

**THE VILLAGE OF ST. CLAUDE**

**BY-LAW 375- 04**

Being a By-Law to regulate the use and development of land within the Village of St. Claude.

AND WHEREAS Section 39(1) of The Planning Act, Chapter P80 in the Continuing Consolidation of the Revised Status of Manitoba provides that a Zoning By-Law may be enacted by the Council of the Municipality;

AND WHEREAS, pursuant to Section 27(1) of the said Planning Act, the Grey-St. Claude Planning District has by by-law adopted a Development Plan;

AND WHEREAS Section 39(1) of the said Planning Act provides that a Zoning By-law may be enacted upon and adoption of a Development Plan;

NOW THEREFORE the Council of the Village of St. Claude, in meeting duly assembled, enacts as follows:

1. That Schedule "A" attached hereto and being The Village of St. Claude Zoning By-law is hereby adopted to regulate and control the use and development of land and buildings within the limits of the Municipality of St. Claude.

DONE AND PASSED by the Council of the Village of St. Claude, in Council duly assembled, at St. Claude, Manitoba this 20<sup>th</sup> day of July 2004.

THE VILLAGE OF ST. CLAUDE

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Administrative Officer

Read a First time this 16<sup>th</sup> day of March A.D., 2004

Read a Second time this 15<sup>th</sup> day of June A.D., 2004

Read a Third time this 20<sup>th</sup> day of July A.D., 2004

**VILLAGE OF ST. CLAUDE  
ZONING BY-LAW NO. 375/04**

Prepared by

Community Planning Services  
Department of Intergovernmental Affairs & Trade  
Portage la Prairie, Manitoba  
June 15, 2004

# Village of St. Claude Zoning Bylaw 375/04

## PART 1: SCOPE

- 1.1 This by-law shall be known as the **Village of St. Claude Zoning By-law**.
- 1.2 This by-law applies to all lands in the Village of St. Claude indicated on Map 1 of Schedule A to this by-law.
- 1.3 This by-law regulates:
  - (a) the construction, erection, alteration, enlargement or placing of buildings and structures; and
  - (b) the establishment, alteration or enlargement of uses of land, buildings and structures.
- 1.4 No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged or placed, except in accordance with this by-law, and only after all required permits have been obtained by the owner.
- 1.5 Whenever a provision of another by-law or of a law or regulation of the provincial or federal government contains a restriction governing the same subject matter contained in this by-law, or imposes contradictory regulations with respect to uses, buildings or structures, the most restrictive or highest standard shall prevail.
- 1.6 Nothing in this by-law, or in a development permit, approval of a conditional use, variation order or other approval issued under this by-law or under *The Planning Act*, shall be construed as authorization for the carrying out of any activity which is a nuisance due to noise, odour, emission, vibration or other cause.

## **PART 2: GENERAL REGULATIONS GOVERNING USES, BUILDINGS AND STRUCTURES**

### **Regulation of Uses**

- 2.1 Subject to 2.4, no land, building or structure shall be constructed, enlarged, placed, used or occupied except for a use which:
- (a) is listed in the Use and Bulk Tables which apply to such land, building or structure as:
    - (i) a permitted principal use;
    - (ii) a conditional use, subject to approval as such; or
  - (b) is an accessory use.
- 2.2 Where land or a building or structure is used for more than one purpose, all provisions of this by-law relating to each use shall be satisfied. If there is a conflict, the higher or more stringent requirement shall apply.
- 2.3 There shall be a maximum of one dwelling unit per site or parcel of land, except for the following:
- (a) dwelling units which are required for employees or family members, who in the opinion of Council, will be actively involved in an agricultural operation,
  - (b) two-family dwellings or multiple-family dwellings as provided for in this by-law, and
  - (c) mobile homes in a mobile home park which has been approved by Council.
- 2.4 This by-law shall be interpreted so as not to interfere with the construction, erection and location of the facilities of a public utility. Office buildings, warehouses, maintenance or storage compounds operated by a public utility shall be subject to the provisions of this by-law.
- 2.5 Notwithstanding the minimum requirements prescribed for each zone and use in the Use and Bulk Tables, electric transmission lines and structures, and pipelines are deemed to be in compliance with this by-law if they are carried out, constructed and operated in accordance with federal and provincial law.

### **Existing Uses, Buildings and Structures**

- 2.6 An existing use, building or structure which is classified as a permitted use, building or structure in this by-law shall be allowed to continue to exist, and may be enlarged or expanded, may be changed to another permitted use, or may be replaced if destroyed.

- (a) All buildings and structures existing at the effective date of this by-law are deemed to conform to the bulk requirements of the zone in which the buildings or structures are situated.
- (b) The enlargement, expansion, change in use, or replacement shall be subject to the issuance of a development permit, and shall conform with all requirements of this by-law.

2.7 An existing use, building or structure which is classified as a conditional use in this by-law shall be deemed to be an approved conditional use, building or structure and shall be allowed to continue to exist, may be changed to a permitted use, or may be replaced if destroyed, provided that the replacement does not increase the intensity of the previously existing use.

- (a) In these circumstances, the change in use or replacement shall be subject to the issuance of a development permit, and shall conform with all requirements of this by-law; and
- (b) Where an enlargement or expansion of such a use is proposed, it shall require the specific approval of Council, in accordance with PART 7.

2.8 An existing use, building or structure which is not classified as a permitted or conditional use, building or structure in this by-law shall be considered as a non-conforming use, building or structure, and shall be subject to the provisions of *The Planning Act* governing non-conformities (Sections 48-52 of *The Planning Act*).

#### **Permitted Uses, Buildings and Structures**

2.9 Where a use, building or structure is provided for as a permitted use by this by-law, the owner shall normally be entitled to establish, expand or enlarge the use, building or structure, subject to the issuance of a development permit, and provided that the use, building or structure complies with all requirements of this by-law.

#### **Conditional Uses**

2.10 The classification of uses as conditional uses is intended to provide for a special process of review and approval for certain types of development that, due to its inherent characteristics, may have potential adverse impacts on nearby properties or resources.

2.11 Where a use, building or structure is provided for as a conditional use by this by-law, the establishment, enlargement or expansion of the use, building or structure shall be subject to the specific requirements of *The Planning Act* pertaining to conditional uses.

## Accessory Uses

- 2.12 No accessory use shall be established, and no accessory building or structure shall be constructed or erected, prior to the establishment of the use of land, building or structure to which it is accessory (except under 2.14).
- 2.13 An accessory garage or storage building may be constructed or erected for the purpose of storage of materials and equipment for use during construction of the main building, provided that a development permit has been obtained for the main building.
- 2.14 For the avoidance of doubt, an accessory use, building or structure may be accessory to an approved conditional use; however, no accessory use or building shall be constructed or located on the site prior to review and approval by Council in accordance with PART 7, if the accessory building or structure contributes significantly to an intensification or expansion of the conditional use.

## Zoning Designations

- 2.15 Uses of land in the municipality are regulated in accordance with the following zone designations:

(a) **“AR”** Restricted Agricultural Zone

This zone provides for limited non-intensive agricultural uses. It provides for the restricted use of agricultural activities where it is no longer possible to permit a full range of agricultural uses or where it is necessary to avoid land use conflicts. Small holdings and non-farm development compatible with farming operations may be accommodated in this zone.

(b) **“UR”** Urban Residential Zone

This zone provides for the development of a variety of housing types and associated or compatible uses in areas where suitable services and infrastructure are available or can be provided.

(c) **“UR 1”** Urban Residential Zone

This zone provides for the development of certain housing types in areas where suitable services and infrastructure are available or can be provided.

(c) **“CG”** General Commercial Zone

This zone provides for a wide variety of commercial uses in areas where suitable services and infrastructure are available or can be provided.

(d) **“MG”** General Industrial Zone

This zone provides for the development of a variety of industrial and related uses that present minimum conflict with adjacent uses in the community.

(e) **“OR” Open Space/Recreation Zone**

This zone provides areas for public parks and recreational purposes and for the conservation of undeveloped scenic or hazard lands, land buffering differing types of land use and major utility rights-of-way that have an open space character.

These designations are established as shown on a map comprising Schedule A of this by-law.

- 2.16 The permitted and conditional uses prescribed for sites within each designation are those set out in the Use and Bulk Tables of this by-law.

**Accessory Buildings, Structures and Uses to Include**

- 2.17 (a) Accessory buildings, structures and uses include the following, in all zones:  
(i) satellite dishes and other utilities; Private communications, such as televisions, radio antennas, aerials,

- (b) Accessory buildings, structures and uses include the following in the **“UR” Urban Residential Zone**:

- (i) A children’s playhouse, garden house, private swimming pool (open or closed) and gazebo;
- (ii) A private garage, carport, covered patio, tool house, shed and other similar buildings for storage of domestic equipment and supplies;
- (iii) Home daycare and group daycare;
- (iv) Home based businesses, as regulated in Subsection 5.1 of Part Five – Rules for Specific Uses;

- (c) Accessory buildings, structures and uses in all zones:

Accessory building, structures and uses, except as otherwise regulated in this By-Law, shall be subject to the following regulations:

- (i) Where an accessory building or structure is attached to a main building or structure, it shall be subject to and shall conform to, all regulations of this By-Law applicable to the main building or structure;
- (ii) Detached accessory buildings or structures shall not be located in any front yard of the principal use, except as provided for elsewhere herein;
- (iii) In no instance shall an accessory building or structure be located within a dedicated easement right-of-way

## **PART 3: GENERAL BULK REQUIREMENTS**

### **Application of Bulk Requirements**

- 3.1 No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged or placed, except in accordance with the minimum site area, minimum site width and yard requirements prescribed for each zone and use in the Use and Bulk Tables and the other requirements of this by-law.

### **Existing Substandard Parcels of Land**

- 3.2 Any site or parcel of land which was in existence at the date of adoption of this by-law, and which does not comply with the minimum site area and/or site width requirements for any zone as provided for in this by-law, may be used or developed for any permitted or conditional use within the zone, provided that
- (a) The site or parcel of land did not form part of a larger contiguous land holding under the same ownership;
  - (b) All administrative requirements for the issuance of development permits and approval of conditional use applications as provided for in *The Planning Act* and PART 7 of this by-law are complied with; and
  - (c) All required yards and separation distances as required by this by-law are complied with.

### **Corner Vision Triangles**

- 3.3 Within all zones, it is considered important to provide for good visibility conditions at street intersections, by establishing special open space requirements as follows:
- (a) No building, structure, vehicular parking space, shelterbelt, hedge or stockpiling of materials exceeding a height of three (3) feet above grade shall be located within a triangular area of any site adjacent to an intersection of two public streets, with the sides of the triangular area being measured a distance of ten (10) feet along each property boundary from the point of intersection.

### **Projections into Yards**

- 3.4 Within all zones, the required yards are intended to provide open spaces around buildings and structures for purposes of amenity, privacy, fire protection, and maintenance operations along the walls of buildings. Required yards shall be maintained as open space areas on all sites, except as follows:



- (a) Open, unenclosed projections of a building, including eaves, awnings, stairs, landings, wing-walls, raised decks and balconies, may extend into a required yard up to fifty percent (50%) of the required yard depth to a maximum projection of five (5) feet, whichever is the lesser.
- (b) Enclosed projections of a building, including chimneys, alcoves, and bay windows may extend into a required yard up to fifty percent (50%) of the required yard depth to a maximum projection of five (5) feet, whichever is the lesser, provided that no more than ten (10) square feet of area within any required yard is occupied by these types of projection.
- (c) Landscaping features such as driveways, sidewalks, and patios at grade level, ornamental plantings, fences and other decorative features are permitted within any required yard, provided that the maximum height of a fence in any required front yard shall be three (3) feet, and the maximum height of a fence in any required side or rear yard shall be six (6) feet; and
- (d) Portable buildings not exceeding one hundred (100) square feet in floor area for the storage of domestic equipment may be located within any required interior side yard or required rear yard, provided that a separation distance of one (1) foot is maintained from the site line, and a separation distance of three (3) feet is maintained from any dwelling.

#### **Double Frontage Sites**

- 3.5 Where a site has frontage along two more or less parallel streets, the following provisions shall apply:
- (a) Where the site depth is greater than two hundred (200) feet, both site lines which abut these streets shall be considered to be front site lines, and the adjacent yards shall both be considered to be required front yards; and
  - (b) Where the site depth is two hundred (200) feet or less, only one site line shall be considered to be the front site line, and this determination shall be made by the Development Officer, based on the arrangement of existing buildings in the immediate area.

#### **Separation of Principal Building and Any Other Building**

- 3.6 The minimum distance between the principal building and any other building other than provided for in 3.4(d) shall be six (6) feet in all other zones.

#### **Unconventional Sites**

- 3.7 Where a site is of such unique configuration that the required yards cannot be ascertained in accordance with the definitions of PART 9, the Development Officer may designate the location of the required yards. The location and required

dimensions of such yards shall be consistent with the intent of the yards specified for the zone within which the site is located.

### **Landlocked Sites**

- 3.8 In unique circumstances, Council may permit development on a site which only has frontage on a private lane or road, provided the said lane or road is at least twenty (20) feet in width and intersects with a street and is secured by means of a registered easement. For the purpose of establishing the position of the required yards, the Development Officer shall determine the front, side or rear site lines of a landlocked site.

## PART 4: USE AND BULK TABLES

**TABLE 4-1: "AR" RESTRICTED AGRICULTURAL ZONE - USE AND BULK TABLE**

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS (a)		
	Site Area (acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
<b>PERMITTED PRINCIPAL USES</b>					
Accessory Uses, Buildings & Structures ( See Part 2)					
Agriculture Cropping	40	660	N/A	N/A	N/A
Animal Hospitals and Vet Clinics	1	150	25	25	25
Farmsteads	2	200	125	25	25
Garden Supply Sales, Greenhouses & Nurseries	2	200	25	25	25
Grain & Vegetable Storage	20,000sq.ft	100	25	10	25
Home Occupations (See Part 5)	Same	as	Principal		Use
Kennels	2	200	125	15	25
Public Buildings including Police Departments	10,000 sq ft.	100	25	10	25
Public Reserve	N/A	N/A	N/A	N/A	N/A
Public Utilities & Services					
Specialized Agriculture	2	200	25	25	25
<b>CONDITIONAL USES</b>					
Advertising Signs (See Part 6)					
Golf Driving Range	10	400	50	25	25
Riding Academies & Stables	20	600	125	25	25
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES (See Subsection 2.17)</b>					

- (a) Permits are required for access to Provincial Trunk Highway 2 and Provincial Road 240 from the Highway Traffic Board and the Dept. of Transportation and Government Services respectively. Permits are only required from the Highway Traffic Board for any structure/construction within the control area (125 ft.) adjacent to PTH 2, which may affect yard dimensions. A permit is also required from the Dept. of Transportation and Government Services for any planting proposed within 50 ft. of PTH 2.

**TABLE 4-2: "UR" URBAN RESIDENTIAL ZONE -- USE AND BULK TABLE**

	MINIMUM REQUIREMENTS (a)(b)				
	SITE SIZE		REQUIRED YARDS (c)		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
<b>PERMITTED PRINCIPAL USES</b>					
Dwellings, single-family	5,000	50	25	5(d)	25
Dwellings, mobile home	5,000	50	25	5(d)(e)	10
Dwellings, two-family (f)	7,500 (g)	75(g)	25	5(d)(g)	25
Dwellings, multiple-family, up to 8 dwelling units (f)	(h)	100	25	5(d)(i)	25
Parks or Playgrounds	1,000	20	-	-	-
Public Utilities	5,000(j)	50(j)	25(j)	5(d)(j)	25(j)
Religious Institutions	5,000	50	25	5(d)(i)	25
<b>CONDITIONAL USES</b>					
Clubs, Private or Public	5,000	50	25	5(d)	25
Cultural Facilities, including auditoriums, community clubs, libraries, museums, theatres, and historic sites	5,000	50	25	5(d)(i)	25
Dwellings, multiple-family, over 8 dwelling units (e)	(h)	100	25	5(d)(i)	25
Institutional Buildings, including hospitals, schools, personal care homes and senior citizen homes	20,000	100	25	15(m)	25
Recreation Facilities	5,000	50	25	5(d)	25
Residential Care Facilities, providing service to 5 persons or more	7,500	75	25	5(d)	25
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES</b> (See Subsection 2.17)	-	-	25	5(d)(k)(m)	5(l)(m)

- (a) In addition to the minimum requirements of this TABLE, the following requirements shall also apply:
- i) Maximum allowable height for all principal buildings and structures shall be thirty (30) feet.
  - ii) Maximum allowable height for all accessory buildings and structures shall be fifteen (15) feet.
  - iii) Minimum dwelling unit area shall be six hundred (600) square feet.
- (b) For all developments in the "UR" Zone not serviced by municipal sewage and water systems, the minimum required site area shall be fifteen thousand (15,000) square feet, the minimum required site width shall be one hundred (100) feet and the minimum required side yard shall be ten (10) feet.

- (b) (c) Permits are required for access to Provincial Trunk Highway 2 and Provincial Road 240 from the Highway Traffic Board and the Dept. of Transportation and Government Services respectively. Permits are only required from the Highway Traffic Board for any structure/construction within the control area (125 ft.) adjacent to PTH 2, which may affect yard dimensions. A permit is also required from the Dept. of Transportation and Government Services for any planting proposed within 50 ft. of PTH 2.
- (d) When located on a corner site, the minimum required side yard on the street side of the site shall be fifteen (15) feet for all principal and accessory buildings and structures.
- (e) For mobile home sites in mobile home parks there shall be an open space at least twenty (20) feet by fifty (50) feet adjacent to the side of the mobile home containing either the entrance or the main living room window, to be utilized for household exterior recreational use.
- (f) Where dwellings are to be developed in accordance with a bare land condominium concept, the minimum required site area, minimum required site width, and minimum required yards shall not apply to individual condominium units; however, the front and rear walls of the condominium structure shall be set back a minimum distance of twenty (20) feet from the front and rear boundaries of the condominium lot, and the side walls shall be set back a minimum distance of five (5) feet from the side boundary, unless one of the walls is a party wall, in which case the minimum required side yard shall be zero (0) feet.
- (g) In the case of two-family dwellings, each unit may occupy a separate site, in which case the minimum site area requirement shall be three thousand five hundred (3,500) sq. feet, the minimum site width requirement shall be thirty-five (35) feet and where the two dwelling units are attached, the minimum side yard requirement along the party wall shall be zero (0) feet.
- (h) The minimum required site area for the first three dwelling units shall be nine thousand (9,000) square feet, and the minimum required site area shall increase by an additional one thousand (1,000) sq. feet for each additional dwelling unit above three units.
- (i) Where the height of the building is in excess of twenty (20) feet above average grade the required side yard shall be half the height of the building.
- (j) Where the proposed development consists of a building or structure less than one hundred (100) sq. feet in floor area, a smaller site may be approved, provided that the site is not adjacent to a required front yard of a residential site, and provided that a separation distance of seven (7) feet is maintained from all site lines.
- (k) When located entirely to the rear of the principal building, the minimum required side yard for accessory buildings and structures shall be three (3) feet.

- (l) Where the rear site line is not adjacent to a public lane, the minimum required rear yard for accessory buildings and structures shall be three (3) feet.
- (m) Where an accessory building is used for the storage of a motor vehicle, the wall that contains the vehicular access door shall be set back a minimum distance of ten (10) feet from a public lane.

**TABLE 4-3: "UR 1" URBAN RESIDENTIAL ZONE – USE AND BULK TABLE**

	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
<b>PERMITTED PRINCIPAL USES</b>					
Dwellings, single-family	7,500	75	25	5(b)	25
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES</b> (See Subsection 2.17)	-	-	25	5(b)(c)(d)	5(e)(f)

- (a) In addition to the minimum requirements of this TABLE, the following requirements shall also apply:
  - i) Maximum allowable height for all principal buildings and structures shall be thirty (30) feet.
  - ii) Maximum allowable height for all accessory buildings and structures shall be fifteen (15) feet.
  - iii) Minimum dwelling unit area shall be twelve hundred (1200) square feet.
- (b) When located on a corner site, the minimum required side yard on the street side of the site shall be fifteen (15) feet for all principal and accessory buildings and structures.
- (c) Where the height of the building is in excess of twenty (20) feet above average grade the required side yard shall be half the height of the building.
- (d) When located entirely to the rear of the principal building, the minimum required side yard for accessory buildings and structures shall be three (3) feet.
- (e) Where the rear site line is not adjacent to a public lane, the minimum required rear yard for accessory buildings and structures shall be three (3) feet.
- (f) Where an accessory building is used for the storage of a motor vehicle, the wall that contains the vehicular access door shall be set back a minimum distance of ten (10) feet from a public lane.

**TABLE 4-4: "CG" GENERAL COMMERCIAL ZONE – USE AND BULK TABLE**

	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS (b)(c)		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
<b>PERMITTED PRINCIPAL USES</b>					
Accommodation Facilities, including Hotels and Motels	10,000	100	25(b)	25(d)	25(d)
Bakeries	5,000	50	25(b)	10(b)	25(b)
Clubs, Private or Public	5,000	50	25(b)	10(b)	25(b)
Cultural Facilities, including auditoriums, community clubs and halls, libraries, museums, theatres, and historic sites	5,000	50	25(b)	10(b)	25(b)
Emergency Services, including police and fire stations	5,000	50	25(b)	10(b)	25(b)
Establishments for the provision of personal services, including offices, financial institutions, clinics, salons, day care facilities and funeral homes	5,000	50	25(b)	10(b)	25(b)
Exhibition Grounds	20,000	100	25	15	25
Institutional Buildings, including hospitals, schools, personal care homes and senior citizen homes	20,000	100	25	15	25
Parks or Playgrounds	1,000	20	-	-	-
Printing or Publishing Establishments	5,000	50	25(b)	10(b)	25(b)
Public Parking Areas	5,000	50	-	-	-
Public Utilities	5,000(d)	50(d)	25(b)(e)	10(b)(e)	25(b)(e)
Recreation Facilities	5,000	50	25(b)	10(b)	25(b)
Religious Institutions	5,000	50	25(b)	10(b)	25(b)
<b>CONDITIONAL USES</b>					
Advertising Signs in excess of 50 sq. ft.	-	-	As determined by Council		
Agricultural Commercial Facilities, including agricultural implement dealerships, feed, fertilizer and grain storage, sales and processing, machine shops and like uses.	10,000	100	25	15	25
Drive-Through Facilities or Businesses	5,000	50	25	10(b)	25(b)
Dwellings, single-family	5,000	50	25	5	25
Dwellings, two-family	7,500(f)	75(f)	25	5(f)	25
Dwellings, multiple-family, up to 8 dwelling units	(f)	100	25	5(g)	25
Dwellings, single-family, as an accessory building or use	5,000	50	25	5	25
Nurseries or Greenhouses	5,000	50	25(b)	10(b)	25(b)
Public Works Compounds and Maintenance Buildings	5,000	50	25(b)	10(b)	25(b)
Veterinary Clinics	10,000	100	25	15	25
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES</b> (See Subsection 2.17)	-	-	25(b)	5(h)(i)(j)	5(i)(j)

- (a) In addition to the minimum requirements of this TABLE, the maximum allowable height for all principal buildings and structures shall be thirty (30) feet, and the maximum allowable height for all accessory buildings and structures shall be fifteen (15) feet, with the exception of church steeples and telecommunications towers.
- (b) When located in the central business area of the community, the minimum required yard shall be five (5) feet.

- (c) Permits are required for access to Provincial Trunk Highway 2 and Provincial Road 240 from the Highway Traffic Board and the Dept. of Transportation and Government Services respectively. Permits are only required from the Highway Traffic Board for any structure/construction within the control area (125 ft.) adjacent to PTH 2, which may affect yard dimensions. A permit is also required from the Dept. of Transportation and Government Services for any planting proposed within 50 ft. of PTH 2.
- (d) Where the exterior wall does not contain any exterior windows or entrances to individual suites, and where there is sufficient parking provided elsewhere, the minimum required yard shall be five (5) feet.
- (e) Where the proposed development consists of a building or structure less than one hundred (100) square feet in floor area, a smaller site may be approved, provided that the site is not adjacent to a required front yard of a residential site, and provided that a separation distance of seven (7) feet is maintained from all site lines.
- (f) In the case of two-family dwellings, each unit may occupy a separate site, in which case the minimum site area requirement shall be three thousand five hundred (3,500) sq. feet, the minimum site width requirement shall be thirty-five (35) feet and where the two dwelling units are attached, the minimum side yard requirement along the party wall shall be zero (0) feet.
- (g) The minimum required site area for the first three dwelling units shall be nine thousand (9,000) square feet, and the minimum required site area shall increase by an additional one thousand (1,000) sq. feet for each additional dwelling unit above three units.
- (h) Where the height of the building is in excess of twenty (20) feet above average grade the required side yard shall be half the height of the building.
- (i) Where an accessory building is used for the storage of a motor vehicle, the wall which contains the vehicular access door shall be set back a minimum distance of ten (10) feet from a public lane or street.
- (j) Where a building contains an accessory dwelling unit, the minimum required yard for that portion of the building containing the dwelling unit shall be fifteen (15) feet.



**TABLE 4-5: "MG" GENERAL INDUSTRIAL ZONE – USE AND BULK TABLE**

	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS (b)		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
<b>PERMITTED PRINCIPAL USES</b>					
Bakeries	5,000	50	25(c)	10(c)	25(c)
Emergency Services, including police and fire stations	5,000	50	25(c)	10(c)	25(c)
Manufacturing, Fabricating, Machining, Processing or Repair Establishments, not described elsewhere in this TABLE	5,000	50	25(c)	10(c)(f)	25(c)(f)
Nurseries or Greenhouses	5,000	50	25(c)	10(c)	25(c)
Parks or Playgrounds	1,000	20	-	-	-
Public Parking Areas	5,000	50	-	-	-
Public Utilities	5,000(e)	50(e)	25(c)(e)	10(c)(e)	25(c)(e)
Public Works Compounds and Maintenance Buildings	5,000	50	25(c)	10(c)	25(c)
Storage Buildings, Facilities, Compounds and Warehouses for Non-Hazardous Materials	5,000	50	25(c)	10(c)	25(c)
Veterinary Clinics	10,000	100	25	15	25
<b>CONDITIONAL USES</b>					
Advertising Signs in excess of 50 sq. ft.	-	-	As determined by Council		
Earth Moving Contractors and Ready-Mix Concrete Suppliers	10,000	100	25	15	25
Establishments for the storage, handling or processing of agricultural produce, in return for remuneration	10,000	100	25	15(f)	25(f)
Establishments for the sales, storage or distribution of agricultural supplies, equipment or structures	10,000	100	25(c)	15(c)(e)	25(c)(e)
Establishments for the sale of goods and services, where there is exterior storage of products	10,000	100	25(c)	15(c)	25(c)
Fuel Sales and Storage Establishments	5,000	50	25(c)	10(c)	25(c)
Sewage Lagoons	20,000	100	25	15	25
Trucking Establishments	10,000	100	25	15	25
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES</b> (See Subsection 2.17)	-	-	25(c)(f)(g)	5(f)(g)	5(f)(g)

- (a) In addition to the minimum requirements of this TABLE, the maximum allowable height for all principal buildings and structures shall be thirty (30) feet, and the maximum allowable height for all accessory buildings and structures shall be fifteen (15) feet, with the exception of grain storage structures, fuel and fertilizer storage tanks and telecommunications towers.
- (b) Permits are required for access to Provincial Trunk Highway 2 and Provincial Road 240 from the Highway Traffic Board and the Dept. of Transportation and Government Services respectively. Permits are only required from the Highway Traffic Board for any structure/construction within the control area (125 ft.) adjacent to PTH 2, which may affect yard dimensions. A permit is also required from the Dept. of Transportation and Government Services for any planting proposed within 50 ft. of PTH 2.

- (c) Where the exterior wall does not contain any exterior windows or entrances to individual suites, and where there is sufficient parking provided elsewhere, the minimum required yard shall be five (5) feet.
- (d) Where the proposed development consists of a building or structure less than one hundred (100) square feet in floor area, a smaller site may be approved, provided that the site is not adjacent to a required front yard of a residential site, and provided that a separation distance of seven (7) feet is maintained from all site lines.
- (e) Where the side or rear site line of a site coincides with the boundary of a railway right-of-way, the minimum required yard shall be zero (0) feet for those structures which require railway service for loading or unloading.
- (f) Where an accessory building is used for the storage of a motor vehicle, the wall which contains the vehicular access door shall be set back a minimum distance of ten (10) feet from a public lane or street.
- (g) Where a building contains an accessory dwelling unit, the minimum required yard for that portion of the building containing the dwelling unit shall be fifteen (15) feet.

**TABLE 4-6: "OR" OPEN SPACE/RECREATION ZONE – USE AND BULK TABLE**

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS (a)		
	Site Area (sq. ft.)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
<b>PERMITTED PRINCIPAL USES</b>					
Open Space, including athletic fields, picnic areas, tot lots, playgrounds, outdoor skating rinks, buffer strips, public reserves, walkways, undeveloped scenic or hazard lands and similar uses	5,000	50	25	10	25
Public Utilities	5,000	50	25	10	25
<b>CONDITIONAL USES</b>					
Assembly, including grandstands, sports complexes, race tracks, stadiums, community halls, agricultural exhibition grounds and buildings and similar uses	20,000	100	25	15	25
Public Works	5,000	50	25	10	25
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES</b> (See Subsection 2.17)	-	-	As determined by Council		

- (a) Buildings, structures, fences, hedges and plantings adjacent to Provincial Roads and Provincial Trunk Highways and their centres of intersection shall have a setback in accordance with the regulations and requirements of the Highway Protection Act and the Highways and Transportation Act or as varied from time to time.

## **PART 5: RULES FOR SPECIFIC USES**

### **Home-based Businesses**

- 5.1 Home-based businesses are governed by the following rules:
- (a) They shall be conducted by a person or persons residing in the dwelling;
  - (b) Persons employed or otherwise engaged in the business who do not reside in the dwelling may not exceed 2 persons;
  - (c) There can be no processing or outside storage of goods or materials;
  - (d) One business sign, either freestanding or affixed to the wall of a principal or accessory building is permitted, not exceeding ten (10) square feet in any location;
  - (e) They shall not generate undue traffic or congestion, adversely affect the amenity and convenience of the neighbourhood, or create a nuisance;
  - (f) In the urban zones, the residential character of the property shall be maintained; and
  - (g) In all zones where a bed and breakfast is a permitted use, a bed and breakfast may be approved as an accessory use.

### **Hazardous Materials Storage**

- 5.2 No bulk farm chemical supply warehouse, inland grain terminal (excluding existing inland grain terminals), bulk fuel or fertilizer storage or anhydrous ammonia storage container shall be located within:
- (a) One thousand (1,000) feet of a building used for human occupancy or individual residence;
  - (b) Two thousand six hundred forty (2,640) feet of a "UR" zone, or a designated residential or recreation area; and
  - (c) Three hundred (328) feet of a municipal road or provincial highway.

## **PART 6: MISCELLANEOUS REGULATIONS**

### **Land Subject to Flooding**

- 6.1 Where development is proposed in an area which, in the opinion of the Development Officer, may be subject to ponding due to snowmelt or heavy rainfall events, the owner may be required to provide additional measures, including the provision of sufficient fill around the building to provide an additional measure of protection from flood damage.
- 6.2 No permanent building shall be constructed or placed on land, which is subject to subsidence or erosion by water or is marshy or unstable, or is otherwise unsuitable or hazardous by virtue of its soil or topography, unless it is demonstrated to the satisfaction of Council that proper measures will be taken to deal with the unsuitability or hazard.

### **Site Reduced by Road Widening**

- 6.3 Where the site area or site width of a parcel of land has been reduced as a result of land acquired for the establishment or widening of a public road or drain, or for any other public work, the land which has been acquired shall be deemed to part of the site for purposes of determining compliance with the minimum site area and site width requirements and required yards for existing buildings as specified by this by-law. However, where new buildings or structures are proposed, the required yards shall be determined by the location of actual site boundaries.

### **Building Removal**

- 6.4 Upon completion of removal or demolition of a building from a site, the old foundation shall be removed, any excavation shall be filled, the ground shall be leveled and the site shall be put in a safe condition to the satisfaction of the Development Officer.

### **Road Access**

- 6.5 No permanent building may be constructed or placed on a site, which does not have legal access to an improved public road.

### **Service Connections**

- 6.6 In all zones except the "AG" Agriculture General Zone, where a site is served by municipal piped sewer or water, no permanent principal building shall be constructed or placed unless it is connected to such services.

### **Public Monuments and Cairns**

- 6.7 Nothing in this by-law shall be so interpreted as to interfere with the establishment of public monuments and cairns.

### **Signs**

- 6.8 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 or obstruct the view of any highway or street intersection or railroad crossing.
- 6.9 All signs and their support structures shall be kept in good repair. Signs which have become obsolete because of the discontinuance of the business or service 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.
- 6.10 All signs adjacent to Provincial Trunk Highway 2 will require a permit from the Highway traffic Board if it is within 125 ft. from the edge of the right of way.

### **Temporary Buildings and Uses**

- 6.11 Temporary buildings, structures and uses of land are permitted on a site in connection with road construction or construction and development on that or a nearby site, subject to the issuance of a development permit and only for the following purposes:
- (a) offices for the contractor or developer or project supervisor;
  - (b) accommodation for a caretaker;
  - (c) storage of materials and equipment; and
  - (d) accommodations, field offices and temporary concrete and asphalt plants necessary for road construction.
- 6.12 A development permit for a temporary building or structure or use shall be valid for six (6) months and may not be renewed for more than two (2) successive six (6) month periods.
- 6.13 A wheelchair ramp may extend into the required yard of a residence for as long as it is required by an occupant of the residence, subject to the issuance of a development permit.

## **PART 7: ADMINISTRATION**

### **Administration and Enforcement**

- 7.1 In the administration and enforcement of this by-law the municipality authorizes and directs the Board of the Grey-St. Claude Planning District to proceed under PART 8.

## Development Permits

- 7.2 A development permit is required for any of the following:
- (a) subject to 7.3, the erection, construction, enlargement, structural alteration or placing of a building or structure;
  - (b) the establishment of a use of land or a building or structure;
  - (c) the change of a use of land or a building or structure from the existing use to a use which is a permitted use; and
  - (d) the alteration or enlargement of an approved conditional use.
- 7.3 Every owner shall be required to obtain a development permit prior to the commencement of development, including the commencement of construction or relocation of any building or structure, except as provided herein. The issuance of a development permit in respect of a building or structure does not affect the obligation to obtain a building permit or other permit where they are required under the building by-law for such a building or structure, nor does it relieve the owner from the responsibility of obtaining any other permit or approval that may be required by any other administrative body, including business licenses, environmental approvals, highway access and structure location approvals and similar approvals.
- 7.4 A development permit is not required for the following:
- (a) The erection, construction, enlargement, structural alteration or placing of the following as accessory structures:
    - i) fences,
    - ii) signs (not including advertising signs where they are conditional uses),
    - iii) lighting,
    - iv) flagpoles,
    - v) sheds and buildings for the storage of domestic equipment and supplies, except those with a floor area of one hundred (100) square feet or more,
    - vi) communications aerials or antennas,
    - vii) garden houses or children's playhouses,
    - viii) water supply wells and private sewage disposal systems,
    - ix) unenclosed patios, and
    - x) temporary signs and notices including real estate signs;
  - (b) The maintenance, replacement or restoration of building components and finishes, provided that the size of the building or structure is not materially increased, or the structural load carrying capacity of any component is not reduced.
- 7.5 Despite not requiring a development permit, all things listed in 7.4 shall be subject to the requirements of this by-law.

- 7.6 An application for a development permit shall be made by the owner or owners of the site in question, or by a person authorized in writing by them.
- 7.7 An application for a development permit shall be accompanied by plans drawn to scale showing the following:
- (a) The shape and dimensions of the site to be used and built on;
  - (b) The location and dimensions of existing buildings and structures;
  - (c) The location and dimensions of the proposed building, structure, enlargement or alteration, including separation distances from site boundaries;
  - (d) The use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;
  - (e) Vehicular access and utility connections;
- and shall include any other information required by the Development Officer to determine compliance with, and to provide enforcement of, this by-law.
- 7.8 An application for a development permit shall be accompanied by the fee prescribed by the Board of the Grey-St. Claude Planning District.
- 7.9 Despite apparent compliance with this by-law, the Development Officer may refuse to issue a development permit where the proposed building, structure or use does not, to the Development Officer's knowledge, comply with the building bylaw or with any other law.
- 7.10 No person shall use or occupy any land, building or structure, or erect, construct, enlarge, alter or place any building or structure, except in accordance with an approved development permit (where required), and with this by-law.
- 7.11 All proposed development shall be in accordance with the application and drawings submitted to and approved by the Development Officer. No work shall vary from the approved application and drawings without the prior written authorization of the Development Officer, and the owner shall ensure that all development is completed in accordance with the approved development permit.
- 7.12 The Development Officer may revoke a development permit
- (a) Where any information accompanying the development application is incorrect or incomplete and an existing or proposed building, structure or use is thereafter found to be in contravention of this by-law, the building by-law, or any other law; or
  - (b) Where the development permit was issued in error.

#### **Development Officer**



- 7.13 The Development Officer shall be the person appointed as such by the Board of the Grey-St. Claude Planning District.
- 7.14 The Development Officer, on behalf of the municipality, shall issue development permits and otherwise administer and enforce the provisions of this by-law and *The Planning Act*, where applicable.
- 7.15 The Development Officer shall exercise the powers of remedy and enforcement set out in PART 8.
- 7.16 The Development Officer is authorized to grant or refuse, in his or her discretion, a minor variation not to exceed ten percent (10%) of the required yard provisions.

#### **Application for Amendment**

- 7.17 An application for an amendment to this by-law, including a change to the maps, shall be made to the Development Officer by the owner or owners of the land in question, or by a person authorized in writing by them.
- 7.18 An application for amendment shall be accompanied by plans drawn to scale showing the following:
- (a) The shape and dimensions of the land affected;
  - (b) The location and dimensions of existing buildings and structures;
  - (c) The location and dimensions of any proposed building, structure, enlargement or alteration;
  - (d) The use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;

and shall include any other information required by the Development Officer to determine compliance with, and to provide for enforcement of, this by-law.

- 7.19 An application for an amendment shall be accompanied by the fee prescribed by the Board or Council.
- 7.20 Following such consultation, review and report (if any) as the Council deems necessary, the application shall be submitted to Council, which shall decide whether or not to start the procedures for enactment of an amendment.

#### **Applications for Variances and Conditional Uses**

- 7.21 An application for a variation or approval of a conditional use shall be made to the Development Officer by the owner or owners of the site, or by a person authorized in writing by them.

- 7.22 An application for a variation or approval of a conditional use shall be accompanied by the plans and information described in 7.7, and in the case of a livestock production operation, by the information described in PART 5.
- 7.23 An application for a variation or approval of a conditional use shall be accompanied by the fee prescribed by the Board or Council.
- 7.24 Where an application for a variation or conditional use has been submitted, a public hearing shall be held by the Council, to receive representations from any person with respect to the proposal, and notice of the public hearing shall be given as required by *The Planning Act*.
- 7.25 On receipt of an application for a variation or approval of a conditional use in proper form, the municipality may, prior to the hearing date prescribed under *The Planning Act*, refer the application to Manitoba Intergovernmental Affairs or any other department or authority for its review and comment.
- 7.26 Council shall either approve or deny the variation or conditional use, and may establish conditions of approval appropriate to the circumstances, in accordance with the provisions of *The Planning Act*.
- 7.27 Council may subsequently revoke any approved conditional use as a consequence of any violation of conditions specified at the time of approval.

#### **Development Agreement**

- 7.28 Where an application is made for the amendment of this By-law, for a subdivision, development or building permit, 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. Claude in respect of that land as well as contiguous land owned or leased by the applicant dealing with any one or more of the following matters:
- (a) the use of land and any existing or proposed building or structure;
  - (b) the timing of construction of any proposed building or structure;
  - (c) the siting and design including exterior materials of any proposed building or structure;
  - (d) traffic control and the provision of parking;
  - (e) landscaping, the provision of open space and the grading of the land;
  - (f) the construction by or at the expense of the owner or applicant, in whole or in part, of roads, sidewalks, fencing, landscaping, and street lighting and of works, plants, pipelines or facilities for storm drainage, water supply and distribution, and the collection and disposal of sewage, or any one or more of them;
  - (g) the payment of a sum of money to the municipality in lieu of the requirement under clause (f) to be used by the municipality for any of the purposes referred to in that clause;
  - (h) the dedication of land or payment of money in lieu thereof, where the application is for a zoning classification to permit a residential use, use for a mobile home park or an increase in residential density, in which case clause 70(f) and (g) of *The Planning Act* shall apply to the dedication.

## **PART 8: ENFORCEMENT**

### **Entry for Inspection and Other Purposes**

- 8.1 The Development Officer may, after giving reasonable notice to the owner or occupier of land or a building or other structure to be entered:
- (a) Enter the land, building or structure at any reasonable time for the purpose of inspection, enforcement and or action authorized by this by-law or *The Planning Act*;
  - (b) Request that anything be produced to assist in inspection, remedy, enforcement or authorized action; and
  - (c) Make copies of anything related to the inspection, remedy, enforcement or authorized action.
- 8.2 The Development Officer must display or produce on request identification showing his or her official capacity.
- 8.3 In an emergency or in extraordinary circumstances, the Development Officer need not give reasonable notice or enter at a reasonable time and may do the things referred to in 8.1(a) and (c) without the consent of the owner or occupant.

### **Order to Remedy Contravention**

- 8.4.1 If the Development Officer finds that a person is contravening this by-law or *The Planning Act*, the Development Officer may by written order require the person responsible for the contravention to remedy it if, in the opinion of the Development Officer, the circumstances so require.
- 8.4.2 The order may:
- (a) Direct a person to stop doing something, or to change the way in which the person is doing it;
  - (b) Direct a person to take any action necessary to remedy the contravention, including the removal or demolition of a building or structure (or part of one) that has been constructed, erected or placed in contravention and, if necessary to prevent a reoccurrence of the contravention;
  - (c) State a time within which the person must comply with the directions; and
  - (d) State that if the person does not comply with the directions within the time stated, the municipality will take the action or measure at the expense of the person.

### Review by the Board

- 8.5 A person who receives an order under 8.4 may request the Board of the Grey-St. Claude Planning District to review the order, by written notice given within fourteen (14) days after the date the order is received.
- 8.6 After giving the person a reasonable opportunity to be heard, the Board may confirm, vary, substitute or cancel the order or decision.

## PART 9: INTERPRETATION

### Footnotes

- 9.1 The footnotes are part of this by-law.

### Permitted Uses

- 9.2 Where a use appears in the Use and Bulk Tables as a permitted use, it shall not be construed to include any use that appears as a conditional use for the same zoning designation.

### Definitions

- 9.3 Terms not defined in this by-law, which are defined in *The Planning Act*, have the meaning provided in *The Act*.
- 9.4 Terms defined in 9.5 which appear in the Use and Bulk Tables in this by-law are shown in bold therein.
- 9.5 Where the following terms appear in this by-law they have the meaning provided as follows:

**accessory** – where used to describe a use, building or structure, means that the use, building or structure is naturally and normally incidental, subordinate in purpose or area, or both, and exclusively devoted to the use, building or structure to which it is accessory, but a use shown as a conditional use in the Use and Bulk Tables cannot be accessory to a use shown as a permitted use for the same zoning designation.

**advertising sign** – means a sign directing attention to a business, commodity, service, entertainment or other matter, not conducted, sold, offered or carried out on the same site (or on an adjacent site under the same ownership) where the sign is maintained.

**agriculture, specialized** – means the use of land for floriculture, horticulture, including market gardening, orchards and tree farming and similar agricultural activity (excluding apiculture) which are normally conducted on smaller parcels of land.

**building** – has the meaning provided in *The Planning Act*, except that it does not include a well, pipeline, excavation, cut, fill or transmission line.

**building, height of** - means the vertical distance measured from grade to the highest point of the roof surface of a flat roof, to the deck of a mansard roof, and to the average height level between eaves and ridge for a gable, hip or gambrel roof.

**bulk** – means the size of buildings or structures (based on floor area and height), the site area and site width upon which a use, building or structure is located, the location of exterior walls of a building in relation to site lines, and all open spaces required along site lines.

**club** – refers to a building owned or leased by a non-profit corporation or association, the use of which is restricted to members and their guests.

**dwelling unit** – means one or more rooms used or intended to be used as a single housekeeping unit with cooking, sleeping and sanitary facilities.

**dwelling, single-family** – means a detached building designed for and used by only one family.

**dwelling, two-family** – means a detached or semi-detached building designed for and used by two (2) families, with each family having exclusive occupancy of a dwelling unit.

**dwelling, multiple-family** – means a building containing three or more dwelling units, with each unit designed for and used by one family, with each family having exclusive occupancy of a dwelling unit.

**family** – means one or more persons related by blood, adoption, marriage or common-law marriage, or a group of no more than seven (7) persons which includes unrelated persons, living together as a single housekeeping unit.

**farm building** – means any building or structure used primarily for agricultural activities, but does not include a dwelling.

**general agricultural activities** – means a use of land for agricultural purposes, including farming, dairying, pasture, agriculture, apiculture, floriculture, horticulture and animal and poultry husbandry and the necessary accessory uses for packing, storing or treating the produce, but does not include the following:

- (a) livestock production operations;
- (b) storage, handling or processing of agricultural products for the general public in return for remuneration, or
- (c) sales or servicing (in return for remuneration) of agricultural equipment or agricultural buildings.

**kennel** – means premises upon which more than five (5) dogs or ten (10) cats, not including animals less than four (4) months of age, are boarded, bred, trained or cared for in return for remuneration or are kept for the purpose of sale.

**livestock production operation** – means an agricultural operation where animals are fed in buildings or pens, or in outdoor non-grazing areas confined by fences, other structures or topography, but does not include:

- (a) a livestock auction mart,
- (b) an agricultural fair, or
- (c) a livestock sales yard where livestock are kept no longer than three (3) days.

**mobile home** – means a portable dwelling unit which is designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has at any time such wheels attached, or is jacked up or skirted and which conforms to the *Buildings and Mobile Homes Act*.

**public utility** – means a system furnishing water, sewage collection, electricity, telecommunication services, gas or similar services to properties by means of pipes, lines and other equipment located on or under public roads and other rights-of-way.

**residential care facility** – means a building in which residential accommodation, plus supervision, care or treatment, is provided by a person or persons employed for that purpose.

**Site** – means an area of land which:

- (a) is occupied or intended to be occupied by a principal use or by a use of a building or group of buildings, together with accessory buildings and structures as are provided for herein, along with required yards;
- (b) has frontage on a street which has a minimum right-of-way width of fifty (50) feet, or has any lawful means of access satisfactory to Council, or as otherwise provided for herein; and
- (c) is of sufficient size to provide for the minimum requirements of this by-law for a permitted or conditional use in a zone where the use is located.

**site area** – means the computed area contained within the site lines.

**site, corner** – means a site situated at the intersection of two (2) streets.

**site depth** – means the horizontal distance between the centre points in the front and rear site lines.

**site, interior** – means a site other than a corner site.

**site lines** –

**front site line** – means:

- (a) the boundary of a site along a street or highway;
- (b) for a corner site, the continuation of the front site line of the abutting interior site.

**rear site line** – means:

- (a) that boundary of a site which is most nearly parallel to the front site line;
- (b) where the side site lines intersect, a line ten (10) feet in length within the site, parallel to and at the maximum distance from the front site line.

**side site line** – means any boundary of a site which is not a front or rear site line.

Where it is not possible to determine site lines according to these definitions, they shall be determined by the Development Officer.

**site width** – means that 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 at forty (40) feet from the front site lines, whichever is less.

**specialized agricultural activities** – means agricultural activities such as apiculture, floriculture, horticulture and activities of a like nature which do not require large acreages of land, and which in the opinion of Council, provide a major component of household income.

**structure** – means a thing constructed or erected with a fixed location on or below the ground or attached to something with such a fixed location, and includes but is not limited to buildings, walls, fences, signs, billboards, light standards and antennas.

**use** – means any purpose for which a building, structure or site may be designed, arranged, intended, maintained or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building, structure or on a site.

**yard** – means an open area between the exterior wall of a building and the boundaries of the site on which it is located.

**yard, required** – means the yard measured from a front, rear or side site line towards the interior of the site within which no building or any part of a building may be located, except as provided in this by-law.

## **Zoning Boundaries**

9.6 The following rules of interpretation shall apply to the boundaries of the zoning designations shown on the map comprising Schedule A:

- (a) boundaries indicated as approximately following the centre-lines of streets, lanes, highways, rivers, or railway or public utility lines or rights-of-way shall be construed to follow such centre-lines;

(b) boundaries indicated as approximately following site limits as shown on a registered plan or by reference to the *Dominion Government Survey* shall be construed to follow such site limits.

9.7 If a street, lane or government road allowance is lawfully closed, then the land formerly comprising the street, lane or government road allowance shall be included within the zone of the land which surrounds it. If the said street, lane or government road allowance was a zone boundary between two or more different zones, then the new zone boundary shall be the former centreline of the closed street, lane or government road allowance.



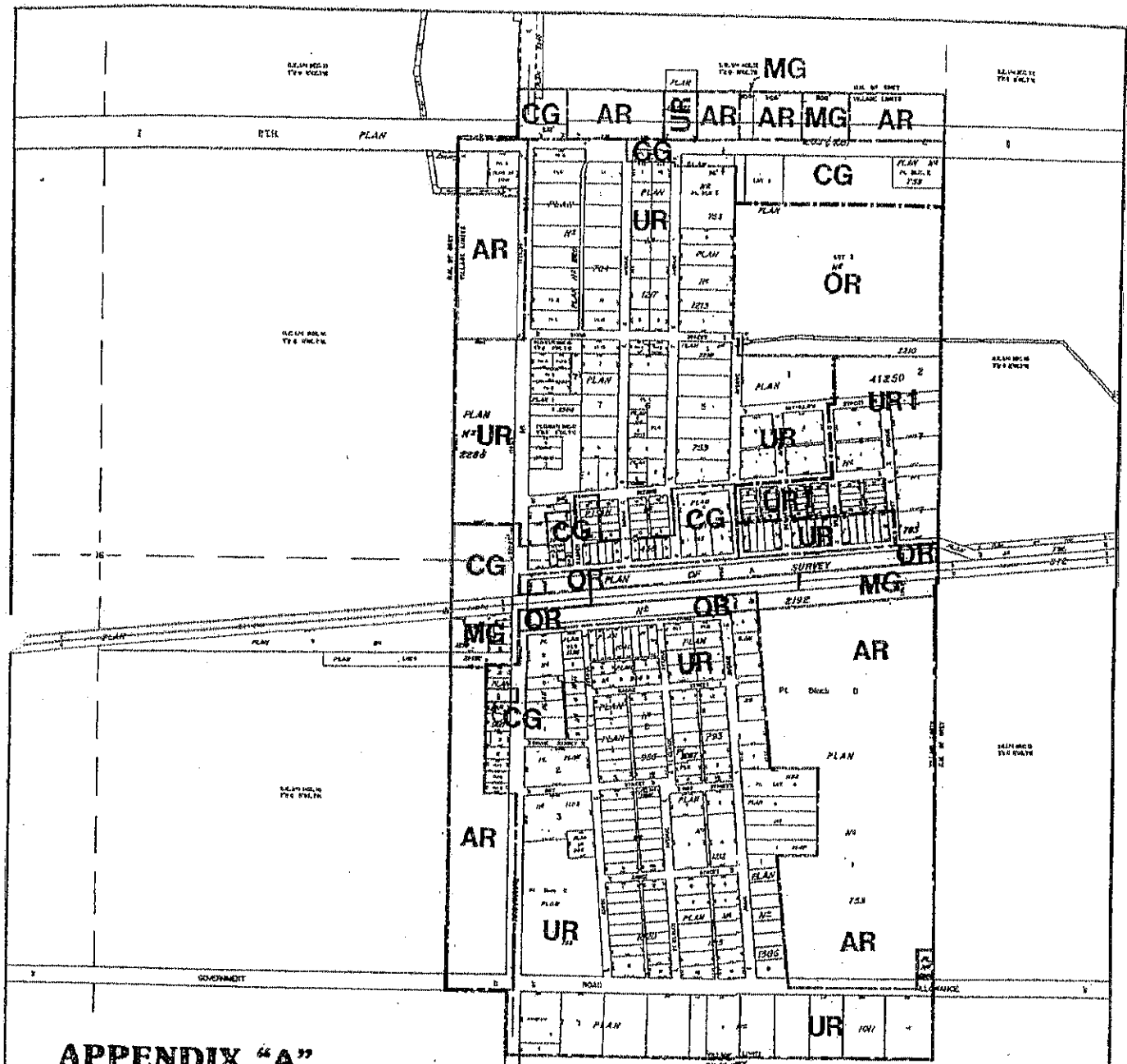
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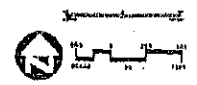
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**APPENDIX "A"**  
**VILLAGE OF ST. CLAUDE**  
**ZONING BY-LAW NO. 375/04**

- LEGEND**
- Village Limits
  - Limits of the Zone
  - UR General Residential Zone
  - CG General Commercial Zone
  - MG General Industrial Zone
  - OR Open Space/Recreation Zone
  - AR Restricted Agricultural Zone
  - LRT Urban Residential Zone



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