Table and Table 7.2 Commercial Bulk Table 	X		
2014-9	<ul style="list-style-type: none"> Text amendments to Table 7.1 Commercial Use Table, 7.2 Mixed Use Bulk Table, multiple text changes to Section 4, Table 5.1 Zoning Districts Established and replace Appendix A Village of St-Piere-Jolys Zoning Map 	X		
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September 21, 2021

**VILLAGE OF ST-PIERRE-JOLYS ZONING BY-LAW
BEING BY-LAW NO. xx OF THE VILLAGE OF ST-PIERRE-JOLYS**

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PART 1 – TITLE, INTENT, PURPOSE AND DIVISIONS OF BY-LAW

1.1 TITLE

This By-law shall be known and may be cited as "The Village of St-Pierre-Jolys Zoning By-law".

1.2 INTENT AND PURPOSE

The regulations established by this by-law and deemed necessary in order:

- a. To ensure general conformance with the objectives and policies of the Village of St-Pierre-Jolys Development Plan.
- b. To outline the powers and duties of Council, the Development Officer and the landowner and/or developer as they relate to this By-law.
- c. To regulate the following:
 - i. All buildings and structures erected hereafter;
 - ii. All uses or changes in use of all buildings, structures and land established hereafter;
 - iii. All structural alterations or relocations of existing buildings and structures occurring hereafter;
 - iv. All enlargements or additions to existing buildings, structures and uses; and
 - v. The change of land, buildings or structures.
- d. To promote orderly and thoughtful development of real property and development in the Village, in order to promote the health, safety and general welfare of the Village.

1.3 DIVISIONS OF BY-LAW

This By-law is divided into **PARTS** as follows:

PART 1 – Title, Intent, Purpose and Divisions of By-law

PART 2 – Definitions

PART 3 – Administration

PART 4 – General Provisions

PARTS 5 to 10 – Zones

PART 11 – Appendix "A" Zoning Map

PART 2 - DEFINITIONS

2.1 RULES OF CONSTRUCTION

The following rules of construction apply to the text of this By-law:

- a. Words, phrases and terms are as defined within this By-law.
- b. Words, phrases and terms not defined within this By-law shall be as defined in The Planning Act, Municipal Act, and/or the Building, Electrical or Plumbing By-laws of the Village of St-Pierre-Jolys.
- c. Words, phrases and terms neither defined within this By-law nor in the Building, Electrical or Plumbing By-laws of the Village of St-Pierre-Jolys shall be given their normative meaning except where Council determines 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 shall apply singly or in any combination;
 - (iii) “either-or” indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
- f. The word “includes” or “including” shall not limit a term to the specified examples, but is intended to extend the meaning to all instances or circumstances of like kind or character.
- g. Where any land, building or structure is use for more than one purpose, all provisions of the By-law relating to each use shall apply. Where there is conflict the more restrictive regulation shall prevail, except as otherwise approved by Council.

2.2 GENERAL DEFINITIONS

ACCESSORY

2.2.1 "**Accessory**" when it is used in this By-law, shall have the meaning as accessory use.

ACCESSORY BUILDING

2.2.2 "**Accessory building**" means a subordinate building located on the same zoning site as the principal building or use, the use of which is incidental and accessory to that of the principal building or use.

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

ACCESSORY USE OR STRUCTURE

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

ENABLING ACT

2.2.4 "**Enabling Act**" means *The Planning Act*, S.M. 2005, Chapter 30 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.

ALTER OR ALTERATION

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

ALTERATIONS INCIDENTAL

2.2.6 "**Alterations, incidental**" means:

- a. Changes or replacements in the non-structural parts of a building or structure, including but not limited to the following:
 - i. A minor addition on the exterior of a residential building, such as an open porch:
 - ii. Alteration of interior partitions in all types of buildings; or

- iii. Replacement of, or minor changes in, the capacity of utility pipes, ducts or conduits.
- b. Changes or replacements in the structural parts of a building, including but not limited to the following:
 - i. Adding or enlarging windows or doors in existing 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.

AREA AFFECTED

2.2.7 "**Area, the**" means all that land within the boundaries defined in **PART 3** of this By-law.

AWNING, CANOPY OR MARQUEE

2.2.8 "**Awning, canopy or marquee**" means any roof-like structure, which may be constructed as an integral part of a building or attached in such a manner as not to be an integral part of a building, but is so constructed to provide shelter or shade over an entrance way or a window.

BASEMENT

2.2.9 "**Basement**" means a portion of a building between a floor and ceiling that is located partly underground, but with more than half of the floor to ceiling height thereof above the average grade of the adjoining ground.

BUILDING

2.2.10 "**Building**" means a building as defined in *The Act*.

BUILDING, HEIGHT OF

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

BUILDING, MAIN OR PRINCIPAL

2.2.12 "**Building, main or principal**" means a building in which is conducted the principal use of the site on which it is situated.

BUILDING PERMIT

2.2.13 "**Building permit**" means a building permit as defined in *The Act*.

BULK

2.2.14 "**Bulk**" means the following:

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

CARPORT

2.2.15 "**Carport**" means an attached building open on two sides for the shelter of privately owned automobiles.

CELLAR

2.2.16 "**Cellar**" means a portion of a building between a floor and a ceiling that is located wholly underground or partly underground, but with more than half of the floor to ceiling height below the average grade of the adjoining ground.

CHILD CARE

2.2.17 "**Child care services**" means the provision of care for remuneration or reward to a child apart from his or her own parents or guardians for a period in any one day exceeding three (3) hours but not exceeding fourteen (14) hours:

- a. "**Drop-in babysitting service**" means the provision of supervision on a temporary basis being equal to the period of time while the child is with the babysitting service of children in a commercial or institutional building while the parents or guardians of the children undertake some form of short term activity, such as shopping, entertainment, education or similar activities in close proximity to the place the child is under supervision on a temporary basis.
- b. "**Home day care**" means the provision of child care services in a family dwelling unit, in which the owner or tenant resides, or churches or parish halls, to children, including the children of the owner or tenant, not over twelve (12) years of age. The number of children shall not exceed eight (8), with access to an outdoor recreation area.
- c. "**Group day care**" means the provision of child care service to nine (9) or more children not over the age of twelve (12) in a provincially licensed facility with access to an outdoor recreation area.

COMPLETELY ENCLOSED

2.2.18 "**Completely enclosed**" means a structure or building consisting of four (4) walls and a roof.

CONDITIONAL USE

2.2.19 "**Conditional use**" means the use of land and/or building as provided for in *The Act* and as provided for in Section 3.4 of PART 3 - ADMINISTRATION.

CONDOMINIUM

2.2.20 "**Condominium**" means a condominium as established under the provisions of *The Condominium Act*.

CONDOMINIUM, BARE LAND UNIT

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

CONDOMINIUM UNIT

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

COUNCIL

2.2.23 "**Council**" means the Council of the Village of St-Pierre-Jolys.

COURT

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

CURB CUTTING

2.2.25 "**Curb cutting**" means the cutting or lowering of a curb, sidewalk, or boulevard, or any of them, to provide a driveway for vehicular and pedestrian access to a site.

DENSITY

2.2.26 "**Density**" means the total number of dwelling units divided by the total area of land to be developed, expressed in gross acres.

DEVELOPMENT OFFICER

2.2.27 "**Development officer**" means the officer appointed by the Council in accordance with the provisions of *The Act*.

DEVELOPMENT PLAN

2.2.28 "**Development plan**" means *The Village of St-Pierre-Jolys Development Plan* as adopted by By-law, or any other development plan and amendments adopted and substituted therefore.

DWELLING

2.2.29 "**Dwelling**" means a building or portion thereof designed for residential occupancy but shall not include a travel trailer or a motor home as defined herein.

DWELLING UNIT

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

ENCLOSED

2.2.31 "**Enclosed**" means a boundary or designated area by a fence, hedge or trees.

ENLARGEMENT

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

ERECT

2.2.33 "**Erect**" includes building construction, reconstruction and relocation, and without limiting the generality of the word, also includes:

- (a) Any preliminary physical operation, such as excavating, filling or draining;
- (b) Altering any existing building or structure by an addition, enlargement, extension or other structural change; and
- (c) Any work which requires a building permit under the Building By-law of the Village of St-Pierre-Jolys.

EXISTING

2.2.34 "**Existing**" means existing on the effective date of this By-law.

EXTENSION

2.2.35 "**Extension**" means an increase in the amount of existing floor area used for an existing use, within an existing building.

FAMILY

2.2.36 "**Family**" means one or more persons related by blood or marriage or common law marriage or group of not more than three (3) persons who may not be related by blood or marriage occupying a dwelling unit and living together as a single housekeeping unit. A housekeeping unit shall be deemed to exist if all members have access to all parts of the dwelling unit.

FLOOD LEVEL

2.2.37 "**Flood level**" means the 100 year flood level, the level of a know flood exceeding the 100 year flood, or a level as determined to be appropriate by Council in consultation with the Province of Manitoba.

FLOOD RISK AREA

2.2.38 "**Flood risk area**" means the land adjacent to a lake, river or stream which is divided into two parts: the 'floodway' and the 'floodway fringe'. The 'floodway' includes the area where the majority of floodwaters pass. The 'floodway fringe' includes the area outside the floodway which requires approved flood protection measures due to periodic flooding or inundation by floodwaters.

FLOOR AREA

2.2.39 "**Floor area**", as applied to bulk regulations, means the sum of the gross horizontal areas of the several

floors of all buildings and structures on the zoning site, measured from the exterior faces of the exterior walls or from the centre line of party walls. In particular, the floor area of a building or buildings shall include:

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

GARAGE

2.2.40 "**Garage**" means an accessory building or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport and may also include the incidental storage of other personal property.

GRADE

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

GRAIN STORAGE STRUCTURE

2.2.42 "**Grain storage structure**" means any structure which is designed to store any type of grain.

HAZARD LAND

2.2.43 "**Hazard land**" means lands where actual effects of hazards have occurred, and without limiting the generality of the word, hazard includes but is not limited to the following:

- a. Flooding of watercourses or water bodies except local ponding;
- b. Erosion or cutting of land due to action of water in an adjacent watercourse or water body;
- c. River bank instability or slumping;
- d. Landslides including mud slides;
- e. Subsidence; and
- f. Local ponding due to improper surface drainage.

INFILL DEVELOPMENT

2.2.44 "**Infill development**" means the building of homes, businesses and public facilities on unused and

underutilized lands within the existing urban area which are currently serviced with municipal infrastructure common to the applicable land zoning, including but not limited to, asphalt roads, street lights, electricity and municipal sewer and / or water systems.

KENNEL

2.2.45 "**Kennel**" means any premise on which more than two (2) animals 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, animal hospital or animal pound.

LANE

2.2.46 "**Lane**" means a street not over thirty-three (33) feet in width which affords only a secondary means of access to abutting sites and which is not intended for general traffic circulation.

LIVESTOCK

2.2.47 "**Livestock**" means cattle, swine, goats, horses, poultry, sheep, mink and rabbits not kept exclusively for pets.

LIVESTOCK PRODUCTION OPERATION

2.2.48 "**Livestock production operation**" means an operation where livestock are confined, fed or raised, but does not include:

- a. An operation for the slaughter or processing of livestock;
- b. An operation for the grading or packing of livestock or livestock products;
- c. An operation for transporting livestock or livestock products;
- d. A hatchery; and
- e. A livestock auction or mart.

LOADING SPACE

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

MOBILE HOME

2.2.50 "**Mobile home**" means a compact and transportable detached single-family dwelling with all of the following characteristics:

- a. Designed for long-term occupancy for the use of one or more individuals living as a single housekeeping unit, containing and having cooking, eating, living, sleeping and sanitary facilities, and with plumbing and electrical connections provided for permanent attachment to outside systems;
- b. Designed to be moved or transported after fabrication on its own wheels, other trailers or detached

wheels;

- c. Designed without provisions for its adaptation to a basement; and
- d. Conforms to the Canadian Standards Association (CSA) Z240 series standards for mobile homes.

MODULAR HOME

2.2.51 "**Modular home**" means a dwelling which is manufactured or fabricated off-site in two or more near-complete standardized sections or units, and attached or joined together on a foundation at the building site.

MOTOR HOME

2.2.52 "**Motor home**" means a certified and licensed vehicular structure, as defined in *The Highway Traffic Act* that is used as temporary accommodation for recreational purposes and being independent of municipal sewer, water and electrical services.

OPEN SPACE

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

OWNER

2.2.54 "**Owner**" means an owner as defined in *The Act*.

PARCEL OF LAND

2.2.55 "**Parcel of land**" means a parcel as defined in *The Act*.

PARKING AREA

2.2.56 "**Parking area**" means an open area of land other than a street or lane or an area within a structure used for the parking of vehicles.

PARKING AREA, PUBLIC

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

PARKING SPACE

2.2.58 "**Parking space**" means a space on a parking area, public parking area or zoning site for the temporary parking or storage of a vehicle.

PARTY WALL

2.2.59 "**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.

PERMITTED USE

2.2.60 "**Permitted use**" means the use of land, buildings or structures provided in this zoning by-law for which a development permit shall be issued upon the application having been made, if the use meets all the requirements of this By-law.

PERFORMANCE STANDARD

2.2.61 "**Performance standard**" means a standard established to control noise, odour, smoke, toxic or noxious matter, vibration, fire and explosive hazards or glare or heat generated by, or inherent in, uses of land or buildings.

PORTABLE GARAGE

2.2.62 "**Portable garage**" means a temporary structure that may consist of a metal or steel frame and is covered by such material as canvas, plastic, polyethylene, various types of fabric or other similar materials, which is intended to store goods or materials.

PREMISES

2.2.63 "**Premises**" means an area of land with or without buildings.

PRINCIPAL USE

2.2.64 "**Principal use**" means the principal or main use on a site.

PRIVATE POOL

2.2.65 "**Private pool**" means an artificially constructed basin, lined with concrete, fiberglass, vinyl or like material that is capable of containing a water depth greater than 60 cm (**24 inches**) and that is located on the property of a single family dwelling.

PUBLIC UTILITY

2.2.66 "**Public utility**" means any system, works, plant, pipeline, equipment or service which furnishes services and facilities available at approved rates to the public, including but not limited to:

- a. Communication, by way of telephone, telegraph, wireless, or television;
- b. Public transportation, by bus or other vehicle;
- c. Production, transmission, delivery or furnishing of water, gas or electricity to the public at large;
or
- d. Collection of sewage, garbage or other waste, but does not include the sewage lagoon or waste disposal grounds.

PUBLIC UTILITY BUILDING

2.2.67 "**Public utility building**" means a building used by a public utility.

REPAIR

2.2.68 "**Repair**" means the renewal or reconstruction of any part of an existing structure for the purpose of its maintenance or restoration.

SITE

2.2.69 "**Site**" means an area of land consisting of one or more abutting lots (see also "site, zoning").

SITE, AREA

2.2.70 "**Site, area**" means the computed area contained within the site lines.

SITE, CORNER

2.2.71 "**Site, corner**" means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred and thirty-five (135) degrees.

SITE, COVERAGE

2.2.72 "**Site, coverage**" means that part of percentage of the site occupied by buildings, including accessory buildings. Structures which are below the finished site grade, including sewage lagoons, water reservoirs, parking structures below grade and similar structures, shall not be included in site coverage.

SITE, DEPTH

2.2.73 "**Site, depth**" means the horizontal distance between the centre points in the front and rear site lines (see **figures 1 & 2**).

SITE, FRONTAGE

2.2.74 "**Site, frontage**" means all that portion of a zoning site fronting on a street and measured between side site lines (see **figures 1 & 2**). If the site frontage cannot be determined the development officer will establish the frontage.

SITE, INTERIOR

2.2.75 "**Site, interior**" means a site other than a corner site or a through site (see **figure 1 & 2** for other types).

SITE, KEY

2.2.76 "**Site, key**" means the first site to the rear of a reversed corner site (see **figures 1 & 2**).

SITE LINES

2.2.77 "**Site lines**" means as follows (see **figures 1 & 2**):

- a. "**Front site line**" means that boundary of a site which is along an existing or designated street,

lane or right-of-way. For a corner site the Development Officer may select the front site line except where an interior site abuts the corner site, in which case the front site line shall be that line which is the continuation of the front site line of the interior site.

- b. "**Rear site line**" means that boundary of a site which is most nearly parallel to the front site line and in the case of a site in which the side site lines intersect, such as a triangular site, a line ten (10) feet in length within the site, parallel to and at the maximum distance from the front site line.
- c. "**Side site line**" means any boundary of a site which is not a front or rear site line.
- d. Where an irregular shaped site cannot have its site lines defined by the foregoing definitions, the front, rear and side site lines shall be determined by the Development Officer.

SITE, REVERSE CORNER

2.2.78 "**Site, reverse corner**" means a corner site, the flanking street site line of which is substantially a continuation of the front site line of the first site to its rear (see **figures 1 & 2**).

SITE, THROUGH

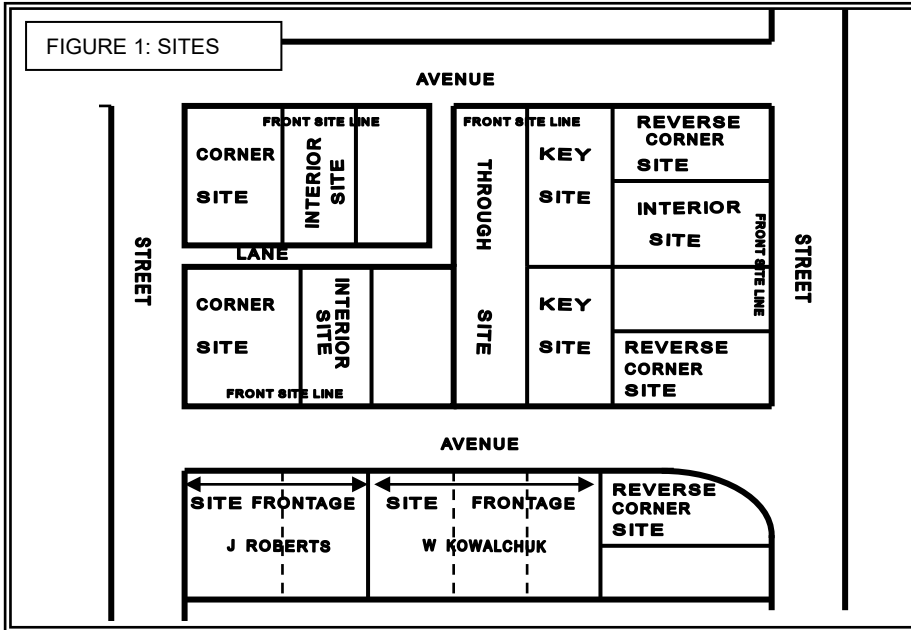
2.2.79 "**Site, through**" means a site having a pair of opposite site lines along two (2) more or less parallel streets. On a through site both street lines shall be deemed front site lines (see **figures 1 & 2**).

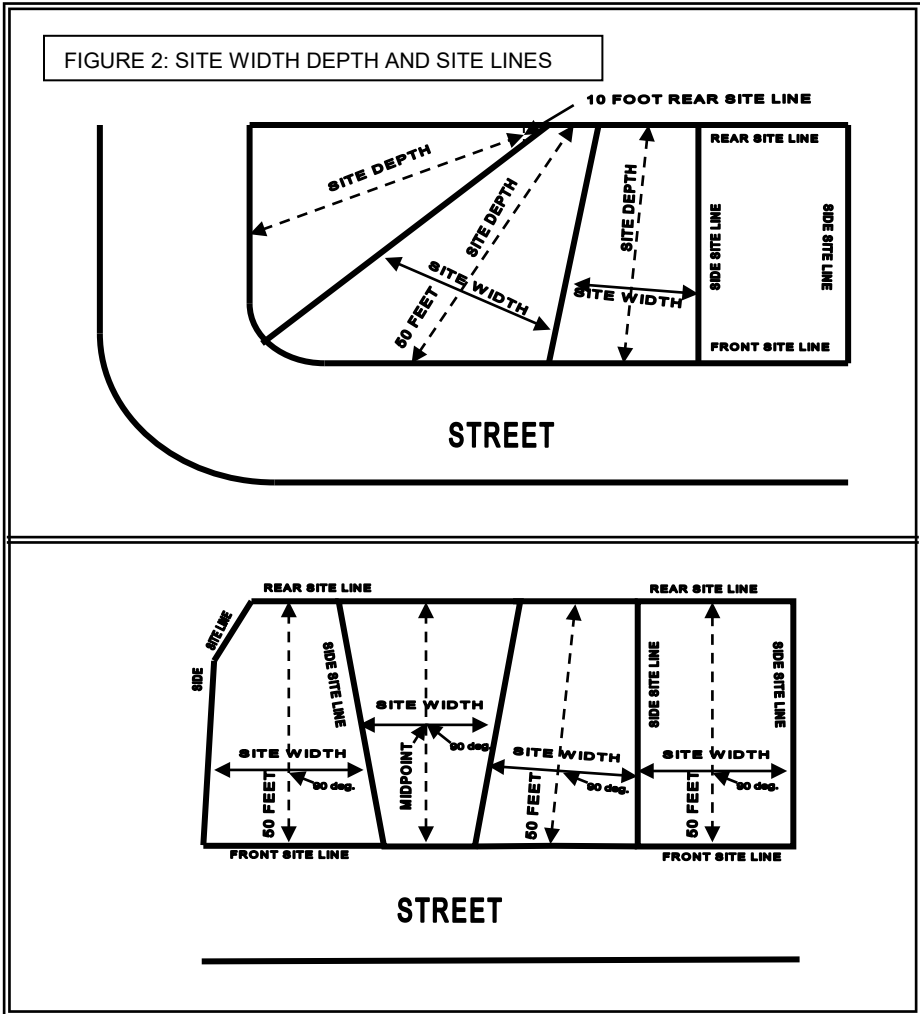
SITE, WIDTH

2.2.80 "**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 fifty (50) feet from the front site line, whichever is the lesser (see **figures 1 & 2**).

SITE, ZONING

2.2.81 "Site, zoning" means a parcel of land with frontage on a street (excluding a lane) and of at least sufficient size to provide the minimum requirements for use, area, required yards, and other open spaces as are herein required.





STOREY

2.2.82 "**Storey**" means that portion of any building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of such floor and the ceiling above it, but does not include a basement or cellar.

STOREY, FIRST

2.2.83 "**Storey, first**" means the storey with its floor closest to grade and having its ceiling more than six (6) feet above grade.

STOREY, SECOND

2.2.84 "**Storey, second**" means the storey located immediately above the first storey.

STREET

2.2.85 "**Street**" means a public roadway having a right-of-way at least 10.06 metres (33 feet) in width that affords the principal means of access to abutting land.

STRUCTURE

2.2.86 "**Structure**" means anything constructed, built 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.

TEMPORARY BUILDINGS AND USES

2.2.87 "**Temporary building and use**" means an incidental use, building or structure for which a development permit has been issued for a limited time only.

TRAVEL TRAILER

2.2.88 "**Travel trailer**" means a vehicular, portable structure designed to be used as temporary accommodation for travel, recreational and vacation purposes (including motor homes) and which:

- a. Is built on a chassis; or
- b. Is constructed as an integral part of a self-propelled vehicle; or
- c. Is designed primarily to be mounted on a pick-up or other truck chassis; or
- d. Is capable of being transported on its own chassis and running gear by towing to other means; and
- e. Is designed to be independent of municipal sewer, water and electrical services.

USE

2.2.89 "**Use**" means:

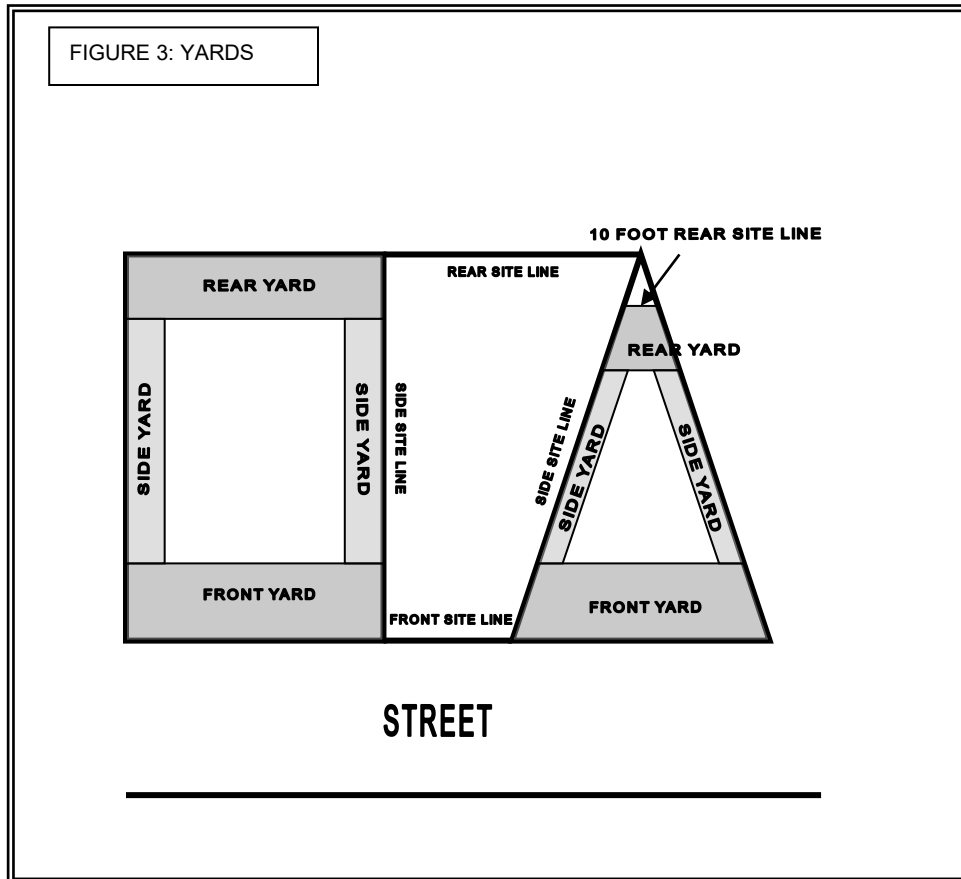
- a. Any purpose for which a building or other structure or parcel of land may be designed, arranged, intended, maintained or occupied; or
- b. Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a parcel of land.

YARD, REQUIRED

2.2.90 "**Yard, required**" means an open area, on the same zoning site with a building or structure which yard is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted herein. A required yard extends along a site line or wall to a depth or width (measured from the site line or wall) specified in the yard requirement for the zone in which such zoning site is located (see **figure 3**).

- a. "**Yard, required, corner side**" means a side yard which adjoins a street.
- b. "**Yard, required, front**" means a yard extending along the full length of the front site line between the side site lines.
- c. "**Yard, required, interior side**" means a side yard which is adjacent to another zoning site, or to a lane separating such side yard from another zoning site, or to the wall of a building adjacent to the wall of another building in a planned unit development.

- d. **"Yard, required, rear"** means a yard extending along the full length of the rear site line between the side site lines.
- e. **"Yard, required, side"** means a yard extending along the side site line from the required front yard to the required rear yard.



2.3 SIGN DEFINITIONS

SIGN

- 2.3.1 **"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.

SIGN, ADVERTISING

- 2.3.2 "**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.

SIGN, ANIMATED

- 2.3.3 "**Sign, animated**" means any sign or portion of a sign having moving parts or electronically controlled colour changes which depict action or give motion to the sign.

SIGN, AWNING

- 2.3.4 "**Sign, awning**" means a non-illuminated sign painted or stenciled on the fabric surface of a shelter supported entirely from the exterior wall of a building and designed to be collapsible, retractable, or capable of being folded against the wall or supporting building.

SIGN, BULLETIN BOARD

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

SIGN, BUSINESS

- 2.3.6 "**Sign, business**" means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same zoning site where the sign is maintained.

SIGN, CONSTRUCTION

- 2.3.7 "**Sign, construction**" means a sign which identifies a construction project and information relative thereto.

SIGN, DIRECTIONAL

- 2.3.8 "**Sign, directional**" means on-premise or off-site signs providing direction to pedestrian or vehicular traffic without advertising copy, except a business logogram.

SIGN, ELECTRIC

- 2.3.9 "**Sign, electric**" means any sign containing electrical wiring or light built into the sign face which are intended for connection to an electrical energy source.

SIGN, FASCIA OR WALL

- 2.3.10 "**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 position. A fascia sign shall also mean any sign attached to the walls of two or more buildings and spanning the spaces between said buildings.

SIGN, FLASHING

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

SIGN, FREESTANDING

2.3.12 "**Sign, freestanding**" means a sign supported by a vertical column or columns placed in the ground with the sign surface area above ground level.

SIGN, IDENTIFICATION

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

SIGN, ILLUMINATED

2.3.14 "**Sign, illuminated**" means a sign designed to give forth any artificial light or reflect light from an artificial source.

SIGN, INFORMATIONAL

2.3.15 "**Sign, informational**" means a sign to provide the public with information such as "parking at rear", "loading zone", or to advise the public of potential dangers such as "premises protected by dogs", "danger", "thin ice", etc.

SIGN, MARQUEE

2.3.16 "**Sign, marquee**" means a sign attached to a marquee, canopy or awning projecting from and supported by a building.

SIGN, MURAL

2.3.17 "**Sign, mural**" means a non-illuminated sign painted on the exterior wall of a building which enhances the visual appearance of the building and does not include business identification or general advertising.

SIGN, OFFICIAL

2.3.18 "**Sign, official**" means a sign required by, or erected pursuant to the provisions of Federal, Provincial or Municipal legislation.

SIGN, PORTABLE

2.3.19 "**Sign, portable**" means a sign greater than 0.50 square metres (**5.38 square feet**) in area that is mounted on a stand or other support structure other than a stationary trailer and is designed in such a manner that the sign can be readily relocated to provide advertising at another location or readily taken on and off a site, and may include copy that can be changed manually through the use of attachable characters, message panels or other means.

SIGN, PROJECTING

2.3.20 "**Sign, projecting**" means any sign other than a fascia sign, which is attached to a building and

extends beyond the exterior wall of the said building beyond the surface of that portion of the building to which it is attached.

SIGN, REAL ESTATE

2.3.21 "**Sign, real estate**" means a sign advertising the sale, rental or lease of the premises on which it is maintained.

SIGN, ROOF

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

SIGN, SURFACE AREA

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

SIGN, TEMPORARY

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

2.4 USE CLASS DEFINITIONS

The following were used to identify use categories:

- a. The Use Classes group individual land uses into a specified number of classes with common functional or physical impact characteristics.
- b. The Use Classes of this Section are used to define the range of uses which are permitted or conditional within the various Zones of this By-law.
- c. The typical uses which may be listed in the definitions are not intended to be exclusive or restrictive. Reference should be made to the definition of the Use Class in determining whether or not a use is included within a particular Use Class.
- d. Where a specific use does not conform to the wording of any Use Class definition or generally conforms to the wording of two or more Use Class definitions, the Development Officer may deem that the use conforms to and is included in that Use Class which is considered to be the most appropriate in character and purpose. In such a case, this use shall be considered a conditional use, whether or not the Use Class is listed as either a permitted use or conditional use within the applicable Zone.

2.5 RESIDENTIAL USE CLASS DEFINITIONS

INSTITUTIONAL RESIDENCE

2.5.1 “**Institutional residence**” means a premise which is intended for the training, treatment, rehabilitation, housing, care and/or supervision of seniors. This Use Class includes nursing homes, personal care homes, residential care homes, and attached housing and rehabilitation homes.

FARMSTEAD DWELLING

2.5.2 “**Farmstead dwelling**” means any dwelling unit which is accessory to a farm operation and is on a parcel of land that includes associated agricultural buildings.

MULTIPLE-FAMILY DWELLING

2.5.3 “**Multiple-Family Dwelling**” means a building containing three or more dwelling units. The units may have a shared entrance or may each have an independent entrance. Each dwelling unit shall be designed for and used by one family. This includes apartments, condominiums and other types of multi-family dwellings.

SINGLE-FAMILY DWELLING

2.5.4 “**Single-Family Dwelling**” means a detached building designed for and used by not more than one (1) family. This Use Class includes a manufactured home dwelling, ready-to-move dwelling and modular home dwelling.

TWO-FAMILY DWELLING

2.5.5 “**Two-Family Dwelling**” 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.

TOWNHOUSE

2.5.6 “**Townhouse**” means a building that is divided vertically into 3 or more Dwelling units each of which has independent entrances.

2.6 RESIDENTIAL-RELATED USE CLASS DEFINITIONS

BED AND BREAKFAST

2.6.1 “**Bed and breakfast**” means a principal dwelling where sleeping accommodations with or without light meals is provided to members of the travelling public for remuneration.

BOARDING, ROOMING OR LODGING HOUSE

2.6.2 “**Boarding, Rooming or Lodging House**” 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 family.

GROUP HOME

2.6.3 “**Group home**” means a residential dwelling in which four (4) to eight (8) unrelated persons, exclusive of supervisory staff, live as a residential unit under the responsible supervision consistent with the

particular requirements of its residents. The home is licensed under all applicable Provincial legislation and is in compliance with Municipal By-laws and amendments thereto.

HOME OCCUPATION

2.6.4 "**Home occupation**" means a use which:

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

MOBILE HOME PARK

2.6.5 "**Mobile home park**" means a development designed for the siting of mobile homes. Plots are generally leased to mobile home owners and include utilities, parking space, and access to utility roads. Many parks also include such amenities as swimming pools and clubhouses.

PLANNED UNIT DEVELOPMENT

2.6.6 "**Planned unit development**" means a land development project planned as an entity in accordance with a unitary site plan that permits flexibility in siting of buildings, mixture of housing types and land-uses, useable open spaces and the preservation of significant natural features.

2.7 COMMERCIAL / INDUSTRIAL USE CLASS DEFINITIONS

AGRI-BUSINESS

2.7.1 "**Agri-business**" means a commercial establishment that provides good and services to the agricultural sector. Typical uses include farm equipment and machinery repair shops, bulk fuel stations, feed and fertilizer supply operations, livestock auction marts and commercial seed cleaning plants.

AGRICULTURAL IMPLEMENT SALES AND SERVICE

2.7.2 "**Agricultural implements sales and services**" means a building and open area, used for display, sale or rental of new or used farm implements and where incidental repair work is done.

ANIMAL SHELTER AND VETERINARY SERVICE

2.7.3 “**Animal and veterinary service**” means a development used for the care and treatment of animals where the veterinary services primarily involve out patient care and minor medical procedures. This Use Class includes pet clinics and veterinary offices.

AUCTIONEERING ESTABLISHMENT

2.7.4 “**Auctioneering establishment**” means a development specifically intended for the auctioning of goods and equipment, including temporary storage of such goods and equipment.

AUTOMOTIVE AND EQUIPMENT REPAIR SHOP

2.7.5 “**Automotive and equipment repair shop**” 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 Class includes transmission shops, muffler shops, tire shops, automotive glass shops and upholstery shops, but does not include body repair and paint shops.

AUTOMOTIVE AND RECREATIONAL VEHICLE SALES

2.7.6 “**Automotive and recreational vehicle sales**” 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 sales parts. This Use Class includes automobile dealerships, car rental agencies and motorcycle dealerships.

BULK STORAGE FACILITY

2.7.7 “**Bulk storage facility**” means a place for the outdoor storage or tank storage of large quantities of raw materials or industrial related goods such as liquids, fuels, gases, minerals, pipes, gravel, fertilizers, and grain. This Use Class does not include Anhydrous Ammonia Facilities.

COMMERCIAL SCHOOL / PRIVATE EDUCATION SERVICE

2.7.8 “**Commercial school**” means a development used for training and instruction in a specific trade, skill or service for the financial gain of the individual or company owning the school. Typical uses include secretarial, business, hairdressing, beauty, culture, dancing or music schools. “**Private Education Service**” is for the instruction and education which is not maintained at public expense and which may or may offer courses of study equivalent to those of a public school. Typical uses would include dormitories and accessory buildings.

CUSTOM MANUFACTURING

2.7.9 “**Custom manufacturing**” means a use for small-scale on-site production / manufacture of goods. This use class includes kitchen cabinet shops, welding, metal fabrication, art and photo studios and other similar uses.

DAIRIES AND CREAMERIES

2.7.10 “**Dairies and creameries**” means an establishment where dairy products are produced and/or sold.

DRIVE-IN ESTABLISHMENT

2.7.11 “**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. This use class includes restaurants, coffee shops, ATM and other similar uses.

EATING AND DRINKING ESTABLISHMENT

2.7.12 “**Eating and drinking establishment**” means the sale to the public of prepared foods, for consumption within the premises on or off the site. This includes licensed drinking establishments, restaurants, cafes, delicatessens, tearooms, banquet catering, lunchrooms, and take-out restaurants. This Use Class does not include drive-in food services which provide services to customers who remain in their vehicles, refreshment stands, take-out windows where service is provided to customers on the outside, or mobile catering food services.

ENTERTAINMENT ESTABLISHMENT

2.7.13 “**Entertainment establishment**” means a development providing facilities within an enclosed building specifically intended for live theatrical, musical or dance performances; or the showing of motion pictures. Typical uses include auditoria, cinemas and theatres.

FUNERAL SERVICE

2.7.14 “**Funeral service**” means a development used for the preparation of the dead for burial or cremation, and the holding of funeral services. This Use Class includes funeral homes, undertaking establishments and includes cremation and interment services.

GAS BAR & SERVICE STATION

2.7.15 “**Gas bar and service station**” means the servicing, washing and repairing of vehicles; and the sale of gasoline, other petroleum products and a limited range of vehicle parts and accessories. Service Stations may include Eating and Drinking Establishments. Typical uses include truck stops, highway service stations and card locks.

GENERAL CONTRACTOR SERVICE

2.7.16 “**General contractor service**” means a development used for the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal Contractor Services Use only. Typical uses include building material sales and lumber yards.

GENERAL INDUSTRIAL

2.7.17 “**General industrial**” means development used primarily for one or more of the following activities: the assembling of semi-finished or finished goods, products or equipment; the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses; or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible with adjacent land uses; the storage or transshipping of materials, goods and equipment; and the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses.

GENERAL STORAGE

2.7.18 “**General storage**” means a development used exclusively for temporary indoor or outdoor storage of good, materials and merchandise. This Use Class does not include automobile wrecking yards, salvage yards, scrap metal yards, or the storage of hazardous goods or waste.

GRAIN STORAGE

2.7.19 “**Grain storage**” means the temporary storage of grain for future use, delivery or processing.

HOTEL OR MOTEL

2.7.20 “**Hotel**” means a building or part thereof wherein accommodation is provided for transient lodgers, in any individual room or apartment, with or without cooking facilities. Hotel rooms have access from a common interior corridor. “**Motel**” means a building or part thereof, not over two (2) storeys in height wherein sleeping accommodation is provided for transient lodgers and in which there is an exit from each room or suite of rooms directly to the outdoors with access to grade level. This Use Class includes restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

INDOOR PARTICIPANT RECREATION SERVICE

2.7.21 “**Indoor participant recreation service**” means a development providing facilities within an enclosed building for sports and active recreation where patrons are predominantly participants. Typical uses include athletic clubs, health and fitness clubs, curling / roller-skating / hockey rinks, swimming pools, bowling greens, paintball games, and racquet clubs.

LIGHT INDUSTRIAL

2.7.22 “**Light industrial**” means:

- a) the manufacture from previously prepared materials of finished parts or products;
- b) factory or assembly-line processes that involve the manufacture, processing, assembly or packaging of finished parts or finished products made from previously prepared materials; or
- c) the repair or servicing of such products

OUTDOOR AMUSEMENT ESTABLISHMENT

2.7.23 “**Outdoor amusement establishment**” means a permanent development providing facilities for entertainment and amusement activities which primarily take place out-of-doors and where patrons are primarily participants. Typical uses include amusement parks, go-cart tracks and miniature golf establishments.

OUTDOOR PARTICIPANT RECREATION SERVICE

2.7.24 “**Outdoor participant recreation service**” means a development providing facilities which are available at the public at large for sports and active recreation conducted outdoors. Typical uses include golf courses, driving ranges, ski hills, sport fields, skate board parks, rock climbing, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, outdoor swimming pools, bowling greens, paintball games, riding stables and fitness trails.

PERSONAL SERVICE SHOP

2.7.25 "**Personal service shop**" means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and without limiting the generality of the foregoing. This Use Class may include barbershops, beauty parlours, hair-dressing shops, tailors, shoe repair shops, dry cleaning establishments and Laundromats.

PRIVATE CLUB

2.7.26 "**Private club**" means a development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, without on-site residences. Private Clubs may include rooms for eating, drinking and assembly.

PROFESSIONAL, FINANCIAL AND OFFICE SUPPORT SERVICE

2.7.27 "**Professional financial and office support services**" means a development primarily used for the provision of professional management, administration, 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, call services and similar office support services; banks, credit unions, loan offices and similar financial uses. This use class also includes health services that provide physical and mental health services on an outpatient basis. Typical health services include medical and dental offices, health clinics and counseling services.

PUBLIC LIBRARY & CULTURAL EXHIBIT

2.7.28 "**Public library and cultural exhibit**" means a development for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public use; or a development for the collection, preservation and public exhibition of works or objects of historical, scientific or artistic value. Typical uses include libraries, museums and art galleries.

RELIGIOUS ASSEMBLY

2.7.29 "**Religious assembly**" means a building or a group of buildings used or proposed to be used for conducting organized religious services and accessory uses associated with the use. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries.

RETAIL SALES

2.7.30 "**Retail sales**" means a development used for the retail sale of groceries, beverages, household goods, furniture and appliances, hardware, printed matter, confectionary, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, stationary and similar goods from within an enclosed building. Minor public services, such as postal services and film processing depots are permitted within general retail stores. This Use Class includes Convenience Retail Stores but does not include developments used for the sale of gasoline, heavy agricultural or industrial equipment, pawn shops, massage parlours, adult entertainment establishments or adult video rental or sales stores. This Use Class includes the sale of domestic animal supplies.

SHOPPING CENTRE

2.7.31 "**Shopping centre**" is a type of planned unit development (see Section 2.6.7 of this PART).

STORAGE COMPOUND

2.7.32 “**Storage compound**” means a development used exclusively for temporary outdoor storage of goods and materials where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land. Typical uses include vehicle storage compounds, automobile wrecking yards, automobile recycling facilities and salvage yards.

TOURIST CAMPSITE

2.7.33 “**Tourist campsite**” means a development of land which has been planned and improved for the seasonal short term use of motor homes, tents, campers and similar recreational vehicles and is not used as year round storage, or accommodation for residential use. Typical uses include recreational vehicle parks, campsites and tenting grounds.

TRUCK & MOBILE HOME SALES

2.7.34 “**Truck and mobile home sales**” means a development used for the sale or rental of new or used trucks, motor homes, mobile homes, and automobiles, together with incidental maintenance services and the sale of parts and accessories. Typical uses include truck dealerships, recreation vehicle sales and mobile home dealerships.

TRUCKING OPERATION

2.7.35 “**Trucking operation**” means the use of land, buildings or structures for the purpose of storing, repairing, servicing or loading trucks, transportation trailers and/or buses.

VETERINARIAN SERVICES

2.7.36 “**Veterinarian services**” means a facility for the medical care and treatment of animals and includes provisions for their overnight accommodation but does not include outdoor pens, runs and enclosures.

WAREHOUSE SALES

2.7.37 “**Warehouse sales**” means a development used for the wholesale or retail sale of bulky goods primarily within an enclosed building with limited outdoor storage where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. This Use Class includes developments where principal goods being sold are such bulky items as furniture, carpet, major appliances and building materials.

2.8 FUTURE DEVELOPMENT USE CLASS DEFINITIONS

AGRICULTURAL ACTIVITIES

2.8.1 “**Agricultural activities**” means a use of land for agricultural purposes including, farming, pasturage, agriculture, apiculture, floriculture, horticulture. They do not include livestock operations.

AIRCRAFT LANDING FIELD

2.8.2 “**Aircraft landing field**” is a tract of land used by aircraft for landing and taking off.

EQUESTRIAN ESTABLISHMENT

2.8.3 “**Equestrian establishment**” means a facility engaged in the training of horses, the operation of a horse riding academy and/or horse riding stables.

FARMSTEAD DWELLING

2.8.4 “**Farmstead dwelling**” means a dwelling unit which is accessory to a farm operation and is on a parcel of land that includes associated agricultural buildings.

NON-COMMERCIAL FARM

2.8.5 “**Non-commercial farm**” means a development for small scale, non-commercial agricultural pursuits ancillary to rural residential uses. This Use Class shall be developed so that it will not unduly interfere with the general enjoyment of the householder only.

SPECIALIZED AGRICULTURE

2.8.6 “**Specialized agriculture**” means the use of land and sale of apiculture, floriculture, horticulture, including market gardening, orchards and tree farming and similar agricultural activities on a commercial basis.

2.9 BASIC SERVICE USE CLASS DEFINITIONS

CEMETERY

2.9.1 “**Cemetery**” means a development of a parcel of land, primarily a landscaped open space for the entombment of the deceased, and may include the following accessory developments: crematories, cinerarium, columbarium and mausoleums. Typical uses include memorial parks, burial grounds and gardens of remembrance.

COMMUNITY RECREATION SERVICE

2.9.2 “**Community recreation service**” means a development for recreational, social or multiple purpose use without fixed seats and primarily intended for local community purposes. Typical uses include community halls and community centres.

GOVERNMENT SERVICE

2.9.3 “**Government service**” means a development providing Municipal, Provincial or Federal government services directly to the public. Typical uses include government offices, taxation offices, courthouses, postal distribution offices, correctional centres and jails, manpower and employment offices and social service offices.

NON-ACCESSORY PARKING

2.9.4 “**Non-accessory parking**” means a development providing vehicular parking which is not primarily intended for the use of residents, employees or clients of a particular development. Typical uses include surface parking lots and parking structures located above or below grade.

PROTECTIVE AND EMERGENCY SERVICES

2.9.5 “**Protective and emergency services**” means a development which is required for the public protection of persons and property from injury, harm or damage together with the incidental storage of emergency development which is necessary for the local distribution of utility services. Typical uses

include: police stations; fire stations; and ancillary training facilities.

PUBLIC PARK

2.9.6 “**Public park**” means a development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and human-made landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of public parkland. Typical uses include tot lots, band shells, interpretive centres, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, amphitheatres, and athletic fields.

PUBLIC UTILITY

2.9.7 “Public utility” means any system, works, plant equipment or services which furnishes services and facilities available at approved rates to or for the use of the public, including but not limited to:

- a. Communication, by way of telephone, telegraph, wireless or television;
- b. Public transportation, by bus or other vehicle;
- c. Production, transmission, delivery or furnishing of water, gas or electricity to the public at large; or
- d. Collection of sewage, garbage or other waste.

PART 3 - ADMINISTRATION

3.1 SCOPE

WHEN EFFECTIVE

3.1.1 This By-law shall be in full force and effect when it is given third reading by the Council of the Village of St-Pierre-Jolys.

THE AREA

3.1.2 The Area to which the Zoning By-law shall apply shall be all of the Village of St-Pierre-Jolys.

RESPONSIBLE AUTHORITY

- 3.1.3 a. The authority responsible for the enactment of this By-law shall be the Council, in accordance with the provisions of *The Act*; and
- b. Subject to the provisions of *The Act*, the regulations, restrictions and boundaries set forth in this By-law may from time to time be amended, supplemented, changed or repealed.

RESPONSIBILITIES OF COUNCIL

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

PLANNING ADVISORY COMMITTEE

3.1.5 Planning advisory committees may be established in accordance with the provisions of *The Act*.

3.2 AMENDMENTS

PROCEDURE

3.2.1 Subject to the procedure required under *The Act*, an amendment may be initiated by a resolution of intention by the Council, or by application of one or more owners of the property or their agents within the area proposed to be changed. Application fees will be determined by Council via a special by-law and in accordance with Section 3.13 of this PART.

DECISION BY COUNCIL

3.2.2 Council shall notify the applicant four (4) days in advance of the meeting and hold a public meeting subject to the procedure required under *The Act*, at which time it shall review all the facts presented, and any representation by the applicant, study the facts presented, make its findings and

determination in writing and shall transmit a copy thereof to the applicant. If Council approves the application, it shall proceed with the adoption of the amendment in accordance with the provisions of *The Act*.

- 3.2.3 Anyone objecting to an amendment which subsequently has been given second reading by Council may file a further objection with the Municipal Board, and the Municipal Board shall hold a hearing in accordance with the provisions of *The Act*.

3.3 INTERPRETATION AND APPLICATION

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

RELATION TO OTHER BY-LAWS

- 3.3.2 Whenever provisions of any By-law of the Village of St-Pierre-Jolys or any other requirement of the Provincial or Federal Government impose overlapping regulations over the use of land or buildings or bulk requirements or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest requirement shall govern.

PREVIOUS VIOLATIONS

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

SITE REDUCED

- 3.3.4 A site area or site width or required yard reduced below the minimum requirements of this By-law by virtue of a public works, street or public utility shall be deemed to conform to the requirements of this By-law.

VARIATION ORDER OR SPECIAL EXCEPTION PRIOR TO BY-LAW

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

3.4 CONDITIONAL USE

- 3.4.1 The development and execution of this By-law is based upon the division of the area into zones, within which the use of land and buildings and structures in relation to the land are substantially compatible. It is recognized, however that there are certain uses deemed conditional uses which, because of their unique characteristics cannot properly be classified in any particular zone without consideration, in each case, of the impact of those uses upon neighbouring land and of the public need for the particular use at the particular location. Such uses fall into two categories:

- (a) Uses publicly operated or traditionally associated with the public interest; or
- (b) Uses entirely private in character but of such an unusual nature that their operation may give

rise to unique problems with respect to their impact upon neighbouring property or public facilities.

If the proposed use occurs within the control area of a Provincial Highway, the application will be referred to the Traffic Board or Manitoba Infrastructure and Transportation to establish additional requirements.

APPLICATION

3.4.2 An application for conditional use shall be processed and approved or rejected in accordance with the provisions of *The Act*.

FILING AN APPLICATION

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

EXPIRY OF APPROVAL

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

EXISTING CONDITIONAL USE

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

CHANGES TO AN EXISTING CONDITIONAL USE

3.4.6 Any change in a conditional use shall be subject to the provisions of this **Section** and the appropriate provisions of *The Act*. A conditional use application is required when an existing conditional use is enlarged, expanded or extended to occupy a greater floor and/or greater area of the site upon which said use is located, except as otherwise permitted by this By-law.

3.5 VARIATIONS

THE RIGHT TO APPLY

3.5.1 Any person may apply for a variation order, in accordance with the provisions of *The Act*.

3.5.2 An application for a variation order shall include all required information and fees, as determined by Council, and shall be made to the Council or Development Officer.

3.6 DEVELOPMENT AGREEMENT

AGREEMENT WITH THE VILLAGE OF ST-PIERRE-JOLYS

3.6.1 Where an application is made for the amendment of this By-law, or as otherwise permitted in *The Act*, the Council may require the owner or the person entitled to be registered as owner of the land, building or structure to which the amendment shall apply, as a condition to its enactment, to enter into

a development agreement with the Village of St-Pierre-Jolys in respect of that land as well as contiguous land owned or leased by the applicant.

AGREEMENT TO COMPLY WITH ACT

3.6.2 The provisions of said agreement shall be in accordance with *The Act*.

3.7 THE DEVELOPMENT OFFICER

DUTIES

3.7.1 The Development Officer as appointed by the Village of St-Pierre-Jolys may:

- a. Issue development permits in accordance with the provisions of this By-law, the Building By-law and the Maintenance and Occupancy By-laws

POWERS

3.7.2 The Development Officer may:

- a. Issue a development permit where the development of land, buildings or structures conforms to the adopted Development Plan, and the requirements of this By-law and amendments thereto, subject to the provisions of **Section 3.7 of this PART**;
- b. Enter any buildings or premises at all reasonable hours in the performance of his duties with respect to this By-law;
- c. Issue development permits for the temporary use of buildings, structures or land pursuant to the provisions of this By-law; and
- d. Issue zoning memoranda or such other documents necessary for the administration and enforcement of this By-law.

DEFER APPROVAL OF PERMITS

3.7.3 At the request of Council, the Development Officer shall:

- a. Defer approving an application for a development permit:
 - i. As provided for in *The Act*;
 - ii. Which could result in a violation of this By-law or any By-law of the Village of St-Pierre-Jolys; or
 - iii. To any person who has failed to pay any fees due and owing to the Village of St-Pierre-Jolys.

3.8 DEVELOPMENT PERMIT / BUILDING PERMIT

PERMIT REQUIRED

3.8.1 The owner of his agent shall obtain all necessary permits as required by the Council and other government agencies

WHEN REQUIRED

- 3.8.2 An application for a development permit / building permit is required for the following:
- a. The erection or construction or placement of any building, or structure, except fences and ornamental light standards (see **Section 3.8.3 of this PART**);
 - b. The addition, extension, structural alteration or conversion of any building or structure;
 - c. The relocation or removal or demolition of any building or structure; excepting any non-taxable farm building;
 - d. The use of vacant land, buildings or structures;
 - e. The change of use of land, buildings or structures; or
 - f. The clearing of certain classes of land as specified in this By-law.

DEVELOPMENT/ BUILDING PERMIT NOT REQUIRED

- 3.8.3 No development permit from the Village of St-Pierre-Jolys is required under this By-law for the developments listed below, provided that such developments shall comply with the Permitted Use and regulations of this By-law. This does not relieve the applicant or landowner from obtaining approvals from other government agencies. For a development listed below, the Appropriate Authority shall advise the applicant that no permit is required and return the submission, including any fees paid. Developments exempted from applications are as follows:
- a. Regular maintenance and repair of any development provided it does not include structural alterations.
 - b. Private driveways and patios which are accessory to a development, that do not include any work on public road allowance such as curb cuts, culvert extensions and hard topping of driveway on road allowance
 - c. A fence, wall, or gate not exceeding six (**6**) feet in height.
 - d. An accessory building that:
 - i. Is less than one hundred and eight (**108**) square feet in area;
 - ii. Does not exceed fourteen (**14**) feet or one storey in height;
 - iii. Is not considered a hazard by the Appropriate Authority; and
 - iv. Is not a portable garage.
 - e. An unenclosed deck or a deck enclosed by a rail or parapet wall and a wheelchair ramp, all of which having a floor less than two (**2**) feet above grade unless it is anchored to the building.
 - f. Landscaping where the existing grade and natural surface drainage pattern is not materially altered.
 - g. The erection or placement of a temporary building, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building is removed within thirty (**30**) days of substantial completion or as determined by the Appropriate Authority.

- h. The following types of signs are exempt, but this shall not relieve the owner or person in control of such signs from erecting and maintaining the signs in a safe and good condition:
 - i. Signs of less than six (6) square feet in area, advertising the sale, lease, or rent of property, premises, or buildings on that site;
 - ii. Memorial signs or tablets of bronze, brass, stone or other non-combustible materials when built into or attached to the walls of a building or other structure provided such tablets bear only the name of the owner, the name and use of the building, the date of erection of the building or reading matter commemorating a person or event;
 - iii. Signs of a duly constituted governmental body, including traffic or regulating devices, legal notices, railway crossing, danger or other emergency signs;
 - iv. One real estate sign; and
 - v. Election campaign signs during Federal, Provincial, Municipal and School Board election periods and up to seven (7) days after the election.
- i. The use of vacant farmland, farm buildings and structures for permitted agricultural activities, excluding livestock operations.

REQUIREMENTS

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

3.9 BUILDING PERMITS

PERMITS ISSUED PRIOR TO BY-LAW

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

BUILDING TO BE MOVED

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

3.10 NON-CONFORMITY

DEFINITION

3.10.1 "**Non-Conformity**" means one, or a combination of one or more, of the following:

- a. A site or parcel of land;
- b. A building or structure;
- c. A use of a building or structure;
- d. A use of land; or
- e. A sign, which lawfully existed prior to the effective date of this By-law or amendments thereto, but does not conform to the provisions contained within this By-law or amendments thereto.

NON-CONFORMITIES

3.10.2 Non-conformities are hereby classified as:

- a. **Uses:** Any lawful use of building, structure or a parcel of land, or portion thereof, which does not conform to one or more of the applicable use regulations of the zone in which it is located, either on the effective date of this By-law or amendments thereto;
- b. **Buildings or Structures:** A non-conforming building or structure means any lawful building or structure which does not comply with one or more of the applicable zone regulations on the effective date of this By-law or amendments thereto;
- c. **Site or Parcel:** A non-conforming site or parcel of land means any lawful site or parcel of land which does not comply with the bulk requirement of the affected zone on the effective date of this By-law, or amendments thereto, and was on record in the Land Titles Office and in separate ownership prior to the effective date of this By-law, or amendments thereto, and did not form part of a larger contiguous holding in the same ownership; and
- d. **Signs:** A non-conforming sign means any lawful sign which does not comply with one or more of the applicable zone bulk regulations on the effective date of this By-law or amendments thereto.

GENERAL PROVISIONS

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

STRUCTURAL ALTERATIONS

3.10.4 Pursuant to provisions of *The Act*, a structural alteration shall not be made to a non-conforming building or structure or a building or structure containing a non-conforming use, unless said alteration conforms to the requirement of this By-law, does not increase the degree of non-conformity, unless an appropriate variation order has been obtained.

REPAIR OR REBUILDING

3.10.5 Pursuant to *The Act*, where Council determines that a building or structure is damaged or destroyed more than fifty percent (**50%**) of its replacement value above its foundation, the said building or structure must not be repaired or rebuilt, but only in conformity with the zoning by-law and any variance approved under this **PART**.

NON-CONFORMING PARCEL

3.10.6 No building or structure may be erected on a non-conforming parcel of land unless:

- a. The required yards are provided as set forth in the Bulk Table of the zone in which the parcel of land is located; or
- b. Where a variation order for such yard requirements is granted.

A variation order shall not be required where a site or parcel is being increased in size or area so as to decrease its non-conformity, even though the enlarged site or parcel does not conform to the site area and site width requirements of this By-law. The enlargement of said site or parcel shall not cause an increase in non-conformity of an abutting or adjoining site or parcel.

NON-CONFORMING USES OF BUILDINGS, STRUCTURES OR LAND

3.10.7 Where a lawful use of a building, structure or land, which would not be permitted in the zone under the terms of this By-law, exists at the effective date of adoption or amendment of this By-law, such lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. Such non-conforming use of building, structure or land may be extended throughout the building, structure or land which was manifestly arranged or designed for such use at the time of adoption or amendment of this By-law, but no such use shall be extended to occupy any land outside a building or structure.
- b. Any building, structure or land, in which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations specified by this By-law for the zone in which it is located, and the non-conforming use may not therefore be resumed.
- c. The use of an existing non-conforming building, structure or land shall not be changed except to a use of the building, structure or land permitted under this By-law in the zone in which it is located.

NON-CONFORMING SIGNS

3.10.8 A non-conforming sign shall be subject to all the provisions of this **PART** relating to non-conformities, except as provided hereafter:

- a. A change in the subject matter represented on a sign shall not be considered a change of use; and
- b. A non-conforming sign may be structurally altered, reconstructed, or replaced in the same location and position provided that such structural alteration, reconstruction, or replacement does not result in:
 - i. The creation of a new non-conformity or increase in the degree of non-conformity; or

- ii. An increase in the sign surface area: or
- iii. An increase in the degree of illumination.

CERTIFICATE AND FEES

3.10.9 Any fees made to the Development Officer for the issuance of a certificate in accordance with *The Act* shall be determined by Council.

3.11 PUBLIC UTILITIES AND SERVICES

3.11.1 Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of the facilities of any public utility or of a public service such as police or fire protection. Public utilities, as defined by this By-law, shall be listed as a Conditional Use in all Zones. Yard, area and height requirements for proposed public utilities shall be determined by Council and should be of a standard compatible to the zone in which the public utility is proposed.

3.12 PUBLIC MONUMENTS AND STATUARY

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

3.13 ENFORCEMENT

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

3.14 MUNICIPAL SERVICES

CONNECTING TO MUNICIPAL SERVICES

3.14.1 All principal buildings constructed on a site served by public or private sewer, water or hydro distribution shall be connected to such services. Sewer connections shall be made within the time limit specified in the Village of St-Pierre-Jolys Sewer By-law and any amendments thereto. On sites not serviced by public or private sewer, no building or structure shall be permitted on a site whereon an onsite wastewater management system is to be used unless the area of the site meets the minimum requirements as per Provincial Regulations.

3.14.2 The use of existing services shall occur via infill development, as defined in **Section 2.2.44** of **PART 2** of this document, prior to consideration of other new development.

3.15 DUTIES OF THE OWNER

RESPONSIBILITY

3.15.1 Neither the granting of a development permit nor the approval of the drawing and specifications nor inspection shall in any way relieve the owner of the responsibility of complying with the requirements of this By-law or of any relevant By-laws of the Village of St-Pierre-Jolys.

PERMITS REQUIRED

3.15.2 Every owner shall:

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

3.16 BASEMENT DWELLING UNIT

3.16.1 A basement dwelling unit shall comply with the provisions of this By-law, the Buildings and Mobile Homes Act and any other By-law or Act having jurisdiction.

3.17 STREET, LANE OR ROAD FRONTAGE

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

3.18 FEE SCHEDULE

3.18.1 Council shall, by By-law, establish a fee schedule for development permits, variations, zoning amendments, zoning memoranda, conditional use orders, non-conforming certificates and other appropriate documents.

PART 4 - GENERAL PROVISIONS

4.1 REGULATIONS OF USE

4.1.1 The general provisions shall apply to all Zones listed herein unless otherwise specifically stated.

GENERAL REGULATIONS OF USE

4.1.2 With the exception of **Section 3.12.1 of PART 3** of this By-law, no land, building or structure shall be constructed, enlarged, placed, used or occupied except for a use that:

- a. Is listed in the zone as:
 - i. A permitted use development; or
 - ii. A conditional use development, subject to approval as such
- b. Is an accessory use, building or structure.
- c. Has been granted a use variance as per provisions of *The Act*.

ONE MAIN BUILDING OR USE ON A SITE

4.1.3 There shall be only one main building or one main use on a site except wherein otherwise stated.

4.1.4 There shall be a maximum of one (1) dwelling unit per lot or parcel of land, except for the following:

- a. Two Family Dwellings, Townhouse Dwellings, Multiple Family Dwellings or Temporary Additional Dwellings as provided for in this By-law.

MULTIPLE USES

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

BULK USE TABLES

4.1.6 Bulk Use tables list all uses that are:

- a. "P", Permitted;
- b. "C", Conditional; and
- c. "-", Not Permitted

in **ALL** Zones. All listed uses are subject to the provisions contained therein.

4.1.7 The provisions pertaining to **PARTS 5 - 11** shall regulate:

- a. All structures erected hereafter;
- b. All uses of land and structures established hereafter;

- c. All structural alterations or relocations of existing structures occurring hereafter; and
- d. All enlargement of, or additions to existing structures, or uses.

4.2 ACCESSORY USES

4.2.1 Accessory developments in all zones are permitted when accessory to a permitted use and conditional when accessory to a conditional use. Said accessory buildings or structures shall be subject to the following requirements in addition to the specific requirements for each zone listed below:

- a. Yard requirements for accessory buildings and structures shall be subject to the regulations of that Zone.
- b. No accessory building or structure shall be used as a dwelling unit, except as otherwise stated within.
- c. Detached accessory buildings shall not be located in any required yard, except a required rear yard or as provided for elsewhere herein.
- d. Where any building or structure on a site is attached to a principal building on the site it shall be subject to and shall conform to all requirements applicable to the main building.
- e. Accessory buildings or structures shall not be located within a dedicated easement right-of-way.
- f. Accessory buildings or structures will not be constructed prior to the establishment of the principal building to which it is accessory with the exception of a temporary use (see **Section 4.6 of this PART**).
- g. Maximum of two (**2**) detached accessory buildings or structures can be associated with any permitted use.
- h. A detached accessory building or structure shall not be located closer than ten (**10**) feet to any main building or structure, nor shall it be closer than two (**2**) feet, measured from eaves projection, to any site line.
- i. Maximum of one (**1**) attached accessory building or structure can be associated with any permitted use.
- j. The establishment of a school hut when accessory to a permitted / conditional use in a given zone will require prior approval from council with respect to bulk requirements.
- k. Total of all accessory uses cannot exceed seventy-five percent (**75%**) of the primary use.
- l. An accessory building or structure shall not exceed twenty (**20**) feet or the height of the principal building on the site, whichever is the lesser.
- m. Where a through site has a depth of less than two hundred (**200**) feet, an accessory building not exceeding one (**1**) storey nor fourteen (**14**) feet in height may be located in one of the required front yards, if such building is set back from the nearest street line a distance of not

less than ten (**10**) percent of the depth of the site and at least five (**5**) feet from any side site line. In no case shall any accessory building project beyond the required front yard line of an existing main building along the required site width, more than twenty-five (**25**) feet from the street line.

- n. Accessory use parking (**see Section 4.4 and Table 2 of this PART**); and
- o. Signs as permitted and regulated (**see Section 4.3 of this PART**).
- p. Accessory buildings shall not be located in any front yard.

ACCESSORY BUILDING, STRUCTURES AND USES

4.2.2 Accessory buildings, structures and uses shall be limited to those listed in **TABLE 1: PERMITTED ACCESSORY USES**, except where, in the opinion of Council, a similar accessory building, structure or use would be compatible with the character and use of the subject Zone. Where uses are not listed Council approval is required.

TABLE 4.1: PERMITTED ACCESSORY USES (see also Section 4.2.3 of this PART)	
Category	Permitted Accessory Uses
A	birdhouse
	clothesline and structure
	conservatory, private
	covered patio, private
	flagpole
	garage / carport, private
	gazebo
	greenhouse, private
	lawn ornament
	lighting fixture
	outdoor cooking facility, private
	play / sports structure, private
	reception equipment excl. towers, private (satellite dishes as per Section 4.12 of PART 4 of this By-law)
	shed or tool house
	sign, on-site (as per Section 4.3 of PART 4 of this By-law)
	solar panel, private
solid waste storage structure, private	
swimming pool, private, or hot tub (as per Section 6.6.1 of PART 6 of this By-law) requires prior approval of development permit from council	
refuse and garbage area (as per Section 4.14 of PART 4)	
B	dwelling for the caretaker or owner (the establishment of this accessory use will require a resolution of Council)
C	storage compound / area to store goods used / produced on-site
D	retail business / service related to principal use
E	schools, private
F	incinerator (subject to proper approvals)
G	storage of merchandise normally incidental to a business/ manufacturing
H	production, processing, cleaning, servicing, altering, testing, repair or produced goods and personal service
I	retail, commercial or other use incidental to a permitted /conditional use
J	canteen / refreshment stand
K	Accessory uses incidental to an institutional/ hospital/ police/ emergency uses

ADDITIONAL RESIDENTIAL RELATED ACCESSORY USES, BUILDINGS AND STRUCTURES

4.2.3 In addition to the general requirements above the exterior finish of all accessory buildings in excess of one hundred and eight (108) square feet in area shall blend in with adjacent residential buildings.

OPEN SPACE ZONE ACCESSORY BUILDING AND USES PERMITTED

4.2.4 In the Open Space Zones, accessory uses, buildings and structures shall be determined by Council

4.3 SIGN REGULATION

4.3.1 The regulations of this section are intended and designed to establish a minimum control of signs. Such control is deemed essential to promote the health, safety, and general welfare by reducing hazards to pedestrian and vehicular traffic, and by preventing unsightly and detrimental development having a blighting influence upon residential, commercial and industrial uses. The following shall apply in all zones except wherein otherwise stated:

- a. No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
- b. No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection, or in such a manner as to materially impede the view of the intersection of a street or highway with a rail road grade crossing.
- c. No rotating beam or beam shall be used in connection with any sign display; nor shall any flashing illumination resembling an emergency light be used for such purpose.
- d. No flashing signs shall be permitted in any zone without the approval of the Council. In any event, no flashing sign shall be permitted within one hundred (100) feet of any residential zone or Provincial Roads or Provincial Trunk Highways.
- e. All signs and sign structures shall be kept in repair and in proper state of preservation. Signs which have become obsolete because of discontinuance of the business service or activity, and have not been removed or relocated within thirty (30) days following such condition, may be removed by the Village at the owner's expense.
- f. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two (2) inches from one another.
- g. It shall be unlawful to erect or maintain any sign on, over or above any land or right-of-way belonging to the Village unless such right is established by agreement with the Village, and all signs shall adhere to all the setback requirements of the commercial zone in which they are located.
- h. The placing of advertising, business or identification signs within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the appropriate authority.
- i. No advertising billboard or other type of display sign shall be constructed in any Zone without

the approval of the Council, except as otherwise stated herein.

- j. The following signs shall not be subject to the provisions of this **PART**, except wherein otherwise stated herein:
 - i. Signs posted by duly constituted public authorities in the performance of their public duties;
 - ii. Memorial signs or tablets;
 - iii. Bulletin board signs of religious organizations or other community facilities, upon the same site and not exceeding eighteen (**18**) square feet in sign surface area;
 - iv. Flags or emblems of a political, civic, educational or religious organization;
 - v. Temporary signs announcing a campaign, drive or event of the above organizations;
 - vi. Temporary signs authorized by Council by written permit which shall show the size, shape, content, height, type of construction and location of such signs;
 - vii. Real estate signs not exceeding ten (**10**) square feet;
 - viii. **"No Trespassing"** signs not exceeding three (**3**) square feet;
 - ix. Construction signs when placed on construction sites and not exceed twenty-five (**25**) square feet;
 - x. Signs required for direction and convenience of the public including signs which identify rest rooms or parking entrance or exit, not exceeding five (**5**) square feet in area;
 - xi. Signs required to be maintained by law or governmental order, rule or organizations.
- k. No sign shall be located on Village property unless written approval has been obtained from Council.
- l. Where permitted an advertising sign shall not be greater than fifty-five (**55**) feet in horizontal dimension, eighteen (**18**) feet in vertical dimension and shall not contain more than two (**2**) advertising signs per facing. The maximum height of advertising signs erected upon the ground shall not exceed forty (**40**) feet above grade level at the base of such a structure.
- m. Signs shall not be permitted to suspend over or project outside the site lines or a site, except wherein otherwise stated.
- n. A temporary sign requires a permit approved by Council.

A fee for sign permits will be established in the fee schedule.

SIGNS IN MIXED USE

- 4.3.2 Residential uses in the **"MU" Mixed Use Zone** shall be permitted to have signs as follows:
- a. In the case of a one-family, two-family, three-family or four-family dwelling unit there shall not be more than one (**1**) illuminated or non-illuminated identification sign for each dwelling unit and each sign shall not exceed two (**2**) square feet in area.
 - b. In addition, there shall not be more than one (**1**) illuminated or identification sign not exceeding twelve (**12**) square feet in area for each multiple-family building, boarding house, rooming house or Senior Citizen's housing development.
 - c. In the case of any other permitted uses there shall not be more than one (**1**) non-illuminated or illuminated identification sign or bulletin board, not exceeding thirty-two (**32**) square feet in area and not exceeding a height of fifteen (**15**) feet.

- d. One (1) real estate sign, non-illuminated, and not exceeding thirty-two (32) square feet in sign surface area.
- e. Signs required to be maintained by law or governmental order, rule or regulation.
- f. Memorial signs or tablets of bronze, brass, stone or other non-combustible materials when built into or attached to the walls of a building or other structure provided such tablets bear only the name of the owner, the name and use of the building, the date of erection of the building or reading matter commemorating a person or event.
- g. Bulletin board signs not greater than one hundred (100) square feet in sign surface area and located not closer than ten (10) feet to any site line where a required yard is required.
- h. The minimum distance from a sign to a site line shall be ten (10) feet.
- i. In addition to the sign regulations above, the sign controls listed in **Section 4.3.1 of this PART** shall apply to these zones.

4.3.3 Commercial and institutional uses in the “**MU**” **Mixed Use Zone** shall be permitted to have signs as follows:

- a. One illuminated or non-illuminated fascia identification or business sign identifying any use contained on the building or structure, signs having an aggregate sign surface area not exceeding twenty (20) percent of the surface of the wall to which they are attached.
- b. One illuminated or non-illuminated free-standing business or identification sign, having a maximum height not exceeding fifteen (15) feet; located in the required front yard, but no part of such sign shall be located nearer the front or side site lines than one (1) foot, the total aggregate sign surface area not to exceed thirty-two (32) square feet.
- c. One illuminated or non-illuminated business or identification sign not exceeding forty (40) square feet may be erected on the roof of the building containing the business it identifies, which sign shall not be in addition to a fascia sign but as an alternative thereof.
- d. Advertising signs shall be conditional use. Sign shall not be greater than eighteen (18) feet in vertical dimension or greater than fifty-five (55) feet in horizontal dimension.
- e. In addition to the sign regulations above, the sign controls listed in **Section 4.3.1 of the PART** shall apply to these zones.

4.3.4. When both residential and commercial uses are located on one site, section 4.3.2 and section 4.3.3 apply.

RESIDENTIAL RELATED USE SIGNS

- 4.3.5 In the “**RS**” **Residential Standard Zone** and the “**RC**” **Residential Compact Zone** signs shall be permitted as follows:
- a. In the case of a one-family, two-family, three-family or four-family dwelling unit there shall not be more than one (1) illuminated or non-illuminated identification sign for each dwelling unit and each sign shall not exceed two (2) square feet in area.

- b. In addition, there shall not be more than one (1) illuminated or identification sign not exceeding twelve (12) square feet in area for each multiple-family building, boarding house, rooming house or Senior Citizen's housing development.
- c. In the case of any other permitted uses there shall not be more than one (1) non-illuminated or illuminated identification sign or bulletin board, not exceeding thirty-two (32) square feet in area and not exceeding a height of fifteen (15) feet.
- d. Commercial and home occupation advertising signs are not permitted in Residential Zones.
- e. One (1) real estate sign, non-illuminated, and not exceeding thirty-two (32) square feet in sign surface area.
- f. Signs required to be maintained by law or governmental order, rule or regulation.
- g. Memorial signs or tablets of bronze, brass, stone or other non-combustible materials when built into or attached to the walls of a building or other structure provided such tablets bear only the name of the owner, the name and use of the building, the date of erection of the building or reading matter commemorating a person or event.
- h. Bulletin board signs not greater than one hundred (100) square feet in sign surface area and located not closer than ten (10) feet to any site line where a required yard is required.
- i. The minimum distance from a sign to a site line shall be ten (10) feet.
- j. In the Residential Zones, the location and number of signs shall be determined by Council.
- k. In addition to the sign regulations above, the sign controls listed in **Section 4.3.1 of this PART** shall apply to these zones.

COMMERCIAL / INDUSTRIAL RELATED USE SIGNS

- 4.3.6 In the "**CC**" **Commercial Central Zone** signs shall be permitted as follows:
- a. One illuminated or non-illuminated fascia identification or business sign identifying any use contained on the building or structure, signs having an aggregate sign surface area not exceeding twenty (20) percent of the surface of the wall to which they are attached.
 - b. One illuminated or non-illuminated free-standing business or identification sign, having a maximum height not exceeding twenty-five (25) feet.; located in the required front yard, but no part of such sign shall be located nearer the front or side site lines than one (1) foot, the total aggregate sign surface are not to exceed thirty-two (32) square feet.
 - c. One illuminated or non-illuminated business or identification sign not exceeding forty (40) square feet may be erected on the roof of the building containing the business it identifies, which sign shall not be in addition to a fascia sign but as an alternative thereof.
 - d. Advertising signs shall be conditional use in the "**CC**" **Commercial Central Zone**. Sign shall not be greater than eighteen (18) feet in vertical dimension or greater than fifty-five (55) feet in horizontal dimension.
 - e. In addition to the sign regulations above, the sign controls listed in **Section 4.3.1 of this PART** shall apply to these zones.

- 4.3.7 In the "**CH**" **Commercial Highway Zone** signs shall be permitted as follows:
- a. One illuminated or non-illuminated fascia identification sign surface area not to exceed one (1) square feet for each foot of site width of the property on which it is located, but not exceeding a total aggregate sign surface area of one hundred (100) square feet, for any building or use permitted in this zone. An accessory building or structure shall not qualify for a separate identification sign.
 - b. Any identification or business sign permitted in **sub clause (a)** above may be attached to the face or roof of a building or structure or it may be a free-standing sign, having an aggregate sign surface area not exceeding one hundred (100) square feet.
 - c. Advertising and other signs not provided for in **sub clauses (a) and (b)**, above, shall be conditional uses with a maximum dimension of eighteen (18) feet in the vertical dimension and fifty-five (55) feet in the horizontal dimension.
 - d. In addition to the sign regulations above, the sign controls listed in **Section 4.3.1 of this PART** shall apply to these zones.
- 4.3.8 The following signs shall be permitted in the "**M**" **Industrial General Zone**:
- a. One illuminated or non-illuminated fascia business or identification sign identifying any use contained on the building or structure, but not exceeding a total aggregate sign surface area of one hundred (100) square feet, for any building or use permitted in this zone. An accessory building or structure shall not qualify for a separate identification sign.
 - b. Any identification or business sign permitted in clause (a) above may be attached to the face or roof of a building or structure or it may be a free-standing sign, having an aggregate sign surface area not exceeding one hundred (100) square feet.
 - c. Bulletin board signs shall be permitted to a maximum size of thirty-two (32) square feet.
 - d. Advertising signs shall be conditional uses, the size of which shall be determined by Council.
 - e. In addition to the sign regulations listed herein, the sign controls listed in **Section 4.3.1 of this PART** shall apply to the "**M**" **Industrial General Zone**.
 - f. Real estate signs not exceeding thirty-two (32) square feet which advertise the sale, rental or lease of a building, structure, site or part thereof.

SIGNS IN THE "OS" OPEN SPACE ZONE

- 4.3.9 The following signs shall be permitted in the "OS" Open Space Zone:
- a. Not more than two (2) illuminated identification signs, each not exceeding one hundred (100) square feet in sign surface area.
 - b. Real estate signs to a maximum of thirty-two (32) square feet in sign surface area.

SIGNS IN THE "FD" FUTURE DEVELOPMENT ZONE

- 4.3.10 The following signs shall be permitted in the "**FD**" **Future Development Zone**:
- a. There shall be not more than one (1) illuminated or non-illuminated identification sign having an area not exceeding one (1) square foot for each ten (10) feet of site frontage, with a maximum of one hundred (100) square feet.

- b. One (1) non-illuminated real estate sign not exceeding fifteen (15) square feet in area.
- c. Advertisement signs may be permitted as a conditional use in the “**FD**” **Future Development Zone**.

4.3.11 No flashing signs shall be permitted in the “FD” Future Development Zone without the approval of Council. In any event, no flashing sign shall be permitted within three hundred (300) feet of any residential zone.

4.4 PARKING REGULATION

GENERAL REQUIREMENTS

- 4.4.1 When any new development is proposed, including a change of use of existing development, or when any existing development is enlarged or increased in capacity, then provision shall be made for off-street vehicular parking or garage spaces in accordance with the regulations and standards contained in **this Section** of the By-law as follows:

TABLE 4.2: OFF STREET PARKING REGULATIONS	
Parking Use Classes	Number of Parking Spaces Required
<u>Residential and Residential-Related Classes</u>	
Bed and Breakfast Home	1 per dwelling unit or sleeping accommodation unit
Institutional Residence (such as a seniors home)	1 per each 4 dwelling or sleeping units
Multiple family dwelling	1.5 per each dwelling unit
Single family dwelling	1 per dwelling unit
Two family dwelling	1 per dwelling unit
Mobile Home	1 per each mobile home space
<u>Commercial / Industrial Related Classes</u>	
Hotel and Motel	1 per dwelling unit or guest room
Eating and drinking establishments	1 per every 4 seats (or 1 for every 100 sq. ft. of floor area, whichever is the larger)
Convenience and general retail	2 for the first 1,500 square feet, plus 1 additional space for each 200 square feet in excess of 1,500 square feet
Commercial uses larger than 10,000 square feet	1 per every 20,000 square feet of floor area or part thereof
Dwelling units, including apartments	See above
All other commercial uses	1 for every 250 sq. ft of floor area
Industrial uses	1 per every 1,000 square feet
<u>Other</u>	
Indoor participant recreation service, religious assembly, outdoor participant recreation service, private club, public library, cultural exhibit, recreation service	1 per every 6 seating spaces or 10 feet of bench. Where there are no fixed seats, 1 space for each 50 sq. ft.
Hospital	1.5 per every bed
Public and private education service	1.5 per classroom plus 1 for each 100 sq. ft. of floor area devoted to public use
Government service	1 per every 500 sq. ft. of floor area
Child care service	1 per 2 employees
Funeral service	1 per 4 seating places
Public utilities and Public Works Buildings	1 per every 5,000 square feet
Camping and tenting grounds	1 per site
Other allowed uses	As determined by Council

- 4.4.2 Where a proposed use is not listed above, the parking regulation shall be determined by Council which may either determine that the proposed use is similar to one which is listed, or, if that is not the case, the Development Officer shall make his/her own determination as to the regulation.
- 4.4.3 Where the parking space regulation is determined by reference to a unit such as the number of bedrooms or seats, floor area, the next higher number shall be required where the calculation results in a fractional number of parking spaces.
- 4.4.4 In the case of the multiple use of a site, the Development Officer shall calculate the parking required for each individual use and the total shall be deemed to be the required parking for the site, unless the applicant can demonstrate to the satisfaction of Council through a parking demand study that there is a complementary use of the parking facilities which would warrant a reduction in the parking regulations.
- 4.4.5 All accessory off-street parking spaces shall be located on the same zoning site as the use served unless varied by a variation order.
- 4.4.6 Additional requirements for parking may include the following:
 - a. Other requirements may be established by Council through appropriate amendments.
 - b. Accessory off-street loading spaces shall not be permitted in the required front yard, side yard or any special side yard along a zone boundary unless otherwise provided herein.
 - c. 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, lane or public thoroughfare.
 - d. Each off-street loading space shall have access to a public street or lane.
 - e. Off-street parking spaces shall not be credited as off-street loading spaces.
 - f. When a building is enlarged, or a use is extended or changed, the accessory off-street parking and loading spaces shall be provided for the enlargement, extension, or new use in accordance with the requirements of this section.

ADDITIONAL REQUIREMENTS FOR THE RESIDENTIAL USE CLASS

- 4.4.7 In addition to the requirements above, parking for residential related uses shall also include the following:
 - a. Where a common parking area, provided for residents of a multiple-family dwelling abuts an **"RS" RESIDENTIAL STANDARD ZONE**, a solid fence or hedge not less than four (4) feet or more than six (6) feet in height shall be constructed and maintained along any portion of the parking area boundary which abuts the said zones.
 - b. For home occupation uses, see **Section 6.4 of PART 6**; and
 - c. No parking is permitted in the front yard except in the case of single family or two family dwellings where parking spaces are permitted in driveways located in the required front yard.
 - d. For other permitted uses within the Residential Zones there shall be an adequate number of parking spaces as determined by Council.

ADDITIONAL PARKING AND LOADING SPACES FOR COMMERCIAL USE CLASS

- 4.4.8 Parking shall be permitted in the required accessory front yard to within five (5) feet of the front site line for all uses.
- 4.4.9 Parking in the Commercial use class shall be held to the following:
- a. Off-street parking spaces, each at least nine (9) feet by twenty (20) feet, shall be provided as follows:
 - i. Museums - one parking space for each four hundred (400) square feet of gross floor area;
 - ii. Bowling alleys and curling rinks – three (3) parking spaces per alley or sheet;
 - iii. Places of assembly, recreation clubs, including spas, clubs and lodges – one (1) parking space for every two hundred (200) square feet of floor area used for assembly or recreation;
 - iv. Personal service shops, general retail, and service establishments - one parking space for each two hundred (200) square feet of floor area.
 - b. Off-street parking spaces, each at least nine (9) feet by twenty (20) feet shall be provided as follows:
 - i. Auditoriums and funeral parlours – one (1) parking space for each four (4) seats in the principal assembly area, but not less than ten (10) spaces;
 - ii. Other conditional uses - one (1) parking space for each employee on the maximum shift.

PARKING SPACES

- 4.4.10 All parking spaces shall be provided on the same zoning site as the principal use.

ACCESSIBLE PARKING SPACES

- 4.4.11 Out of the total number of required off-street parking spaces, the owner must provide a portion of those spaces so as to be accessible to persons with disabilities. For each such space:
- a. The width of each required accessible space must be a least ten (10) feet; and for every ten (10) accessible parking spaces required to be provided, at least one (1) space must be a minimum of eight (8) feet wide and must have an adjacent loading and maneuvering area of at least eight (8) feet;
 - b. Must be located within two hundred (200) feet of major building entrances used by residents, employees, or the public; and
 - c. Must include signage reserving the space for the use by persons with disabilities.
- 4.4.12 At least one (1) curb ramp must be located within one hundred (100) feet of the auto parking space closest to each entrance to a principal or accessory building that is not a service entrance.

4.4.13 Accessible parking space requirements are as follows:

TABLE 4.3: ACCESSIBLE PARKING SPACE REQUIREMENTS	
Total Required Parking Spaces	Minimum Number of Accessible Parking Spaces Required
1-26	1
27-51	2
52-76	3
77-101	4
102-151	5
152-200	6

4.5 LOADING SPACES FOR COMMERCIAL / INDUSTRIAL USE CLASS

4.5.1 The following table indicates the required loading spaces for all commercial and industrial uses:

TABLE 4.4: LOADING SPACE REQUIREMENTS	
Floor Area of Building	Minimum Number of Loading Spaces
Up to and including 5,000 square feet	1
5,001 square feet up to and including 15,000 square feet	2
15,001 square feet up to and including 40,000 square feet	3
Over 40,000 square feet	1 parking space for each additional 25,000 square feet or portion thereof

- a. Off-street loading spaces, each at least twelve (**12**) feet by thirty-three (**33**) feet with a fourteen (**14**) foot vertical clearance, shall be provided as follows:
 - i. Clubs - one loading space when floor area is in excess of seven thousand five hundred (**7,500**) square feet;
 - ii. Bowling alleys, radio stations, rinks and similar amusements - one loading space when floor area is in excess of seven thousand five hundred (**7,500**) square feet;
 - iii. Uses not classified above and primarily concerned with the handling of goods - one space for each seven thousand five hundred (**7,500**) square feet of floor area, in any case not to be less than one (**1**) loading space.

- b. Off-street loading spaces, each at least twelve (**12**) feet by thirty-three (**33**) feet with a fourteen (**14**) foot vertical clearance, shall be provided as follows:
 - i. Auditoriums and funeral parlours - one loading space when floor area is in excess of ten thousand (**10,000**) square feet;
 - ii. Trucking terminals – one (**1**) loading space per loading area.

4.6 TEMPORARY BUILDINGS AND USES

TEMPORARY BUILDINGS / USES GENERAL PROVISIONS

4.6.1 The provisions of this **Section** shall apply to all zones.

TEMPORARY USES

4.6.2 Notwithstanding any provisions elsewhere contained in this By-law, the Council may permit, subject to such conditions as it may see fit to impose, and for a period of twelve (**12**) months which may be renewed before expiry subject to approval of Council, the temporary use of lands, buildings or structures not in conformity with the requirements of this By-law, if, in Council's opinion, the amenity or sanitary conditions of property in the vicinity will not be adversely affected thereby. If the proposed use occurs within the control area of a Provincial Highway, the application will be referred to The Highway Traffic Board or Manitoba Infrastructure and Transportation to establish additional requirements.

Temporary buildings, structures and uses may also be considered for the following:

- a. Temporary buildings, structures and uses for construction materials or equipment, both incidental and necessary to construction on the same zoning site may be permitted on a temporary basis subject to the issuance of a Development Permit for both the principal building and the temporary use and subject to such additional requirements as Council may deem necessary from time to time;
- b. A Development Permit for a temporary building, structure, or use shall be subject to such terms and conditions as required by Council or the Development Officer with fees as set out in the Fee Schedule;
- c. 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;
- d. In all cases, temporary buildings and structures shall not exceed one thousand (**1,000**) square feet in area and one (**1**) storey or fifteen (**15**) feet in height; and
 - i. May be used as office space for the contractor of developer;
 - ii. Shall not be used for human habitation, except as temporary accommodation for a caretaker or watchman; and
 - iii. Shall not be detrimental to the health, safety, convenience and general welfare.
- e. Notwithstanding the provisions of this **Section**, temporary signs shall be permitted on the same zoning site without a Development Permit for a period not exceeding six (**6**) months unless otherwise approved by Council.

4.7 RETENTION OF BULK REGULATIONS

4.7.1 It shall be a continuing obligation of the owner to maintain the minimum site area, yards and other open spaces required herein for any use as long as it remains in existence. Furthermore, the minimum required site area, yards and other open spaces allocated to a use as per requirements of

this By-law shall not by virtue of change of ownership, or for any other reason, be used to satisfy the required yard, other open space, or minimum site area requirements for any other use.

4.8 YARD REQUIREMENTS

- 4.8.1 Except as herein provided, the following special provisions shall apply in all zones to ensure adequate site and required yard requirements:
- a. Yards provided for a building or structure existing on the effective date of this By-Law or amendments thereto, shall not be reduced, if already less than the minimum requirements of this By-law;
 - b. All yards and other open spaces required for any use shall be located on the same zoning site as the use;
 - c. When a site is to be occupied for a permitted use without a building or structure, the yards shall be provided and maintained, except that the side yards shall not be required on a site which is used for horticultural purposes or for public recreational purposes;
 - d. No building or structure shall be permitted on a corner site when such building or structure is to be oriented in such a manner as to reduce the required front yard requirement on the street on which such corner site has its frontage at the time this Zoning By-law becomes effective.
 - e. Where permitted in this By-law, a building containing more than one unit with common party walls, such as semi-detached two-family dwelling, a row of shops, shall be considered as one (1) building occupying one (1) site for the purpose of side yard regulations.
 - f. It shall be a continuing obligation of the owner to maintain the minimum required site area, yards and other open spaces required herein for any use as long as it remains in existence. Furthermore, the minimum required site area, yards and other open space allocated to a use as per requirements of this Zoning By-law shall not, by virtue of change of ownership, or for any other reason, be used to satisfy the yard, and other open space, or minimum site area requirements for any other use.
 - g. The yard requirements shall be set forth in the **BULK TABLES** of each zone.

FRONT YARD EXCEPTIONS

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

PROJECTIONS INTO REQUIRED YARDS

- 4.8.3 Where sites shall be provided and maintained in accordance with the provisions of this **PART**, these shall be unobstructed from ground level to the sky, except as set forth in the **BULK TABLES** of the affected Zones and as follows:
- a. Eaves may project into any required front, side or rear yard, a distance of not more than three (3) feet and chimneys may project into a required front, side or rear yard not more than three (3) feet, provided the width of such side yard is not reduced to less than three (3) feet.

- b. Fire escapes may extend or project into any required front, side or rear yard not more than four (4) feet.
- c. Open, unenclosed stairways or balconies above the first floor, not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4) feet and such balconies may extend into a required front yard not more than two and one-half (2 ½) feet.
- d. Open, unenclosed porches, or platforms, not covered by a roof or canopy, which do not extend above the level of the first floor of the building, may extend or project into any required front, side or rear yard not more than four (4) feet provided the width of a required side yard is not reduced less than three (3) feet.
- e. Open work ornamental fences, uncovered walks, arbours, trellises, lighting fixtures, landscape architectural features or guard railing, for safety protection around depressed ramps, may be located in any required front yard if maintained at a height of not more than three and one-half (3 ½) feet above the average ground level adjacent thereto. An open work type railing not more than three and one-half (3 ½) feet in height may be installed or constructed on any balcony, stairway, porch, platform or landing place.
- f. Open work ornamental fences, hedges, landscape architectural features or guard rails shall not be located and maintained so as to preclude complete access at all times about a main building. Gates or other suitable openings at least two and one-half (2 ½) feet in width shall be deemed adequate for such an access.
- g. Except as provided for in the "FD" Future Development Zone, a fence or hedge shall not exceed a height of six (6) feet above finished grade in the required side or rear yards. A fence or hedge shall be permitted in any required front yard in which case the height shall not exceed two and one-half (2 ½) feet.
- h. Landscape features, such as trees, shrubs, flowers or plants shall be permitted in any required front, side or rear yard provided they do not produce a hedge effect contrary to the provisions of subsection (g) above.
- i. Name plates, signs, as permitted and regulated in **Section 4.3 of this PART**, or signs for lease or rental of the premises on which they are located as permitted in this **Section 4.3 of this PART**, shall be allowed in any required front, side or rear yard.

HEIGHT REGULATIONS

- 4.8.4 Except as otherwise provided, or varied by Council subject to the requirements of *The Planning Act*, no structure shall exceed thirty-five (35) feet in height above average finished grade.

HEIGHT EXCEPTIONS

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

4.9 PROVINCIAL TRUNK HIGHWAYS AND PROVINCIAL ROADS

- 4.9.1 All development proposed adjacent to Provincial Trunk Highways and Provincial Roads shall comply with the regulations and controls stipulated in the Highways Department Act and other policies established by Manitoba Infrastructure and Transportation.

4.10 NOXIOUS OR OFFENSIVE USES

- 4.10.1 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.

4.11 THROUGH SITE MAY BE TWO SITES

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

4.12 VEHICULAR ORIENTED USES

APPLICABILITY

- 4.12.1 The following Commercial / Industrial Use Class developments shall comply with the regulations of this Section of the By-law:
- a. Drive-In Food Services; and
 - b. Service Stations.

DEVELOPMENT REGULATIONS

- 4.12.2 Vehicular-oriented uses shall be located only where the Development Officer or Council is satisfied that the development will not adversely affect the functioning of the surrounding public roadway.
- 4.12.3 The minimum frontage shall be one hundred (**100**) feet
- 4.12.4 Service Stations shall have a minimum site depth of one hundred (**100**) feet.
- 4.12.5 Stacking space shall be provided as follows:
- a. For Drive-In Food Services and other Commercial Use Class developments having a drive-up service window, a minimum of six (**6**) in-bound stacking spaces shall be provided for vehicles approaching the drive-up service window. One (**1**) out-bound stacking space shall be provided on the exit side of each service position and this space shall be located so as not to interfere with service to the next vehicle.
 - b. For Service Stations, a minimum of five (**5**) in-bound and three (**3**) out-bound stacking spaces shall be provided for each service bay, except that in the case of a complete service car wash a minimum of ten (**10**) in-bound and five out-bound stacking spaces shall be provided.

- c. All stacking spaces shall be a minimum of eighteen (**18**) feet long and ten (**10**) feet wide. Stacking lanes shall provide sufficient space for turning and manoeuvring.
- d. All stacking spaces shall be located so as not to block or interfere with the smooth flow of traffic to and from required off-street parking spaces or the driving aisles providing access to those spaces, or any adjacent street or lane through an approved access point.

4.12.6 Service Stations shall comply with the following additional regulations:

- a. All pump islands and underground storage tanks shall be located at least twenty (**20**) feet from any boundary of the site, parking area on the site, or laneways intended to control traffic circulation on the site.
- b. Refuelling areas are not permitted in a required parking area.
- c. A canopy over a pump island may extend to within ten (**10**) feet of the boundary of the site. The canopy area shall not constitute part of the site coverage for the purpose of this Section of the By-law.

4.13 SATELLITE DISHES

4.13.1 Satellite dishes and related equipment are subject to the following:

- a. Shall be located at ground level or above ground on a free standing structure, shall be placed to the rear of the rear wall of the main building or structure; or
- b. Are permitted on the roof of either the main building or the roof of a suitable accessory building such as a garage and shall not exceed a height of three (**3**) feet above the highest structural point of the principal buildings on the site;
- c. Shall be located so as to not create a shadow on adjoining property; and
- d. Shall neither contain any advertising signs or devices nor shall they be illuminated.

4.13.2 Where a person can demonstrate to the satisfaction of Council that a satellite dish complying with these regulations is unable to receive proper reception, Council may waive the above requirements.

4.14 EXTERIOR WOOD BURNING FURNACES

4.14.1 Exterior solid fuel burning furnaces will not be permitted within the Village of St-Pierre-Jolys.

4.15 REFUSE AND GARBAGE AREA

4.15.1 A refuse and garbage area will be required to be separate from the required parking area, buffers and open spaces for multiple-family dwellings and other permitted approved uses where the owner or occupants produce fifty-four (**54**) cubic feet or more of garbage or refuse per week.

4.15.2 The location and size of area within the zoning site shall be subject to the approval of Council.

PART 5 - ZONES

5.1 ZONING

TABLE 5.1: ZONING DISTRICTS ESTABLISHED		
District Type	Abbreviation	District Name
Residential	RS	Residential Standard
	RC	Residential Compact
Commercial and Mixed Use	CC	Commercial Central Zone
	CH	Commercial Highway Zone
	MU	Mixed Use
Industrial	M	Industrial
Agriculture and Open Space	OS	Open Space
	FD	Future Development

5.2 ZONING MAP

- 5.2.1 The location and the boundaries of the zones listed in **Section 5.1** above are shown upon a Zoning Map attached hereto, marked as **APPENDIX "A"** to this By-law. All notations, references and other information shown therein, together with any amendments made by amending By-laws from time to time and shown therein, together with any amendments to boundaries in the case of any street, lane or public utility right-of-way closing, as provided by *The Act*, shall be as much a part of this By-law as if the matters and information set forth by the said Zoning Map were fully described herein.

5.3 ZONE BOUNDARIES

INTERPRETATION OF ZONE BOUNDARIES

- 5.3.1 In the interpretation of the boundaries of the zones as shown on the Zoning Maps the following rules shall apply:
- a. Notwithstanding that streets, lanes and public utility rights-of-way may be within zone boundaries, the regulations contained in this By-law shall not be deemed to be applicable to said streets, lanes and public utility rights-of way;
 - b. Boundaries indicated as following the centre lines of streets, highways or lanes shall be construed to follow such centre lines or as otherwise indicated on a map;
 - c. Boundaries indicated as following site lines on a registered plan shall be construed as following such site lines;
 - d. Boundaries indicated as following the Village's limits shall be construed as following the Village's limits;
 - e. Boundaries indicated as following the centre line of railway lines or railway rights-of-way or public utility lines or rights-of way shall be construed to be midway between the main tracks or the centre of the right-of-way, or as otherwise shown on **APPENDIX "A"** attached hereto;
 - f. Boundaries as indicated as following the centerline of streams or rivers shall be construed as following the centerlines of such streams or rivers;
 - g. Boundaries indicated as following the shorelines of lakes, or other bodies of water shall be construed as following the ordinary high water mark of such lakes or bodies of water; and
 - h. If a street or lane or Government Road Allowance shown on the Zoning Map is lawfully closed, the land formerly comprising the street or lane shall be included within the zone of the adjoining land provided that if the said street or lane was a zoning boundary between two or more different zones, the new zoning boundary shall be the closed street or lane.

PART 6 - RESIDENTIAL ZONES

6.1 INTENT AND PURPOSE

6.1.1 The Residential Zones established in this By-law are intended to provide sufficient land in suitable locations to meet the needs of residential development in The Area in keeping with the provisions of the Development Plan.

ZONES

6.1.2 The following Residential Zones are hereby established in order to carry out the intent and purpose of **Section 6.1.1**:

- a. **"RS" RESIDENTIAL STANDARD ZONE** provides areas for the development of a mixture of residential dwellings, including multiple-family dwellings containing up to eight (8) dwelling units each, when serviced by the municipal piped sewerage system. However, any lot serviced by an onsite wastewater management system may only be developed with a single-family dwelling as per **Section 4.1.3 of PART 4**.
- b. **"RC" RESIDENTIAL COMPACT ZONE** provides areas for the development of single-family dwellings, duplexes, row-house dwellings and compatible uses (excluding mobile homes) on smaller lots than allowed in the "RS" Residential Standard Zone.

GENERAL PROVISIONS

6.1.3 The regulations applying to all **RESIDENTIAL ZONES** are contained within this **PART**. Also applying to these zones are the provisions of **PART 2 – "DEFINITIONS"**; **PART 3 – "ADMINISTRATION"**; **PART 4 – "GENERAL PROVISIONS"**; and the zoning map as per **"APPENDIX A"**.

USE REGULATIONS

6.1.4 No land shall be used or occupied and no building or structure shall be erected, altered, relocated, used or occupied hereafter for any use in the **RESIDENTIAL ZONES** in which such land, building or structure is located other than a use listed in **TABLE 6.1: RESIDENTIAL USE TABLE**, with the exceptions of uses lawfully established prior to the effective date of this By-law.

BULK REQUIREMENTS

6.1.5 Bulk requirements for these zones are shown in the following tables.

SEE RESIDENTIAL USE TABLE 6.1

TABLE 6.1: RESIDENTIAL USE TABLE		
PERMITTED OR CONDITIONAL USES	RESIDENTIAL ZONES	
LEGEND: “P” Permitted “C” Conditional “-” Not Permitted	“RS” RESIDENTIAL STANDARD	“RC” RESIDENTIAL COMPACT
Accessory Uses (See Section 4.2 of Part 4)	P	P
Bed and Breakfast	C	C
Cemetery	P	P
Community Recreation Service	C	C
Group Home	C	C
Government Service	C	C
Home Occupation (See Section 2.6.4 of Part 2)	P	-
Hospital	C	-
Indoor Participant Recreation Service	C	C
Institutional Residence	C	-
Mobile Home Park (See Section 6.5 of this Part)	C	-
Multiple-Family Dwelling	C	C
Non-Accessory Parking	C	-
Outdoor Amusement Establishment	C	C
Outdoor Participant Recreation Service	C	C
Planned Unit Development (See Section 6.3.5 of this Part)	C	C
Protective & Emergency Services	C	-
Public Library & Cultural Exhibit	C	C
Public Park	P	P
Public Utilities, including communication installations	C	C
Religious Assembly	P	-
School	C	C

SEE RESIDENTIAL BULK TABLE 6.1

TABLE 6.1: RESIDENTIAL USE TABLE		
PERMITTED OR CONDITIONAL USES	RESIDENTIAL ZONES	
LEGEND: "P" Permitted "C" Conditional "-" Not Permitted	"RS" RESIDENTIAL STANDARD	"RC" RESIDENTIAL COMPACT
Signs	See Section 4.3 of Part 4	
Single-Family Dwelling	P	P
Two-Family Dwelling (Side-by-side, see Section 6.3.2 of this Part)	P	P
Two-Family Dwelling (One unit above another)	P	P

SEE RESIDENTIAL BULK TABLE 6.2

TABLE 6.2: RESIDENTIAL BULK TABLE

Residential Zones	Permitted / Conditional Use (as per Table 6.1)	Accessory Use Category (as per Table 4.1)	Minimum requirements					Maximum requirements	
			Site		Yard			Site coverage ³ (%)	Building height ⁴ (feet)
			Area (sq. ft.)	Width (feet)	Front (feet)	Side ¹ (feet)	Rear ² (feet)		
"RS"	Hospital	A, C, K	87,120	200	75	15	25	40	35
	Institutional residence	A, C, K	21,780	100	75	15	25	40	35
	Mobile home park	A, B	2 acres	300	-	-	-	-	-
	Multiple-family dwelling	A	12,500	100	50	15	25	60	35
	Non-accessory parking	A	9,000	60	25	10	20	-	-
	Planned unit development	A	As determined by Council					As per Development Agreement	
	Protective & emergency services	A, C, K	21,780	100	30	25	25	20	35
	Religious assembly	A, B, C	21,780	100	30	15	25	60	35
	Single-family dwelling	A, L	5,000	50	25	5	25	40	35
	Two-family dwelling (One unit above another)	A	6,600	55	30	15	25	40	35
	Two-family dwelling (Side-by-side, see Section 6.3.2 of this PART)	A	9,000	80	30	15	25	40	35
	Other "RS" uses	A, C, D	9,000	60	25	10	20	-	35
"RC"	Multiple-family dwelling	A	8,000	70	15	8	10	60	35
	Planned unit development	A	As determined by Council					As per Development Agreement	
	Single-family dwelling	A, L	4,000	40	15	4	10	50	35
	Two-family dwelling (One unit above another)	A	5,500	50	15	8	10	50	35

TABLE 6.2: RESIDENTIAL BULK TABLE

Residential Zones	Permitted / Conditional Use (as per Table 6.1)	Accessory Use Category (as per Table 4.1)	Minimum requirements					Maximum requirements	
			Site		Yard			Site coverage ³ (%)	Building height (feet)
			Area (sq. ft.)	Width (feet)	Front (feet)	Side ¹ (feet)	Rear ² (feet)		
	Two-family dwelling (Side-by-side, See section 6.3.2 of this PART)	A	7,000	60	15	8	10	50	35
All Residential Zones	Cemetery	A, C	80,000	150	75	20	10	50	35
	Public Park	A, C	As determined by Council						
	Public utilities, including communication installations	A, C	As determined by Council						
	School	A, B	5 acres	150	50	10	10	30	35
	All other Residential uses as per Table 6.1	A, C, D	9,000	60	25	10	20	-	30

1. Side yard notes and exceptions:
 - a. A single family dwelling without an attached private garage and on a site without a lane at the side or rear shall have side yard requirements of five (5) and ten (10) feet in the “RS” Residential Standard Zone and four (4) and eight (8) feet in the “RC” Residential Compact Zone.
 - b. A single family dwelling with an attached garage or on a site with a lane at the side or rear shall have a side yard requirement of five (5) feet in the “RS” Residential Standard Zone and four (4) feet in the “RC” Residential Compact Zone.
 - c. The side yard requirement on the street side of a corner site shall be fifteen (15) feet in the “RS” Residential Standard Zone and ten (10) feet in the “RC” Residential Compact Zone.
 - d. For an accessory use located to the rear of the main building, the minimum side yard requirement shall be two (2) feet; however where the site is a reverse corner site, the minimum side yard requirement for an accessory use on the street side shall be the same as for the main building.
2. The minimum rear yard requirement for an accessory use shall be four (4) feet for a site without a lane and zero (0) feet for a site with a lane.
3. Coverage percentage for the accessory building is based on percentage of main building.
4. Building height is the vertical distance measured from grade to the highest point of the roof surface if a flat roof, to the deck of a mansard roof, and to the mean height level between eaves and ridge for gable, hip or gambrel roof.

6.2 DWELLING UNIT MINIMUM SIZE

- 6.2.1 The minimum floor area of a single family dwelling, two-family dwelling or mobile home shall be eight hundred (**800**) square feet for each dwelling.
- 6.2.2 The minimum floor area of a multiple family dwelling unit shall be four hundred (**400**) square feet for each dwelling unit.

6.3 REQUIREMENTS FOR TWO-FAMILY AND MULTIPLE-FAMILY DWELLINGS

- 6.3.1 For the purpose of side yard requirements, a semi-detached two-family dwelling, a row house or a multiple-family dwelling with common party walls shall be considered as one (**1**) building occupying one (**1**) site.

SUBDIVISION OF ATTACHED DWELLINGS

- 6.3.2 A lot with a two-family dwelling or row-type dwelling located in either the "**RS**" **RESIDENTIAL STANDARD ZONE** or the "**RC**" **RESIDENTIAL COMPACT ZONE** may be split into two or more lots provided the following regulations are complied with:
- a. Any new lot line shall be a straight line between the front and rear lot lines, located in such a manner that the party wall of two adjacent units shall form part of the new lot line. Where the new lot line is unable to form a straight line due to the irregular shape of the lot, the location of that new lot shall be determined by the conditions of any subdivision approval and verified by a Manitoba Land Surveyor.
 - b. Each lot created shall have frontage on a street except in the case of a bare land condominium unit development, where the common elements as defined in the *Condominium Act* that contain roads shall be deemed to be a street for the purpose of this section.
 - i. For the purposes of interpreting the requirements of the appropriate Zones, individual condominium units shall be deemed a site for the purposes of interpreting zoning by-law requirements, including party wall developments as noted in **Section 6.3.2.a** above.
 - c. The permitted use for each lot created shall be for one attached single-family dwelling unit only.
 - d. Notwithstanding the minimum requirements of **TABLE 6.2**, any parcel created pursuant to this Section shall have a minimum site area of two thousand (**2,000**) square feet and a minimum site width of twenty (**20**) feet. No side yard is required along a party wall.
 - e. Each lot created shall provide not less than one (**1**) parking space to be located in the side or rear yard and having access directly to either a public lane, street or right-of-way. Where, due to space or access limitations, the required parking spaces cannot be located in the side or rear yard, Council may approve parking spaces in the front yard and may establish conditions for such parking spaces; and
 - f. All applicable provisions of the Village of St-Pierre-Jolys Building By-law shall be complied with.

CONDOMINIUM DEVELOPMENT

6.3.4 Three types of condominium development can occur in the Village of St-Pierre-Jolys:

- a. Bareland condominiums where the common elements as defined in the *Condominium Act* containing roads shall be deemed to be a street for the purpose of determining site and yard requirements;
- b. Condominiums as part of a planned unit development, subject to **Section 6.3.5** of this **PART**. Under this section, bare land condominiums utilizing higher density of development and reduced widths of common element for road purposes, will also be allowed; and
- c. Condominiums as part of multiple family dwellings and including multi storey developments, meeting the requirements of the respective zones.

RESIDENTIAL PLANNED UNIT DEVELOPMENT

6.3.5 An application for the establishment of residential planned unit development as provided for in **TABLE 6.1** shall be accompanied by an impact study, prepared and submitted by the applicant and containing the following information:

- a. A site plan showing the development proposed for the site and phasing which is proposed for the development;
- b. A sketch showing adjacent land uses and roads;
- c. A concise statement as to the general benefits of the development to the community as a whole;
- d. The effect on neighbourhood structures and the general residential character of any adjacent neighbourhood;
- e. The effect on the natural environment such as surface and subsurface of the land, increase in surface run-off and flooding, soil erosion and vegetation;
- f. Safety and general welfare;
- g. The effect on Village sewer, waterworks and other municipal services;
- h. The tax benefit to the community (tax base, assessments and land values); and
- i. Such additional information as may in Council's opinion, is necessary for the review of the proposal.

6.3.6 Notwithstanding **Section 4.1.3** of **PART 4**, a residential planned unit development may contain two or more principal residential structures and may vary the provisions of **TABLE 6.2: RESIDENTIAL BULK TABLE**, subject to the following criteria:

- a. The minimum site area for a residential planned unit development shall be twenty thousand **(20,000)** square feet;
- b. Side, front and rear yards equal to the requirements of the zone in which the planned unit development is located, shall be maintained; and

- c. The developer will be required to enter into a Development Agreement with the Village of St-Pierre-Jolys which will also address any other requirements necessary for the establishment of a residential planned unit development.

DEVELOPMENT APPLICATION FOR MULTIPLE FAMILY RESIDENTIAL

6.3.7 A development application for multiple family dwellings of 3 or more units in the "**RS**" **RESIDENTIAL STANDARD ZONE** or "**RC**" **RESIDENTIAL COMPACT ZONE**, in addition to complying with **Sections 4.1** and **4.2** of **PART 4**, shall be accompanied by plans drawn to scale showing the following:

- a. The exact shape and dimensions of the zoning site to be built upon, verified by a surveyor's certificate, prepared by a Manitoba Land Surveyor, indicating the location of any existing structures, and where there is an existing structure on the adjoining site, the location of the nearest wall of said structure;
- b. A site plan indicating the proposed building or buildings to be erected or altered;
- c. The intended use of each building or part thereof, the number of storeys and gross floor area;
- d. The location of entrance and loading points to existing and proposed structures;
- e. The location of all curb cuts, driveways, parking areas, and loading areas, and the method of illumination;
- f. The location and type of landscaping, walls, fences and screening;
- g. Typical floor plans and elevations of proposed buildings and structures;
- h. The number of dwelling units that a building is designed to accommodate;
- i. The location of all outside facilities for waste disposal, and the location of fire hydrants;
- j. All pedestrian walks, malls and open areas for use by tenants or the public;
- k. The location, size, height and orientation of all signs other than flat signs on building facades;
and
- l. The type of ground surfacing to be used at various locations.

6.4 HOME OCCUPATIONS

6.4.1 Home occupations shall be allowed in the Residential Zones as an accessory use subject to the following conditions:

- a. The principal use on the site shall be established as residential and be the permanent residence of the owner operator of the proposed use. The activity is to be conducted entirely within the dwelling unit or accessory building;
- b. It is conducted solely by the members of the family residing in the same dwelling unit without the employment of other persons;

- c. Has no exterior display; no exterior storage of products or materials, and no other exterior indication of the home occupation or variation of the residential character;
- d. No generation of obnoxious or offensive noise or smell beyond the subject property boundaries; the principal or accessory buildings except as provided for hereon;
- e. Home occupations involving the use of toxic materials (e.g. silk screening processes) shall require a conditional use permit from the Village of St-Pierre-Jolys;
- f. No generation of undue traffic and congestion in the neighbourhood;
- g. It does not occupy more than three hundred (**300**) square feet of floor area in any dwelling unit or accessory building, or 20% of the floor area of the dwelling unit, whichever is less;
- h. Articles sold or offered for sale are limited to those produced therein or articles that are produced elsewhere but are pre-packaged and held only on a temporary basis for distribution to customers outside the dwelling unit;
- i. Off-street parking to be provided;
- j. Operation to be limited to a maximum to two (**2**) work vehicles on premises;
- k. A temporary permit is obtained to allow the home occupation as a temporary use from the Village of St-Pierre-Jolys.

6.4.2 Home occupations may include the following:

- a. **Building trades:** cabinetry, carpentry, electrical, flooring, foundation, plumbing, roofing, stucco, tiling and masonry, overhead door installation.
- b. **Crafts:** small scale production and sale, dried and silk flower arrangements, handicrafts, jewellery, wooden crafts.
- c. **Food Services:** small scale production, Watkins sales and the like, vegetable, prepared food and produce sales, catering.
- d. **Professional:** employment agency, engineering consultant, income tax service, insurance brokerage, investment planning/marketing/sales, nutritional consultant, travel agency.
- e. **Sales:** small scale inventory
- f. **Services:** janitorial services, therapeutic massage, carpet cleaning, office equipment repair, dental equipment repair

6.5 MOBILE HOME PARK

6.5.1 The following Bulk Requirements shall apply within the mobile home park:

- a. A mobile home space in a mobile home park shall have a minimum site area of five thousand

(5,000) square feet, a minimum site frontage of fifty (50) feet and a minimum depth of one hundred (100) feet.

- b. The yard requirements for each mobile home space are as follows:
 - i) minimum front yard: twenty (20) feet
 - ii) minimum interior side yard: eight (8) feet
 - iii) minimum corner side yard: ten (10) feet
 - iv) minimum rear yard: eight (8) feet

6.5.2 A mobile home space in a mobile home park shall be provided with the following services:

- a. A sewer connection;
- b. An electrical service outlet; and
- c. An adequate base support for the mobile home.

All utilities shall be located underground except for hydro.

6.5.3 A buffer of at least twenty-five (25) feet shall be provided within and adjacent to the perimeter of the mobile home park property boundary; and

- a. A buffer area shall be developed as an area suitably landscaped with trees, shrubs, grass or other horticultural features acceptable to Council;
- b. A buffer area may be crossed by an access right-of-way;
- c. A buffer area shall not contain a use other than permitted by sub clauses (a) and (b) above.

6.5.4 A mobile home park shall be maintained in a satisfactory and safe condition by the owner or his agent. Maintenance shall include, in all areas of the mobile home park but is not necessarily limited to the following: cutting of grass; removal of weeds; maintenance of roadways; and removal of refuse.

6.5.5 A mobile home park shall contain a common recreational area as follows:

- a. The common recreational area shall comprise a minimum of five percent (5%) of the mobile home park area;
- b. The common recreational area shall not be a part of the buffer area provided for in **Section 6.5.4 of this PART**;
- c. The common recreational area shall be bordered by a fence or hedge where it abuts any part of the internal roadway.

6.5.6 Service buildings shall be centrally located and in no case shall be further than five hundred (500) feet from any mobile home or nearer than twenty (20) feet to any mobile home. They shall be provided with adequate light, heat and ventilation.

6.5.7 Tanks for storage of fuel oil and propane shall be concealed from view by screening or other appropriate measures.

6.5.8 Each mobile home space shall be clearly marked by corner posts or other satisfactory means and identified by a number sign.

- 6.5.9 All internal roadways within a mobile home park:
- a. Shall be properly illuminated by lighting units as recommended by Manitoba Hydro and to the satisfaction of Council;
 - b. Shall be a minimum width of forty (**40**) feet and shall contain an all-weather driving surface of a minimum of twenty-four (**24**) feet in width; and
 - c. Shall only allow temporary parking.
- 6.5.10 At least one (**1**) off-street parking space shall be provided for each mobile home space.
- 6.5.11 Mobile homes shall be provided by the owner with a painted durable skirting to screen the view of the foundation supports and undercarriage.
- 6.5.12 Accessory buildings or structures:
- a. May be attached to the mobile home in which case the accessory building or structure shall be considered as being part of the mobile home for yard requirement purposes; and
 - b. Shall be so designed and constructed to be incorporated into the park environment in a harmonious manner.
- 6.5.13 In all areas of the mobile home park not occupied by mobile home pads, mobile home additions, storage areas, roadways, walkways, driveways, parking stalls and other structures or facilities, the owner of the park or his agent shall ensure the installation of landscaping including grass, trees and shrubbery.
- 6.5.14 No mobile home shall be located less than a distance of thirty (**30**) feet from any boundary of a mobile home park adjacent to a public right-of-way or from the limits of any other zone.
- 6.5.15 Walkways, where provided shall be at least ten (**10**) feet in width.

6.6 OTHER PROVISIONS

PRIVATE SWIMMING POOLS AND HOT TUBS

- 6.6.1 This section applies to private and semi-private swimming pools, hot tubs and similar structures when accessory to a residential use:
- a. Outdoor pools and hot tubs shall comply with yard requirements for accessory buildings and uses as set forth in **TABLE 6.2: RESIDENTIAL BULK TABLE** of this **PART**. In no case shall an outdoor pool or hot tub be located closer than five (**5**) feet to any side or rear site line;
 - b. All outdoor pools and hot tubs shall be completely enclosed with a fence or other suitable barrier constructed or erected in accordance with the following:
 - i. it shall have a minimum height of six (**6**) feet including gates, which shall be self-closing and equipped with a lockable latch to prevent unauthorized entry;
 - ii. there shall be no openings other than an entry to a building at a gate and it shall be so constructed as to prevent a child from crawling under either the fence or gate;

- iii. where a chain link fence is used, the outside surface of the enclosure shall be relatively smooth so as not to provide foot or toe holds; and
 - iv. the enclosure surrounding an outdoor pool shall be maintained in good repair.
- c. Notwithstanding **Section 6.6.2.a** of this **PART**, open decks and open stairways associated with the outdoor pools or hot tubs may project to within two (2) feet of any side or rear site line;
- d. Semi-private pools, which are not located on the property of a single family dwelling and used solely by the occupant of said dwelling or his guests, are subject to the regulations governing swimming pools under the Public Health Act.
- d. Nothing in this Section shall relieve any such structure from complying with spatial, structural, electrical, plumbing, health and safety or separation requirements contained in regulations under The Building and Mobile Homes Act, Public Health Act or other applicable statutes.
- e. A permit from council will be required to establish this use.

PART 7 - COMMERCIAL ZONES

7.1 INTENT AND PURPOSE

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

ZONES

7.1.2 In order to carry out the intent and purpose of **Section 7.1.1** above, the following zones are hereby established:

- a. **"CC" COMMERCIAL CENTRAL ZONE** which provides appropriate lands for the development of intensive retail, business, service and administrative uses within the area's central business zone.
- b. **"CH" COMMERCIAL HIGHWAY ZONE** which provides appropriate lands for those businesses requiring large sites for uses such as servicing the motoring public and requiring direct access to a highway.

GENERAL PROVISIONS

7.1.3 The regulations applying to all **COMMERCIAL ZONES** are contained within this **PART**. Also applying to these zones are the provisions of "**PART 2**" - **DEFINITIONS**, "**PART 3**" - **ADMINISTRATION**, "**PART 4**" - **GENERAL PROVISIONS** and zoning map as per "**APPENDIX A**".

USE REGULATIONS

7.1.4 No land shall be used or occupied and no building or structure shall be erected, altered, relocated, used or occupied herein after for any use in the **COMMERCIAL ZONES** in which such land, building or structure is located other than a use listed in **TABLE 7.1 COMMERCIAL USE TABLE** with the exceptions of uses lawfully established prior to the effective date of this By-law.

BULK REQUIREMENTS

7.1.5 Bulk requirements for these zones are shown in the following tables.

TABLE 7.1: COMMERCIAL USE TABLE

TABLE 7.1: COMMERCIAL USE TABLE			
LEGEND: "P" Permitted "C" Conditional "-" Not Permitted	COMMERCIAL ZONES		
	"CC" COMMERCIAL CENTRAL ZONE	"CH" COMMERCIAL HIGHWAY ZONE	"MU" MIXED USE ZONE
Accessory uses, buildings and structures (see Section 4.2 of Part 4)	P	P	P
Agricultural Implement Sales & Service (2.7.2)	-	P	-
Agribusiness (2.7.1)	-	-	-
Animal Shelter & Veterinary Service (2.7.3)	-	C	-
Automotive & Equipment Repair Shop (2.7.5)	C	P	-
Automotive & Recreational Vehicle Sales (2.7.6)	C	P	C
Bed and Breakfast	-	-	P
Bulk Storage Facility (2.7.7)	-	C	-
Cemetery	-	-	-
Commercial Schools or Private Education Service (2.7.8)	P	-	-
Community Recreation Service	-	-	C
Commercial / Industrial Planned Unit Developments / Condominiums	C	C	C
Custom Manufacturing (2.7.9)	P	-	C
Dairies and Creameries (2.7.10)	C	P	N
Drive-in Establishment (2.7.11)	P	P	C
Dwelling, Single-Family	-	-	P

TABLE 7.1: COMMERCIAL USE TABLE

LEGEND: “P” Permitted “C” Conditional “-” Not Permitted	COMMERCIAL ZONES		
	“CC” COMMERCIAL CENTRAL ZONE	“CH” COMMERCIAL HIGHWAY ZONE	“MU” MIXED USE ZONE
Dwelling, Two-Family	-	-	P
Dwelling, Multiple-Family(2.5.3)	C	C	C
Eating and Drinking Establishment (2.7.12)	P	P	C
Entertainment Establishment (2.7.13)	C	C	C
Funeral Service (2.7.14)	C	P	C
Gas Bar and Service Station (2.7.15)	C	P	-
General Contractor Service (contained within an enclosed building) (2.7.16)	C	C	C
Government Service	P	P	P
Group Home	-	-	C
Home Occupation	-	-	P
Hotel or Motel (2.7.20)	P	P	C
Indoor Participant Recreation Service (2.7.21)	P	P	P
Institutional Residence	-	-	C
General Industrial (2.7.17)	-	P	-
Light Industrial (2.7.21)	-	-	-
Mixed Use Residential/Commercial (2.7.22)	C	C	C

TABLE 7.1: COMMERCIAL USE TABLE

LEGEND:	COMMERCIAL ZONES		
	“CC” COMMERCIAL CENTRAL ZONE	“CH” COMMERCIAL HIGHWAY ZONE	“MU” MIXED USE ZONE
“P” Permitted			
“C” Conditional			
“-” Not Permitted			
Non-Accessory Parking			P
Outdoor Amusement Establishment (2.7.23)	-	C	C
Outdoor Participant Recreation Service	-	-	C
Personal Service Shop (2.7.25)	P	P	P
Planned Unit Development (See Section 6.3.5)	-	-	C
Public Library & Cultural Exhibit			C
Public Park	-	-	P
Public Utilities (2.9.7)	C	C	P or C
Private Club (2.7.26)	C	C	C
Professional, Financial & Office Support Services (2.7.27)	P	P	P
Protective & Emergency Services (2.9.5)	P	P	P
Public Library or Cultural Exhibit (2.7.28)	P	-	C
Religious Assembly (2.7.29)	-	P	C
Repair Service (does not include automobiles)	P	P	C
Retail Sales (2.7.30)	P	P	P
School			C

TABLE 7.1: COMMERCIAL USE TABLE

LEGEND:	COMMERCIAL ZONES		
	“CC” COMMERCIAL CENTRAL ZONE	“CH” COMMERCIAL HIGHWAY ZONE	“MU” MIXED USE ZONE
“P” Permitted			
“C” Conditional			
“-” Not Permitted			
Shopping Centre (2.7.31)	C	C	C
Signs	See Section 4.3 of part 4		
Trucking Operation (2.7.35)	-	P	-

Numbers in brackets refer to subsection in the By-law where definition is provided.

Notes to Council:

- 1) Cemetery – The church and cemetery are both zoned mixed-use. Any expansion of the cemetery of the church will require a Conditional Use Permit from Council. Is this what you intended?
- 2) Light Industrial – It is not permitted or conditional in any zone. Should it be removed from the table?
- 3) Mixed Use Residential/Commercial – I am recommending this be deleted. Each use will be assessed using the table. Example - a building with two apartments on the second floor and hair salon on the main floor. Each use should be assessed separately to meet the requirements in the by-law rather than falling into the mixed use. The definition of mixed use commercial/residential is also very restrictive.
- 4) Non-accessory Parking Area – This is a parking lot to associated with any use...just a stand alone surface parking lot. Does Council want to allow lots to be turned into parking lots if zoned mixed use.
- 5) Public Utilities – In one table we received it said that the public utility should be permitted and in another table we received it said it should be conditional? Which does Council want?

TABLE 7.2: MIXED USE BULK TABLE

TABLE 7.2: MIXED USE BULK TABLE									
Zone	Permitted / Conditional Use (as per Table 7.1)	Accessory Use Category	Minimum requirements					Maximum requirements	
			Site		Yard			Site coverage (%)	Building height ⁵ (feet)
			Area (sq. ft.)	Width (feet)	Front ¹ (feet)	Side ² (feet)	Rear ³ (feet)		
MU	Automotive & Recreational Vehicle Sales	A, C, D, G, H	17,000	125	0	5	25	75	30
	Cemetery	A, C	80,000	150	75	20	10	50	35
	Drive-in Establishment	A, C	7,500	65	30	5	25	75	30
	Dwelling, Multiple Family	A	8,000	70	15	8	10	60	35
	Dwelling, Single Family	A, L	4,000	40	15	4	10	50	35
	Dwelling, Two-family (One unit above another)	A	5,500	50	15	8	10	50	35
	Dwelling, Two-family (Side-by-side, See section 6.3.2)	A	7,000	60	15	8	10	50	35
	Entertainment Establishment	A, C	17,000	125	0	5	25	75	30
	Funeral Service	A, B	7,500	65	0	5	30	75	30
	General Contractor Service	A, C, G	7,500	65	0	5	25	75	30
	Hotel or Motel	A, B, C, D, G	17,000	125	0	5	25	75	30
	Indoor Participant Recreation Service	A	7,500	65	0	5	25	75	30
	Institutional residence	A, C, K	21,780	100	75	15	25	40	35
	Non-accessory parking	A	9,000	60	25	10	20	-	-
	Planned unit development	A	As determined by Council					As per Development Agreement	
	Protective & Emergency Services	A, C	7,500	65	10	5	5	50	30
Public Park	A, C	As determined by Council							

TABLE 7.2: MIXED USE BULK TABLE

Zone	Permitted / Conditional Use (as per Table 7.1)	Accessory Use Category	Minimum requirements					Maximum requirements	
			Site		Yard			Site coverage (%)	Building height ⁵ (feet)
MU	Public utilities, including communication installations	A, C	As determined by Council						
	Religious Assembly	A, B	2 acres	200	10	5	10	60	30
	School	A, B	5 acres	150	50	10	10	30	35
	Shopping Centre	A	20,000	200	0	5	5	50	30
	All other "MU" uses	A, C	5,000	50	0	5	25	75	30

TABLE 7.3: COMMERCIAL BULK TABLE

TABLE 7.3: COMMERCIAL BULK TABLE									
Commercial Zones	Permitted / Conditional Use (as per Table 7.1)	Accessory Use Category	Minimum requirements					Maximum requirements	
			Site		Yard			Site coverage (%)	Building height (feet)
			Area (sq. ft.)	Width (feet)	Front ¹ (feet)	Side ^{2 & 3} (feet)	Rear ⁴ (feet)		
CC	<i>Agricultural Implement Sales & Service</i>	A, C, H	17,000	125	0	5	25	75	30
	<i>Automotive & Recreational Vehicle Sales</i>	A, C, D, G, H	17,000	125	0	5	25	75	30
	<i>Drive-in Establishment</i>	A, C	7,500	65	30	5	25	75	30
	<i>Entertainment Establishment</i>	A, C	17,000	125	0	5	25	75	30
	<i>Funeral Service</i>	A, B	7,500	65	0	5	30	75	30
	<i>Gas Bar & Service Station</i>	A, C, D, G, H	15,000	150	30	5	25	75	30
	<i>General Contractor Service</i>	A, C, G	7,500	65	0	5	25	75	30
	<i>Hotel or Motel</i>	A, B, C, D, G	17,000	125	0	5	25	75	30
	<i>Indoor Participant Recreation Service</i>	A	7,500	65	0	5	25	75	30
	<i>Protective & Emergency Services</i>	A, C	7,500	65	10	5	5	50	30
	<i>Religious Assembly</i>	A, B	2 acres	200	10	5	10	60	30
	<i>Shopping Centre</i>	A	20,000	200	0	5	5	50	30
	<i>All other "CC" uses</i>	A, C	5,000	50	0	5	25	75	30
	<i>Automotive & Recreational Vehicle Sales</i>	A, C, D, G, H	10,000	80	5	5/15	15	60	30
	<i>Agri-Business</i>	A, C, D, G	10,000	80	5	5/15	15	75	30
	<i>Drive-in Establishment</i>	A, C	10,000	80	5	5/15	15	75	30
	<i>Entertainment Establishment</i>	A, C	17,000	125	5	5/15	5	75	30
	<i>Funeral Service</i>	A, B	10,000	80	5	5/15	25	50	30
	<i>Gas Bar & Service Station</i>	A, C, D, G, H	15,000	125	5	25/25	35	60	50
	<i>General Contractor Service (enclosed)</i>	A, C, G	15,000	125	5	5/15	15	60	30

TABLE 7.3: COMMERCIAL BULK TABLE

Commercial Zones	Permitted / Conditional Use (as per Table 7.1)	Accessory Use Category	Minimum requirements					Maximum requirements	
			Site		Yard			Site coverage (%)	Building height (feet)
			Area (sq. ft.)	Width (feet)	Front ¹ (feet)	Side ^{2 & 3} (feet)	Rear ⁴ (feet)		
	<i>Hotel or Motel</i>	<i>A, B, C, D, G</i>	<i>20,000</i>	<i>80</i>	<i>5</i>	<i>5/15</i>	<i>5</i>	<i>75</i>	<i>30</i>
	<i>Indoor Participant Recreation Service</i>	<i>A</i>	<i>7,500</i>	<i>70</i>	<i>5</i>	<i>5/15</i>	<i>15</i>	<i>75</i>	<i>30</i>
	<i>Outdoor Participant Recreation Service</i>	<i>A, I</i>	<i>17,000</i>	<i>125</i>	<i>5</i>	<i>5/15</i>	<i>5</i>	<i>80</i>	<i>30</i>
	<i>Commercial/ Industrial Planned Unit Developments/ Condominiums</i>	<i>A</i>	<i>As determined by Council</i>						
	<i>Protective & Emergency Services</i>	<i>A, C</i>	<i>15,000</i>	<i>125</i>	<i>5</i>	<i>5/15</i>	<i>15</i>	<i>50</i>	<i>30</i>
	<i>Religious Assembly</i>	<i>A, B</i>	<i>2 acres</i>	<i>200</i>	<i>5</i>	<i>5/15</i>	<i>15</i>	<i>60</i>	<i>30</i>
	<i>Retail Sales</i>	<i>A</i>	<i>7,500</i>	<i>70</i>	<i>5</i>	<i>5/15</i>	<i>15</i>	<i>75</i>	<i>30</i>
	<i>Shopping Centre</i>	<i>A</i>	<i>20,000</i>	<i>125</i>	<i>5</i>	<i>5/15</i>	<i>5</i>	<i>50</i>	<i>30</i>
	<i>Tourist Campsite</i>	<i>A, B, C, D, G, I</i>	<i>10,000</i>	<i>80</i>	<i>5</i>	<i>5/15</i>	<i>15</i>	<i>10</i>	<i>30</i>
	<i>Trucking Operation</i>	<i>A, C, G</i>	<i>25,000</i>	<i>125</i>	<i>5</i>	<i>5/15</i>	<i>15</i>	<i>50</i>	<i>30</i>
	<i>All other "CH" uses</i>	<i>A, C</i>	<i>9,000</i>	<i>70</i>	<i>5</i>	<i>5/15</i>	<i>5</i>	<i>75</i>	<i>30</i>
All Commercial Zones	<i>Public Utilities</i>	<i>C</i>	<i>As determined by Council</i>						

7.2 PLANNED UNIT DEVELOPMENT

- 7.2.1 The provisions of **TABLE 7.2: COMMERCIAL BULK TABLE** of this **PART** shall apply for Planned Unit Developments. The design, however, shall produce an environment of stable and desirable character and shall incorporate at least equivalent standards of amenities, accessory off-street parking and loading spaces and other requirements and standards established in this **PART**.

7.3 CONDITIONAL USE SPECIAL REQUIREMENTS

- 7.3.1 The purpose of this section is to provide for a process for the review of **conditional use** applications which are intended to allow for the establishment of use that may have a special impact, uniqueness or effect on the neighbourhood surrounding the subject site as well as the Village of St-Pierre-Jolys as a whole. The following may be required, subject to the direction of the Council of the Village of St-Pierre-Jolys:
- a. A study prepared by the proponent which:
 - i. Outlines the location and design of the proposed use;
 - ii. Outlines the configurations of improvements; and
 - iii. Assesses potential impacts on the surrounding neighbourhood including health, safety, convenience or general welfare of people living and working in the vicinity; and assessing impacts to property, improvements or potential future development in the immediate vicinity.
 - b. Notification by newsletter/ flyer or regular mail is provided to each residential unit in the Village of St-Pierre-Jolys. This notification requirement in addition to the normal notification requirements as outlined in *The Planning Act*. The Village of St-Pierre-Jolys will complete the task on behalf of the applicant. Fees will be set by Council.

7.4 OTHER PROVISIONS

MULTIPLE USES OR BUILDINGS ON ONE SITE

- 7.4.1 For a group of buildings located on one site, the yards on the boundary of the site shall not be less than those required in the Zone in which the site is located, nor shall the distance between buildings within the site be less than the sum of these required yards.

REQUIREMENTS FOR MULTIPLE USE BUILDINGS

- 7.4.2 For purposes of the side yard regulation, a multiple use building with common party walls shall be considered one (1) building occupying one (1) site.

PUBLIC BUILDING HEIGHT

- 7.4.3 Public buildings may be erected to a height not exceeding seventy-five (75) feet provided the minimum front, side and rear yard requirements of the zones in which they are located are increased by fifty percent (50%).

STORAGE OR DISPLAY OF MERCHANDISE

7.4.4 There shall be no storage or outdoor display of merchandise in the required front, side and rear yards of the "**CC**" **COMMERCIAL CENTRAL ZONE**, except for storage in the required front and rear yards for the following uses: Automotive and Equipment Repair Shops; Automotive and Recreational Vehicle Sales; and Agricultural Implement Sales and Services. These exceptions must maintain the accessory rear yard requirements and a one (1) foot front yard.

SUBDIVISION OF ATTACHED UNITS

7.4.5 Existing buildings may be divided into units to accommodate two or more uses permitted in the Zone in which the building is located provided the following regulations are complied with:

- a. Any new lot line shall be a straight line between the front and rear lot lines, located in such a manner that the party wall of two adjacent units shall form part of the new lot, and where the new lot line is unable to form a straight line due to the irregular shape of the lot, the location of that new lot line shall be determined by the conditions of any subdivision approval;
- b. Each lot created shall have frontage on a street other than a lane; and
- c. Any lot created pursuant to this Section shall meet the minimum site requirements set forth in **Table 7.2: Commercial Bulk Table**. No side yard is required along a party wall.

USES INCIDENTAL TO CONSTRUCTION

7.4.6 A construction camp or other such temporary work camp, a travel trailer, scaffold or other building or structure incidental to the construction including storage of building materials and supplies, shall be permitted provided that these uses are permitted only for so long as the same are necessary for work in progress which has neither been finished nor abandoned. This use is subject to the issuance of a development permit.

PART 8 - INDUSTRIAL GENERAL ZONE

8.1 INTENT AND PURPOSE

8.1.1 The "M" Industrial General Zone established in this By-law is intended to provide sufficient land in suitable locations to meet the needs of industrial development in The Area in keeping with the provisions of the Village of St-Pierre-Jolys Development Plan.

ZONE

8.1.2 In order to carry out the intent and purpose of Section 8.1.1, above, there is hereby established the following Zone:

- a. **"M" INDUSTRIAL GENERAL ZONE** which provides for manufacturing, processing, distribution, transportation and warehouse uses. Certain heavy industrial uses may be permitted as conditional uses. Excluded are uses which in Council's opinion may be detrimental to adjoining or nearby uses or creates an undue nuisance factor, however, a certain level of nuisance factors must be accepted a characteristic of the use.

GENERAL PROVISIONS

8.1.3 The general provisions applying to the **INDUSTRIAL GENERAL ZONE** are contained within this **PART**. Also applying to this zone is the provisions of **"PART 2" - DEFINITIONS, "PART 3" - ADMINISTRATION, "PART 4" – GENERAL PROVISIONS** and **APPENDIX "A"**.

USE REGULATIONS

8.1.4 No land shall be used or occupied and no building or structure shall be erected, altered, relocated, used or occupied hereafter for any use in the **INDUSTRIAL GENERAL ZONE** in which such land, building or structure is located other than a use listed in **TABLE 8.1: INDUSTRIAL GENERAL USE TABLE**, with the exceptions of uses lawfully established prior to the effective date of this By-law.

BULK REGULATIONS

8.1.5 The Industrial bulk regulations shall be as set forth in **TABLE 8.2: INDUSTRIAL GENERAL BULK TABLE** in this Section.

TABLE 8.1: INDUSTRIAL GENERAL USE TABLE

TABLE 8.1: INDUSTRIAL GENERAL USE TABLE	
LEGEND:	“M” Industrial General Zone
“P” Permitted	
“C” Conditional	
“-” Not Permitted	
Accessory uses, buildings and structures (see Section 4.2 of PART 4)	P
Agricultural Implement Sales & Service	P
Animal Shelter & Veterinary Service	C
Auctioneering Establishment	P
Automotive & Equipment Repair Shop	P
Bulk Storage Facility	C
Custom Manufacturing	P
Dairies & Creameries	C
Eating & Drinking Establishments	P
Gas Bar & Service Station	P
General Contractor Service (in an enclosed building)	P
General Industrial	C
General Storage	C
Grain Storage	C
Non-accessory Parking	P
Planned Unit Development	C
Professional, Financial & Office Support Service	P
Public Utilities	C
Signs	See Section 4.3 of Part 4
Warehouse Sales	P

TABLE 8.2: INDUSTRIAL GENERAL BULK TABLE

TABLE 8.2: INDUSTRIAL GENERAL BULK TABLE								
Permitted / Conditional Uses (as per Table 8.1)	Accessory Use Category	Minimum Requirements					Maximum Requirements	
		Site Area (sq. ft.)	Site Width (ft.)	Front Yard (ft.)	Side Yard ¹ (ft.)	Rear Yard ² (ft.)	Site Coverage (%)	Building Height (ft.)
<i>Agricultural Implement Sales & Service</i>	<i>A, C, D</i>	15,000	100	20	10	25	60	30
<i>Automotive and Equipment Repair Shop</i>	<i>A, C, G, H</i>	10,000	75	20	10	25	60	30
<i>Bulk Storage Facility</i>	<i>A, C</i>	10,000	100	20	25	25	80	30
<i>Dairies & Creameries</i>	<i>A, C</i>	5,000	50	20	25	25	80	30
<i>Gas Bar & Service Station</i>	<i>A, C, D, G, H</i>	15,000	100	25/15	25/15	25	60	30
<i>General Contractor Service</i>	<i>A, C</i>	15,000	100	20	10	25	60	30
<i>General Industrial</i>	<i>A, C</i>	5,000	50	20	5	-	60	30
<i>Grain Storage</i>	<i>A, C</i>	5,000	50	20	5	25	60	-
<i>Non-accessory Parking</i>	<i>A</i>	5,000	50	20	5	25	90	30
<i>Planned Unit Development</i>	<i>A</i>	As determined by Council.						
<i>Public Utilities</i>	<i>A</i>	As determined by Council.						
<i>All other "M" uses</i>	<i>A, C</i>	5,000	50	20	5	25	60	30

1. *Side yard notes and exceptions are as follows:*
 - a. *Side yards abutting a Residential Zone shall be a minimum of twenty-five (25) feet.*
 - b. *Side yards abutting a Commercial or Future Development Zone shall be a minimum of fifteen (15) feet.*
 - c. *In the case of a reverse corner site, the side yard on the street side shall be a minimum of fifteen (15) feet if the key site is in a Residential Zone.*
 - d. *Notwithstanding anything herein, in the case of detached accessory buildings or structures used for storage of hazardous materials all required yards must be the same as those required for the principal building or structure.*
2. *Rear yard notes and exceptions are as follows:*
 - a. *If there is an accessory dwelling unit on the site, the minimum rear yard shall be twenty-five (25) feet.*
 - b. *In the case where the site abuts a Residential Zone to the rear, the minimum rear yard requirement for an accessory use, building or structure shall be ten (10) feet.*

8.2 OTHER PROVISIONS

SPECIAL YARDS ALONG ZONE BOUNDARIES

8.2.1 The following special yard requirements shall apply along residential zone boundaries:

- a. When a side site line in an **Industrial General Zone** abuts a side site line in an adjacent **Residential Zone**, the required front yard requirements of the **Residential Zone** shall extend for a distance of one hundred (**100**) feet into the **Industrial General Zone** and a required side yard of twenty-five (**25**) feet in width shall be provided along the side site line in the **Industrial General Zone**.
 - i. The required side yard provided shall not be used for accessory off-street loading, or storage of materials, or processing of any kind, except where a solid fence six (**6**) feet high is provided and maintained along the site line abutting the **Residential Zone** boundary; and
 - ii. Parking spaces with the required front yard shall not be permitted within ten (**10**) feet of the said **Residential Zone** boundary.
- b. Where a side site line in an **Industrial General Zone** abuts a rear lot line in an adjacent **Residential Zone**, a required side yard of twenty-five (**25**) feet shall be provided in the **Industrial General Zone** along the rear site line.
- c. Where a rear site line in an **Industrial General Zone** abuts a side or rear site line in an adjacent **Residential Zone**, a required rear yard of fifty (**50**) feet in depth shall be provided along the rear site line.
- d. Where a boundary yard as described in paragraphs (a), (b), and (c) is provided, a compact hedge, row of shrubbery or a solid fence six (**6**) feet in height shall be provided and maintained along the site line abutting the **Residential Zone** boundary.

8.2.2 The following special yard requirements shall apply along commercial zone boundaries:

- a. Where the zoning lines in an **Industrial General Zone** abuts a **Commercial Zone** there shall be a minimum required side or rear yard of fifteen (**15**) feet for the adjoining **Industrial General** use except where a greater required side or rear yard is provided for elsewhere herein.

SUBDIVIDING LAND

8.2.3 No parcel of land shall hereafter be divided into lots, unless each site conforms with the regulations set forth in **Table 8.2: Industrial General Bulk Table**.

PART 9 – OPEN SPACE ZONE

9.1 INTENT AND PURPOSE

9.1.1 The “**OS**” **OPEN SPACE ZONE** established in this By-law is intended to provide sufficient land in suitable locations to meet the open space needs in The Area in keeping with the provisions of the Village of St-Pierre-Jolys Development Plan.

ZONE

9.1.2 In order to carry out the intent and purpose of Section 9.1.1 above, there is hereby established the following zone:

- a. “**OS**” **OPEN SPACE ZONE** which provides for governmental, educational, institutional and public recreational uses.

GENERAL PROVISIONS

9.1.3 The general provisions applying to the “**OS**” **OPEN SPACE ZONE** are contained within this **PART**. Also applying to this zone are the provisions of “**PART 2**” - **DEFINITIONS**, “**PART 3**” - **ADMINISTRATION**, “**PART 4**” - **GENERAL PROVISIONS** and **APPENDIX “A”**.

USE REGULATIONS

9.1.4 No land shall be used, or occupied and no structure shall be erected, altered, used or occupied, hereinafter for an use in the “**OS**” **OPEN SPACE ZONE** in which such land or structure is located other than a used listed in **TABLE 9.1: OPEN SPACE ZONE USE TABLE** with the exceptions of uses lawfully established prior to the effective date of this By-law.

CONDITIONAL USE

9.1.5 Any use listed as a **Conditional Use** in **TABLE 9.1** shall comply with the provisions as set forth in **Section 3.4**, “**PART 3**” – **ADMINISTRATION**.

BULK REGULATIONS

9.1.6 The “**OS**” **OPEN SPACE ZONE** bulk regulations shall be as set forth in **TABLE 9.2: OPEN SPACE ZONE BULK TABLE** of this **PART**.

TABLE 9.1 OPEN SPACE USE TABLE

TABLE 9.1: OPEN SPACE ZONE USE TABLE	
LEGEND: “P” Permitted “C” Conditional “-” Not Permitted	“OS” Open Space Zone
Accessory uses, buildings and structures (see Section 4.2 of Part 4)	P
Cemeteries	C
Conference Centre	C
Hospital	C
Indoor Participant Recreation Service	P
Non-Accessory Parking	P
Outdoor Participant Recreation Service	P
Public Library & Cultural Exhibit	P
Public Parks	P
Public, Private & Parochial Schools	P
Public Utilities	C
Signs	See section 4.3 of Part 4
Tourist Campsite	C

TABLE 9.2 OPEN SPACE BULK TABLE

TABLE 9.2: OPEN SPACE ZONE BULK TABLE								
Permitted / Conditional Use (as per Table 9.1)	Accessory Use Category	Minimum Requirements					Maximum Requirements	
		Site		Yard¹			Site Coverage (%)	Building Height (ft.)
		Area (sq. ft.)	Width (ft.)	Front (ft.)	Side (ft.)	Rear (ft.)		
<i>Cemeteries</i>	A, C	1 acre	200	30	25	-	-	-
<i>Conference Centre</i>	A, C	21,780	100	30	5	5	60	30
<i>Hospital</i>	A, C	2 acres	200	30	10	20	-	30
<i>Indoor Participant Recreation Services</i>	A, C	10,000	100	30	25	25	60	30
<i>Non-accessory Parking</i>	A	10,000	80	30	5	5	60	30
<i>Outdoor Participant Recreation Services</i>	A, C, J	5,000	50	30	5	5	60	30
<i>Public Library and Cultural Exhibit</i>	A, C	20,000	100	30	5	5	60	30
<i>Public Park</i>	A, C	5,000	50	30	5	5	60	30
<i>Public, Private & Parochial Schools</i>	A, B, C	5 acres	300	30	5	10	60	30
<i>Public Utilities (including communication installations)</i>	C	As determined by Council						
<i>Tourist Campsite</i>	A, B, C, D, G, J	2 acres	200	25	10	10	40	40

9.2 OTHER PROVISIONS

SETBACK FROM JOUBERT CREEK

9.2.1 New development shall have a setback of seventy-five (75) feet from Joubert Creek.

PART 10 – FUTURE DEVELOPMENT ZONE

10.1 INTENT AND PURPOSE

10.1.1 The **"FD" FUTURE DEVELOPMENT ZONE** established in this By-law is intended to preserve existing agricultural lands in an unfragmented state, allow for the continued use of lands for agricultural purposes until such time as these areas are needed for future urban development, keeping with the provisions of the Village of St-Pierre-Jolys Development Plan.

GENERAL PROVISIONS

10.1.2 The general provisions applying to the **"FD" FUTURE DEVELOPMENT ZONE** are contained within this **PART**. Also applying to this zone are the provisions of **"PART 2" - DEFINITIONS**, **"PART 3" - ADMINISTRATION**, **"PART 4" - GENERAL PROVISIONS** and **APPENDIX "A"**.

USE REGULATIONS

10.1.3 No land shall be used, or occupied and no structure shall be erected, altered, used or occupied, hereinafter for any use in the **"FD" FUTURE DEVELOPMENT ZONE** in which such land or structure is located other than a use listed in **TABLE 10.1: FUTURE DEVELOPMENT USE TABLE** with the exception of uses lawfully established prior to the effective date of this By-law.

CONDITIONAL USE

10.1.4 Any use listed as a **Conditional Use** in **TABLE 10.1** shall comply with the provisions as set forth in **Section 3.4, "PART 3" – ADMINISTRATION**.

BULK REGULATIONS

10.1.5 The **"FD" FUTURE DEVELOPMENT ZONE** bulk regulations shall be as set forth in **TABLE 10.2: FUTURE DEVELOPMENT BULK TABLE** in this Section.

TABLE 10.1 FUTURE DEVELOPMENT USE TABLE

TABLE 10.1: FUTURE DEVELOPMENT USE TABLE	
LEGEND: “P” Permitted “C” Conditional “-” Not Permitted	“FD” FUTURE DEVELOPMENT ZONE
Accessory uses (see Section 4.2 of Part 4)	P
Agricultural Activities (not including Livestock Operations)	P
Aircraft Land Field	C
Cemeteries	C
Equestrian Establishment	C
Farmstead Dwelling	C
Hospital, Institutional Uses	C
Non-commercial Farm	C
Public Utilities, including communication installations	C
Religious Assemblies	C
Signs	See section 4.3 of Part 4
Specialized Agriculture	P

TABLE 10.2 FUTURE DEVELOPMENT BULK TABLE

TABLE 10.2: FUTURE DEVELOPMENT BULK TABLE						
Permitted or Conditional Use (as per Table 10.1)	Accessory Use Category	Minimum Requirements				
		Site		Yard		
		Area (acres)	Width (ft.)	Front (ft.)	Side (ft.)	Rear (ft.)
<i>Cemeteries</i>	A, C	2 acres	200	30	15	25
<i>Agricultural Activities (not including livestock operations)</i>	A, B, C	5 acres	300	30	15	25
<i>Farmstead Dwelling</i>	A, B, C	2 acres	200	30	15	25
<i>Hospital, Institutional Uses</i>	A, B, C	2 acres	200	30	15	25
<i>Religious Assembly</i>	A, B, C	2 acres	200	30	15	25
<i>All other Uses</i>	A, B, C	5 acres	300	30	15	25
<i>Public utilities, including communication installations</i>	-	<i>As determined by Council</i>				

10.2 OTHER PROVISIONS

PERMITTED OBSTRUCTIONS IN A REQUIRED YARD

- 10.2.1 Required yards as provided for in **TABLE 10.2 of this PART** shall be maintained clear of obstruction except as follows:
- a. Agricultural activities excluding buildings and structures.
 - b. Fences and hedges subject to the following:
 - i) No fence or hedge which may act as a windbreak shall be located within thirty (**30**) feet of the edge of any road allowance;
 - ii) No fence or hedge which may act as a windbreak or obstruction to visibility near an uncontrolled intersection shall be located within an area formed by the intersecting road lines and a straight line joining points on the said road lines one hundred (**100**) feet from the point of intersection of the road lines; and
 - iii) No hedge or line of trees shall be placed within twenty (**20**) feet of a side or rear site line without the written agreement of the adjacent property owner.
 - c. Trees, shrubs and similar horticultural landscaping features provided that when they are placed in such a manner so as to produce a hedge effect, the provisions of clause b. of this section shall apply.

SUBDIVIDING LAND

- 10.2.2 No parcel of land shall hereafter be divided into sites, unless each site conforms with the regulation set forth in **Table 10.2: Future Development Bulk Table**.