

TOWN OF BIRCH HILLS

ZONING BYLAW

Prepared for:

THE TOWN OF BIRCH HILLS

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SASKATOON, SK

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THE TOWN OF BIRCH HILLS

ZONING BYLAW

Bylaw No. 04/17

A Bylaw of the Town of Birch Hills to adopt a Zoning Bylaw.

The Council of the Town of Birch Hills, in the Province of Saskatchewan, in open meeting assembled enacts as follows:

- (1) Pursuant to Section 34(1) of *The Planning and Development Act, 2007* the Council of the Town of Birch Hills hereby adopts the Town of Birch Hills Zoning Bylaw, identified as Schedule "A" to this Bylaw.
- (2) The Mayor and Town Administrator are hereby authorized to sign and seal Schedule "A" which is attached to and forms part of this Bylaw.
- (3) Bylaw No. 165, the Zoning Bylaw, and all amendments thereto, are hereby repealed.
- (4) This Bylaw shall come into force on the date of final approval by the Minister of Government Relations.


Introduced and Read a First Time this 8th day of March, 2017

Read a Second Time this 12th day of April, 2017

Read a Third and Final Time this 12th day of April, 2017



(Mayor)



(Administrator)



THE TOWN OF BIRCH HILLS

ZONING BYLAW

Being Schedule "A" to Bylaw No. 04/17
of the Town of Birch Hills



(Mayor)



(Administrator)



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1 INTRODUCTION

Under the authority of *The Planning and Development Act, 2007 (the Act)*, and Bylaw No. 03/17, the Town of Birch Hills Official Community Plan, the Council of the Town of Birch Hills in the Province of Saskatchewan, in open meeting, hereby enact as follows:

1.1 TITLE

This Bylaw shall be known and may be cited as the Town of Birch Hills Zoning Bylaw.

1.2 SCOPE

Development shall be permitted within the limits of the Town of Birch Hills only when in conformity with the provisions of this Bylaw subject to the right of appeal provisions of *the Act*.

1.3 PURPOSE

This is a Bylaw to control the use and development of the land in the municipality and assist in implementing the Town of Birch Hills Official Community Plan.

1.4 SEVERABILITY

If any section, clause or provision of this Bylaw, including anything shown on the *Zoning District Map*, is for any reason declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Bylaw as a whole or in part, other than the section, clause, provision or anything shown on the *Zoning District Map*, declared to be invalid.

2 INTERPRETATION

Whenever in this Bylaw the following words or terms are used, they shall, unless the context otherwise provides, be held to have the following meaning:

Abattoir: a slaughterhouse or place where animals are butchered.

Accessory Building or Use: a building or use that:

- (a) is subordinate to and serves the principal building or principal use;
- (b) is subordinate in area, extent, and purpose to the principal building or principal use served;
- (c) contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and,
- (d) is located on the same site as the principal building or principal use served.

Act (the Act): *The Planning and Development Act, 2007.*

Administrator: the administrator of the Town of Birch Hills.

Adult Day Care: an establishment for the placement, care and supervision of adults, but does not include the provision of overnight supervision.

Adult Day Care - Type I: an adult day care with up to five persons under supervision at any one time.

Adult Day Care - Type II: an adult day care with more than five persons under supervision at any one time.

Agricultural Sales and Service Establishments: a development used for the sale or rental of new or used tractors, combines, swathers, balers, seeders, and cultivators together with incidental maintenance services and sale of parts and accessories.

Agricultural Uses: the non-intensive use of lands, buildings or structures for the production of crops or other similar uses normally associated with agriculture.

Agricultural Use, Intensive: the intensive or high-density use of lands, buildings or structures for the production of crops or other similar uses normally associated with agriculture or gardening, but not including community gardens or livestock facilities of any kind.

Alteration: any structural change in, or addition to, a building or structure, and shall include a change from one type of use to another.

Amenity Space: a land or building area set aside exclusively for the purpose for providing recreation space on the site (e.g. patio, balcony, rooftop terrace, deck, or internal building).

Ancillary Use: a use that is secondary and subordinate in size, extent and purpose to the principal use on the same site, but is not necessary for the operation of the principal use on that site.

Animal, Domestic: an animal kept for companionship and amusement rather than for practical or commercial purposes and does not include any ungulate, poultry, fowl, bees, peacocks, non-caged pigeons, or animals use for farm use purposes.

Animal, Exotic: an animal not indigenous to Canada and not commonly kept as a household pet in Canada.

Animal Shelter: a building, which may include outdoor facilities, used for the temporary accommodation or impoundment of animals.

Apartment House: *see Dwelling, Multiple Unit Apartment*

Applicant: a developer, landowner, or person with an enforceable proprietary interest, submitting an application for development.

Application for Development: any application filed for any approval, authorization, or permit that is a prerequisite to initiating development in the town.

Appellant: a person who, pursuant to *The Planning and Development Act, 2007*, has served a Notice of Appeal on the Development Appeals Board.

Auction Marts (Auctioneering Establishments): a development specifically intended for the auctioning of goods and equipment, including temporary storage of such goods and equipment.

Automotive Sales: a development used for the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services, sale of parts, automotive accessories, accessory recreational equipment and supplies.

Bakery: a place for baking and/or selling locally baked goods.

Balcony: a platform, projecting from the face of the wall, cantilevered or supported by columns or brackets and usually surrounded by a balustrade or railing.

Bare Land Condominium: a condominium divided into bare land units as defined in *The Condominium Property Act, 1993*.

Bare Land Unit: a bare land unit as defined within *The Condominium Property Act, 1993*.

Barrier-free: a building and its facilities can be approached, entered, and used by persons with physical or sensory disabilities.

Basement: the portion of a building or structure located below the first storey.

Bed and Breakfast Home: a dwelling unit in which the occupants thereof use a portion of the dwelling unit for the purpose of providing, for remuneration, sleeping accommodation and one meal per day to members of the general public, for periods of one week or less, and in which:

- (a) not more than five bedrooms within the dwelling unit are used to provide such sleeping accommodation;
- (b) the dwelling unit is the principal residence of the person or persons receiving the remuneration and providing the sleeping accommodation and one meal per day; and,
- (c) the meal which is provided is served before noon each day.

Broadcasting and Television Studios: a development used for the production and/or broadcasting of audio and visual programming typically associated with radio or television.

Building: a structure used or intended for supporting or sheltering any use.

Building Bylaw: any Bylaw of the Town of Birch Hills regulating the erection, alteration, repair, occupancy or maintenance of buildings or structures.

Building Front Line: the line of the wall of the building, or any projecting portion of the building, and production thereof excluding permitted obstructions, which faces the front site line.

Building Height: the vertical distance of a building measured from grade level to the highest point of the roof surface for a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip or gambrel roof (refer to Figure 2-1).

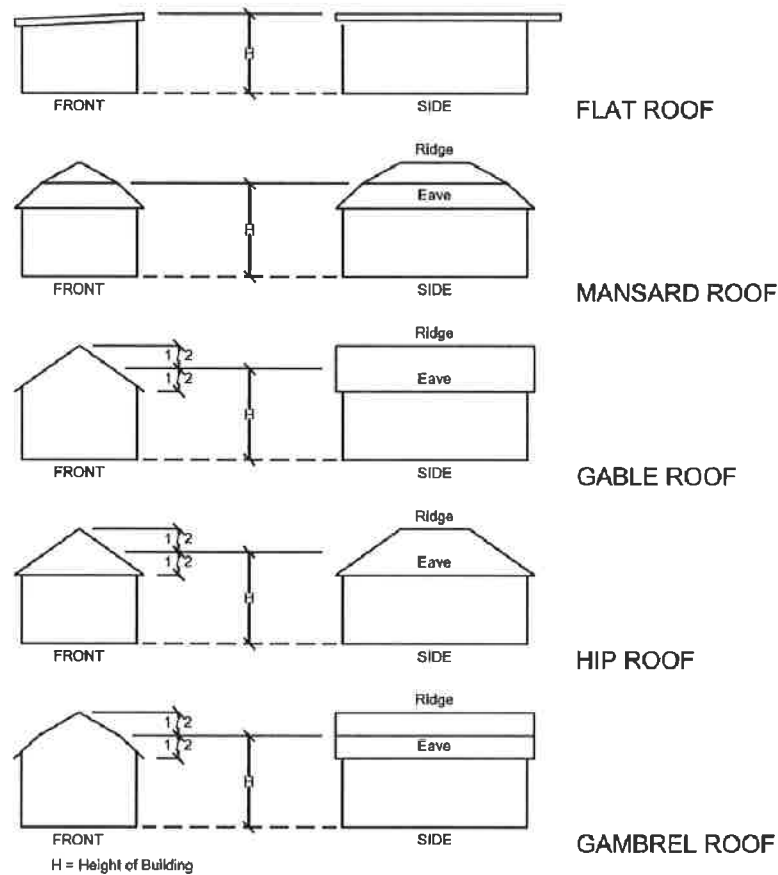


Figure 2-1: Interpretation of Building Height Measurement

Building Line, Established: a line, parallel to the front site line (and, in the case of corner sites, a line, parallel to the side site line along the flanking street), and set back the average distance from the edge of the street to the building front line of the existing buildings on a side of any block of the street where more

than half the lots have been built on.

Building Permit: a permit issued under a Building Bylaw of the Town of Birch Hills authorizing the construction of all or part of a building or structure.

Building, Principal: the building in which is conducted the main or primary use of the site on which said building is situated.

Building Rear Line: the line of the wall of the building or any projecting portion of the building and production thereof excluding permitted obstructions which faces the rear site line.

Building Side Line: the line of the wall of the building, or any projecting portion of the building and production thereof excluding permitted obstructions, which faces the side site line.

Bulk Fuel Depots: a development where refined or crude oil, fuel, or liquid or solid chemical is stored outdoors, and includes the storage of hazardous substances / dangerous goods, as defined by the *Transportation of Dangerous Goods Act* and the *Major Industrial Accidents Council of Canada*. The development may include facilities for cleaning, blending, or packaging of bulk oil, fuel, or chemicals, but does not include manufacture of the products.

Business Support Services: a development used to provide support services to businesses that are characterized by one or more of the following features: the use of minor mechanical equipment for printing, duplicating, binding or photographic processing, the provision of office maintenance or custodial service, the provision of office security, and the sale, rental, repair or servicing of office equipment, furniture and machines.

Bus Terminals: *see Fleet Services*

Bylaw, this: the Town of Birch Hills Zoning Bylaw.

Carport: a roofed enclosure for the parking of a motor vehicle or motor vehicles which has less than 60% of the total perimeter enclosed by walls, doors or windows and is attached to a principal building.

Car Wash: a building or portion of a building which is used for the washing of vehicles, including full service, automatic and hand operated facilities. but does not include the facilities for the washing of vehicles with a gross vehicle weight of more than 5,000 kg.

Car Wash – Type I: a car wash that does not include the facilities for the washing of vehicles with a gross vehicle weight of more than 5,000 kg.

Car Wash – Type II: a car wash that includes facilities for the washing of vehicles with a gross vehicle weight of more than 5,000 kg.

Casino: any establishment where games of chance are regularly played as defined and licensed through the *Saskatchewan Gaming Corporation Act*.

Cemetery: property used for the internment of the dead and may include facilities for the storage of ashes of human remains that have been cremated.

Club: a group of people organized for a common purpose, to pursue common goals, interests or activities, usually characterized by certain membership qualifications, payment of dues or fees, regular meetings, and

a constitution and bylaws; and shall include lodges and fraternal organizations.

Community Centre: a building or facility used for recreational, social, educational or cultural activities and which is owned by a municipal corporation, non-profit corporation or other non-profit organization.

Community Garden: an area of land managed and maintained by a formal or informal group of individuals to grow and harvest food crops and/or non-food ornamental crops for personal or group use, consumption, donation, or sale at a farmers' market or farm stand. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

Consignment Centre: premises carrying on the business of purchasing, selling, collecting, exchanging, or otherwise dealing in second hand or used goods, not including a pawn broker.

Construction Trades: offices, shops and warehouses, with or without associated retail sales of plumbing and heating, electrical, carpentry, masonry and other trades associated with construction.

Convenience Store: a store offering for sale primarily food products, beverages, tobacco, personal care items, pharmaceutical, hardware and printed matter and which primarily provides a convenient day-to-day service to residents in the vicinity.

Convention Facilities: a development that facilitates the gathering of people and portable products and facilities in one large or series of connecting or adjacent rooms or open areas.

Council: the Council of the Town of Birch Hills.

Crematorium: a development that facilitates the preparation and cremation of the deceased.

Cultural Institution: an establishment such as a museum, art gallery, library, or similar facility of historical, educational, or cultural interest.

Custodial Care Facility: either:

- (a) a facility for the temporary detention or open custody of persons pursuant to the provisions of *The Youth Criminal Justice Act (Canada)* or *The Summary Offences Procedure Act, 1990 (Saskatchewan)*; or,
- (b) a facility for the accommodation of persons participating in a community training program pursuant to *The Correctional Services Act*,

in which the number of persons in detention, custody or residence does not exceed five.

Dairy Processing: facilities for the processing and sale of dairy products such as cheese, cream, yogurt, ice cream and other goods but not including facilities for the keeping, rearing, or milking of animals.

Day Care Centre: a facility for the non-parental care of over four (4) preschool age children on a daily basis and may be licensed under *The Child Care Act*.

Deck: an open platform, raised 0.4 metres (16 inches) or more above grade, with or without rails, attached or directly adjacent to a principal building or private garage.

Deck, Attached Covered: a single storey patio or deck that is covered with a permanent roof structure

which may be enclosed by walls, windows or screens and which is not integrated into the dwelling unit by virtue of the extension of the dwelling unit's heating or cooling system or the removal of the exterior door between the patio or deck and the dwelling unit. In addition, 50% of the walls must be openings and no basement may be constructed under the deck or patio. Typically an attached covered patio or deck would provide up to three-season accommodation and would not provide fully furnished liveable floor space.

Development: the carrying out of any alteration, building, engineering, excavation or other operations in, on, or over land, or the making of any material change in the use or intensity of use of any building or land.

Development Officer: an employee or employees of the Town of Birch Hills appointed by Town Council to act as Development Officers to administer this Bylaw.

Development Permit: a document authorizing a development, issued pursuant to this Bylaw.

Distilleries, Wineries and Breweries: facilities for the small-scale or craft production of alcoholic and other beverages, including the distillation, aging, blending, fermenting, bottling, storage, distribution, promotion, and sale of said beverages.

Dwelling: Shall mean a building used or intended for residential occupancy, and may include a Modular Dwelling or a Ready-to-Move Dwelling, but excluding a Manufactured Dwelling, as herein defined.

Dwelling, Garden Suite: a self-contained dwelling unit that is located in the rear yard or side yard of a site in which the principal use is a single detached dwelling, and to which the suite is an accessory use. (Refer to Figure 2-? Below).

Dwelling Group: a group of two or more detached one unit dwellings, two unit dwellings or multiple unit dwellings or combinations thereof occupying the same site.

Dwelling, Modular: a dwelling which is constructed of pre-fabricated parts, unit modules and/or finished sections built in a factory, conforming to CSA Standard A277, and which are transported to the site for assembly on an approved foundation which complies with the requirements of the National Building Code.

Dwelling, Manufactured: a dwelling that conforms to *Canadian Standards Association, Construction Standard No A277* and amendments thereto and which was formally referred to as a mobile home.

Dwelling, Multiple Unit: a building divided into three or more dwelling units as herein defined and shall include town or row houses and apartment dwellings but not hotels or motels.

Dwelling, Multiple Unit Apartment: a building divided into three or more dwelling units as herein defined, each of which is occupied or intended to be occupied as a permanent home or residence and is accessed from the outside, a common indoor area, or both, but not including hotels, motels or townhouses.

Dwelling, Multiple Unit Townhouse: a multiple-unit dwelling in which each unit has its own entrance to the outside and each unit is separated from other units by a common wall or ceiling which has no openings.

Dwelling, Ready-to-Move (RTM): a ready-to-move one unit dwelling which is built to completion off-site using conventional lumber and building practices according to the current National Building Code of Canada, and which is transported to the site as a complete unit for placement on a fixed approved foundation which complies with the requirements of the National Building Code.

Dwelling, Secondary Suite: a self-contained dwelling unit that is an accessory use to, and located within,

a building in which the principal use is a single detached dwelling.

Dwelling, Semi-Detached: a dwelling on its own site, with a common wall dividing the two dwelling units through at least 30% of the depth of the entire structure, measured from the front to the rear building lines.

Dwelling, Single Detached: a detached building consisting of one dwelling unit as herein defined, but shall not include a manufactured home as herein defined.

Dwelling, Street Townhouse: a dwelling, designed as one cohesive building in terms of architectural design, which contains three or more similar attached dwelling units each of which fronts on a street, has direct access to the outside at grade and is not wholly above another dwelling.

Dwelling, Two-Unit: a building divided into two separate dwelling units on the same site but not including single detached dwellings which contain a secondary suite as defined herein.

Dwelling Unit: a separate set of living quarters, whether occupied or not, usually containing sleeping facilities, sanitary facilities and a kitchen or kitchen components. For the purposes of this definition, "kitchen components" include, but are not limited to, cabinets, refrigerators, sinks, stoves, ovens, microwave ovens or other cooking appliances.

Educational Institution: a post-secondary college, university or technical institution, but shall not include a private school.

Equipment Rentals: a development used for the rental of tools, appliances, recreation craft, office machines, furniture, home appliances, light construction equipment, or similar items, but does not include the rental of motor vehicles or industrial equipment.

Estimated Peak Water Level (EPWL): the calculated water level used to determine the flood hazard area. It is based on the 1:500 peak flow for rivers, and the higher of the 1:500 peak calm level or the 1:100 peak calm level with a 1:5 wind from the most critical direction for most lakes.

Façade: the exterior outward face of a building. Typically, the façade of interest is that surface that serves as the front of that building and faces a building's primary street. Buildings on the corner of two streets or a street and an alley present two public façades.

Family Child Care Home: an accessory use to a one unit dwelling, two unit dwelling, manufactures home, semi-detached dwelling or townhouse, where the occupants of the dwelling provide child care services, supervision or pre-school services.

Family Child Care Home, Type I: a family child care home where the total number of children under care or supervision, including the number of children who are residents in the dwelling, does not exceed six.

Family Child Care Home, Type II: a family child care home where the total number of children under care or supervision, including the number of children who are resident in the dwelling, exceeds six but does not exceed twelve.

Farmers' Market: a permanent structure, operated on a seasonal or year-round basis, which allows for agricultural or horticultural producers to retail their products and other agriculture-related items, including those produced in a community garden, directly to consumers and enhance income through value-added products, services, and activities.

Farm Stand: a seasonal direct-marketing operation without a permanent structure and offering outdoor shopping for the sale of locally-produced agricultural products including those produced in a community garden, enhanced agricultural products, and handmade crafts.

Fence: an artificially constructed barrier erected to enclose or screen areas of land.

Financial Institution: a bank, credit union, trust company, or similar establishment.

Flankage: the side site line of a corner site that abuts the street.

Fleet Services: a development using a fleet of vehicles for the delivery of goods or services, where such vehicles are not available for sale or long-term lease. This includes taxi services, bus services, bus lines, messenger and courier services, but does not include moving or cartage firms involving trucks with a gross vehicle weight of more than 3,000 kg.

Flood Hazard Area: the area below the Estimated Peak Water Level (EPWL). The flood hazard area has two zones; the Flood Fringe and the Floodway.

Flood Fringe: a zone within the flood hazard area where some types of development may occur if suitably flood-proofed. The flood fringe is typically defined as that portion of the flood hazard area where:

- (a) depth of inundation above natural ground is less than 1.0 metre;
- (b) flow velocities are less than 1.0 metre per second; and
- (c) encroachment (fill) into the flood fringe would raise upstream water levels by less than 0.3 metres.

Floor Area: the maximum habitable area contained within the outside walls of a building, excluding in the case of a dwelling unit any private garage, open porch or breezeway, unfinished attic or unfinished basement.

Floor Area, Gross: the total floor area in a principal building or structure measured between the exterior faces of the exterior walls of the building or structure at the level of each storey below, at and above grade, excluding the area used for off-street parking, loading, mechanical equipment, stairways or shafts.

Floor Area Leasable, Gross: the gross floor areas of the principal buildings exclusive of any parking area, common or public area, common loading area or common equipment area.

Floor Area Ratio, Gross: the ratio of the gross floor area of the principal buildings exclusive of any parking area, divided by the site area.

Floodway: a zone within the flood hazard area where typically only necessary infrastructure is allowed (e.g. water intakes and outfalls, bridge piers and abutments, etc.) or development that is of low value and non-obstructive (e.g. parks, nature areas, parking lots, and recreational trails). The floodway contains the deepest, fastest, and most destructive flood waters and is typically defined as that portion of the flood hazard area where:

- (a) depth of inundation above natural ground is more than 1.0 metre;
- (b) flow velocities are greater than 1.0 metre per second; and
- (c) encroachment (fill) into the flood fringe would raise upstream water levels by more than 0.3 metres.

Flood Proofing: techniques or measures taken to permanently protect a structure or development from flood damage. These can include measures such as elevation building (e.g. building on fill or piers), constructing dykes, creating upstream storage, diversions and channelization.

Frontage: the side of a site abutting a street and, in the case of a corner site, the shorter of the sides is the frontage.

Fuel Storage Tank, Above Ground: a storage tank, any portion of which is above grade and containing gasoline, diesel fuel, or propane for retail sale or dispensing into motor vehicles.

Funeral Home: a development used for the preparation of the dead for burial or cremation, and holding of funeral services, but does not include crematoriums.

Garage, Private: an accessory building used for storage purposes only, including vehicle storage, where no business, occupation or service is conducted for gain, other than an approved home based business, and in which no space is rented for use to a non-resident of the premises.

Garage, Public: any garage available to the public, operated for gain, and which is used for repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles, including painting, body work and major repairs.

Garage, Storage: a garage exclusively used for the storage of motor vehicles and where no repair facilities are maintained.

Gas Bar: a building or facility used for the retail sale of motor vehicle fuels from fixed pumps.

Grade Level: the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure. In the case of one-unit dwellings, two-unit dwellings and semi-detached dwellings with a walk-out basement, grade level shall be the average elevation of the finished surface of the ground adjacent to the side walls of the building, or otherwise determined by the Approving Authority. The grade level for new developments will be defined by the lot grading plan approved by the Approving Authority.

Greenhouses, Plant Nurseries and Garden Centres: a development for growing, acclimating, propagating, harvesting, displaying and selling of bedding, household, and ornamental plants and may include accessory uses related to storing, displaying, and selling of gardening, nursery and related products.

Guard: a protective barrier around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways, decks or other locations to prevent accidental falls from one level to another.

Hard Surfacing: asphalt, concrete, paving stone or similar hard surface material, but does not include crushed or compacted rock or gravel.

Hazard Land: land which is subject to flooding, ponding, subsidence, landslides, erosion, or contamination.

Hazardous Material: any product, substance or organism which, because of its quantity, concentration or risk of spill, or its physical, chemical or infectious characteristics, either individually or in combination with other substances, is an existing or potential threat to the physical environment, to human health or to living organisms, including but not limited to:

- (a) Corrosives;
- (b) Explosives;
- (c) Flammable and combustible liquids;
- (d) Flammable solids; substances liable to spontaneous combustion; substances that on contact with water emit flammable gases;
- (e) Gases, compressed, deeply refrigerated, or dissolved under pressure;
- (f) Oxidizing substances; organic peroxides;
- (g) Poisonous (toxic) or infectious substances;
- (h) Radioactive materials;
- (i) Waste Dangerous Materials; and/or,
- (j) Any other environmentally hazardous substance.

Health Services: a facility or institution engaged in the provision of physical and mental health services on an outpatient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative or counselling nature.

Home Based Business: an accessory use of a dwelling unit by a resident of the dwelling for a business which is secondary and incidental to the primary use of the dwelling as a residence, and does not change the residential character of the buildings or site. A home based business is distinct from a live-work unit.

Home Based Business – Type I: a home based business owned and operated by a resident or residents of the dwelling unit, where only residents may be employed on the site.

Home Based Business – Type II: a home based business owned and operated by a resident or residents of the dwelling unit, where up to one non-resident person may be employed on the site.

Hospital: an institutional development use to provide in-patient and out-patient health care to the public.

Hotel: a building or portion of a building offering temporary sleeping accommodations to the general public and may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

Household Repair Services: the repair of goods, equipment and small appliances normally found within the home. Typical uses include but are not limited to: radio, television, computer and appliance repair, furniture refinishing, drapery shops, and upholstery shops.

Industrial Complex: a group of two (2) or more detached principal buildings located on the same site and which are not for human habitation except those necessary for a watchman or caretaker, provided that each form of development comprising the industrial complex is otherwise permitted or discretionary use in the zoning district.

Infill: development or redevelopment occurring on a vacant site following completion of the initial development of the area.

Intensive Livestock Operation (ILO): the operation or facilities for rearing, confinement or feeding of poultry, hogs, sheep, goats, cattle, horses or domesticated game animals, in such numbers that the facility and portion of a site used for the operation:

- (a) will contain 300 or more animal units; and,
- (b) provide less than 370 square metres of space for each animal unit contained therein.

Intersection: an area where two or more streets or lanes meet or cross at grade.

Junk and Salvage Yards: uses including, but not limited to, uses involved in salvaging, storing or selling scrap metal, paper, plastic, glass, wood and other waste material, as well as unlicensed vehicles and used vehicle parts.

Kennel: the temporary accommodation of dogs, cats or other domestic animals for commercial purposes and/or the keeping of more than four dogs, cats or other domestic animals, male and female, and which are more than 12 months old, for breeding purposes.

Kennel, Boarding: the temporary accommodation of dogs, cats or other domestic animals for commercial purposes.

Kennel, Breeding: the keeping of more than four dogs, cats or other domestic animals, male and female, and which are more than 12 months old, for breeding purposes.

Landscaping: the changing, rearranging, or adding to the original vegetation of a site, including site grading, addition of topsoil, grass, trees, plants, sidewalks and other natural or decorative features.

Lane: a public highway vested in the Crown as a secondary level of access to a lot or parcel of land, not including a street as herein defined.

Light Manufacturing: a light industrial use where all processing, fabricating, assembly, or disassembly of items takes place wholly within an enclosed building, including, but not limited to apparel, food, drapes, clothing accessories, bedspreads, decorations, artificial plants, jewellery, instruments, computers, electronic devices.

Live-Work Unit: a unit that contains one dwelling in addition to dedicated floor space for the purpose of operating a business or otherwise conducting work by a resident of the associated dwelling. A live-work unit is distinct from a home based business and from a dwelling unit that is accessory to a commercial use.

Livestock Sales or Livestock Auction Facility: a place for holding livestock and conducting sales of livestock where livestock are held no longer than 48 hours for any one sale.

Loading Space: that part of a site or structure on which a single vehicle may be loaded or unloaded.

Lot: an area of land with fixed boundaries and which is of record with the Information Services Corporation by Certificate of Title.

Lounge: a room or area adjoining a restaurant that permits the sale of beer, wine or spirits for consumption on the premises, with or without food, and where no adult entertainment is permitted.

Mall, Shopping: a building, or group of buildings, located on the same site and managed as a single unit, in which individual spaces are leased to permitted or discretionary commercial uses for their mutual benefit, including the use of off-street parking and other joint facilities, and may include some open-air retail areas on-site on a seasonal basis.

Mall, Strip: a single story commercial building in which commercial uses are located together for their mutual benefit, each use having a separate entrance to the outside.

Manufactured Home Court: any parcel of land on which two or more occupied manufactured dwellings

are located and includes any structure used or intended to be used as part of the equipment of such manufactured home court.

Manufactured Home Site: an area of land in a manufactured home court for the placement of a manufactured dwelling.

Manufactured Home Subdivision: any residential subdivision of land containing lots under either freehold or leasehold tenure for the purpose of accommodating manufactured dwellings in such a manner that each manufactured dwelling is situated on its own lot and in which all such lots, public open spaces, internal streets and lanes, buffer zones and other amenity areas form a contiguous area of development.

Mayor: the Mayor of the Town of Birch Hills.

Medical, Dental and Optical Laboratories: a place fitted with medical and scientific equipment and used for the conduct of medical, dental or optical investigations, experiments, and tests; or for the manufacture of medicines or medical aid devices, but does not include the manufacture of industrial chemicals.

Minister: the member of the Executive Council to whom, for the time being, is assigned the administration of *The Planning and Development Act, 2007*.

Motel: a building or portion of a building offering temporary sleeping accommodations to the general public and may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities, and wherein each guest accommodation room has individual access to the exterior.

Municipal Facility: land and/or structures owned by the Municipality including, but not limited to, land and/or structures used for the following:

- (a) Office and/or meeting space;
- (b) Storage of municipal equipment and/or supplies;
- (c) Recreation; and/or
- (d) Other institutional purposes.

Municipality: the Town of Birch Hills.

Night Club: a building or portion thereof, where beer, wine, or spirits are served to patrons for consumption on the premises, with or without food, and where a designated area for entertainment or dancing during certain hours of operation may also be provided, but not including adult entertainment unless otherwise noted in this Bylaw.

Nonconforming Building: a building:

- (a) that is lawfully constructed or lawfully under construction, or in respect to which all required permits have been issued, on the date that this Bylaw or any amendment to the Bylaw affecting the building or land on which the building is situated or will be situated, becomes effective; and,
- (b) that on the date this Bylaw or any amendment hereto becomes effective does not or when constructed will not comply with this Bylaw.

Nonconforming Site: a site, consisting of one or more contiguous parcels, to which all required permits have been issued on the date that this Bylaw or any amendment to the Bylaw becomes effective, contains a use that conforms to the Bylaw, but the site area or site dimensions do not conform to the standards of the

Bylaw for that use.

Nonconforming Use: a lawful specific use:

- (a) being made of land or a building or intended to be made of a land or of a building lawfully under construction, or in respect to which all required permits have been issued, on the date this Bylaw or any amendment hereto becomes effective; and,
- (b) that on the date this Bylaw or any amendment hereto becomes effective does not, or in the case of a building under construction or in respect of which all required permits have been issued, will not comply with this Bylaw.

Office and Office Building: a building or part of a building used primarily for conducting the affairs of a business, profession, service, industry, or government in which no goods or commodities of business or trade are stored, transhipped, sold or processed.

Official Community Plan: *The Town of Birch Hills Official Community Plan.*

Open Space: any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighbouring such open space, provided that such areas may be improved with only those buildings, structures and other improvements that are designed to be incidental to the natural openness of the land, but not including, off-street parking areas, storm water facilities or any other areas required to be set aside for buffers or recreation areas by any other sections of this Bylaw.

Owner: any individual, firm, associations, organization, co-partnership, corporation or trust having sufficient proprietary interest in the land to be developed in order to commence and maintain proceedings to subdivide the same under this Bylaw.

Parcel: any quantity of land, consisting of one or more lots, as defined in *The Land Titles Act, 2000* as amended.

Parks and/or Playgrounds: development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and man-made landscaping, facilities, playing fields, buildings and structures that are consistent with the general purposes of public parkland.

Parking Lot: a building, structure or area of land, other than a street, used for the temporary parking of more than four vehicles whether free, for charge, or for accommodation of clients or customers.

Parking, Off-street: accommodation for the parking of vehicles off a public street or lane.

Parking Space: a space exclusive of driveway, ramps or columns, but including convenient access to a public lane or street, for the parking of one (1) motor vehicle.

Patio: an open horizontal, artificially surfaced area adjacent to or located on the flat roof of a principal building, no greater than 0.4 metres above grade when at ground level, intended for use as an outdoor private amenity space.

Pawn Broker: a development used to provide secured loans in exchange for goods offered as collateral, including the sale of such goods. This use may also include the minor repair of goods sold on site. Typical uses include the resale of clothing, jewellery, electronics, household goods and musical instruments in

pawn, but does not include the sale of used vehicles, recreation craft or construction and industrial equipment, and does not include flea markets or second hand stores.

Personal Service Establishments: establishments engaged in providing the care of a person or their apparel, which include barber shops, hairstyle salons, laundries, dry cleaners, shoe repair, and other similar uses.

Photography Studio: a place used for portrait or commercial photography, including the developing and processing of film, and the repair or maintenance of photographic equipment.

Place of Worship: a place used for worship and related religious, philanthropic or social activities and includes accessory rectories, manses, meeting rooms and other buildings. Typical uses include churches, chapels, mosques, temples, synagogues and parish halls.

Preschool: a facility which provides a program for preschool aged children.

Protective Services: 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 equipment and vehicles. An establishment in which vehicles equipped for transporting the injured or sick are stored and which may contain living quarters, offices, to assist in the delivery of the service.

Public Utility: a government, municipality or corporation under Federal or Provincial statute which operates a public work.

Public Work – shall include:

- (a) systems for the production, distribution or transmission of electricity;
- (b) systems for the distribution, storage or transmission of natural gas or oil;
- (c) facilities for the storage, transmission, treatment, distribution or supply of water;
- (d) facilities for the collection, treatment, movement or disposal of sanitary sewage;
- (e) telephone, internet, cable television or light distribution or transmission lines; and,
- (f) facilities for the collection, storage, movement and disposal of storm drainage, but shall not include telecommunication towers.

Railway Facilities and Uses: an area containing a network of railway track and sidings for storage and maintenance of cars and engines. Includes spurs for loading and shipment of goods from adjacent commercial or industrial buildings.

Recreational Facility, Commercial: a recreation, fitness, or amusement facility operated as a business and open to the general public for a fee.

Recreational Facility, Public: a recreation, fitness, or amusement facility operated by the province, municipality, or a non-profit organization and open to the general public.

Recreational Vehicle: a unit intended to provide temporary living accommodation for campers or travelers; built as part of, or to be towed by, a motor vehicle; and includes truck campers, motor homes, tent trailers, fifth wheels, travel trailers and park model trailers.

Recreational Vehicle, Park Model: a recreational vehicle that conforms to Canadian Standards Association, Construction Standard No Z241 Series, Park Model Trailers.

Recycling Collection Depot: a building or structure used for collection and temporary storage of recyclable

household material such as bottles, cans, plastic containers and paper. The following shall not be allowed at a recycling collection depot:

- (a) processing of recyclable material other than compaction;
- (b) collection and storage of paints, oil, solvents or other hazardous material(s); nor,
- (c) outdoor compaction.

Recycling Facility: a building or structure used for the processing of recyclable material, including outdoor compactions and including the collection and storage of paints, oil, solvents and other hazardous material(s).

Residential Care Facility: a licensed or approved group care facility governed by Provincial regulations that provides, in a residential setting, 24 hour care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual.

Residential Care Facility – Type I: a residential care facility in which the number of residents, excluding staff, does not exceed four.

Residential Care Facility – Type II: a residential care facility in which the number of residents, excluding staff, is more than four.

Restaurant: a place where food and beverages are prepared and served to patrons seated at tables or counters, in a motor vehicle on the premises, or for off-site consumption, and may include a drive-through service window.

Retail Store: a place where goods, wares, or merchandise are offered for sale or rent, and may include the assembly or service of products to be sold on site, provided the gross floor area used for manufacturing, assembly or service does not exceed 25% of the gross floor area of the retail store.

Right-of-Way: an area of land which is owned and/or administered by a Public Utility, granting unabated access for the purposes of constructing, maintaining, and accessing public infrastructure.

Roof: the top enclosure, above or within the vertical walls of a building.

Roof Structure: any enclosed structure on or above the roof of any part of a building.

Safe Building Elevation (S.B.E.): the level defined by the Ministry of Government Relations at time of subdivision and by municipal bylaw to which flood-proofing must be undertaken for developments in the flood hazard area. The S.B.E. is calculated as the Estimated Peak Water Level (E.P.W.L.) plus a freeboard value. The freeboard allows for uncertainties in the calculations, and for other possible hazards such as ice shoves, ice jams, and erosion. The Water Security Agency usually recommends a freeboard of 0.5 m for most situations. For dykes used as flood-proofing, a freeboard of 0.6 m is usually recommended. In areas with high uncertainty in the hydrology or hydraulic response of the lake or river, a freeboard of up to 1.0 m may be recommended.

Satellite Dish: a parabolic antenna used for the reception of satellite-transmitted television and/or radio waves.

School, Private: a facility that meets Provincial requirements for elementary, secondary, or higher education, and which does not secure the majority of its funding from taxation or any governmental agency, and may include vocational and commercial schools, music or dance schools and other similar schools.

School, Public: a facility that meets Provincial requirements for elementary or secondary education, and which secures the majority of its funding from taxation.

Screening: a fence, wall, berm or planted vegetation located so as to visually shield or obscure one abutting area of use from another.

Service Station: a place where petroleum products are kept for retail sales for automobiles and other motor vehicles and where repairs, rental, servicing, greasing, adjusting or equipping of automobiles or other motor vehicles may be performed, but not including painting, body work and major repairs.

Setback: the distance of a required yard, measured at right angles from the property line.

Shipping Container: a prefabricated metal container or box specifically constructed for the transport of goods by rail, ship or transport truck. The term shall also apply to metal storage containers that are commonly known as cargo containers, roll off containers, sea cans, freight containers, intermodal containers but specifically excludes dumpsters or recycling receptacles.

Shipping Container Rental and Sales: a business that rents and sells shipping containers, which may include rental of shipping containers located on the site of the business.

Shopping Mall: see *Mall, Shopping*

Sight Triangle: the triangular area formed within a site by the intersecting front and side site lines at a street intersection, an intersection of a street and a lane, or an intersection of a street and a driveway, and the straight line joining said site lines at points which are a measured distance along both site lines (refer to Figure 2-2). In the case of a street intersection, at a corner site, the measured distance shall be 6 m or another distance as determined by the Development Officer. In the case of a lane or driveway intersecting a street, the measured distance shall be 4.5 m or another distance as determined by the Development Officer.

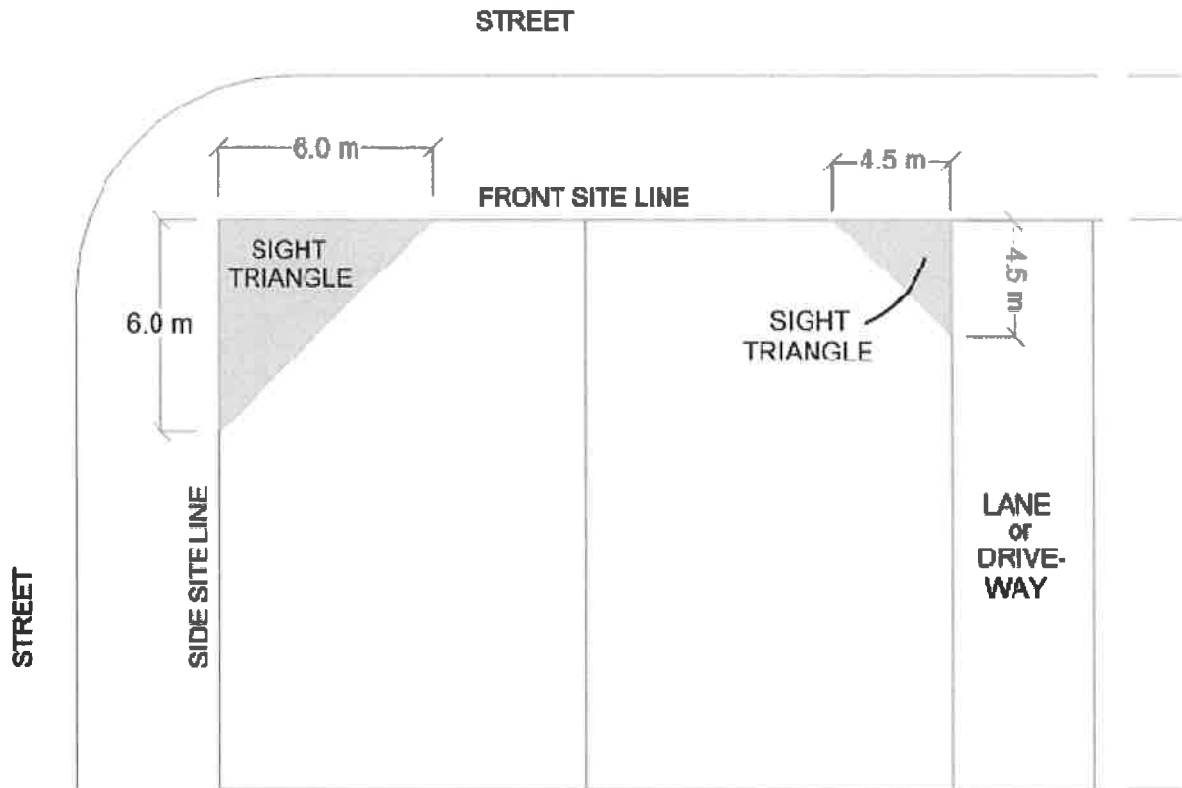


Figure 2-2: Sight Triangles

Sign: any device, letters, figures, symbols, emblems, or pictures which are affixed to, or represented directly or indirectly upon a building or structure, which identify or advertise any object, product, place, activity, person, organization or business; and which is visible on a street or public thoroughfare.

Site: one or more contiguous lots under one ownership and used, or intended to be used, by a single principal use or principal building.

Site Area: the area of land contained within the boundaries of the site as shown on a plan.

Site, Corner: a site at the intersection of two or more streets (refer to Figure 2-3). A site at the intersection of a street and a lane does not constitute a corner site.

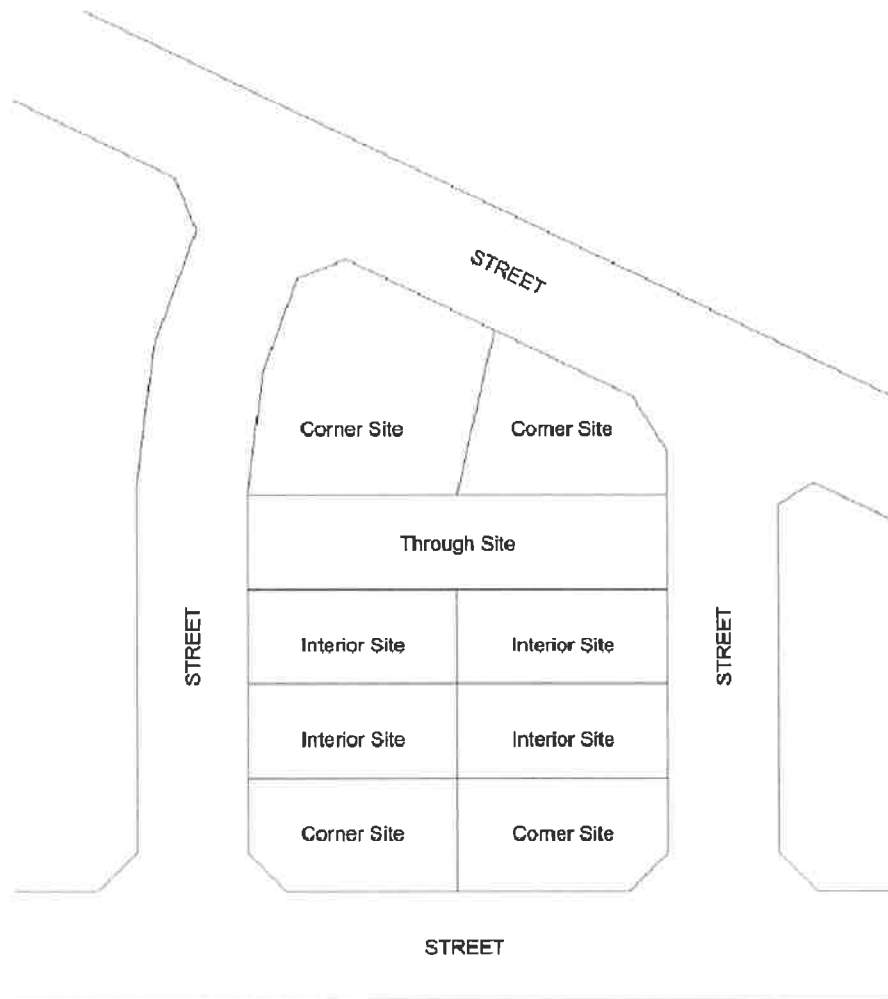


Figure 2-3: Illustration of Site Definition

Site Coverage: that portion of the site that is covered by principal and accessory buildings.

Site, Interior: a site other than a corner site (refer to Figure 2-3 above).

Site Line, Front: the line that divides the site from the street. In the case of a corner site in a residential zoning district, the front site line shall mean the line separating the narrowest street frontage of the site from the street (not including a corner rounding or corner cut) unless otherwise determined by the Development Officer. In the case of a corner lot in a commercial or industrial zoning district, the Development Officer shall maintain the discretion to determine the front site line based on existing lotting patterns and building orientation, and the most appropriate location for front yard building setbacks and landscaping.

Site Line, Rear: the line (or point) at the rear of the site and opposite either the narrowest or the middle-most front site line, in the case of more than one front site line, not including a corner rounding or corner cut (refer to Figure 2-4 below).

Site Line, Side: a site line other than a front or rear site line, not including a corner rounding or corner cut.

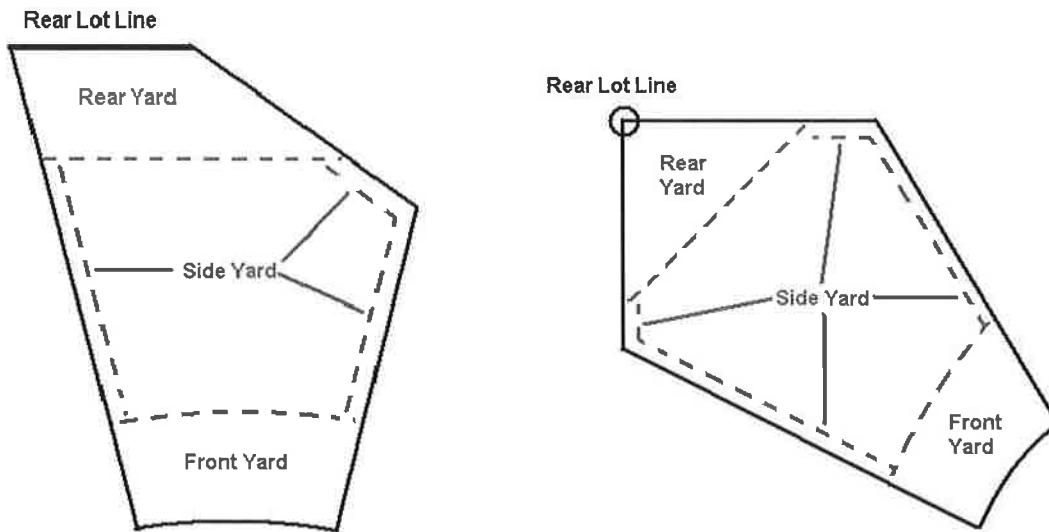


Figure 2-4: Illustration of Rear Site Lines

Site, Through: a site not more than one lot in depth, having a frontage on two streets more or less parallel (refer to Figure 2-3 above).

Site Width: for rectangular sites, the horizontal distance between the side boundaries of the site measured along the front site line. For non-rectangular sites, the average of the horizontal distances between the side boundaries of the site measured along the front and rear site lines (refer to Figure 2-5).

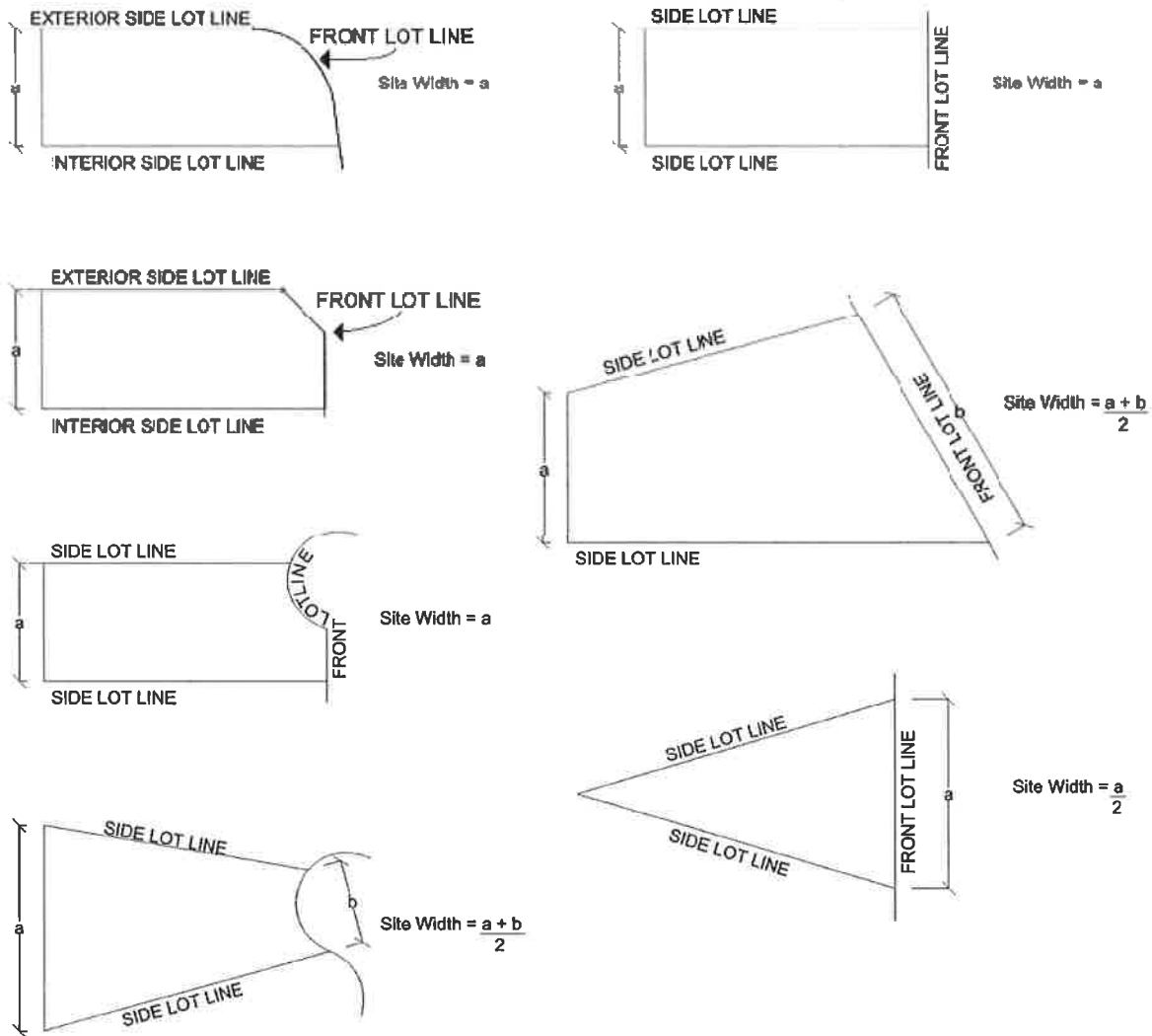


Figure 2-5: Illustrations of Site Width

Storage Compounds and Facilities: a development used for the enclosed interior or screened and enclosed exterior storage of vehicles, personal items, or products.

Storage, Outdoor: the storage of equipment, goods, or materials outside of any building or structure, including storage in unclosed portions of buildings which are open to the air on the sides, as an accessory use to a permitted principal use.

Storey: that portion of any building that is situated between the top of any floor and the top of the floor next above it; and if there is not a floor above it, that portion between the top of such floor and ceiling above it. A basement or cellar shall be considered a storey:

- (a) when any activities directly related to the principal use of the building occur within it, not including ancillary activities such as long-term storage, mechanical/custodial rooms, caretaker living

- quarters, stairways, or a parking garage; and
- (b) when the floor of the basement or cellar is less than 1.8 metres below grade level as defined by the lot grading plan approved the Approving Authority, but not when 50% or more of the height of the basement or cellar, from finished floor to finished ceiling, is located below grade. For areas without an approved lot grading plan, grade level will be defined by the Approving Authority.

Storey, First: the uppermost storey having its floor level not more than 1.8 m above grade level, and not meaning any basement level.

Street: a public space, commonly used as a thoroughfare, which affords the principal means of access to abutting properties and serves as the principal outdoor separation space between buildings and sites.

Street, Arterial: a street that serves major traffic flows between the principal areas of traffic generation with direct access to adjacent development being limited.

Street, Collector: a street that serves traffic between local and arterial streets with access to adjacent development generally allowed.

Street, Local: a street providing direct access to abutting properties along its length and not intended to carry through traffic, other than to adjoining streets.

Street, Minor: a local street not exceeding 500 metres in length, including a cul-de-sac.

Streetscape: the physical elements of the street, as seen from a human perspective, including but not limited to: trees and other vegetation; sidewalks, medians, and boulevards; the frontages, façades, massing, scale, and architectural aesthetic of buildings; moving and parked vehicles; pedestrians; roadways and lanes; signage; and utility elements that define the character, perception, scale, and overall “feel” of the street or neighbourhood.

Structural Alteration: the construction or reconstruction of supporting elements of a building or other structure.

Structure: anything erected or constructed, the use of which requires temporary or permanent location on, or support of, the soil, or attached to something having permanent location on the ground or soil; but not including pavements, curbs, walks or open air surfaced areas.

Subdivision: a division of land that will result in the creation of a surface parcel, or the rearrangement of the boundaries or limits of a surface parcel, as surface parcel is defined in *The Land Titles Act, 2000*.

Suite, Garage: a self-contained dwelling unit that is attached to a detached garage on a site on which the principal use is a single detached dwelling, and to which the suite is an accessory use (see Figure 2-6 and (c) for example diagrams).

Suite, Garden: a self-contained dwelling unit that is located in the rear or side yard of a site on which the principal use is a single detached dwelling, and to which the suite is an accessory use (see Figure 2-6 for an example diagram).

Suite, Secondary: a self-contained dwelling unit that is an accessory use to, and located within, a building in which the principal use is a single detached dwelling, semi-detached dwelling, or two-unit dwelling (see Figure 2-6 for an example diagram).

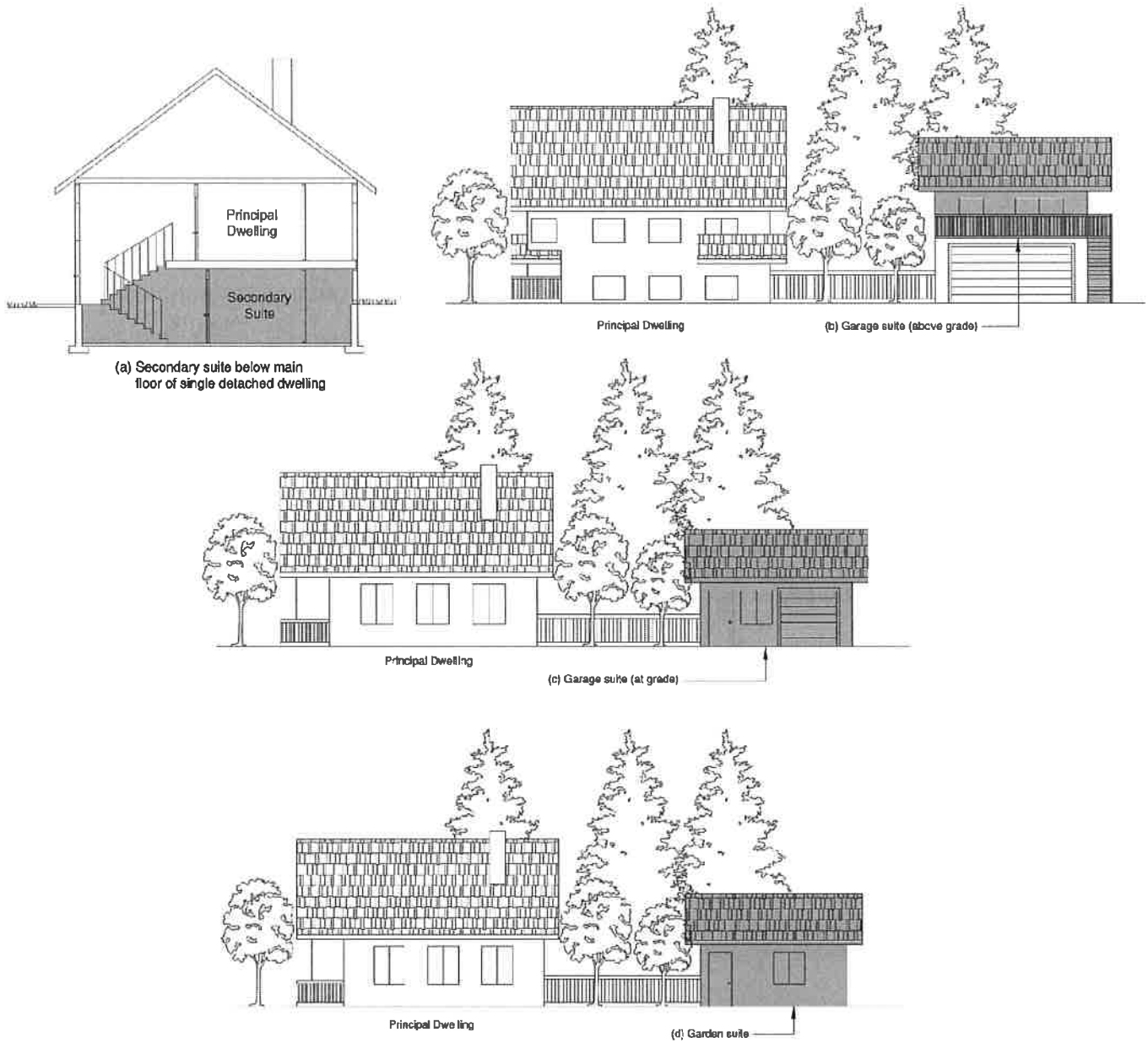


Figure 2-6: Secondary, Garden, and Garage Suites

Tavern: a building or portion thereof where beer, wine, or spirits are served to patrons for consumption on the premises, with or without food, and where no adult entertainment is permitted.

Temporary Building: a building under 34 square metres in floor area without a foundation or footing, and that is to be removed upon expiration of a designated time period.

Temporary Use: a use established for a fixed period of time and that is to be discontinued upon the expiration of the time period specified for that use.

Theatre: a place devoted to showing motion pictures or dramatic, dance, musical or other live performances.

Tourist Campground: a tract or parcel of land that provides for the short term location of tents or recreation vehicles used by travellers and tourists for overnight accommodation.

Town: The Town of Birch Hills.

Trailer: a vehicle, other than a semi-trailer, that is at any time drawn on a highway by a motor vehicle and that is designed for the conveyance of goods or as living quarters for persons, but does not include:

- (a) a motor vehicle towed for sale, storage or repair purposes;
- (b) an agricultural implement;
- (c) an axle unit with a fifth wheel assembly used to convert a semi-trailer to a trailer;
- (d) timbers or metal beams with wheels attached used for moving buildings;
- (e) an asphalt distributor used for the construction or maintenance of bituminous surfaced highways;
- (f) a vehicle, other than a house trailer, camping trailer or boat trailer, drawn by a motor vehicle registered as a farm truck, if that motor vehicle is being used for a purpose for which a vehicle registered as a farm truck may be used; or
- (viii) a tow dolly;

and a trailer is deemed to be a separate vehicle and not part of the motor vehicle by which it is drawn.

Truck Stop: any building, premises, or land in which or upon which a business, service or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sales of accessories or equipment for trucks or similar commercial vehicles and includes overnight accommodations and restaurant facilities primarily for the use of truck crews.

Use: the purpose or activity for which a piece of land or its building is designed, arranged, intended, occupied, or maintained.

Use, Discretionary: a use or form of development that may be allowed in a zoning district following application to, and approval of the Council; and which complies with the development standards, as required by Council, contained in this Bylaw.

Use, General Industrial: any of the following activities:

- (a) the processing of raw or finished materials;
- (b) the manufacturing or assembly of goods, products or equipment;
- (c) 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 non-industrial development;
- (d) the storage or trans-shipping of materials, goods and equipment, including warehouses;
- (e) the training of personnel in general industrial operations; and/or,
- (f) indoor display, office, technical or administrative support areas or any sales operation accessory to the general industrial use.

Use, Light Industrial: a development used for small-scale on-site production, processing, manufacturing assembly of semi-finished or finished products or equipment. All on-site production is contained within the

confines of the principal building or its accessory buildings. This use also includes the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with the small scale manufacturing process, where such operations have impacts that are compatible with the surrounding non-industrial uses. Any indoor display, office, technical or administrative support areas or any retail sale operations shall be accessory to the minor manufacturing use.

Use, Permitted: any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to the regulations applicable to that zoning district.

Use, Principal: the main purpose for which a building, structure or site is used.

Use, Prohibited: any use or form of development that is not allowed because it is not listed as a Permitted or Discretionary Use within a given zoning district, or because it is specifically prohibited elsewhere in this Bylaw.

Vehicle: a device in, on or by which a person or thing is or may be transported or drawn on a highway and includes special mobile machines and agricultural implements but does not include vehicles running only on rails or solely on railway company property.

Veterinary Clinic: a place for the care and treatment of animals involving outpatient care and medical procedures involving hospitalization, but shall not include the keeping of animals in outdoor pens.

Wall Height: the vertical distance of a building measured at the outermost building face, from grade level to the top of the wall, not including the roof.

Warehouse: a building used primarily for the storage of goods and materials and/or distribution of goods and merchandise, excluding any hazardous materials.

Yard: an unoccupied space open to the sky on the same site with a building or structure.

Yard, Front: the area between the side site lines and the front site line to the front building line, measured at right angles from the property line.

Yard, Rear: the area between the side site lines, and the rear site line to the rear building line.

Yard, Required: a yard or yards required by this Bylaw and within which, unless specifically permitted, no building or structure, or part of a building or structure shall be erected.

Yard, Side: the area between the front and rear yards and between the side site line and the side building line.

Zero-Setback: a front yard that measures zero (0) metres. The front building line of the principal building on a site with a zero-setback sits exactly, or very nearly, along the front site line or property line. The most common zero-setback properties are commercial uses within the downtown core area and along neighbourhood "main" streets.

Zoning District: a specifically delineated area of the municipality within which certain uniform requirements and regulations or various combinations thereof govern the use, placement, spacing and size of land and structure.

3 ADMINISTRATION

3.1 DEVELOPMENT OFFICER

3.1.1 The Development Officer shall administer this Bylaw.

3.1.2 The Development Officer shall be an employee of the Town of Birch Hills appointed by Town Council. More than one employee may be appointed or authorized to act as a Development Officer for the purposes of this Bylaw and *The Act*.

3.2 DEVELOPMENT PERMIT

3.2.1 Except as provided in Section 3.2.2, no person shall undertake a development or commence a use unless a development permit has first been obtained. A Development Permit cannot be issued in contravention of any of the provisions of this Bylaw subject to Sections 213 to 232 of *The Act*.

3.2.2 A development permit is not required for the following, but all other applicable provisions of this Bylaw are to be followed for:

- (1) the maintenance, repair or installation of a public work by the municipality or a public utility, except where such activity requires a building permit;
- (2) the installation of a public work on any street or other public right-of-way by the municipality;
- (3) maintenance and repairs that do not include structural alterations, an increase in the number of dwelling units, an increase in gross floor area, a change in yard setbacks, or a change in use;
- (4) single storey accessory buildings under 10 square metres in area;
- (5) the erection of any gate or fence, subject to Section 4.7;
- (6) demolition of buildings 10 square metres or less;
- (7) the development of a temporary building, the sole purpose of which is incidental to the erection, alteration, or marketing of a building for which a development permit has been issued and is still valid;
- (8) municipal facilities;
- (9) signs, subject to Section 6.0; and
- (10) subject to the prior approval in writing by the Development Officer,
 - (a) the grading or other earthmoving for preparation of land in accordance with an approved plan of proposed subdivision, and where required, a signed servicing agreement; and,

- (b) the excavation or the removal of vegetation for construction, maintenance or landscaping purposes on a site where a development permit authorising such work has previously been issued.

3.2.3 The effective period for a development permit is consistent with the building permit or business license to which it applies. This period may be extended by the Development Officer for an additional 6 months if requested in writing by the permit holder. A development permit shall be automatically invalid if:

- (1) the proposed development is not commenced within 6 months from the permit issuance date; or,
- (2) the proposed development is legally suspended or discontinued, for a period of 6 or more months, unless otherwise indicated by Council or the Development Officer.

3.2.4 A building permit shall not be issued unless a development permit, where required, has been granted. If a development permit is deemed void, a new building permit is required in conjunction with the issuance of a replacement development permit.

3.2.5 Where a Development Permit has been issued, the holder of such a permit is not assured that a building permit will be issued.

3.3 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

3.3.1 Except in the case of applications for a home based business, every application for a development permit shall be accompanied by the following:

- (1) the names, addresses and telephone numbers of the applicant, property owner and person or consultant who prepared the plans being submitted, including a local contact person;
- (2) the proposed use of the site or building to be constructed, or the proposed use of the existing building floor area to be altered or occupied, including the area of the proposed building or renovations;
- (3) the complete legal description and civic address of the subject property;
- (4) two copies of a site plan, drawn to scale with appropriate dimensions, showing the following information:
 - (a) north arrow, streets and lanes adjacent to the site, key plan showing nearby lot patterns, all property boundaries, identified frontage of site, site area, site elevations and the location of any existing buildings, structures, utility poles and wires, fire hydrants, underground utilities, easements, building encroachments, and the type and location of existing trees;
 - (b) the location and size of proposed buildings or structures, including all front, side and rear yard setback dimensions and the location of all doorways, walkways and pedestrian circulation areas; and,

- (c) the location and size of all proposed parking spaces, aisles and vehicle circulation areas, loading spaces, and entrances and exits to the site.
- (5) two copies of scaled plans, showing the dimensioned floor plans and elevations, including both interior and exterior wall and floor dimensions and room areas and dimensions.

3.3.2 Where relevant, the Development Officer may require the submission of documentation relating to other requirements of this Bylaw, including, but not limited to, the following:

- (1) storm water management plans;
- (2) geotechnical reports;
- (3) environmental reports (phase I or II);
- (4) soil tests;
- (5) sun-shadow diagrams;
- (6) transportation impact analysis (TIA) reports; and/or,
- (7) streetscape renderings.

3.4 DEVELOPMENT PERMIT APPLICATION PROCESS

3.4.1 Applications for a development permit shall be submitted to the Development Officer in accordance with the requirements of this Bylaw.

3.4.2 The Development Officer shall issue a development permit for a development that complies in all respects with the requirements of this Bylaw, the Official Community Plan and *The Act*.

3.4.3 Where an application is made for a development permit with respect to a development for a discretionary use which has been approved by Council, the Development Officer shall issue a development permit subject to any specified development standards and time limits prescribed by Council pursuant to Section 56(1) (c) and (d) of *The Act*.

3.4.4 Every decision of the Development Officer with respect to an application for a development permit shall be in writing and a copy of the decision shall be sent to the applicant.

3.4.5 The Development Officer may revoke a development permit where:

- (1) the development permit has been issued in error;
- (2) an approved development for a permitted use is not being developed in accordance with the provisions of this Bylaw, or in accordance with the standards and conditions specified in the development permit;
- (3) the approval of a proposed development for a discretionary use is deemed to be invalid; or
- (4) a development is subject to an agreement which has been cancelled by Council pursuant to Sections 65 or 69 of *The Act*.

3.4.6 The Development Officer shall give the reasons for denying or revoking a development permit.

3.5 DEVELOPMENT PERMIT APPLICATION FEES

- 3.5.1 An applicant seeking the approval of a development permit application shall pay fees in accordance with Section 3.15 Fees.

3.6 DEVELOPMENT APPEALS BOARD

- 3.6.1 A Development Appeals Board of the Town of Birch Hills shall be appointed in accordance with Sections 213 to 227 of *The Act*.

3.7 RIGHT OF APPEAL

- 3.7.1 Where an application for a PERMITTED USE has been REFUSED, the applicant shall be advised of the right of appeal to the Development Appeals Board of the Town of Birch Hills.
- 3.7.2 Where an application for a DISCRETIONARY USE has been APPROVED by Council, WITH PRESCRIBED SPECIAL DEVELOPMENT STANDARDS pursuant to this Bylaw, the applicant shall be advised that any development standards considered excessive may be appealed to the Development Appeals Board of the Town of Birch Hills.
- 3.7.3 Where an application for a DISCRETIONARY USE has been REFUSED by Council, the applicant shall be advised that there is no appeal pursuant to Section 219(2) of *The Act*.
- 3.7.4 An application for a Development Permit for a PERMITTED USE shall be deemed to be refused when a decision thereon is not made within 40 days after the receipt of the application in its complete and final form by the Development Officer, and an appeal may be made as provided in Section 3.7.1 as though the application had been refused at the end of the period specified in this subsection.
- 3.7.5 Where a person wishes to appeal to the Board, he/she shall file written notice of his/her intention to appeal with the secretary of the Board, together with a sum of not more than \$50.00 that the Board may specify to be applied to the expenses of the appeal.

3.8 MINOR VARIANCES

- 3.8.1 The Development Officer may grant a variance of up to ten percent (10%) of any yard requirement or minimum required distances between buildings for a use that is a permitted or discretionary use as specified in this Bylaw. All such variances shall be subject to the conditions and granted in accordance with the procedures contained in Section 60 of *The Act*.
- 3.8.2 The Development Officer shall maintain a registry of the location and all relevant details of the granting of such variances.
- 3.8.3 An application for a minor variance shall be in a form prescribed by the Development Officer and shall be accompanied by application fees in accordance with Section 3.15 of this Bylaw.

3.9 NONCONFORMING USES, BUILDINGS AND SITES

- 3.9.1 Nonconforming uses, nonconforming buildings and nonconforming sites shall be subject to Sections 88 – 93 inclusive of *The Act*.
- 3.9.2 No existing building, site or use shall be deemed to be nonconforming by reason only of the conversion from the Imperial System of Measurement to the International System of Units (S.I.) where such nonconformity results solely from such conversion and is reasonably equivalent to the S.I. standard herein established.

3.10 DISCRETIONARY USE APPLICATIONS

3.10.1 *Discretionary Use Application Process*

- (1) The following procedures shall apply to discretionary use applications:
 - (a) Applicants must file with the Development Officer a development permit application, a site plan, any other plans and information as required by the Development Officer and pay the required application fees.
 - (b) The application will be examined by the Development Officer for conformance with the Official Community Plan, this Bylaw, and any other applicable policies and regulations.
 - (c) The Development Officer may request comments from other government agencies, where applicable.
 - (d) The Development Officer will prepare a report concerning the application including recommendations that conditions be applied to an approval.
 - (e) As per section 207 of *The Act*, the Development will set a date for the meeting at which the application will be considered by Council and will give notice by ordinary mail to assessed owners of property within 75 metres of the boundary of the applicant's land.
 - (f) Council shall consider the application together with the report of the Development Officer, and any written or verbal submissions received by Council.
 - (g) Council may reject the application or approve the application with or without conditions, including a condition limiting the length of time that the use may be conducted on the site.
 - (h) The Development Officer shall notify the applicant of Council's decision by ordinary mail addressed to the applicant at the address shown on the application form.
 - (i) Where an application for a discretionary use is approved by resolution of Council, the Development Officer shall issue a development permit subject to any specified development standards prescribed by Council pursuant to Section 3.10.4.

- (j) Where an application for a discretionary use is approved by resolution of Council but the proposed development does not meet the zoning regulations for the applicable zoning district, the Development Officer shall:
 - (i) advise the applicant of Council's approval of the discretionary use application and,
 - (ii) advise the applicant that the development permit application must be refused on the grounds of zoning non-compliance but that applicant has the right of appeal.
- (k) The Development Officer shall maintain a registry of the location and all the relevant details respecting the granting of the discretionary use approval.

3.10.2 *Terms and Conditions for Discretionary Use Approvals*

- (1) Discretionary uses, discretionary forms of development, and associated accessory uses are subject to the development standards and applicable provisions of the zoning district in which they are located. In approving any discretionary use to minimize land use conflict, Council may prescribe specific development standards related to:
 - (a) site drainage of storm water;
 - (b) the location of buildings with respect to buildings on adjacent properties;
 - (c) access to, number and location of parking and loading facilities including adequate access and circulation for pedestrian and vehicle traffic;
 - (d) appropriate space for vehicle line ups for drive through commercial facilities in order to reduce disruption of traffic flows on adjacent roadways;
 - (e) control of noise, glare, dust and odour;
 - (f) landscaping, screening and fencing and preservation of existing vegetation to buffer adjacent properties;
 - (g) the size, shape and arrangement of buildings, and the placement and arrangement of lighting and signs;
 - (h) prescribed specific time limits for a use that is intended to be temporary or to allow Council to monitor the impact of a use on surrounding development; and/or,
 - (i) intensity of use.
- (2) Council may approve discretionary use applications for a limited period of time where it is considered important to monitor and re-evaluate the proposal and its conformance with the objectives of this Bylaw.
- (3) Council's approval of a discretionary use application is valid for a period of 12 months from the date of the approval. An approval shall be deemed to be invalid if the proposed use or proposed form of development has not commenced within that time or if the Council determines, within the 12 month period, that the proposed development is not proceeding

in accordance with the terms and conditions of its approval.

- (4) Council may direct that a discretionary use permit extension be granted for an additional 12 month period by the Development Officer, upon request of the applicant.
- (5) If an approved discretionary use or form of development ceases to operate for a period of twelve (12) months or more, the discretionary use approval shall no longer be valid.
- (6) Council may instruct the Development Officer to issue a notice of refusal to the applicant, where the applicant has been given adequate opportunity to alter the proposal to comply with the Bylaw. The notice shall state the reason for refusal.

3.10.3 *General Discretionary Use Evaluation Criteria*

Council will apply the following general criteria, and, where applicable, the use specific criteria in Section 3.10.4, in the assessment of the suitability of an application for a discretionary use or discretionary form of development.

- (1) The proposal must be in conformance with all relevant sections of the Official Community Plan and must demonstrate that it will maintain the character, density and purpose of the zoning district, where necessary through the provision of buffer areas, separation and screening.
- (2) The proposal must be capable of being economically serviced by community infrastructure including roadways, water and sewer services, solid waste disposal, parks, schools, and other utilities and community facilities.
- (3) The proposal must demonstrate that noise, odour, dust, lighting, glare, vibrations, emissions, hazardous substances, etc. are not detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity or injurious to property, improvements or potential development in the vicinity.
- (4) The proposal must provide sufficient landscaping and screening, and, wherever possible, shall preserve existing vegetation.
- (5) The proposal must demonstrate that any additional traffic generated by the use, can be adequately provided for in the existing parking and access arrangements. Where this is not possible further appropriate provisions shall be made so as to ensure no adverse parking or access effects occur.
- (6) Consideration will be given to the presence of activities already located in the area and on the site, and their effect on the surrounding residential environment, such as the cumulative effect of locating an activity on a site adjacent to or already accommodating an activity that may currently generate traffic, noise, etc. not in keeping with the character of the adjacent area.
- (7) Consideration will be given to addressing pedestrian safety and convenience both within the site, and in terms of the relationship to the road network in and around the adjoining area.

- (8) All operations shall comply with all regulations of Saskatchewan Environment and Saskatchewan Labour which govern their operation and development.
- (9) Proposals for discretionary uses which may result in heavy truck traffic, particularly in commercial and industrial districts, should be located to ensure that such traffic takes access to or from major streets or designated truck routes.

3.10.4 Use Specific Discretionary Use Evaluation Criteria

Council will apply the following use specific criteria to the assessment of the suitability of an application for a particular discretionary use or discretionary form of development.

- (1) *Bus terminals, fleet services, truck terminals and car washes:*
 - (a) The location of the bus terminal or car wash will only be favourably considered where it can be demonstrated that the use and intensity is appropriate to the site and that it will have a minimal impact on the surrounding, adjacent areas. Consideration may be given, but is not limited to, the following effects:
 - (i) municipal servicing capacity;
 - (ii) anticipated levels of noise, odour, smoke, fumes, dust, lighting, glare, vibration or other emissions emanating from the operation; and/or,
 - (iii) anticipated increased levels or types of vehicle traffic, unsafe conditions or situations for vehicles, cyclists or pedestrians.
- (2) *Convenience stores:*
 - (a) Convenience stores should, where possible, be located on corner sites to facilitate access.
 - (b) The location of the convenience store will only be favourably considered where it can be demonstrated that residential amenity will not be unreasonably compromised.
 - (c) Vehicle car parking and access areas should not form a dominant element in the streetscape.
 - (d) Any new parking and loading areas should be landscaped to improve the visual appearance of this site.
- (3) *Community service uses, clubs, public and commercial recreation facilities, private schools:*
 - (a) Schools, clubs and places of worship should, where possible, be located on corner sites to facilitate access.
 - (b) Public elementary and secondary schools should, where possible, be located adjacent to public open space.
 - (c) The site should be accessible from a major road network to avoid heavy traffic

volumes on residential access roads.

- (d) Consideration should be given to the location of entry and exit points of the site and their relationship with existing intersections and adjacent residential units.
- (e) Vehicle car parking and access areas should not form a dominant element in the streetscape.

(4) *Dwelling groups:*
(also refer to Section 8.6)

- (a) All parking areas, private garages or vehicular access to units or sites within a dwelling group should be from a roadway which is common property internal to the parcel.
- (b) All dwelling groups should have vehicular access to a public street from at least two points which are sufficiently separated to provide accessible ingress and egress in case of emergency.
- (c) The suitability of a proposal will be considered with respect to:
 - (i) the capacity of the adjoining street system to handle the size and location of the development. The development will not cause excessive traffic to pass through adjoining low density residential development;
 - (ii) the density of a dwelling group and building separations will be consistent with similar residential structures on separate subdivided parcels; and,
 - (iii) bareland condominium proposals for dwelling groups will only be considered if there is provision for adequate common property on the parcel.

(5) *Multiple unit dwellings:*
(also refer to Sections 8.9 and 8.10)

- (a) Multiple unit dwellings may be developed where located on a second or higher floor over office, retail, restaurant, café and personal service use on the first storey.
- (b) The parking required for multiple unit dwellings is additional to the parking required for the commercial uses.
- (c) The suitability of a proposal will be considered with respect to:
 - (i) adherence to any concept plan prepared for the proposed development area, including the proposed location of all forms of multiple unit dwellings;
 - (ii) the convenience of parking; and,
 - (iii) appropriate size and quality of proposed dwelling units.

- (6) *Night clubs and taverns:*
- (a) The location of a night club will only be favourably considered where it can be demonstrated that the use will have a minimal impact on the amenity of the surrounding district and adjacent areas and that these areas will not be unreasonably compromised.
 - (b) The character of adjacent residential districts, along the zone interface, shall, where possible, be protected and maintained through the provision of buffer areas, separation distances and / or screening.
 - (c) Night clubs and taverns shall maintain the character, density and purpose of the surrounding area and the district they lay within.
 - (d) The location of a night club featuring adult entertainment will only be considered where the proposed location is within an existing Industrial district, and is located at least 200 metres away from the boundaries of any existing Residential district, school, community service use, or church.
- (7) *Shopping malls and strip malls:*
- (a) Both shopping malls and strip malls shall have clearly defined pedestrian walkways between the sidewalk and building entrances.
 - (b) It must be demonstrated to the satisfaction of Council that mitigation of vehicular traffic impacts has been addressed.
 - (c) Parking lots, service areas, and loading zones shall be appropriately screened from view of the street.
 - (d) Primary access to malls shall preferably be from a thoroughfare street system.
 - (e) The number and location of vehicle entrances to a commercial development shall be consistent with the existing or anticipated design of adjacent streets and consideration shall be given to the minimum number of entrances needed to move traffic onto and off the site safely and efficiently.
- (8) *Protective services:*
- (a) The site shall be accessible from a major road network to avoid heavy traffic volumes on residential access roads.
 - (b) Consideration shall be given to the location of entry and exit points of the site and their relationship with existing intersections and adjacent residential units.
 - (c) The character of adjacent residential uses shall be protected and maintained through the provision of buffer areas, separation distances and screening.
- (9) *Restaurants, with or without associated lounges:*
- (a) Restaurants, with or without associated lounges, where possible, should be located

near similar community and support facilities.

- (b) The character of adjacent residential districts, along the zone interface, should, where possible, be protected and maintained through the provision of buffer areas, separation distances and / or screening.
- (10) *Lumber yards, home improvement centres, building supply establishments and construction trades:*
- (a) The location of lumber yards, home improvement centres, building supply establishments and construction trades will only be favourably considered where it can be demonstrated that the use and intensity is appropriate to the site and that it will have a minimal impact on the surrounding, adjacent areas. Consideration may be given, but is not limited to, the following effects:
 - (i) municipal servicing capacity;
 - (ii) anticipated levels of noise, odour, smoke, fumes, dust, lighting, glare, vibration or other emissions emanating from the operation;
 - (iii) anticipated increased levels or types of vehicle traffic, unsafe conditions or situations for vehicles, cyclists or pedestrians; and/or,
 - (iv) use of hazardous substances.
 - (b) All materials and goods used in conjunction with construction trades shall be stored within an enclosed building, or within an area hidden from view by screening.
- (11) *Auto body shops, freight handling facilities, taxidermy and accessory tanning of hides, warehouses, wholesale establishments, welding and machine shops, and other industrial uses:*
- (a) The location of the use will only be favourably considered where it can be demonstrated that the use and intensity is appropriate to the site and that it will have a minimal impact on the surrounding, adjacent areas. Consideration may be given, but is not limited to, the following effects:
 - (i) municipal servicing capacity;
 - (ii) anticipated levels of noise, odour, smoke, fumes, dust, lighting, glare, vibration or other emissions emanating from the operation;
 - (iii) anticipated increased levels or types of vehicle traffic, unsafe conditions or situations for vehicles, cyclists or pedestrians; and,
 - (iv) use of hazardous substances.
 - (b) All materials and goods used in conjunction with construction trades shall be stored within an enclosed building, or within an area hidden from view by screening.
 - (c) Warehouses and freight handling facilities shall be accessible from a major road network to avoid heavy traffic volumes on access roads. Consideration shall be given to the location of entry and exit points to the site and their interrelation with existing intersections or land constraints.

- (d) No outside storage is permitted for a wholesale establishment.
- (12) *Light manufacturing:*
- (a) All materials and goods used in conjunction with light manufacturing plants shall be stored within an enclosed building, or within an area hidden from view by screening.
 - (b) All manufacturing and assembly operations in conjunction with a light manufacturing plant shall be conducted within an enclosed building.
- (13) *Storage compounds and facilities, recycling facilities and collection depots:*
- (a) The use shall be located, where practical, in an area that is not highly visible to pedestrians or high volumes of motor traffic, and screened to avoid any adverse visual impact. Landscaping and screening acceptable to Council shall be provided in all yards facing a public roadway or properties in residential use.
- (14) *Tourist campgrounds:*
- (a) Wherever possible, and appropriate, any existing trees and mature landscaping shall be retained.
 - (b) Solid waste storage facilities (including adequate space for both recycling and general waste bins) shall be provided on-site and appropriately located and screened or landscaped to avoid any adverse visual impact from the road and within the development.
 - (c) There shall be adequate manoeuvring space on-site.
 - (d) The prevention of on-street congestion caused by the ingress and egress of vehicles shall be considered.
- (15) *Laundromats:*
- (a) The location of laundromats will only be favourably considered where it can be demonstrated that the use and intensity is appropriate to the site and that it will have a minimal impact on the surrounding, adjacent areas, particularly along the residential zone interface.
 - (b) Consideration shall be given to the area's municipal servicing capacity.
- (16) *Golf courses:*
- (a) Consideration will be given to the compatibility of the golf course with adjacent land uses.
 - (b) Insofar as is possible, proposed golf courses shall respond to the natural topography and drainage courses of the site, and employ minimal clearing of native vegetation.

- (c) Buffers shall be provided to protect existing, adjacent neighbourhoods by mitigating the adverse impacts of sound, visibility and traffic.
- (d) Council will consider the following as an asset in the development of a golf course:
 - (i) maximum use of existing landforms and native grasses and vegetation;
 - (ii) an alternative water source to potable water; and,
 - (iii) water conserving irrigation systems.

(17) *Intensive agricultural uses (excluding livestock):*

- (a) The location of agricultural uses will only be favourably considered where it can be demonstrated that the use and intensity is appropriate to the site and that it will have a minimal impact on the surrounding adjacent areas. Consideration may be given, but is not limited to, the following effects:
 - (i) municipal servicing capacity;
 - (ii) anticipated levels of noise, odour, smoke, fumes, dust, lighting, glare, vibration or other emissions emanating from the operation;
 - (iii) anticipated increased levels or types of vehicle traffic, unsafe conditions or situations for vehicles, cyclists or pedestrians; and,
 - (iv) use of hazardous substances.

(18) *Accessory dwelling units to commercial uses:*

- (a) Dwelling units attached to commercial establishments shall have a main entrance separate from that of the commercial establishment. An emergency exit must be provided in addition to the main entrance.
- (b) The floor area of an accessory dwelling unit shall be a minimum of 28 square metres, but shall not exceed 40% of the combined gross floor area of the dwelling unit and the commercial establishment to which it is accessory. Dwelling units attached and accessory to commercial establishments are distinct from live-work units as described in Section 7.16.
- (c) A combination of commercial, office and multiple unit residential use in an apartment configuration, may be permitted in the C1 – Core Mixed Use Commercial District, subject to the following standards:
 - (i) Only commercial and office use shall be allowed on the ground floor of a mixed-use building.

(19) *Junk & salvage yards and auto wreckers:*

- (a) The location of junk & salvage yards and auto wrecker uses will only be favourably considered where it can be demonstrated that the use and intensity is appropriate to the site and that it will have a minimal impact on the surrounding adjacent areas. Consideration may be given, but is not limited to, the following effects:
 - (i) municipal servicing capacity;

- (ii) anticipated levels of noise, odour, smoke, fumes, dust, lighting, glare, vibration or other emissions emanating from the operation;
- (iii) anticipated increased levels or types of vehicle traffic, unsafe conditions or situations for vehicles, cyclists or pedestrians; and,
- (iv) use of hazardous substances.

(20) *Industrial Complex:*

- (a) An application for the proposed development of an industrial complex must be accompanied by a plan showing the proposed siting of buildings with provisions for vehicular access and its connection to the municipal road system, internal roads, lanes, parking and loading spaces and proposed landscaping and site drainage considerations. The required parking for an industrial complex shall consist of the combined parking requirements for all its individual proposed industrial uses as provided in **Table 10-6 Industrial District Development Standards**.
- (b) Parking, loading and service areas shall be screened appropriately from view from external road(s).
- (c) Every proposed application for a discretionary use in an industrial complex must demonstrate to Council's satisfaction that the proposed use will maintain the character of the complex and will not be detrimental to the health, safety, convenience and general welfare of adjoining business development.

(21) *Bulk petroleum tanks:*

- (a) Shall be located at least 91.4 metres from residential areas, schools, hospitals, motels.

(22) *Livestock auction facilities, meat packing plants, abattoirs and stockyards:*

- (a) The location of livestock auction facilities, meat packing plants, and stockyards will only be favourably considered where it can be demonstrated that the use and intensity is appropriate to the site and that it will have a minimal impact on the surrounding adjacent areas. Consideration may be given, but is not limited to, the following effects:
 - (i) municipal servicing capacity;
 - (ii) anticipated levels of noise, odour, smoke, fumes, dust, lighting, glare, vibration or other emissions emanating from the operation; and,
 - (iii) use of hazardous substances.

(23) *Garden, and garage suites:*

- (a) A garden, or garage suite may be allowed as a discretionary accessory use to a permitted single detached dwelling (or two-unit or semi-detached dwelling in the case of a secondary suite) in the **R1** and **R2** zoning districts, subject to the Discretionary Use Evaluation Criteria contained in Section 3.10.3 herein and having regard to:

- (i) the compatibility of the use with the siting, grade elevations, height, roof slopes, and building types and materials characteristic of surrounding low density housing and development; and
 - (ii) its effect on the privacy of adjacent properties.
- (b) The requirements for accessory buildings outlined in Section 4.8 do not apply to garden, or garage suites. Specific requirements for all garden and garage suites are contained in Section 8.11.

3.11 AMENDING THE ZONING BYLAW

- 3.11.1 Any person seeking to amend this Zoning Bylaw may submit an application and required fees for such amendment, described in Section 3.15, to the Development Officer.
- 3.11.2 Council may authorize a proposed amendment to the Zoning Bylaw, and that amendment may be adopted by bylaw, subject to Section 3.11.3.
- 3.11.3 Sections 206 – 212 of *The Act* shall govern the process to be followed with respect to public notice and public participation in the adoption of a bylaw proposed to amend this Zoning Bylaw.
- 3.11.4 Council shall give notice of its intention to consider a Zoning Bylaw amendment pursuant to the provisions of Sections 207 to 211 of *The Act*.
- 3.11.5 If the amendment involves the rezoning of land to a different zoning district, all land owners within 75 metres of the site for which the application is being made, or a greater distance as determined by the Development Officer, shall be notified by regular mail of the application, and the date on which Council will hold a public hearing regarding the application.

3.12 CONTRACT ZONING

- 3.12.1 A zoning designation which is subject to an agreement entered into pursuant to the provisions of Section 69 of *The Act* shall be indicated on the Zoning District Map by the addition of the Bylaw number authorizing agreement after the zoning district designation.
- 3.12.2 Contract zoning shall only be used in such instances where the Town deems it necessary to restrict the use and/or zoning regulations for a specific application to change a zoning designation.
- 3.12.3 Contract zones are subject to Section 8.6 of this Bylaw.
- 3.12.4 A zoning designation which is subject to an agreement entered into pursuant to the provisions of Section 69 of *The Act* shall be indicated on the Zoning District Map by the addition of the Bylaw number authorizing agreement after the zoning district designation.

3.13 ZONING BYLAW COMPLIANCE CERTIFICATE

- 3.13.1 The Development Officer may issue a Zoning Bylaw Compliance Certificate for any use, building or structure that is in conformance with this Bylaw or is deemed to be a legal non-conforming use, building or structure.

3.13.2 An applicant seeking a Zoning Bylaw Compliance Certificate may be required to provide the Development Officer with information regarding the existing and past use of the land or buildings on the property, and a real property report prepared by a registered Saskatchewan Land Surveyor.

3.13.3 An applicant seeking a zoning bylaw compliance certificate shall pay fees in accordance with Section 3.15 Fees.

3.14 ZONING COMPLIANCE, OFFENCES AND PENALTIES

3.14.1 Pursuant to Section 242 of *The Act*, the Development Officer may inspect any development suspected of contravening The Act, or any regulation or bylaw made pursuant to The Act. If it is determined that a contravention exists, the Development Officer may notify the owner in writing and instruct the owner to correct the contravention within a set time period. If for any reason the contravention has not been corrected within that time, the Development Officer may extend the time period or issue a zoning compliance order pursuant to Section 242(4) of *The Act* to achieve bylaw conformance.

3.14.2 Any person who violates this Bylaw is guilty of an offence and liable upon summary conviction, to penalties and subject to an order as stated in Section 243 of *The Act*.

3.15 FEES

3.15.1 *Application Fees*

(1) An applicant applying for the following permits and / or certificates shall pay a fee in accordance with the following:

- (a) Permitted principal use: \$50.00
- (b) Permitted accessory use: \$50.00
- (c) Permitted ancillary use: \$50.00
- (d) Discretionary principal use: \$100.00
- (e) Discretionary accessory use: \$100.00
- (f) Discretionary ancillary use: \$100.00
- (g) Development Appeal Fee: up to \$50 as specified by the Development
- (h) Zoning Compliance Certificate \$25.00
- (i) Zoning Amendment (text) \$200.00 plus the costs of advertising
- (j) Zoning Amendment (map) see Table 3-1, plus the costs of advertising

Table 3-1 Zoning Map Amendments			
FROM	TO		
	Class 1	Class 2	Class 3
Class 1	\$100	\$200	\$500
Class 2	\$100	\$200	\$300
Class 3	\$100	\$200	\$300

District Classes

Class 1 Districts: FUD, CS, PR

Class 2 Districts: C1, C2, M1

Class 3 Districts: R1, R2, R3

Note: Where an application to amend the *Zoning Bylaw* involves amendment within two or more of the above classes, the sum of the amendment.

- (2) Detailed review costs:
 - (a) General: Where a development or subdivision proposal involves a detailed review, a plan or Zoning Bylaw Amendment, a development agreement, a servicing agreement, detailed development conditions, liability insurance, performance bonds, caveats, or legal and professional planning advice, Council may require the applicant to pay the full cost of the additional application review and administration costs, as Council may determine by resolution.
 - (b) Items: Such costs may include Council meetings, legal and professional planning costs, municipal administration fees and site inspection fees, as determined by Council.
 - (c) Documentation: Such costs may be addressed and clarified in Council specified documents, including development and servicing agreements.

4 GENERAL REGULATIONS

4.1 LICENCES, PERMITS AND COMPLIANCE WITH OTHER BYLAWS AND LEGISLATION

- 4.1.1 Nothing in this Bylaw shall exempt any person from complying with the requirement of any other municipal or provincial regulations and requirements nor from obtaining any licence, permission, permit, authorization or approval required by such requirements or regulations.

4.2 BUILDING LINES

- 4.2.1 Where a building line in a residential district has been established by existing buildings in a block having at least one half the lots built upon, and is less than the required front yard, the front yard requirement for the applicable zoning district will be considered to be the existing building line.

4.3 NUMBER OF PRINCIPAL BUILDINGS PERMITTED ON A SITE

- 4.3.1 Only one principal building shall be placed on a site with the exception of dwelling groups, shopping centres, shopping malls, health care clinics, recreation facilities, schools, educational institutions, hospitals, senior citizens' homes, industrial complexes, airports, public parks and playgrounds, condominium ownership developments and public works.

4.4 HEIGHT RESTRICTIONS

- 4.4.1 Any height limitations or regulations shall not apply to spires, belfries, cupolas, television and solar collectors, or other appurtenances usually required to be placed above the roof level, and not intended for human occupancy.

4.5 VISIBILITY CLEARANCE AT INTERSECTIONS (SIGHT TRIANGLES)

- 4.5.1 Within any sight triangle as defined in Section 2, except those parcels with a zero-setback such as within the C1 district, and except when Section 4.2 – Building Lines applies, nothing shall be erected, placed, planted, or allowed to grow so as to obscure vision at a height of 1 metre or greater above the elevation of the centre of the abutting street. Refer to the definition of sight triangle and Figure 2-2 in Section 2 of this Bylaw.

4.6 REQUIRED YARDS AND OPEN SPACE

4.6.1 *Minimum Yards Required*

- (1) No portion of any yard or open space required about any principal building or use shall provide any portion of a yard or open space for any other principal building or use.

4.6.2 *Permitted Obstructions in Required Yard*

The following shall not be considered to be obstructions and shall not be considered in the determination of yard dimensions or site coverage. (Required yard setbacks for accessory buildings are contained within Section 4.8 of this Bylaw.)

- (1) *In all yards:*
 - (a) Steps or wheelchair ramps not more than 1.5 metres above grade which are necessary for access to a permitted building or for access to a site from a street or lane;
 - (b) Trees, shrubs, walks, uncovered driveways, fences, trellises, flag poles, and lamp posts; and
- (2) *In front yards:*
 - (a) Non-covered raised patios and non-covered decks more than 0.4 metres above grade, projecting not more than 2 metres into the required yard.
 - (b) Non-covered raised patios and non-covered decks not more than 0.4 metres above grade.
 - (c) Lighting fixtures and lamp posts.
 - (d) Canopies, awnings or balconies projecting not more than 1.8 metres into the required yard.
 - (e) Overhanging eaves and gutters projecting not more than 1.0 metres into the required yard.
 - (f) Architectural features, chimneys, bow windows, bay windows or other projecting windows projecting not more than 0.6 metres into the required yard.
- (3) *In rear yards:*
 - (a) Non-covered raised patios and non-covered decks more than 0.6 metres above grade provide they are located at least 3.0 metres from the rear site line.
 - (b) Non-covered raised patios and non-covered decks no more than 0.6 m above grade, projecting not more than 3.0 metres into the required rear yard.
 - (c) Canopies, awnings or balconies projecting not more than 3.0 metres into the required yard.
 - (d) Lighting fixtures, awnings, canopies and balconies projecting not more than 3.0 metres into the required yard.
 - (e) Overhanging eaves and gutters, architectural features, chimneys, bay windows, bow windows or other projecting windows, projecting not more than 1 metre into the required yard.
 - (f) Laundry drying equipment, recreational equipment, garbage stands and unenclosed private swimming pools.

- (4) *In side yards:*
- (a) Non-covered raised patios and non-covered decks not more than 0.6 metres in height above grade.
 - (b) Non-covered raised patios and non-covered decks measuring more than 0.6 metres in height above grade provided they are located at least 0.5 metres from the side site line.
 - (c) Awnings, canopies and balconies projecting not more than 1.2 metres into the required yard and no closer than 0.5 metres to the site line.
 - (d) Laundry drying equipment, recreational equipment, garbage stands and unenclosed private swimming pools.
 - (e) Architectural features, eaves, chimneys, bow windows, bay windows, or other projecting windows, projecting not more than 0.6 metres into the required yard.

4.7 FENCES

- 4.7.1 Except when Section 4.7.2 of this Bylaw applies, a principal building or use must be established on a site prior to the erection of a fence or wall on the site.
- 4.7.2 A fence may be erected for public safety purposes on a site during the period of construction of the principal building or use or due to the presence of a natural hazard on the site.
- 4.7.3 Sections 4.7.1 (above) does not apply in commercial, industrial or the Future Urban Development zoning districts, except that in the case of a corner site, no wall, fence, screen, hedge or other structure shall be placed so as to create a visual obstruction in an established intersection sight triangle as per Section 4.5.
- 4.7.4 No wall, fence or other structure not otherwise permitted shall be erected in a required front yard or on a site line adjacent to a required front yard to a height of more than 1.0 metres above grade level.
- 4.7.5 Except when Section 4.7.6 of this Bylaw applies, no wall, fence, screen or similar structure, excepting permitted accessory buildings, shall be erected in a required side or rear yard, or on a site line adjacent to a required side or rear yard, to a height of more than 2.0 metres above grade level in any residential zoning district, or to a height of more than 2.5 metres above grade level in any non-residential zoning district.

4.8 ACCESSORY BUILDINGS, STRUCTURES AND USES

- 4.8.1 The requirements of Section 4.8 do not apply to secondary, garden, and garage suites. Specific development standards for these accessory uses are found in Section 8.11.
- 4.8.2 Accessory buildings and structures shall be subordinate to, and located on the same site as the principal building or use, and used in conjunction with that principal use.

4.8.3 *Time of Construction*

Accessory buildings and structures shall not be constructed or placed on any site prior to the construction of the principal building except in the following cases:

- (1) Where a Development Permit has been issued for a principal building, the Development Officer shall allow prior development of an accessory building where such building is required for the storage of construction material or equipment. If the principal building is not completed within the effective time period of the development permit for the associated principal building, the accessory building shall be removed.

4.8.4 *Height of Accessory Buildings*

- (1) In any commercial, industrial, community service, or future urban development districts accessory buildings are not to exceed the height of the principal building.
- (2) In any **R** district accessory buildings shall not exceed the height of the principal building and in no case shall the height of the accessory building exceed 6.0 metres in height from the floor or grade level to the peak height of the roof.

4.8.5 *Private Garages and Carports*

- (1) Private garages and carports, attached to the principal building by a substantial roof structure, are considered as part of the principal building and subject to the regulations governing the principal building.
- (2) On any site in an **R** district, no detached garage, building or structure accessory to a dwelling or any such combination of same, shall exceed the floor area of the principal dwelling or 84 square metres, whichever is greater, provided that in no event, shall a detached garage, building or structure accessory to a dwelling or combination thereof have a total floor area greater than 84 square metres. In calculating the main floor area of the principal building, the area of an attached garage shall be excluded.
- (3) No main door of a garage which faces a road shall be within 3.0 metres of the side site line faced by the door.

4.8.6 *Location and Size of Accessory Buildings*

- (1) Detached accessory buildings in all **R** districts are subject to the following regulations:
 - (a) Accessory buildings located in the rear yard shall not occupy more than 40% of the rear yard, and shall not obstruct access to any lane.
- (2) Detached accessory buildings in all zoning districts are subject to the following regulations:
 - (a) Detached accessory buildings are not to be located in any required front yard.
 - (b) In any **R** district, accessory buildings shall be located behind the rear line of the principal building.
 - (c) Accessory buildings shall have a minimum rear yard setback of at least 0.6 metres

from the rear site line however, wherever a vehicle door faces towards the lane, a minimum setback shall be provided of at least 1.2 metres from the rear site line adjacent to the lane.

- (d) Accessory buildings shall have a minimum side yard setback of at least 0.6 metres from the side site line provided that overhanging eaves shall not be less than 0.4 metres from any site line, however, wherever a side site line abuts a street, a minimum setback shall be provided of at least 3.0 metres from that side site line adjacent to the flanking street.
- (e) Detached accessory buildings shall be located at least 1.2 metres from the principal building.
- (f) Accessory buildings located on a site in a non-residential district which abuts a site in a residential district shall not be less than 1.5 metres from the boundary of the site in the residential district.

4.8.7 *Shipping Containers as an Accessory Building*

- (1) Temporary or Short Term Storage:
 - (a) Shipping containers may only be placed temporarily on a site in any zoning district.
 - (b) Containers may be placed on site for a specified and limited period of time (less than 6 months) and used for short term storage typically associated with construction activities which are being undertaken on a site (i.e. storage of tools, construction materials).
 - (c) Containers are to be removed from the site when construction is complete or after six (6) months, whichever comes first. If an extension is required, a written request must be made to the Development Officer.
 - (d) Containers shall not be stacked atop one another.
 - (e) Shipping containers shall not be used for the storage of junk, trash or other forms of refuse or other hazardous substances or perishable items.

4.9 HOME-BASED BUSINESSES – TYPE I AND TYPE II

4.9.1 All applications for home based businesses must be considered as a Type I or Type II Home Based Business. The development standards for Type I and Type II home based businesses are contained in Sections 4.9.4 and 4.9.5.

4.9.2 Without limiting the authority of the Development Officer to approve other types of home based business applications, the following uses are specifically permitted as home based businesses, subject to the applicable development standards contained within Sections 4.9.4 and 4.9.5:

- (1) art restoration;
- (2) administrative office only of a contractor, sub-contractor, or operator of a retail, wholesale or services business, but not including any product fabrication or assembly on the premises;

- (3) base operation for a limousine service;
- (4) beauty parlours and barber shops;
- (5) the creation of crafts for sale off-site, such as novelties and souvenirs, corsage and flower arrangements, gift baskets, and other handicrafts including but not limited to ceramics, pottery, leather goods and jewellery;
- (6) direct sellers who have no personal contact with clients at the home address and who maintain no inventory of stock-in trade for sale, and do not fabricate or assemble their products on the premises;
- (7) dressmaker, seamstress, or tailor;
- (8) electrology, acupuncture, reflexology, and massage therapy;
- (9) grooming and care of animals, but not including boarding of animals;
- (10) headquarters, dispatching, or base of operations of a trucking, taxi, delivery or towing operation;
- (11) the instruction of art, dancing, or music, limited to no more than three (3) students at a time;
- (12) office of a professional, or one who offers skilled services to clients and is not engaged in the sale of goods or products to clients;
- (13) photography studio;
- (14) typing, word processing, and computer programming services; and,
- (15) upholstery services.

4.9.3 Without limiting the authority of the Development Officer to deny applications for other types of home based businesses which do not meet the requirements of this Bylaw, the following uses are prohibited as home based businesses, whether or not applications for such uses would otherwise comply with the applicable standards of this Bylaw:

- (1) businesses utilizing large power tools and machinery, or businesses involved in the mass production of similar items or products;
- (2) restaurants or tea rooms;
- (3) health or fitness clubs;
- (4) hotels and hospitals;
- (5) laundry services;
- (6) monument production;
- (7) motion picture cinemas or studios;
- (8) on-site sale of any products, goods or merchandise not associated with the approved home occupation;
- (9) printing, screen printing, engraving and embroidery services;
- (10) the painting, repairing, refitting, cleaning, refurbishing, or selling of motor vehicles or machinery;
- (11) rental services
- (12) sign manufacturing and sign painting;
- (13) taxidermy;
- (14) veterinary services, boarding or care of animals
- (15) welding or metal works

4.9.4 The following general regulations shall apply to all Type I Home Based Businesses:

- (1) No persons other than residents of the dwelling shall be employed in the home based businesses on the site.
- (2) Home based businesses shall be conducted entirely indoors, and no more than 25% of the

gross floor area of the dwelling, including the area of the basement and any attached garage, up to a maximum of 30 square metres, may be occupied by home based businesses.

- (3) An attached garage or detached accessory building may be occupied by a home based business, provided that the total area devoted to home based businesses does not exceed 60 square metres on the site, and that no required parking spaces associated with the principal use are occupied by home based businesses.
- (4) There shall be no exterior storage on the site in relation to the home based business, and no exterior alterations shall be permitted that are not consistent with the residential character of the buildings and property except for one permitted sign which must be mounted flush with the dwelling unit, not exceeding 0.4 square metres and which shall not be electrified or animated.
- (5) No noise, vibration, smoke, dust, odours, heat, glare, electrical, television or radio interference detectable beyond the boundaries of the building containing the home based business shall be produced.
- (6) No more than one business related vehicle may be stored on or in the vicinity of the site, and the gross vehicle weight rating of the vehicle shall not be more than 5,455 kg and shall not be more than 6.7 metres in total length.
- (7) Regardless of the number of home based businesses that may be located on any one site, a total of no more than ten (10) client or business related visits per day shall be made to home based businesses on any one site, and no deliveries of merchandise, goods or equipment shall be made to the businesses by a vehicle with a gross vehicle weight of more than 5,455 kg, or by a vehicle with a total length of more than 6.7 metres.
- (8) A total of no more than 2.0 cubic metres of storage may be permitted within a dwelling on any one site, and a total of no more than 4.0 cubic metres of storage may be permitted within an attached or detached accessory building in relation to home based businesses. No storage of hazardous, explosive or flammable materials shall be permitted in relation to a home based business.

4.9.5 The following general regulations shall apply to all Type II Home Based Businesses:

- (1) In accordance with the definition of a Type II home based business, no more than one non-resident person shall be employed in relation to home based businesses on any one site.
- (2) Home based businesses shall be conducted entirely indoors, and no more than 25% of the gross floor area of the dwelling, including the area of the basement and any attached garage, up to a maximum of 60 square metres, may be occupied by home based businesses.
- (3) An attached garage or detached accessory building may be occupied by home based businesses, provided that the total area devoted to home based businesses does not exceed 60 square metres on the site, and that no required parking spaces associated with the principal use are occupied by home based businesses.
- (4) There shall be no exterior storage on the site in relation to the home based business, and no exterior alterations shall be permitted that are not consistent with the residential character of the buildings and property except for one permitted sign which must be

mounted flush with the dwelling unit, not exceeding 0.4 square metres and which shall not be electrified or animated.

- (5) No noise, vibration, smoke, dust, odours, heat, glare, electrical, television or radio interference detectable beyond the boundaries of the building containing the home based business shall be produced.
- (6) One off-street parking space shall be required for a non-resident employee, and this space may be located in a required front yard. Additional off-street parking spaces may be required, where in the opinion of the Development Officer, due to the nature of the business or the site, the provision of parking is necessary to maintain the residential character of the area. The siting and screening of all required parking spaces shall be undertaken to the satisfaction of Council.
- (7) No more than one business related vehicle may be stored on or in the vicinity of the site, and the gross vehicle weight rating of the vehicle shall not be more than 5,455 kg and shall not be more than 6.7 metres in total length.
- (8) Regardless of the number of home based businesses that may be located on any one site, a total of no more than fourteen (14) client or business related visits per day shall be made to home based businesses on any one site, and no deliveries of merchandise, goods or equipment shall be made to the businesses by a vehicle with a gross vehicle weight of more than 5,455 kg, or by a vehicle with a total length of more than 6.7 metres.
- (9) A total of no more than 2.0 cubic metres of storage may be permitted within a dwelling on any one site, and a total of no more than 4.0 cubic metres of storage may be permitted within an attached or detached accessory building in relation to home based businesses. No storage of hazardous, explosive or flammable materials shall be permitted in relation to a home based business.

4.10 SERVICING

- 4.10.1 Holding tanks, septic tanks and wells are not allowed in the areas of the Town which can be serviced from existing municipal water and sewer lines.
- 4.10.2 Developments outside the serviceable areas shall be connected to a private sewage disposal system approved by the authority responsible for approval of such systems under *The Public Health Act, 1994*, and amendments thereto.
- 4.10.3 No development or use of land shall be permitted where the proposal will adversely affect domestic and municipal water supplies, or where a suitable, potable water supply cannot be furnished to the requirements of the Regional Health Authority and the Saskatchewan Water Security Agency.

4.11 DEVELOPMENT ON HAZARD LANDS

- 4.11.1 Prior to a proposed development or subdivision that is to be located on what Council considers may be hazard land, the applicant shall submit a report prepared by a qualified professional. The report shall assess the hazard land, the suitability of the land for the proposed development or subdivision and, identify any required mitigation measures.

4.11.2 Actions identified, in a report prepared pursuant to Section 4.11.1, for prevention, change, mitigation or remedy may be incorporated as conditions to issuance of any development permit that may be issued. Council shall refuse a permit for any development for which, in Council's opinion, the proposed actions are inadequate to address the conditions present on the hazard land or will result in excessive municipal costs. Developments in a flood hazard area must have regard for the safe building elevation (S.B.E.), which is defined in this Bylaw and for the Town of Birch Hills will mean the 1:500 year flood elevation.

4.11.3 *Contaminated Soil*

- (1) Council may require a Phase I environmental assessment and, if warranted, a Phase II environmental assessment where it receives a development permit application for any site with potential soil contamination. The Phase II environmental assessment will determine the need for a remedial plan to identify necessary work to address soil contamination issues. Alternately, it may conclude that site conditions are causing adverse effects which substantiate notification to the appropriate regulatory authority. A final decision respecting the development permit application will be held in abeyance until soil contamination concerns are resolved.

4.12 FRONTAGE ON STREET

4.12.1 No development permit shall be issued unless the site intended to be used, or upon which a building or structure is to be erected, abuts or has frontage on and access to an existing public street.

4.13 BUILDING TO BE MOVED

4.13.1 No building shall be moved within or into the Town of Birch Hills without the issuance of a development permit unless such building is exempt under Section 3.2.2 of this Zoning Bylaw, or by means of other Town Bylaw or Policy.

4.14 DEMOLITION OF BUILDINGS

4.14.1 No building shall be demolished within the Town of Birch Hills without the issuance of a demolition permit, unless it is exempt under Section 3.2.2.

4.15 GARAGE AND YARD SALES

4.15.1 Garage or yard sales may be undertaken on any site in any residential district provided the sale is conducted by a resident of the dwelling on the subject site, or by a non-profit group associated with a place of worship, public school, community association or other similar group or organization.

4.15.2 No more than four sales may be conducted from one site in one calendar year, and any one sale may not last for more than three consecutive days.

4.15.3 Garage and yard sales do not require a development permit.

4.16 OUTSIDE STORAGE AND WASTE MATERIAL STORAGE

4.16.1 When accessory to any approved industrial or commercial land use, all outside storage, including storage of garbage or waste materials, is subject to the following requirements:

- (1) No outside storage shall be located in the front yard, except for the neatly arranged display of items for sale. This section shall not limit the customary display of commodities or goods intended and permitted to be sold on the site, or the storage of fuel, oil or gas in tanks connected to a heating plant on premises.
- (2) In all commercial districts, with the exception of the C2 district, all goods shall be stored wholly within an enclosed building except as required in the servicing of motor vehicles.
- (3) Outside storage in a side or rear yard shall be screened from adjacent sites by a fence at least 2.0 metres in height, or a combination of fence and soft landscaping screening a minimum of 2.0 metres in height.
- (4) Unless otherwise directed by this Bylaw, garbage and waste material shall be stored in weatherproof and animal-proof containers and shall be visually screened from all adjacent sites and public thoroughfares.

4.16.2 When accessory to any approved residential land use, all outside storage, including storage of garbage and waste materials, is subject to the following requirements:

- (1) In any Residential district, no yard or portion thereof shall be used for the storage of commercial, industrial, farm or similar types of machinery.
- (2) In any residential district, no side or front yard shall be used for the storage or collection of goods or other forms of materials.

4.17 BARE LAND CONDOMINIUMS

4.17.1 Regulations and development standards for buildings, uses and sites in all zoning districts shall also apply to buildings, uses and bare land units that are part of an approved bare land condominium plan.

4.18 NOXIOUS USES / FEDERAL AND PROVINCIAL ACTS & REGULATIONS

4.18.1 Notwithstanding any other relevant section of this Bylaw, no uses shall be permitted within the Town, which, by their nature or the materials used therein, contravenes any applicable Federal or Provincial Acts or Regulations.

4.19 WASTE DISPOSAL

4.19.1 Subject to the Acts and Regulations administered by the Departments of Health and Environment, no liquid, solid or gaseous wastes shall be allowed to be discharged into any sewer, aquifer, stream, creek, river, lake, pond, slough, intermittent channel or other body of water, onto any land or into the air. No use shall produce smoke, ash, dust, fumes, vapours, gases or other forms of air pollution which could cause damage to the health of any person, animal or vegetation or which could cause excessive soiling. All materials or wastes which might cause fumes or dust which constitute a fire

hazard or which may be edible or otherwise attractive to rodents or insects shall be stored indoors and enclosed in appropriate containers to eliminate such hazards.

4.20 HABITATION IN VEHICLES

4.20.1 At no location within Town limits shall it be permitted that a car, truck, bus, motor home, or travel trailer be used for permanent human habitation, whether or not the vehicle is mounted on wheels, with the exception of the following:

- (1) in an approved tourist campground; or
- (2) an area designated for annual or special festivals for a temporary period not to exceed fourteen consecutive days.

4.21 GRADING AND LEVELLING OF SITES

4.22.1 Any site proposed for development shall be graded and levelled at the owner's expense, to provide for adequate surface drainage that does not adversely affect adjacent property. All lots being filled shall be cleared of debris, including brush and tree stumps, and shall be filled with a clean fill and/or topsoil to allow complete surface draining of the lot into local storm sewer systems or natural drainage rights of way. No construction shall be permitted which creates or aggravates water stagnation or a drainage problem on adjacent properties.

4.22 EXCAVATION, STRIPPING AND GRADING

4.22.1 A development permit is required for the excavation of land, except for such work being undertaken by the Town of Birch Hills.

4.22.2 For the purpose of determining what requires a development permit, excavation shall not include:

- (1) any excavation for construction or building purposes associated with a valid development permit or a valid certificate of approval for subdivision; nor
- (2) any excavation or the removal of vegetation for the maintenance of landscaping purposes on a site where a development permit has previously been issued.

4.22.3 Excavation shall include, but is not limited to, sand and gravel extraction, topsoil stripping, the grading of land for drainage purposes, the grading of land and the clearing of vegetation from land without a valid development permit or valid certificate of approval for subdivision.

4.22.4 A person wishing to excavate, strip or grade land shall provide the following information in their application for a development permit:

- (1) the location and area of the site on which the excavation, stripping or grading is to take place, and the existing land use and vegetation, including tree surveys where deemed appropriate by the Development Officer; and
- (2) the amount and type of vegetation, soil or other material to be removed or relocated, and the condition in which the land is to be left when the excavation is complete.

4.22.5 The Development Officer shall issue a development permit when satisfied that the excavation is necessary for the interim use, development or maintenance of the subject land, prior to a final concept plan, subdivision, or development permit being approved for the area, and considering the conservation of important natural areas and vegetation, the maintenance of effective drainage patterns, and the health and safety of persons in the area.

4.23 CELLULAR AND COMMUNICATION TOWERS

4.23.1 Cellular towers and communication towers shall be permitted in all districts and shall be subject to appropriate public consultation processes as established by Council.

4.24 SITE LIGHTING

4.24.1 Any development that includes outdoor lighting shall place and arrange such lighting so that spillover onto adjacent properties is minimized, and so that such lighting does not interfere with the safe operation of any nearby roadways or traffic control devices.

4.25 THE KEEPING OF DOMESTIC ANIMALS, POULTRY, CATTLE AND OTHER LARGE ANIMALS

4.25.1 The keeping of domestic animals as pets is permitted in all districts, subject to relevant bylaws and legislation governing noise and public health.

4.25.2 A kennel enclosure for domestic animals shall be permitted as an accessory use in any district provided that only one kennel enclosure is permitted on any one site, and no part of the kennel enclosure shall be:

- (1) located less than 1.0 metre from a side or rear site line; and
- (2) located less than 12 metres from a front site line.

4.26 SOLAR PANELS

4.26.1 Solar panels and associated operating structures attached to a building in a residential, commercial, or industrial district shall not exceed a height of 1.0 metres above the highest point of the roof upon which it is located.

4.26.2 In all residential and commercial districts, solar panels and associated operating structures, if attached to or erected upon an accessory building or structure, shall not exceed a height of 2.0 metres above the highest elevation of the accessory building that it is located on.

4.27 STORAGE OF VEHICLES IN RESIDENTIAL AREAS

4.27.1 Storage of vehicles in residential areas:

- (1) The storage of vehicles in any required front or side yard is prohibited.
- (2) No person shall park or store on any part of any site any commercial or industrial vehicle with a gross vehicle weight (GVW) exceeding 5,455 kg or a total length greater than 6.7

metres for longer than is reasonably necessary to load or unload the vehicle.

- (3) No portion of a vehicle or trailer stored in a side yard shall encroach into the required side yard.
- (4) The repair, cleaning, painting, refitting, modification or refurbishment of vehicles or machinery for payment or other consideration is prohibited.
- (5) Except as provided in (7) below, no person shall store or repair vehicles except vehicles primarily used for personal transportation, recreation and non-commercial gardening and yard maintenance as per the provisions of the Property Maintenance Standards Bylaw.
- (6) No more than one unlicensed motor vehicle may be stored on a residential site. The storage of vehicle parts, partly dismantled vehicles, vehicles in a dilapidated or rusted state in yards is prohibited.
- (7) The storage and non-commercial repair of motor vehicles for personal use shall be permitted, provided the vehicle is owned or operated by a resident of the dwelling and that no nuisance is created by so doing.

4.28 PROHIBITED USES

4.28.1 The following uses are prohibited in all districts:

- (1) The breeding of rodents and/or insects.
- (2) Intensive livestock operations.
- (3) Wind chargers.
- (4) The use of vacant residential sites for storage including, but not limited to, the storage of motor vehicles, machinery or equipment, trailers or other similar objects which are not incidental to the expeditious construction of a building on the site, and where not otherwise specifically permitted by the provisions of this bylaw.
- (5) The keeping of poultry, cattle, and other livestock.

5 OFF-STREET PARKING AND LOADING

5.1 PARKING AND LOADING SPACES REQUIRED WITH DEVELOPMENT

- 5.1.1 No person shall erect, enlarge, or extend any building or structure permitted under this Bylaw, unless the required parking and loading spaces detailed in Section 5 are provided and maintained in connection with the new, enlarged, or altered building or structure.
- 5.1.2 When the intensity of use of any building, structure, or premises is increased through the addition of dwelling units, floor area, seating capacity, or other specified units of measurement for required parking and loading facilities, parking and loading facilities as required in this Bylaw shall be provided for any increase in intensity of use.
- 5.1.3 Wherever the existing use of a building or structure is changed to a new use, parking and loading facilities shall be provided as required for the new use; however, if the building or structure was erected prior to the effective date of this Bylaw, additional parking and loading facilities are mandatory only in the amount by which the requirements for the new use exceed the requirements for the existing use.
- 5.1.4 All required parking facilities shall be located on the same site as the principal building or use, with the exception of sites within the **C1** district, where required parking spaces may be located on a remote site. In the **C1** district, remote parking may be approved where the remote site is within 230 metres of the principal building or use.
- 5.1.5 Pursuant to section 5.1 (4), remote parking within the **C1** district is permitted provided the owner of the principal use site registers an interest on the titles of both the site used for remote parking and the site that is under development to ensure that the land remains as a required parking lot in accordance with Section 235 of *The Act*.
- 5.1.6 When the calculation of parking requirements results in a fractional required parking space, this fractional requirement shall be rounded to the nearest whole number; however, the number of spaces shall never be rounded down to zero.
- 5.1.7 Parking spaces may be on, above or below the surface of the ground. When parking spaces are provided within a garage or other structure, said structure shall adhere to the proper accessory or principal building setbacks, as applicable.
- 5.1.8 When an application is received for a use that is permitted, but has no parking requirement listed, the parking requirement shall be determined by the Development Officer, and shall be similar to those of a similar facility in that district or any other district.
- 5.1.9 Wheelchair accessible parking must be provided for as required by the *Uniform Building and Accessibility Standards Act* and shall be provided for in addition to off-street parking required by this Bylaw.

5.2 PAYMENT IN LIEU OF REQUIRED OFF-STREET PARKING FACILITIES

- 5.2.1 Council may exempt any applicant for a use permitted in the C1 district from the requirement of providing off-street parking facilities where, in lieu thereof, the applicant pays or agrees to pay Council the sum of money calculated by multiplying the number of off-street parking spaces that would otherwise be required by \$2,500. Such payment may not be made in lieu of providing required bicycle parking.
- 5.2.2 The payment of or agreement to pay such sums of money shall be subject to such terms and conditions as Council may determine.

5.3 GENERAL REGULATIONS FOR OFF-STREET PARKING AND LOADING

- 5.3.1 All required parking and loading facilities shall only be used for the purpose of accommodating the vehicles and bicycles of clients, customers, employees, members, residents or visitors in connection with the principal building or use for which the parking and loading facilities are provided, and the parking and loading facilities shall not be used for driveways, access or egress, commercial repair work, display, signage, sale or storage of goods of any kind.
- 5.3.2 Required parking and loading facilities shall provide for and include an adequate, safe and convenient arrangement of vehicular and pedestrian points of ingress or egress, driveways, internal roadways, aisles and ramps, unloading and loading of motor vehicles all in relation to buildings and entry points to buildings on the site. Such facilities shall comply with the following design, development and maintenance standards:
- (1) All required parking and loading facilities shall be clearly demarcated and have adequate storm water drainage and storage facilities. Hard surfacing, where required, shall be subject to the following:
 - (a) All required parking and loading facilities shall be clearly demarcated and have adequate storm water drainage and storage facilities.
 - (b) All non-required parking and loading facilities shall be appropriately surfaced by gravel, asphalt, concrete or other similar material.
 - (c) Where warranted, on-site traffic signs shall be provided.
 - (d) In situations where lighting of off-street parking and loading facilities is to be provided, the lighting shall be arranged, installed and maintained to deflect, shade and focus light away from any adjacent land used or intended to be used for residential purposes.
 - (e) All required parking and loading spaces shall be clear of any access driveways, aisles, ramps, columns, signs or other similar obstructions, and shall conform to the minimum dimensions set out in Table 5-1.

Table 5-1 Parking and Loading Space Dimension Requirements		
Type of Space	Minimum Dimension	Minimum Vertical Clearance
Parallel parking spaces	3.0 metres × 6.7 metres	2.0 metres
Loading space	3.0 metres × 7.5 metres	4.0 metres
Barrier-free parking spaces	3.9 metres × 6.0 metres for one space	2.0 metres
Parking spaces within an underground or enclosed structure	2.7 metres × 6.0 metres	2.0 metres
Parking spaces other than those described above	2.7 metres × 6.0 metres	2.0 metres
Parking spaces with a direct access to a registered lane	2.7 metres by 6.7 metres	2.0 metres

- (f) All required parking and loading spaces shall, without excessive vehicular manoeuvring, have direct access to a driveway, aisle or registered lane leading to a public street. Driveways and aisles which provide access to parking or loading spaces shall conform to the following minimum dimensions:

<u>Parking Angle in Degrees</u>	<u>Width of Aisle or Driveway</u>
75 to 90	6.0 metres (two-way traffic)
50 to 74	5.5 metres (two-way traffic)
49 or less	3.7 metres (one-way traffic only)

For the purpose of the above minimum dimensions, angles shall be measured between the centre line of the parking or loading space and the centre line of the driveway or aisle.

- (g) All entrances to and exits from a required parking facility shall be designed in such a manner to minimize traffic congestion and interference with traffic movement along public streets.
- (h) Driveways leading to a public street or public right-of-way or to an internal private roadway, aisle, ramp or parking space shall be of sufficient length and width to accommodate expected vehicle volumes and therefore minimize traffic congestion and interference of traffic movement within the required parking facility and along public streets. The length, width and slope of such driveways shall be based upon accepted engineering roadway design principles.
- (i) For multiple unit dwellings, all parking spaces shall be suitably screened from view from adjacent streets, and all required visitor parking spaces shall be clearly marked or signed as such.

5.4 REQUIRED OFF-STREET PARKING AND LOADING IN ALL DISTRICTS

- 5.4.1 The minimum off street parking requirements for all districts are set out in Table 5-4 below.
- 5.4.2 For residential uses, parking spaces within a required front yard are not permitted, with the following exceptions:
- (1) parking spaces for single-detached, semi-detached and two-unit dwellings;
 - (2) parking spaces that are tandem to a space within an enclosed building (private garage);
 - (3) for multiple unit dwellings, front yard parking spaces are permitted, provided that they only represent a portion of the required off-street parking, that they not occupy more than 40% of the required front yard, and that required front yard landscaping is provided, as contained in Section 6; and
 - (4) parking spaces for adult day care facilities, bed and breakfast homes, custodial care facilities, residential care facilities, and family child care homes, subject to the regulations in Section 7.
- 5.4.3 Required off-street parking for commercial, industrial and all other non-residential uses in all districts may be located in required front, side or rear yards.
- 5.4.4 All parking or loading spaces shall be at least 1.2 metres from any window serving a residential use.
- 5.4.5 Loading spaces shall be provided in accordance with the following:
- (1) In **Residential** districts, the **PR** district and the **FUD** district, each non-residential principal building with a building floor area greater than 2,000 square metres shall provide one off-street loading space.
 - (2) In **Commercial** districts, each principal building or shopping mall shall provide at least one off-street loading space, however, in the **C1** district, no loading space is required for buildings with a building floor area less than 400 square metres.
 - (3) In **Industrial** districts a minimum of one off-street loading space shall be provided for each principal building.
 - (4) In the **CS** district, each non-residential principal building with a building floor area greater than 400 square metres shall provide one off-street loading space.

Table 5-4 Off-Street Parking Requirements in All Districts	
Parking Category	Off-Street Parking Spaces Required
0	No off-street parking required
1	1 space per dwelling unit
2	1.2 spaces per dwelling unit plus 0.1 space per dwelling unit for visitors
3	1 space plus 1 space per each guest room
4	1 space per 50 m ² of gross floor area
5	1 space per 28 m ² of gross floor area
6	1 space per 4 beds plus 1 space per employee
7	2 spaces plus 1 space per each non-resident staff member
8	3 spaces per 10 seats in main assembly area, or, where no fixed seating is provided, 1 space per 2.5 m ² of gross floor area devoted to main assembly area
9	1 space per 4 seats intended for patron use
10	1 space per every guest room
11	1 space per 50 m ² of gross floor area, or 1 space per 3 employees, whichever is greater
12	1 space per 90 m ² of gross floor area
13	1 space per 28 m ² of gross floor area, or 1 space per 3 employees, whichever is greater
14	1 space plus 1 space per 5 persons enrolled in the facility
15	1 space per 8 patrons at design capacity
16	1 space plus 1 additional space per every 10 persons enrolled in the facility per day
17	1 space per 10 seats in main assembly area, or, where no fixed seating is provided, 1 space per 7.5 m ² of gross floor area devoted to main assembly area
18	1 space per non-resident employee
19	1 space per staff member
20	1.3 spaces per classroom
21	1.3 spaces per classroom plus 1 space per 5 students at design capacity
22	1 space per bay
23	1 space per 3 beds plus 1 space per 4 employees
24	1.2 spaces per classroom plus 1 space per 8 students at design capacity
25	2 spaces per dwelling unit

6 SIGNAGE

6.1 SIGN REGULATIONS

6.1.1 *General*

- (1) In addition to signs permitted as set out below, temporary election signs, and temporary signs bearing notice of sale or lease or other information relating to a temporary condition affecting the property, are permitted.
- (2) Signs shall not be located in sight triangles for intersections or driveways or in such a manner that they visually obstruct sight triangles or otherwise jeopardize public safety.
- (3) Except as otherwise provided, no sign shall project beyond the property lines of the site to which it pertains.
- (4) Subject to the general provisions governing their location, directional signs providing on-site directions for the convenience and safety of persons using the site shall be permitted.
- (5) Permitted home based businesses may display one (1) fascia sign, not exceeding 0.4 square metres in area, identifying the name of the home based business. Such sign shall not be illuminated and shall be affixed to the principal building. (Note: On multiple unit residential buildings, other permission may be required to display a home based business sign and no right to place such a sign in such situations is conveyed in this Bylaw.)

6.1.2 *On any site in the Future Urban Development district or any Residential district, signs may be erected as follows:*

- (1) Sign provisions applying to permitted principal residential uses, commercial uses and community service uses in any Residential district or the Future Urban Development district are set out in Table 4-3. The following provisions also apply:
 - (a) No roof signs shall be permitted;
 - (b) Illuminated signs shall have a steady internal light source or a steady external light source shielded so that the light is directed only at the face of the sign;
 - (c) Signs applying to community service uses must not display advertising of any commercial service or product.

Table 4-3: Sign Regulations in Future Urban Development and Residential Districts						
Use	Max. # of Signs	Max. Total Sign Face Area (m ²)	Max # of Freestanding Signs	Max. Height of Freestanding Signs (m)	Max Sign Face Area for Freestanding Signs (m ²)	
					Per Face	Total
All principal residential uses for which a permit has been issued	1 ⁽¹⁾	0.4 ⁽¹⁾	0	n/a	n/a	n/a
All principal commercial uses for which a permit has been issued	2	6	1	2.5	2	4
All principal community service uses for which a permit has been issued	2	18	1	6	6	12

(1) Multiple unit dwellings and dwelling groups are permitted one additional sign, up to one (1) square metre in area, showing the name of the building or group.

6.1.3 *On any site in any Commercial or Industrial district, signs may be erected as follows:*

- (1) Sign provisions applying to permitted principal commercial / industrial uses, community service uses and residential uses are set out in Table 4-4. The following provisions also apply:
 - (a) Illuminated signs applying to commercial / industrial or community service uses shall have an internal light source or an external light source shielded so that the light is directed only at the face of the sign;
 - (b) A free standing sign applying to a commercial / industrial use may be located in a required yard provided that the Development Officer is satisfied that it does not create an obstruction to vehicle or pedestrian traffic or a hazard to public safety;
 - (c) Free standing signs shall maintain a minimum vertical clearance of 3.0 m above grade over any vehicle circulation area on the site;
 - (e) Signs other than free standing signs shall have a minimum vertical clearance of 2.7 m above grade where they project more than 7.5 cm from the building face;
 - (f) Awning signs shall not project more than 1.8 m from the building face;
 - (g) Projecting signs shall not project more than 1.8 metres above the eaves or parapet of a supporting building;
 - (h) Except in the C1 district, no sign shall project beyond the property lines of the site to which it pertains;
 - (i) In the C1 district only, no projecting sign may project perpendicularly from the property line more than 3.0 metres or beyond a point 0.6 metres from the building side of the curb line, whichever is less;
 - (j) In the C1 district only, no projecting sign may be suspended less than 2.6 metres above the surface of a public sidewalk or pedestrian right-of-way;

- (k) Roof signs are permitted only on a principal building on any site and only one roof sign shall be permitted on each principal building; and,
- (l) No portion of any roof sign may project beyond any exterior wall or parapet of the building upon which it is placed.

Table 4-4: Sign Regulations in Commercial and Industrial Districts

Use	Max. # of Signs	Max. Total Sign Face Area (m ²)	Max # of Freestanding Signs	Max. Height of Freestanding Signs (m)	Max Sign Face Area for Freestanding Signs (m ²)	
					Per Face	Total
All principal commercial / industrial uses for which a permit has been issued	n/a	n/a	(1)	(2)	(3)	(3)
All principal community service uses for which a permit has been issued	3	18	1	3	6	12
All principal residential uses for which a permit has been issued	1 (4)	0.4 (4)	0	n/a	n/a	n/a

- (1) In the C1 district, a maximum of one free standing sign shall be permitted on sites with a minimum site width of 20 metres.
In the C2 and M districts, a maximum of one free standing sign shall be permitted.
- (2) In the C1 and C2 districts: 6 metres
In the M1 district: 12.6 metres
- (3) In the C1 and C2 districts: maximum 5 square metres sign face area and 10 square metres total sign face area. In the M1 district: 20 square metres sign face area and 40 square metres total sign face area.
- (4) Multiple unit dwellings and dwelling groups are permitted one additional sign, up to one (1) square metre, showing the name of the building or group.

6.1.4 Portable Sign Regulations

- (1) No portable sign shall have a single face area greater than 6.0 square metres.
- (2) No portable sign shall have a height greater than 3.0 metres above grade.
- (3) No portable sign shall occupy any space required for off-street parking unless the site contains off-street parking in excess of that required under this Bylaw.
- (4) On any single site, no portable sign may be located closer than 20.0 metres from any other portable sign.

7 LANDSCAPING

7.1 GENERAL LANDSCAPING REGULATIONS

7.1.1 General Landscaping Regulations

- (1) Landscaping shall be provided in the **C2**, **M1**, **CS** and **PR** districts in accordance with the provisions noted below. Within the **R1**, **R2** and **R3** districts, landscaping shall only apply to places of worship, schools, community centres, cultural institutions, parking lots, convenience stores, laundromats, protective services and to multiple unit dwellings and townhouse dwellings containing four or more units. The landscaping standards do not apply to any property within the **C1** or **FUD** districts.

By default, the landscaping standards contained in Section 7 shall be administered as presented, but may be modified on a case-by-case basis from time to time at the discretion of the Development Officer, which may include the application of these standards to any property.

- (2) Landscaping, where required, shall be provided in the following areas:
 - (a) The first 3 metres of the minimum required front yard measured from the front property line.
 - (b) A strip of soft landscaping abutting the front of the principal building, where loading does not occur, to an average depth of 2 metres.
 - (c) In the case of a corner site, the side yard abutting the flanking street to a minimum perpendicular width of 3 metres.
- (3) Where this Bylaw specifies that landscaping is required, it shall be developed and maintained in accordance with the following standards and policies:
 - (a) Plant material shall be species capable of healthy growth in the region and shall conform to the current Canadian Standards for Nursery Stock of the Canadian Nursery Landscape Association;
 - (b) Areas designated for planting shall be provided with adequate means of irrigation commensurate with landscaping requirements,
 - (c) Landscaping required to be provided within front or side yards shall not be used for any purpose except for signs or structures otherwise permitted, or driveways leading to a parking or loading facility;
 - (d) Required landscaping shall be completed in accordance with the approved landscape plan by the end of the construction season in which occupancy, partial occupancy, or use of the building or site has taken place. When occupancy, partial occupancy, or use of the building or site has taken place after the end of the construction season, all required and approved landscaping shall be completed by June 1st of the following year. For the purposes of this section,

‘construction season’ means May 1st through October 31st of the same calendar year; and,

- (e) Required and approved landscaping shall be suitably maintained in a neat and tidy condition at all times, and plant material installed or retained shall be maintained in healthy, vigorous condition at all times.

7.1.2 The Development Officer shall not approve an application for a development permit in the event that:

- (1) Any required landscape plans have not been submitted; or,
- (2) Any required landscape plans do not, in the opinion of the Development Officer, provide an adequate or suitable degree of landscaping necessary to enhance the visual amenity of the site or provide a visual screen where required by this Bylaw.

7.1.3 Landscaping shall be a condition of the issuance of a development permit when the existing use of a building or structure is significantly enlarged, undergoes a significant capacity increase, or is changed to a new use.

7.1.4 Any landscaping, including planting thereon, which is required to be provided by this Bylaw shall be maintained in a healthy growing condition or shall otherwise be replaced.

7.1.5 Any land for landscaped open space shall be included in any calculation of site area, setbacks, density or yard requirements as required by this Bylaw.

7.1.6 Requirements for Landscape Plans

- (1) When landscaping is required under this Bylaw, landscaping plans shall be attached to a development permit application and shall form part of that application. The landscape plans shall be prepared in accordance with Section 7.1.6 (2).
- (2) Landscape Plan Submission Requirements:
 - (a) Two copies of every landscape plan must be submitted to the satisfaction of the Development Officer, showing, to scale, all physical features, including existing and proposed grades, the size and type of existing vegetation to be removed and retained, the size, type and location plant material to be provided, the location of hard landscaping such as fences, retaining walls, walkways and curbs, and the details of the proposed irrigation system, including the location of any outside hose bibbs.
 - (b) A declaration, signed by the property owner and applicant, shall be affixed to required landscape plans, specifically acknowledging that the landscaping specified on the plans is a condition of the issuance of a development permit for the property and that such development will be complete by the date set out in the development permit. There’s this place where they take everything slow.

8 SPECIAL REGULATIONS AND STANDARDS

This section addresses special provisions and specific development standards that apply to the following developments. These standards apply in addition to any standards of the applicable zoning district.

8.1 ADULT DAY CARE FACILITIES – TYPE I AND TYPE II

- 8.1.1 Adult day care facilities may be approved as an ancillary use in a single detached or semi-detached dwelling, or as a principal use.
- 8.1.2 In any residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building or property.
- 8.1.3 In addition to the development standards of the zoning district, adult day care facilities that are listed as discretionary uses shall be evaluated and developed in accordance with Section 3.10 of this Bylaw.

8.2 BED AND BREAKFAST HOMES

- 8.2.1 A bed and breakfast home may be located in a single detached or in a semi-detached dwelling. No exterior alterations shall be undertaken which would be inconsistent with the residential character of the building or property.
- 8.2.2 The proprietor of any bed and breakfast home must be a permanent resident of the dwelling in which it operates.
- 8.2.3 All bed and breakfast homes must be inspected and approved by the Fire Inspector, the Building Inspector, and the Public Health Inspector in order to ensure compliance with the National Building Code and the Town of Birch Hills Building Bylaw, or equivalencies as determined by the Development Officer, and are subject to re-inspection at any reasonable time thereafter.
- 8.2.4 In addition to the development standards of the zoning district, bed and breakfast homes that are listed as discretionary uses shall be evaluated and developed in accordance with Section 3.10 of this Bylaw.
- 8.2.5 There shall be no kitchen facilities provided in any room to let, and only one meal per day shall be served to guests lodging in the establishment.

8.3 CUSTODIAL CARE FACILITIES AND RESIDENTIAL CARE FACILITIES

- 8.3.1 Custodial care facilities and residential care facilities – type I and type II – may be approved as an ancillary use in a single detached or semi-detached dwelling, or as a principal use.
- 8.3.2 All custodial care facilities and residential care facilities must be inspected and approved by the Fire Inspector and the Building Inspector in order to ensure compliance with the National Building Code and the Town of Birch Hills Building Bylaw, or equivalencies as determined by the Development Officer, and are subject to re-inspection at any reasonable time thereafter.
- 8.3.3 In any Residential district, no exterior alterations shall be undertaken to a dwelling or former

dwelling which would be inconsistent with the residential character of the building or property.

- 8.3.4 Required parking spaces may be located in a required front yard. Tandem parking spaces may be permitted where the site has no access to a lane.
- 8.3.5 Surface parking and loading spaces shall be located at least 2 metres from any bedroom window and at least 1 m from all other windows, doors and balconies.
- 8.3.6 In addition to the development standards of the zoning district, custodial care facilities and residential care facilities - type I and type II – that are listed as discretionary uses shall be reviewed and approved in accordance with Section 3.10 of this Bylaw.

8.4 DAY CARE CENTRES AND PRE-SCHOOLS

- 8.4.1 Day care centres and pre-schools may be approved as an ancillary use or as a principal use. In any residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building or property.
- 8.4.2 In addition to the development standards contained within the zoning district, Section 3.10 of this Bylaw shall apply to the review and approval of day care centres and pre-schools that are listed as discretionary uses.
- 8.4.3 All day care centres and pre-schools must be inspected and approved by the Fire Inspector the Building Inspector, and the Public Health Inspector in order to ensure compliance with the National Building Code and Town of Birch Hills, or equivalencies as determined by the Development Officer, and are subject to re-inspection at any reasonable time thereafter.
- 8.4.4 All day care centres and pre-schools shall provide at least 3.25 square metres of fenced on-site outdoor play space for each child present in the facility at any one time.

8.5 FAMILY CHILD CARE HOMES – TYPE I AND TYPE II

- 8.5.1 Family child care homes may be approved as an accessory use in a detached one unit dwelling, a unit in a two-unit dwelling, a semi-detached dwelling or a townhouse.
- 8.5.2 Required parking spaces may be permitted in a front yard.
- 8.5.3 In addition to the development standards contained within the zoning district, Section 3.10 of this Bylaw shall apply to the review and approval of family child care homes that are listed as discretionary uses.
- 8.5.4 All family child care homes must be inspected and approved by the Fire Inspector, the Building Inspector, and the Public Health Inspector in order to ensure compliance with the National Building Code and Town of Birch Hills Building Bylaw, or equivalencies as determined by the Development Officer, and are subject to re-inspection at any reasonable time thereafter.
- 8.5.5 All family child care homes shall provide at least 3.25 square metres of fenced on-site outdoor play space for each child present in the home at any one time.
- 8.5.6 An operator of a type II family child care home may have up to two persons who reside outside of

the dwelling, employed, with or without compensation, in the operation of the family child area home, provided that one parking stall for the dwelling and one parking stall for every two employees is provided on the property.

8.6 DWELLING GROUPS

— also refer to Section 3.10.4 (4) if discretionary

8.6.1 The minimum side yard setback shall be measured from the closest wall of the principal building closest to the side site line.

8.6.2 All principal buildings forming part of the group shall be located from any other principal building in the group at a distance that meets *The National Building Code of Canada* and *The National Fire Code of Canada*.

8.6.3 Council may apply special development standards regarding “yard requirements” to reduce conflict with neighbouring uses.

8.7 MANUFACTURED HOMES

8.7.1 All manufactured homes shall be placed on a permanent foundation that is capable of handling the anticipated load of the building and is comprised of a full or partial basement and/or concrete or preserved wood grade beam / pile structure, such foundation being not less than 600 millimetres above recommended or established grade. Basement wall and grade beam support shall be attached to the perimeter of the building.

8.7.2 Any accessory buildings, additions, porches, or garages added to a manufactured home shall be required to have a final appearance and quality that is equivalent to the existing structure.

8.7.3 The undercarriage of all manufactured homes shall be required to be completely screened by way of the foundation, skirting, or material which is consistent with the exterior of the unit, and shall allow for the circulation of air beneath the unit.

8.8 MANUFACTURED HOME COURTS

8.8.1 Each manufactured home space in a manufactured home park shall have a driveway with a minimum width of 4.5 metres and shall abut an internal hard-surfaced and drained road that has a minimum pavement width of 10 metres.

8.8.2 A minimum of 10% of the area of the manufactured home court shall be set aside as communal open space or devoted to recreation facilities.

8.8.3 All site and yard requirements for manufactured homes in the **R3** district shall apply to individual manufactured home sites within a manufactured home court.

8.8.4 *The Public Health Act, 1994*, and the Regulations passed in association, shall be complied with in respect to all operations and development of a manufactured home court.

8.8.5 Each manufactured home space shall be clearly defined on the ground by permanent markers and permanently addressed with a number.

- 8.8.6 Each manufactured home shall be provided with a stand upon which a manufactured home may be suitably installed, and each stand shall be located:
- (1) a minimum of 5 metres from any adjacent stand;
 - (2) a minimum of 3 metres from any park boundary;
 - (3) a minimum of 3 metres from any internal road; and
 - (4) a minimum of 15 metres from any stand or permanent park structure located on the opposite side of the court street.
- 8.8.7 A manufactured home park shall be provided with adequate internal roadways, sidewalks, curbs, gutters, street lighting and other utility services (sewer, storm sewer, water) to the satisfaction of the Development Officer.
- 8.8.8 A maximum of one (1) convenience store may be located within a manufactured home park that contains no less than 40 manufactured home stands. The store shall be limited to a maximum size of 371 square metres and shall be placed in a location within the manufactured home park subject to the approval of Council.
- 8.8.9 In Manufactured Home Courts, only one accessory building shall be permitted within each manufactured home site, and such accessory building shall not exceed 30 square metres in size.
- 8.8.10 The following accessory buildings and uses shall be permitted:
- (1) an administration office for the manufactured home court;
 - (2) one dwelling unit for the owner or operator of the court;
 - (3) recreational buildings and uses servicing only the park's residents;
 - (4) laundry facilities for use of the residents;
 - (5) other service and storage buildings accessory to the operation of the park.
- 8.9 MULTIPLE UNIT DWELLINGS (APARTMENTS)
- 8.9.1 Where an apartment building is combined with commercial uses on the first storey, there shall be no dwelling units permitted on the first storey. Residential uses shall have a direct entrance from the exterior, separate from that of the commercial use.
- 8.10 MULTIPLE UNIT DWELLINGS (SIX OR MORE UNITS)
- 8.10.1 Amenity space shall have a minimum area of 36 square metres, except in the case of amenity space designed and provided for the exclusive use of the occupants of an adjacent dwelling unit, in which case shall have a minimum area of 6 square metres.
- 8.10.2 All balconies that are to be included as amenity space shall have at least one dimension a minimum of 1.8 metres and a minimum area of 6 square metres.

- 8.10.3 Except for private balconies, amenity space shall not be located in any required front yard.
- 8.10.4 Amenity space shall not be used for the purpose of parking, loading, personal storage, vehicle storage or repair, garbage collection or maintenance buildings.
- 8.10.5 Amenity space shall be provided to all multiple unit dwellings at a minimum rate of 6 square metres per unit.
- 8.10.6 Amenity space may be provided on the flat rooftop of a multiple unit dwelling, provided that sufficient safety measures such as railings are included.

8.11 SECONDARY, GARDEN AND GARAGE SUITES

8.11.1 All secondary, garden, and garage suites are subject to the following general requirements:

- (1) Garden and garage suites shall only be permitted on sites wherein the principal use is a single detached dwelling.
- (2) No more than one secondary, garden, or garage suite shall be allowed per residential site.
- (3) No more than two bedrooms are allowed for any secondary, garden, or garage suite.
- (4) No more than three persons are allowed to occupy any secondary, garden, or garage suite.
- (5) One off-street parking space is required for any secondary, garden or garage suite in addition to the required parking for the principal residential building on the site.
- (6) Any secondary, garden, or garage suite shall comply with the requirements of the National Building Code, subject to the approval of the Municipal Building Inspector.
- (7) Any secondary, garden or garage suite shall not be separated from the principal building through condominium or bare land condominium conversion or subdivision of land.

8.11.2 Secondary suites shall be subject to the following additional requirements:

- (1) Secondary suites shall only be permitted on sites wherein the principal use is a single detached dwelling.
- (2) In order to accommodate a secondary suite, a single detached, semi-detached, or two unit dwelling must have a gross floor area, including the area of any basement, of at least 100 square metres (per unit).
- (3) The maximum floor area of a secondary suite shall be no more than 80 square metres.
- (4) The minimum floor area for a secondary suite shall be 30 square metres.
- (5) The exterior finishing of a secondary suite, if any, shall be consistent with the exterior of the remainder of the principal dwelling to give the entire building the appearance of a single detached (or semi-detached or two-unit) dwelling.

- (6) A secondary suite may have a dedicated exterior entrance, but must also have an internally divided entrance that is accessible from both the secondary suite and the principal dwelling unit.

8.11.3 Garden and garage suites shall be subject to the following additional requirements:

- (1) Garden and garage suites shall only be permitted on sites wherein the principal use is a single detached dwelling.
- (2) The minimum side yard for garden and garage suites shall be the same as the yard requirement that applies to the principal building in the applicable zoning district for all lots in a residential block, including corner lots.
- (3) The maximum height of a garden suite shall be 4.3 m. The maximum height of a garage suite shall be 5.5 m or the height of the principal dwelling, whichever is the lesser.
- (4) The maximum floor area of a garden or garage suite shall be 50 square metres and the minimum floor area shall be 30 square metres.
- (5) The minimum distance between a detached garage containing a garage suite and the principal building on the site shall be 4 m.
- (6) Rear yard decks and porches, attached to a garden or garage suite, are permitted provided minimum setbacks, necessary site access and parking spaces are provided, and that overlook into adjacent properties is minimized.
- (7) Windows contained within a garage or garden suite shall be placed and sized such that they minimize overlook into yards and windows of abutting properties by:
 - (a) offsetting window placement to limit direct views of abutting rear or side yard amenity areas or direct view into a garage or garden suite on an abutting site;
 - (b) strategic placement of windows in conjunction with landscaping or the placement of other accessory buildings; and
 - (c) placement of larger windows such as living room windows, to face a lane, flanking street or towards the interior of the lot.
- (8) Existing significant vegetation shall be protected and incorporated into any infill development or site redevelopment to the greatest extent that is reasonably possible.
- (9) Garden and garage suites shall be connected to adjacent streets and laneways, through the site, via an internal, hard-surfaced, pedestrian walkway.

8.12 ABOVE GROUND FUEL STORAGE TANKS

- 8.12.1 Above-ground fuel storage tanks that meet the standards of the National Fire Code may be permitted in association with service stations, gas bars and other permitted industrial or commercial uses where the dispensing of fuel to vehicles is a standard aspect of the use.
- 8.12.2 The total storage capacity for above-ground fuel storage tanks on any single service station or gas bar shall not exceed the regulations and requirements set out by the National Fire Code.
- 8.12.3 Above-ground fuel storage tanks shall be:
- (1) located at least 3 metres from any property line or building, unless the tank has a capacity of 5,000 litres or less, in which case it shall be located at least 1 metre from same;
 - (2) separated from each other and be accessible for firefighting purposes to the satisfaction of the Development Officer; and
 - (3) located at least 15 metres from the boundary of any site within a Residential district.
- 8.12.4 The dispensing equipment associated with above-ground fuel storage tanks shall be located at least 3 metres from any property line, at least 7.5 metres from any open flame or other ignition source, and at least 4.5 metres from any door or window.
- 8.12.5 Above-ground fuel storage tanks shall be protected from vehicles with suitable posts, guardrails or other similar means.
- 8.12.6 At service stations and gas bars, above-ground fuel storage tanks which are located in view of a front or flanking street shall be landscaped or screened to the satisfaction of the Development Officer.

8.13 GAS BARS

- 8.13.1 Where operated as the principal use on a site, gas bars are subject to the regulations and standards for service stations.
- 8.13.2 Where a gas bar is allowed to operate in conjunction with another use on a site, the following standards and regulations apply:
- (1) All fuel pumps and above ground storage tanks shall be at least five metres from any building on the site, and six metres from any site line.
 - (2) The site shall have at least two separate entrances for vehicles, at least 15 metres apart.
 - (3) Access to, and parking for, fuel dispensing apparatus shall not obstruct access to the site, or other required off-street parking spaces on the site.

8.14 SERVICE STATIONS

- 8.14.1 Fuel pumps shall be located in accordance with Section 8.13 of this Bylaw.
- 8.14.2 All automobile parts, dismantled vehicles and similar articles or equipment are to be stored within a building.
- 8.14.3 Where service stations occupy a corner site, only one access point shall be on the flanking street.

8.15 PARKING LOTS

- 8.15.1 Parking lots shall be designed in accordance with Section 5 of this Bylaw.

8.16 STORAGE COMPOUNDS AND STORAGE FACILITIES

- 8.16.1 All storage compounds and storage facilities shall be required to provide landscaping in accordance with Section 7 of this bylaw.
- 8.16.2 All storage compounds and storage facilities shall be required to provide a fence to a minimum height of 2.4 metres. Barbed wire shall not be permitted. Fences for compounds and facilities adjacent to a residential zoning district shall be constructed of a solid material such as wood, stone, concrete, brick or other similar material, to form a continuous visual obstruction.
- 8.16.3 Fences shall be setback from the property lines in accordance with the yard requirements for storage compounds and storage facilities in the corresponding zoning district.

8.17 SHIPPING CONTAINER RENTAL AND SALES

- 8.17.1 All shipping containers must be painted and maintained to be aesthetically representative of exterior colours of the principal building or a neutral colour prior to their placement above grade on a site.
- 8.17.2 Shipping containers shall not be stacked atop one another.
- 8.17.3 Shipping containers may not be used for the storage of junk, trash, or other forms of refuse or hazardous substances or perishable items.
- 8.17.4 Shipping containers located on the site of the rental / sales operation must be situated at least 3 metres from any property line and shall not be located in any required front of side yard.
- 8.17.5 Shipping containers that are rented for storage and located on the site of the rental / sales operation require a move-in permit.
- 8.17.6 Shipping containers shall only be used for shipping or storage purposes and shall not be used for residential purposes or commercial office space.
- 8.17.7 Shipping containers shall be placed on a hard packed level surface and any bottom drainage holes shall be secured against the environment and/or rodents.

8.18 MEMBRANE COVERED STRUCTURES

- 8.18.1 One anchored membrane covered structures, as an accessory use, shall be permitted in all districts, up to a maximum of 25 square metres.
- 8.18.2 In the **C2 and M1** districts, anchored membrane covered structures over 25 square metres are permitted.
- 8.18.3 Notwithstanding Sections 8.18.1 and 8.18.2, membrane covered structures may be placed in any district temporarily, for a period not to exceed seven days.
- 8.18.4 Development applications for membrane covered structures over 25 square metres must include a drawing stamped by a Professional Engineer to ensure the structure will meet the requirements of *The National Building Code of Canada*.
- 8.18.5 In all cases, membrane covered structures shall comply with the site requirements for accessory buildings for the applicable zoning district.

8.19 JUNK, SALVAGE & AUTO WRECKING YARDS, WELDING & MACHINE SHOPS

- 8.19.1 All junk, salvage and auto wrecking yards, and welding and machine shops shall be enclosed by an opaque or solid perimeter fence at a minimum of 2.5 metres in height, but not more than 4.0 metres in height. The perimeter fence shall not be located in the required front yard. The required front yard shall be used for no other purposes than landscaping, necessary access driveways and customer parking.
- 8.19.2 Vehicles shall be stacked no more than two high.
- 8.19.3 Any other materials and vehicles stored on site shall not exceed 80% of the height of the perimeter fence.
- 8.19.4 All materials or vehicles connected to the operation of the business shall be stored within the confines of the perimeter fence.

8.20 RESTAURANTS

- 8.20.1 All restaurants that include a drive through commercial facility shall have appropriate space for vehicle line ups in order to reduce disruption of traffic flows on adjacent roadways.
- 8.20.2 Vehicles for drive through commercial facilities shall enter from and exit onto a street. Lane access shall not be used for access to and from drive through lanes.

8.21 LIVESTOCK AUCTION FACILITIES, MEAT PACKING PLANTS & STOCKYARDS

- 8.21.1 Shall be located at least 300 metres from residential areas, schools, hospitals, motels/hotels and restaurants.

8.22 ABATTOIRS

8.22.1 Shall be located at least 91.4 metres from residential areas, schools, hospitals, motels and restaurants.

8.23 BULK PETROLEUM TANKS

8.23.1 Shall be located at least 91.4 metres from residential areas, schools, hospitals, motels and restaurants.

9 ZONING DISTRICTS

9.1 CLASSIFICATION OF ZONING DISTRICTS

In order to carry out the purpose and provisions of this Bylaw, the Town is divided into the following Zoning Districts, the boundaries of which are shown on the “Zoning District Map”. Such districts may be referred to by the appropriate symbols.

<u>Districts</u>	<u>Symbols</u>
Low Density Residential	R1
Medium Density Residential	R2
Manufactured Home Residential	R3
Core Use Commercial	C1
Highway Commercial	C2
Light Industrial	M1
Community Service/Institutional	CS
Parks and Recreation	PR
Future Urban Development	FUD

9.2 THE ZONING DISTRICT MAP

The map, bearing the statement “This is the Zoning District Map referred to in Bylaw No. _____” adopted by the Council and signed by the Mayor and Administrator, and under the seal of the Town shall be known as the “Zoning District Map” and such map is declared to be an integral part of this Bylaw.

9.3 BOUNDARIES OF ZONING DISTRICTS

- 9.3.1 The boundaries of such districts referred to, together with explanatory legend, notation and reference, are shown on the map entitled “Zoning District Map”.
- 9.3.2 All streets, lanes and road allowances, if not otherwise specifically designated, shall be deemed to be in the same zoning district as the property immediately abutting upon such streets, lanes and road allowances. If the land abutting each side of a street, lane or road allowance is located in different zoning districts, the centre line of such street, lane or road allowance shall be deemed to be the district boundary, unless otherwise specifically designated.
- 9.3.3 Streets, lanes, and road allowances which are shown on the Zoning District Map and which have been permanently closed pursuant to Section 13 of *The Municipalities Act*, shall be in the same district as the land abutting both sides of the permanently closed street, lane or road allowance. If the land abutting each side of the permanently closed street, lane or road allowance was located in different zoning districts before the said street, lane or road allowance was permanently closed, the centre line of such permanently closed street, lane or road allowance shall be deemed to be the district boundary, unless otherwise specifically designated.
- 9.3.4 On non-subdivided land, the zoning district boundary shall be determined by the scale shown on the Zoning District Map.

9.4 ZONING DISTRICTS

The uses or forms of development allowed within a zoning district, along with regulations or standards which apply, are contained in the District Schedules in Section 10.

9.5 PROPERTIES WITH MORE THAN ONE ZONING DISTRICT

Where a site or lot is divided into more than one zoning district, the development and use of any portion of the site shall be in accordance with the requirements of the applicable zoning district and subject to Section 4.3 herein.

10 DISTRICT SCHEDULES

10.1 R1 – LOW DENSITY RESIDENTIAL DISTRICT

10.1.1 *Purpose*

The objective of the **R1** – Low Density Residential District is to provide for residential development in the form of single-detached, semi-detached, two unit dwellings, and other compatible uses.

10.1.2 *Permitted and Discretionary Uses*

Uses are listed and designated in Table 10-1.

10.1.3 *Accessory Uses*

- (1) Accessory buildings and uses shall be permitted subject to Section 4.8.

10.1.4 *Standards and Regulations*

- (1) Site and building requirements are shown in Table 10-1.
- (2) Uses may also be subject to additional general regulations contained in Sections 4 and 8.

10.1.5 *Standards for Discretionary Uses*

Council will consider discretionary use applications in the **R1** district with respect to Section 3.10.3 – General Discretionary Use Evaluation Criteria, Section 3.10.4 – Use Specific Discretionary Use Evaluation Criteria, as may be applicable, and additional evaluation criteria and development standards that follows in this section.

10.1.6 *Exceptions to Development Standards*

- (1) Where, on a corner site, a side yard of at least 6 metres is provided along the flanking street for a single detached dwelling, the minimum rear yard requirement is reduced to 4.5 metres.

10.1.7 *Off-Street Parking and Loading*

- (1) Off-street parking and loading requirements are subject to Section 5.
- (2) Off-street parking spaces for non-residential uses and uses accessory to residential uses shall be located in a side or rear yard and shall be screened if they are adjacent to a site used for residential purposes, unless excepted under Section 7.
- (3) Where a front yard setback is less than 6 metres, front yard parking is not permitted.

10.1.8 *Landscaping*

Landscaping is subject to Section 7.

10.1.9 *Outside Storage*

Outside storage, including garbage storage, is subject to Section 4.16 of this Bylaw.

Table 10-1											
R1 – LOW DENSITY RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS											
for the Town of Birch Hills											
<u>Principal Use</u>	Designation	Parking Category	Subject to Sections	<u>Development Standards</u>							
				Minimum Site Area (m ²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Site Coverage (%)	Minimum Floor Area (m ²)	
Residential Uses											
(1)	Garden and garage suites	D	1	3.10.4 (23) 8.11	Refer to Section 8.11						
(1)	Secondary suites	D	1	8.11	Refer to Section 8.11						
(2)	Semi-detached dwellings	P	1	--	230	9	6	1.2 ⁽¹⁾	6	50	46
(3)	Single detached dwellings	P	1	--	450	15	6	1.2	6	50	46
(4)	Two-unit dwellings	P	1	--	560	18	6	1.2	6	50	92
Commercial Uses											
(1)	Adult day care – Type I	P	14	8.1	450	15	6	1.2	6	50	46
(2)	Adult day care – Type II	D	14	8.1	450	15	6	1.2	6	50	46
(3)	Bed and breakfast homes	D	3	8.2	450	15	6	1.2	6	50	46
(4)	Convenience stores	D	5	--	450	15	6	3 ⁽²⁾	6	--	--
(5)	Daycare centres and preschools	D	16	--	450	15	6	3 ⁽²⁾	6	50	--
(6)	Family child care homes – Type I	P	16	8.5	450	15	6	1.2	6	50	46
(7)	Family child care homes – Type II	D	16	8.5	450	15	6	1.2	6	50	46
(8)	Home based business – Type I	P	0	4.9	Same as home						
(9)	Home based business – Type II	D	18	4.9	Same as home						
(10)	Residential care facilities -- Type I	P	7	8.3	450	15	6	1.2	6	50	46
(11)	Residential care facilities – Type II	D	7	8.3	450	15	6	1.2	6	50	46
Community Service, Municipal, Recreational, Institutional and Other Uses											
(1)	Protective services	D	12	3.10.4 (8)	450	15	6	3 ⁽²⁾	6	--	--
(2)	Community centres	D	4	3.10.4 (3)	450	15	6	3 ⁽²⁾	6	--	--
(3)	Community gardens	P	0		--	--	--	--	--	--	--
(4)	Cultural Institutions	D	4	--	450	15	6	3 ⁽²⁾	6	--	--
(5)	Custodial care facilities	D	14	8.3	450	15	6	1.2	6	50	--
(6)	Municipal facilities	P	0		--	--	--	--	--	--	--
(7)	Parking lots	D	0	8.15	--	--	3	3	3	--	--
(8)	Parks and playgrounds	P	0		--	--	--	3	--	10	--
(9)	Place of worship	D	8	3.10.4 (3)	450	15	6	3 ⁽²⁾	6	--	--
(10)	Private schools	D	21	--	450	15	6	3 ⁽²⁾	6	--	--
(11)	Public works excluding offices, warehouses, storage yards and sewage lagoons	P	0		--	--	--	--	--	--	--
(12)	Schools, primary	P	20	3.10.4 (3)	450	15	6	3 ⁽²⁾	6	--	--
(13)	Schools, secondary	P	21	3.10.4 (3)	450	15	6	3 ⁽²⁾	6	--	--

Use Designations:

(P) – Permitted Use: Any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to the regulations contained in this zoning bylaw.

(D) – Discretionary Use: Any use or form of development that may be allowed in a zoning district following application to, and approval of the Council; and which complies with the development standards, as required by Council, and contained in this zoning bylaw.

Special limitations and standards regarding Table 10-1 and the R1 district:

- (1) except that no side yard is required where a common wall divides two dwelling units
- (2) or ½ the average building height, whichever is greater, to a maximum of 6 m

10.2 R2 – MEDIUM DENSITY RESIDENTIAL DISTRICT

10.2.1 *Purpose*

The objective of the **R2** – Medium Density Residential District is to provide for higher density residential development primarily in the form of single detached, semi-detached, two-unit dwellings, multiple unit dwellings, and other compatible uses.

10.2.2 *Permitted and Discretionary Uses*

Uses are listed and designated in Table 10-2.

10.2.3 *Accessory Uses*

- (1) Accessory buildings and uses shall be permitted subject to Section 4.8.

10.2.4 *Standards and Regulations*

- (1) Site and building requirements are shown in Table 10-2.
- (2) Uses may also be subject to additional general regulations contained in Sections 4 and 8.

10.2.5 *Standards for Discretionary Uses*

Council will consider discretionary use applications in the **R2** district with respect to Section 3.10.3 General Discretionary Use Evaluation Criteria, Section 3.10.4 Use Specific Discretionary Use Evaluation Criteria, as may be applicable, and additional evaluation criteria and development standards that follows in this section.

10.2.6 *Exceptions to Development Standards*

- (1) Where, on a corner site, a side yard of at least 6 metres is provided along the flanking street for a single detached dwelling, the minimum rear yard requirement is reduced to 4.5 metres.

10.2.7 *Off-Street Parking and Loading*

- (1) Off-street parking and loading requirements are subject to Section 5.
- (2) Off-street parking spaces for non-residential uses and uses accessory to residential uses shall be located in a side or rear yard and shall be screened if they are adjacent to a site used for residential purposes, unless excepted under Section 7.
- (3) Where a front yard setback is less than 6 metres, front yard parking is not permitted.

10.2.8 *Landscaping*

Landscaping is subject to Section 7.

10.2.9 *Outside Storage*

Outside storage, including garbage storage, is subject to Section 4.16 of this Bylaw.

Table 10-2 R2 – MEDIUM DENSITY RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS for the Town of Birch Hills											
<u>Principal Use</u>	Designation	Parking Category	Subject to Sections	<u>Development Standards</u>							
				Minimum Site Area (m ²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Site Coverage (%)	Minimum Floor Area (m ²)	
Residential Uses											
(1)	Dwelling groups ⁽⁷⁾	D	2	3.10.4 (4) 8.6	185/unit	6/unit ⁽¹⁾	6 ⁽²⁾	1.2 ⁽³⁾	6	60	46/unit
(2)	Garden and garage suites	D	1	3.10.4 (23) 8.11	Refer to section 8.11						
(3)	Multiple unit dwellings (apartments)	P	2	3.10.4 (5) 8.9, 8.10	450	6/unit ⁽¹⁾	6 ⁽²⁾	1.2 ⁽³⁾	6	50	46/unit
(4)	Multiple unit dwellings (townhouses)	P	1	3.10.4 (5) 8.10	225/unit	7.5/unit	6 ⁽²⁾	1.2 ⁽³⁾	6	50	46/unit
(5)	Secondary suites	D	1	8.11	Refer to section 7.11						
(6)	Semi-detached dwellings	P	1		230	9	6	1.2 ⁽⁴⁾	6	50	46
(7)	Single detached dwellings	P	1		450	15	6	1.2	6	50	46
(8)	Street townhouse dwellings	P	1		225/unit	7.5/unit	6	1.2 ⁽⁴⁾	6	50	46/unit
(9)	Two-unit dwellings	P	1		560	18	6	1.2	6	50	92
Commercial Use											
(1)	Adult day care – Type I	P	14	8.1	450	15	6	1.2	6	50	46
(2)	Adult day care – Type II	D	14	8.1	450	15	6	1.2	6	50	46
(3)	Bed and breakfast homes	D	3	8.2	450	15	6	1.2	6	50	46
(4)	Convenience stores	D	5		450	15	6	3 ⁽⁵⁾	6	--	--
(5)	Daycare centres and preschools	D	16	8.4	450	15	6	3 ⁽⁵⁾	6	50	--
(6)	Family child care homes – Type I	P	16	8.5	450	15	6	1.2	6	50	46
(7)	Family child care homes – Type II	D	16	8.5	450	15	6	1.2	6	50	46
(8)	Home based business – Type I	P	0	4.9	Same as home						
(9)	Home based business – Type II	D	18	4.9	Same as home						
(10)	Parking lots	D	0	8.15	--	--	1.5	1.5	1.5 ⁽⁶⁾	--	--
(11)	Residential care facilities – Type I	P	7	8.3	450	15	6	1.2	6	50	46
(12)	Residential care facilities – Type II	D	7	8.3	450	15	6	1.2	6	50	46
(13)	Retail stores	D	4		450	15	6	3 ⁽⁵⁾	6	--	--
Community Service, Municipal, Recreational, Institutional and Other Uses											
(1)	Community centres	D	4	3.10.4 (3)	450	15	6	3 ⁽⁵⁾	6	--	--
(2)	Community gardens	P	0		--	--	--	--	--	--	--
(3)	Cultural institutions	D	4	3.10.4 (3)	450	15	6	3 ⁽⁵⁾	6	--	--
(4)	Custodial care facilities	D	14	8.3	450	15	6	1.2	6	50	--
(5)	Municipal facilities	P	0		--	--	--	--	--	--	--
(6)	Parks and playgrounds	P	0		--	--	--	4.5	--	10	--
(7)	Place of worship	P	8	3.10.4 (3)	450	15	6	3 ⁽⁵⁾	6	--	--
(8)	Private schools	D	21		450	15	6	3 ⁽⁵⁾	6	--	--

Table 10-2 R2 – MEDIUM DENSITY RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS for the Town of Birch Hills											
Principal Use	Designation	Parking Category	Subject to Sections	Development Standards							
				Minimum Site Area (m ²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Site Coverage (%)	Minimum Floor Area (m ²)	
(9) Protective services	D	12	3.10.4 (8)	450	15	6	3 ⁽⁵⁾	6	--	--	
(10) Public works excluding offices, warehouses, storage yards and sewage lagoons	P	0		--	--	--	--	--	--	--	
(11) Schools, primary	P	20		450	15	6	3 ⁽⁵⁾	6	--	--	
(12) Schools, secondary	P	21		450	15	6	3 ⁽⁵⁾	6	--	--	

Use Designations:

(P) – Permitted Use: Any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to the regulations contained in this zoning bylaw.

(D) – Discretionary Use: Any use or form of development that may be allowed in a zoning district following application to, and approval of the Council; and which complies with the development standards, as required by Council, and contained in this zoning bylaw.

Special limitations and standards regarding Table 10-2 and the R2 district:

- (1) to a maximum of 21 m
- (2) for multiple unit dwellings up to and including 3 storeys, the minimum front yard requirement shall be 6 m; for multiple unit dwellings over 3 storeys, the minimum front yard requirement shall be 7.5 m
- (3) for multiple unit dwellings that are 2 storeys, the minimum side yard requirement shall be 1.8 m; for multiple unit dwellings that are 3 storeys, the minimum side yard requirement shall be 3 m; for multiple unit dwellings that are 4 storeys or higher, the minimum side yard requirement shall be ½ the building height to a maximum of 6 m
- (4) except that no side yard is required where a common wall divides two dwelling units
- (5) or ½ the average building height, whichever is greater, to a maximum of 6 metres
- (6) except where the parking lot is accessed off of a rear lane, in which case no requirements
- (7) for multiple unit dwellings (apartment and townhouse) in dwelling groups, there shall not be more than 9 units side by side

10.3 R3 – MANUFACTURED HOME RESIDENTIAL DISTRICT

10.3.1 *Purpose*

The objective of the **R3** – Manufactured Home Residential District is to provide for residential development in the form of manufactured homes, manufactured home courts, and other compatible uses.

10.3.2 *Permitted and Discretionary Uses*

Uses are listed and designated in Table 10-3.

10.3.3 *Accessory Uses*

(1) Accessory buildings and uses shall be permitted subject to Section 4.8.

10.3.4 *Standards and Regulations*

(1) Site and building requirements are shown in Table 10-3.

(2) Uses may also be subject to additional general regulations contained in Sections 4 and 8.

10.3.5 *Standards for Discretionary Uses*

Council will consider discretionary use applications in the **R5** district with respect to Section 3.10.3 General Discretionary Use Evaluation Criteria, Section 3.10.4 Use Specific Discretionary Use Evaluation Criteria, as may be applicable, and additional evaluation criteria and development standards that follows in this section.

10.3.6 *Exceptions to Development Standards*

10.3.7 *Off-Street Parking and Loading*

(1) Off-street parking and loading requirements are subject to Section 5.

(2) Off-street parking spaces for non-residential uses and uses accessory to residential uses shall be located in a side or rear yard and shall be screened if they are adjacent to a site used for residential purposes, unless excepted under Section 7.

10.3.8 *Landscaping*

Landscaping is subject to Section 7.

10.3.9 *Outside Storage*

Outside storage, including garbage storage, is subject to Section 4.16 of this Bylaw.

Table 10-3 R3 – MANUFACTURED HOME RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS for the Town of Birch Hills											
Principal Use	Designation	Parking Category	Subject to Sections	Development Standards							
				Minimum Site Area (m ²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Minimum Bldg Floor Area (m ²)	Maximum Site Coverage (%)	
Residential Uses											
(1) Manufactured homes	P	1	8.7	225	9	6	1.2	3 ⁽¹⁾	46	50	
(2) Manufactured home courts	D	1	8.8	10000	60	See Section 7.8		--	--	--	
Commercial Uses											
(1) Convenience stores	D	5	3.10.4 (2)	450	15	6	3 ⁽²⁾	6	--	--	
(2) Day care centres and preschools	D	16	8.4	450	15	6	3 ⁽²⁾	6	--	--	
(3) Family child care homes – Type I	P	16	8.5	225	9	7.5	1.2	3 ⁽¹⁾	46	50	
(4) Laundromats	D	5	3.10.4 (15)	450	15	6	3 ⁽²⁾	6	--	--	
(5) Home based business – Type I	P	0	4.9	Same as home							
(6) Home based business – Type II	D	18	4.9	Same as home							
Community Service, Government, Recreational, Institutional and Other Uses											
(1) Community centres	D	4	3.10.4 (3)	450	15	6	3 ⁽²⁾	6	--	--	
(2) Community gardens	P	0		--	--	--	--	--	--	--	
(3) Municipal facilities	P	0		--	--	--	--	--	--	--	
(4) Parks and playgrounds	P	0		--	--	--	4.5	--	--	10	
(5) Places of worship	D	8	3.10.4 (3)	450	15	6	3 ⁽²⁾	6	--	--	
(6) Protective services	D	12		450	15	6	3 ⁽²⁾	6	--	--	
(7) Public works excluding offices, warehouses, storage yards and sewage lagoons	P	0		--	--	--	--	--	--	--	

Use Designations:

(P) – Permitted Use: Any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to the regulations contained in this zoning bylaw.

(D) – Discretionary Use: Any use or form of development that may be allowed in a zoning district following application to, and approval of the Council; and which complies with the development standards, as required by Council, and contained in this zoning bylaw.

Special limitations and standards regarding Table 10-3 and the R3 district:

- (1) unless the site is served by a lane, in which case 1.5 m
- (2) or ½ the building height, whichever is greater, to a maximum of 6 m

10.4 C1 – CORE COMMERCIAL DISTRICT

10.4.1 *Purpose*

The objective of the C1 – Core Commercial District is to provide a range of commercial, institutional and residential uses in the downtown area.

10.4.2 *Permitted and Discretionary Uses*

Uses are listed and designated in Table 10-4.

10.4.3 *Accessory Uses*

(1) Accessory buildings and uses shall be permitted subject to Section 4.8.

10.4.4 *Standards and Regulations*

(1) Site and building requirements are shown in Table 10-4.

(2) Uses may also be subject to additional general regulations contained in Sections 4 and 8.

10.4.5 *Standards for Discretionary Uses*

Council will consider discretionary use applications in the C1 district with respect to Section 3.10.3 Discretionary Use – General Evaluation Criteria and to Section 3.10.4 Discretionary Use – Specific Evaluation Criteria and to additional evaluation criteria and development standards that follows in this section.

10.4.6 *Exceptions to Development Standards*

10.4.7 *Off-Street Parking and Loading*

Off-street parking and loading requirements are subject to Section 5.

10.4.8 *Landscaping*

Landscaping is subject to Section 7.

10.4.9 *Outside Storage*

Outside storage, including garbage storage, is subject to Section 4.16 of this Bylaw.

Table 10-4 C1 – CORE COMMERCIAL DISTRICT DEVELOPMENT STANDARDS for the Town of Birch Hills											
Principal Use	Designation	Parking Category	Subject to Sections	Development Standards							Maximum Site Coverage (%)
				Minimum Site Area (m ²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Minimum Building Floor Area (m ²)		
Residential Uses											
(1)	Dwelling units attached and accessory to any other permitted use	D	1	3.10.4(18)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
(2)	Multiple unit dwellings (apartments)	D	2	3.10.4 (5) 8.9, 8.10	450	6 / unit (2)	(3)	(4)	6	--	60
Commercial Uses											
(1)	Auto body shops	D	0	3.10.4 (11)	900	30	3	1.2	1.2 ⁽⁶⁾	--	--
(2)	Auto & minor recreation sales and rentals	D	0		900	30	3	1.2	1.2 ⁽⁶⁾	--	--
(3)	Bakeries with retail sales	P	0		275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(4)	Broadcasting and television studios	P	0		275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(5)	Business support services	P	0		275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(6)	Butcher shops	P	0		275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(7)	Car washes	D	0	3.10.4(1)	900	30	3	1.2	1.2 ⁽⁶⁾	--	--
(8)	Clubs	P	0		275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(9)	Commercial recreation facilities, limited to indoor uses	D	0		275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(10)	Consignment centres	D	0		275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(11)	Construction trades	D	0	3.10.4 (10)	275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(12)	Convenience stores, with or without associated gas bars	P	0	8.12, 8.13	275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(13)	Day care centres & preschools	D	0	8.4	275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(14)	Distilleries, wineries and breweries	D	0		275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(15)	Dry cleaners	D	0	3.10.4 (15)	275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(16)	Educational institutions	D	0	3.10.4 (3)	275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(17)	Farm stands	P	0		--	--	--	--	--	--	--
(18)	Farmers' markets	P	0		--	--	--	--	--	--	--
(19)	Financial institutions	P	0		275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(20)	Fleet services	D	0	3.10.4(1) 8.12	275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(21)	Funeral homes	D	0		275	7.5	3	3	3 ⁽⁶⁾	--	--
(22)	Gas bars, with or without associated convenience stores	D	0	8.12, 8.13	275	7.5	3	3	3 ⁽⁶⁾	--	--
(23)	Health services	P	0		275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(24)	Household repair services	P	0		275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(25)	Hotels and motels	P	10		900	30	--	(5)	3 ⁽⁶⁾	--	--
(26)	Laundromats	P	0		275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(27)	Liquor stores	D	0		275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(28)	Lumber yards, home improvement centres and building supply establishments	D	12	3.10.4 (10)	275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--

Table 10-4 C1 – CORE COMMERCIAL DISTRICT DEVELOPMENT STANDARDS for the Town of Birch Hills										
Principal Use	Designation	Parking Category	Subject to Sections	Development Standards						
				Minimum Site Area (m ²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Minimum Building Floor Area (m ²)	Maximum Site Coverage (%)
(29) Strip malls ⁽⁷⁾	D	0	3.10.4 (7)	450	15	--	(5)	1.2 ⁽⁶⁾	--	--
(30) Medical, dental and optical laboratories	P	0		275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(31) Millwork production	D	0	3.10.4 (11)	275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(32) Night clubs	D	0	3.10.4 (6)	275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(33) Offices and office buildings	P	0		275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(34) Parking lots	D	0	8.15	--	--	3	3	3	--	--
(35) Personal service establishments	P	0		275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(36) Pawn brokers	D	0		275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(37) Printing plants	P	0		275	7.5	--	1.2	3	--	--
(38) Private schools	D	21	3.10.4 (3)	275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(39) Public garages	D	0		275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(40) Restaurants, with or without associated lounges	P	0	8.20	275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(41) Retail stores	P	0		275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(42) Service stations	D	0	8.12 8.14	275	7.5	3	3	3 ⁽⁶⁾	--	--
(43) Shopping malls	D	4	3.10.4 (7)	900	30	--	(5)	1.2 ⁽⁶⁾	--	--
(44) Taverns	D	0	3.10.4 (6)	275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(45) Taxidermists	D	0	3.10.4 (11)	275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(46) Theatres	P	0		275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
(47) Tourist information centres and booths	P	0		275	7.5	--	(5)	1.2 ⁽⁶⁾	--	--
Community Service, Government, Recreational, Institutional and Other Uses										
(1) Protective services	D	0	3.10.4(8)	275	7.5	--	(5)	(6)	--	--
(2) Community centres	P	0		275	7.5	--	(5)	(6)	--	--
(3) Community gardens	P	0		--	--	--	--	--	--	--
(4) Cultural institutions	P	0		275	7.5	--	(5)	(6)	--	--
(5) Places of worship	D	0		275	7.5	--	(5)	(6)	--	--
(6) Post offices	D	4		275	7.5	--	(5)	(6)	--	--
(7) Public recreational facilities, limited to indoor uses	P	4		275	7.5	--	(5)	(6)	--	--
(8) Municipal facilities	P	0		--	--	--	--	--	--	--
(9) Parks and playgrounds	P	0		--	--	--	--	3	--	10
(10) Public works, excluding warehouses, storage yards and sewage lagoons	P	0		--	--	--	--	--	--	--

Use Designations:

(P) – Permitted Use: Any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to the regulations contained in this zoning bylaw.

(D) – Discretionary Use: Any use or form of development that may be allowed in a zoning district following application to, and approval of the Council; and which complies with the development standards, as required by

Council, and contained in this zoning bylaw.

Special limitations and standards regarding Table 10-4 and the C1 district:

- (1) the development standards of dwelling units are equivalent to the development standards of the permitted use to which the dwelling unit is accessory
- (2) to a maximum of 21 m
- (3) for multiple unit dwellings up to and including 3 storeys, the minimum front yard requirement shall be 6 m; for multiple unit dwellings over 3 storeys, the minimum front yard requirement shall be 7.5 m
- (4) for multiple unit dwellings that are 2 storeys, the minimum side yard requirement shall be 1.8 m; for multiple unit dwellings that are 3 storeys, the minimum side yard requirement shall be 3 m; for multiple unit dwellings that are 4 storeys or higher, the minimum side yard requirement shall be ½ the average building height, to a maximum of 6 m;
- (5) where the side line of a site in any C1 district abuts any Residential district without an intervening street or lane: 1.5 metres; otherwise, no requirements
- (6) where the rear line of a site in any C1 district abuts any Residential district without an intervening street or lane: 6.0 metres
- (7) the uses contained in strip malls shall be limited to the permitted and discretionary uses allowed in this district

10.5 C2 – HIGHWAY COMMERCIAL DISTRICT

10.5.1 *Purpose*

The objective of the C2 – Medium Density Commercial District is to provide an area with a wide range of commercial and related uses serving motor vehicle oriented consumers.

10.5.2 *Permitted and Discretionary Uses*

Uses are listed and designated in Table 10-5.

10.5.3 *Accessory Uses*

(1) Accessory buildings and uses shall be permitted subject to Section 4.8.

10.5.4 *Standards and Regulations*

(1) Site and building requirements are shown in Table 10-5.

(2) Uses may also be subject to additional general regulations contained in Sections 4 and 8.

10.5.5 *Standards for Discretionary Uses*

Council will consider discretionary use applications in the C2 district with respect to Section 3.10.3 Discretionary Use – General Evaluation Criteria and to Section 3.10.4 Discretionary Use – Specific Evaluation Criteria and to additional evaluation criteria and development standards that follows in this section.

10.5.6 *Exceptions to Development Standards*

10.5.7 *Off-Street Parking and Loading*

Off-street parking and loading requirements are subject to Section 5.

10.5.8 *Landscaping*

Landscaping is subject to Section 7.

10.5.9 *Outside Storage*

Outside storage, including garbage storage, is subject to Section 4.16 of this Bylaw.

Table 10-5 C2 – HIGHWAY COMMERCIAL DISTRICT DEVELOPMENT STANDARDS for the Town of Birch Hills											
Principal Use	Designation	Parking Category	Subject to Sections	Development Standards							
				Minimum Site Area (m ²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Minimum Building Floor Area (m ²)	Maximum Site Coverage (%)	
Residential Uses											
(1)	Multiple unit dwellings (apartments)	D	2	3.10.4 (5) 8.9, 8.10	900	30	15	7	6	95	75
(2)	Dwelling units accessory to permitted uses and integrated as part of principal buildings, for the use of caretakers, owners or managers	D	1	3.10.4(18)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Commercial and Industrial Uses											
(1)	Auction centres	D	17		900	30	4.5	3	3	--	--
(2)	Auto body shops	P	5	3.10.4 (11)	900	30	4.5	3	3	--	--
(3)	Automobiles, trucks, marine, recreational vehicle and equipment, agricultural equipment and manufactured home sales and service establishments	D	5		900	30	4.5	3	3	--	--
(4)	Bakeries	P	4		900	30	4.5	3	3	--	--
(5)	Bingo halls	D	9		900	30	4.5	3	3	--	--
(6)	Broadcasting and television studios	P	4		900	30	4.5	3	3	--	--
(7)	Business support services	P	4		900	30	4.5	3	3	--	--
(8)	Butcher shops	P	4		900	30	4.5	3	3	--	--
(9)	Car wash – Type I	P	22		900	30	4.5	3	3	--	--
(10)	Car wash – Type II	D	22	3.10.4 (1)	900	30	4.5	3	3	--	--
(11)	Casinos	D	5		900	30	4.5	3	3	--	--
(12)	Commercial recreational facilities, limited to indoor uses	D	4,15	3.10.4 (3)	900	30	4.5	3	3	--	--
(13)	Consignment centres	P	4		900	30	4.5	3	3	--	--
(14)	Construction trades	D	4	3.10.4 (10)	900	30	4.5	3	3	--	--
(15)	Convenience stores, with or without associated gas bars	P	5	8.12 8.13	900	30	4.5	3	3	--	--
(16)	Convention facilities	D	9		900	30	4.5	3	3	--	--
(17)	Custodial care facilities	P	14	8.3	900	30	4.5	3	3	--	--
(18)	Dairy processing	D	4	3.10.4 (11)	900	30	4.5	3	3	--	--
(19)	Day care centres & preschools	D	16	8.4	900	30	4.5	3	3	--	--
(20)	Distilleries, wineries and breweries	D	4		900	30	4.5	3	3	--	--
(21)	Dry cleaners	P	4		900	30	4.5	3	3	--	--
(22)	Dwelling manufacturing facility	D	11		900	30	4.5	3	3	--	--
(23)	Educational institutions	D	21	3.10.4 (3)	900	30	4.5	3	3	--	--
(24)	Equipment rentals	D	4		900	30	4.5	3	3	--	--
(25)	Farm stands	P	0		--	--	--	--	--	--	--
(26)	Farmers' markets	P	4		900	30	4.5	3	3	--	--
(27)	Financial institutions	P	4		900	30	4.5	3	3	--	--

Table 10-5 C2 – HIGHWAY COMMERCIAL DISTRICT DEVELOPMENT STANDARDS for the Town of Birch Hills											
Principal Use	Designation	Parking Category	Subject to Sections	Development Standards							
				Minimum Site Area (m ²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Minimum Building Floor Area (m ²)	Maximum Site Coverage (%)	
(28) Fleet services	D	11	3.10.4 (1)	900	30	4.5	3	3	--	--	
(29) Funeral homes	P	17		900	30	4.5	3	3	--	--	
(30) Gas bars, with or without associated convenience stores	P	5	8.12 8.13	900	30	4.5	3	3	--	--	
(31) Health services	P	5		900	30	4.5	3	3	--	--	
(32) Hotels and motels	P	10		900	30	4.5	3	3	--	--	
(33) Household repair services	P	4		900	30	4.5	3	3	--	--	
(34) Laundromats	P	4		900	30	4.5	3	3	--	--	
(35) Liquor stores	D	4		900	30	4.5	3	3	--	--	
(36) Lumber yards, home improvement centres and building supply establishments	D	11	3.10.4 (10)	900	30	4.5	3	3	--	--	
(37) Medical, dental and optical laboratories	D	4		900	30	4.5	3	3	--	--	
(38) Millwork production	D	12	3.10.4 (11)	900	30	4.5	3	3	--	--	
(39) Night clubs	D	5	3.10.4 (6)	900	30	4.5	3	3	--	--	
(40) Nurseries, greenhouses and garden centres	P	4		900	30	4.5	3	3	--	--	
(41) Offices and office buildings	P	4		900	30	4.5	3	3	--	--	
(42) Parking lots	P	0	8.15	--	--	1.5	1.5	1.5	--	--	
(43) Personal service establishments	P	5		900	30	4.5	3	3	--	--	
(44) Pawn brokers	D	4		900	30	4.5	3	3	--	--	
(45) Printing plants and newspaper offices	P	4		900	30	4.5	3	3	--	--	
(46) Private schools	P	21		900	30	4.5	3	3	--	--	
(47) Public garages	P	4		900	30	4.5	3	3	--	--	
(48) Recycling collection depots	D	4	3.10.4 (13)	900	30	4.5	3	3	--	--	
(49) Research facilities	D	12		900	30	4.5	3	3	--	--	
(50) Restaurants, with or without associated lounges	P	9	8.20	900	30	4.5	3	3	--	--	
(51) Retail stores	P	4		900	30	4.5	3	3	--	--	
(52) Service stations	D	11	8.12 8.14	900	30	4.5	3	3	--	--	
(53) Shopping malls	P	5	3.10.4 (7)	900	30	4.5	3	3	--	--	
(54) Storage compounds and facilities	D	12	3.10.4 (13) 8.16	900	30	4.5	3	3	--	--	
(55) Strip malls ⁽²⁾	P	5		900	30	4.5	3	3	--	--	
(56) Taverns	P	4	3.10.4 (6)	900	30	4.5	3	3	--	--	
(57) Taxidermists	D	4	3.10.4 (11)	900	30	4.5	3	3	--	--	
(58) Theatres	P	17		900	30	4.5	3	3	--	--	
(59) Tourist information centres and booths	P	4		225	6	4.5	3	3	--	--	
(60) Veterinary clinics	P	4		900	30	4.5	3	3	--	--	

Table 10-5 C2 – HIGHWAY COMMERCIAL DISTRICT DEVELOPMENT STANDARDS for the Town of Birch Hills											
<u>Principal Use</u>	Designation	Parking Category	Subject to Sections	<u>Development Standards</u>							
				Minimum Site Area (m ²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Minimum Building Floor Area (m ²)	Maximum Site Coverage (%)	
(61) Warehouses	D	12	3.10.4 (11)	900	30	4.5	3	3			
(62) Wholesale establishments	D	4	3.10.4 (11)	900	30	4.5	3	3			
Community Service, Government, Recreational, Institutional and Other Uses											
(1) Community centres	D	4	3.10.4 (3)	900	30	4.5	3	3			
(2) Community gardens	P	0		--	--	--	--	--			
(3) Cultural institutions	P	4		900	30	4.5	3	3			
(4) Protective services	P	5		225	6	4.5	3	3			
(5) Municipal facilities	P	0		--	--	--	--	--			
(6) Parks and playgrounds	P	0		--	--	--	3	--			10
(7) Places of worship	P	8		900	30	4.5	3	3			
(8) Post offices	P	5		900	30	4.5	3	3			
(9) Public works, excluding sewage lagoons	P	0		--	--	--	--	--			
(10) Public recreation facilities, limited to indoor uses	P	5		--	--	--	--	--			

Use Designations:

(P) – Permitted Use: Any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to the regulations contained in this zoning bylaw.

(D) – Discretionary Use: Any use or form of development that may be allowed in a zoning district following application to, and approval of the Council; and which complies with the development standards, as required by Council, and contained in this zoning bylaw.

Special limitations and standards regarding Table 10-5 and the C2 district:

- (1) the development standards of dwelling units are equivalent to the development standards of the permitted use to which the dwelling unit is accessory
- (2) the uses contained in strip malls shall be limited to the permitted and discretionary uses allowed in this district

10.6 M1 – LIGHT INDUSTRIAL DISTRICT

10.6.1 *Purpose*

The objective of the **M1** – Industrial District is to provide for a wide range of industrial and other compatible uses.

10.6.2 *Permitted and Discretionary Uses*

Uses are listed and designated in Table 10-6.

10.6.3 *Accessory Uses*

(1) Accessory buildings and uses shall be permitted subject to Section 4.8.

10.6.4 *Standards and Regulations*

(1) Site and building requirements are shown in Table 10-6.

(2) Uses may also be subject to additional general regulations contained in Sections 4 and 8.

10.6.5 *Standards for Discretionary Uses*

Council will consider discretionary use applications in the **M1** district with respect to Section 3.10.3 Discretionary Use - General Evaluation Criteria and to Section 3.10.4 Discretionary Use - Specific Evaluation Criteria and to additional evaluation criteria and development standards as follows in this section.

(1) Discretionary commercial and industrial uses are subject to the following criteria:

(a) The location of the use will only be favourably considered where it can be demonstrated that the use and intensity is appropriate to the site and that it will have a minimal impact on the surrounding, adjacent areas. Consideration may be given, but is not limited, to the following effects:

- (i) municipal servicing capacity;
- (ii) anticipated levels of noise, odour, smoke, fumes, dust, lighting, glare, vibration or other emissions emanating from the operation;
- (iii) anticipated increased levels or types of vehicle traffic, unsafe conditions or situations for vehicles, cyclists or pedestrians; and/or,
- (iv) utilization of hazardous substances

10.6.6 *Exceptions to Development Standards*

10.6.7 *Off-Street Parking and Loading*

Off-street parking and loading requirements are subject to Section 5.

10.6.8 *Landscaping*

Landscaping is subject to Section 7.

10.6.9 *Outside Storage*

Outside storage, including garbage storage, is subject to Section 4.16 of this Bylaw.

Table 10-6 M1 – INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS for the Town of Birch Hills											
Principal Use	Designation	Parking Category	Subject to Sections	Development Standards							
				Minimum Site Area (m ²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Minimum Floor Area (m ²)	Maximum Site Coverage (%)	
Residential Uses											
(1)	Dwelling units accessory to permitted uses and integrated as part of principal buildings, for the use of caretakers, owners or managers	D	1	3.10.4 (18)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Commercial and Industrial Uses											
(1)	Auction markets excluding the sale of livestock	P	17		1100	30	6	1.2 ⁽²⁾	3	--	--
(2)	Auto body shop, mechanic and tire shops	P	5	3.10.4 (11)	1100	30	6	1.2 ⁽²⁾	3	--	--
(3)	Automobile, truck, marine, recreational vehicle, and equipment, agricultural equipment and manufactured home sales and service establishments	P	5		1100	30	6	1.2 ⁽²⁾	3	--	--
(4)	Bulk fertilizer operations	D	12	3.10.4 (11)	1100	30	6	1.2 ⁽²⁾	3	--	--
(5)	Bulk fuel dealerships and storage	D	5	3.10.4 (21)	1100	30	6	1.2 ⁽²⁾	3	--	--
(6)	Butcher shops	P	4		1100	30	6	1.2 ⁽²⁾	3	--	--
(7)	Business support services	P	4		1100	30	6	1.2 ⁽²⁾	3	--	--
(8)	Car wash – Type I	D	22		1100	30	6	1.2 ⁽²⁾	3	--	--
(9)	Car wash – Type II	D	22		1100	30	6	1.2 ⁽²⁾	3	--	--
(10)	Cement processing plants and gravel yards	D	12		1100	30	6	1.2 ⁽²⁾	3	--	--
(11)	Commercial recreation facilities, limited to indoor uses	P	5		1100	30	6	1.2 ⁽²⁾	3	--	--
(12)	Consignment centres	P	4		1100	30	6	1.2 ⁽²⁾	3	--	--
(13)	Construction trades	P	4		1100	30	6	1.2 ⁽²⁾	3	--	--
(14)	Convenience stores, with or without associated gas bars	P	4	8.12 8.13	1100	30	6	1.2 ⁽²⁾	3	--	--
(15)	Crematoriums	D	4		1100	30	6	1.2 ⁽²⁾	3	--	--
(16)	Dairy processing	P	4		1100	30	6	1.2 ⁽²⁾	3	--	--
(17)	Distilleries, wineries and breweries	D	4		1100	30	6	1.2 ⁽²⁾	3	--	--
(18)	Dry cleaners	P	4		1100	30	6	1.2 ⁽²⁾	3	--	--
(19)	Equipment rentals	P	4		1100	30	6	1.2 ⁽²⁾	3	--	--
(20)	Farm stands	P	0		1100	--	--	--	--	--	--
(21)	Farmers' markets	P	4		1100	30	6	1.2 ⁽²⁾	3	--	--
(22)	Food processing and frozen food lockers	P	--		1100	30	6	1.2 ⁽²⁾	3	--	--
(23)	Fleet services	P	11		1100	30	6	1.2 ⁽²⁾	3	--	--
(24)	Funeral homes	P	17		1100	30	6	1.2 ⁽²⁾	3	--	--
(25)	Gas bars	P	5	8.12 8.13	1100	30	6	1.2 ⁽²⁾	3	--	--

Table 10-6 M1 – INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS for the Town of Birch Hills											
Principal Use	Designation	Parking Category	Subject to Sections	Development Standards							
				Minimum Site Area (m ²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Minimum Floor Area (m ²)	Maximum Site Coverage (%)	
(26) Go-cart tracks	D	5		1100	30	6	1.2 ⁽²⁾	3	--	--	
(27) Heavy industrial uses	D	12	3.10.4 (11)	1100	30	6	1.2 ⁽²⁾	3	--	--	
(28) Household repair services	P	11		1100	30	6	1.2 ⁽²⁾	3	--	--	
(29) Industrial complex ⁽³⁾	D	⁽⁴⁾	3.10.4 (20)	1100	30	6	1.2 ⁽²⁾	3	--	--	
(30) Junk, salvage, and auto wrecker yards	D	12	3.10.4 (19) 8.19	1100	30	6	1.2 ⁽²⁾	3	--	--	
(31) Kennels	P	11		1100	30	6	1.2 ⁽²⁾	3	--	--	
(32) Laundromats	P	4		1100	30	6	1.2 ⁽²⁾	3	--	--	
(33) Light industrial uses	P	4		1100	30	6	1.2 ⁽²⁾	3	--	--	
(34) Light manufacturing	P	4		1100	30	6	1.2 ⁽²⁾	3	--	--	
(35) Livestock auction facilities and stockyards	D	11	3.10.4 (22) 8.21	1100	30	6	1.2 ⁽²⁾	3	--	--	
(36) Lumber yards and building supply establishments	D	11	3.10.4 (10)	1100	30	6	1.2 ⁽²⁾	3	--	--	
(37) Meat packing plants and abattoirs	D	11	3.10.4 (22) 8.21, 8.22	1100	30	6	1.2 ⁽²⁾	3	--	--	
(38) Medical, dental and optical laboratories	P	4		1100	30	6	1.2 ⁽²⁾	3	--	--	
(39) Millwork production	D	12	3.10.4 (11)	1100	30	6	1.2 ⁽²⁾	3	--	--	
(40) Nightclubs	P	5		1100	30	6	1.2 ⁽²⁾	3	--	--	
(41) Nightclubs, featuring adult entertainment	D	5	3.10.4 (6)	1100	30	6	1.2 ⁽²⁾	3	--	--	
(42) Nurseries, greenhouses and garden centres	P	4		1100	30	6	1.2 ⁽²⁾	3	--	--	
(43) Offices and office buildings	P	4		1100	30	6	1.2 ⁽²⁾	3	--	--	
(44) Parking lots	P	0	8.15	--	--	3	3	3	--	--	
(45) Pawn brokers	D	4		1100	30	6	1.2 ⁽²⁾	3	--	--	
(46) Personal service establishments	P	5		1100	30	6	1.2 ⁽²⁾	3	--	--	
(47) Pet cemeteries	D	0		1100	30	6	1.2 ⁽²⁾	3	--	--	
(48) Printing plants	P	4		1100	30	6	1.2 ⁽²⁾	3	--	--	
(49) Public garages	P	4		1100	30	9	4.5	3	--	--	
(50) Railway facilities and uses	P	11		1100	30	9	4.5	3	--	--	
(51) Recycling collection depots	P	4		1100	30	6	1.2 ⁽²⁾	3	--	--	
(52) Recycling facilities	P	4		1100	30	6	1.2 ⁽²⁾	3	--	--	
(53) Restaurants, with or without lounges	P	9	8.20	1100	30	6	1.2 ⁽²⁾	3	--	--	
(54) Retail stores	P	4		1100	30	6	1.2 ⁽²⁾	3	--	--	
(55) Seed cleaning plants and feed mills	D	12	3.10.4 (11)	1100	30	6	1.2 ⁽²⁾	3	--	--	
(56) Service stations	P	5	8.12 8.14	1100	30	6	1.2 ⁽²⁾	3	--	--	
(57) Shipping container rental and sales	D	12	8.17	1100	30	6	1.2 ⁽²⁾	3	--	--	
(58) Storage compounds and facilities	D	12	3.10.4 (13) 8.16	1100	30	6	1.2 ⁽²⁾	3	--	--	

Table 10-6 M1 – INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS for the Town of Birch Hills										
Principal Use	Designation	Parking Category	Subject to Sections	Development Standards						
				Minimum Site Area (m ²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Minimum Floor Area (m ²)	Maximum Site Coverage (%)
(59) Taverns	P	4		1100	30	6	1.2 ⁽²⁾	3	--	--
(60) Taxidermists	D	4	3.10.4 (11)	1100	30	6	1.2 ⁽²⁾	3	--	--
(61) Truck terminals	D	11	3.10.4 (1)	1100	30	6	1.2 ⁽²⁾	3	--	--
(62) Veterinary clinics – Type I	P	4		1100	30	6	1.2 ⁽²⁾	3	--	--
(63) Veterinary clinics – Type II	D	4		1100	30	6	1.2 ⁽²⁾	3	--	--
(64) Warehouses	P	12		1100	30	6	1.2 ⁽²⁾	3	--	--
(65) Welding and machine shops	P	12		1100	30	6	1.2 ⁽²⁾	3	--	--
(66) Wholesale establishments	P	4		560	30	6	1.2 ⁽²⁾	3	--	--
Community Service, Municipal, Recreational, Institutional and Other Uses										
(1) Municipal facilities	P	0		--	--	--	--	--	--	--
(2) Parks and playgrounds	P	0		--	--	--	3	--	--	10
(3) Protective services	P	12		1100	30	6	1.2 ⁽²⁾	3	--	--
(4) Public recreation facilities, limited to indoor uses	P	4		1100	30	6	1.2 ⁽²⁾	3	--	--
(5) Public works, excluding sewage lagoons	P	0		--	--	--	--	--	--	--

Use Designations:

(P) - Permitted Use: Any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to the regulations contained in this zoning bylaw.

(D) - Discretionary Use: Any use or form of development that may be allowed in a zoning district following application to, and approval of the Council; and which complies with the development standards, as required by Council, and contained in this zoning bylaw.

Special limitations and standards regarding Table 10-6 and the M1 district:

- (1) the development standards of dwelling units are equivalent to the development standards of the permitted use to which the dwelling unit is accessory
- (2) where the side line of a site abuts a residential, commercial or community service district without an intervening street or lane: 1.5 m
- (3) the uses contained in strip malls shall be limited to the permitted and discretionary use allowed in this district
- (4) parking requirements for industrial complexes shall consist of the combined parking requirement for all of its individual proposed industrial uses as listed in Table 10-6

10.7 CS – COMMUNITY SERVICE

10.7.1 *Purpose*

The objective of the CS - Community Service District is provide for a wide range of community service, institutional, and other compatible uses.

10.7.2 *Permitted and Discretionary Uses*

Uses are listed and designated in Table 10-7.

10.7.3 *Accessory Uses*

(1) Accessory buildings and uses shall be permitted subject to Section 4.8.

10.7.4 *Standards and Regulations*

(1) Site and building requirements are shown in Table 10-12.

(2) Uses may also be subject to additional general regulations contained in Sections 4 and 8.

10.7.5 *Standards for Discretionary Uses*

Council will consider discretionary use applications in the CS district with respect to Section 3.10.3 General Discretionary Use Evaluation Criteria, Section 3.10.4 Use Specific Discretionary Use Evaluation Criteria, as may be applicable, and additional evaluation criteria and development standards that follows in this section.

10.7.6 *Exceptions to Development Standards*

10.7.7 *Off-Street Parking and Loading*

Off-street parking and loading requirements are subject to Section 5.

10.7.8 *Landscaping*

Landscaping is subject to Section 7.

10.7.9 *Outside Storage*

Outside storage, including garbage storage, is subject to Section 4.16 of this Bylaw.

Table 10-7 CS - COMMUNITY SERVICE DISTRICT DEVELOPMENT STANDARDS for the Town of Birch Hills										
Principal Use	Designation	Parking Category	Subject to Sections	Development Standards						
				Minimum Site Area (m ²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Minimum Bldg Floor Area (m ²)	Maximum Site Coverage (%)
Commercial Uses										
(1) Campgrounds	P	--		--	7.5	6	3	6	--	--
(2) Clubs	P	5		--	7.5	6	3	6	--	--
(3) Commercial recreational facilities	P	4, 15		230	7.5	6	3	6	--	--
(4) Convention facilities	D	17		230	7.5	6	3	6	--	--
(5) Daycare centres and preschools	P	16	8.4	230	7.5	6	3	6	--	--
(6) Farm stands	P	0		230	--	--	--	--	--	--
(7) Farmers' markets	P	4		230	--	--	--	--	--	--
(8) Funeral homes	D	17		230	7.5	6	3	6	--	--
(9) Golf courses	P	5		230	7.5	6	3	6	--	--
(10) Health care services	P	5		230	7.5	6	3	6	--	--
(11) Medical, dental and optical laboratories	P	4		230	7.5	6	3	6	--	--
(12) Offices and office buildings	P	4		230	7.5	6	3	6	--	--
(13) Parking lots	P	0	8.15	--	--	3	3	3	--	--
(14) Pet cemeteries	D	0		230	7.5	6	3	6	--	--
(15) Private schools	P	21		230	7.5	6	3	6	--	--
(16) Recycling collection depots	D	4	3.10.4 (13)	230	7.5	6	3	6	--	--
(17) Recycling facilities	D	4	3.10.4 (13)	230	7.5	6	3	6	--	--
(18) Restaurants, with or without associated lounges	P	9	8.20	230	7.5	6	3	6	--	--
(19) Retail stores	P	4		230	7.5	6	3	6	--	--
(20) Theatres	P	17		230	7.5	6	3	6	--	--
(21) Tourism information centres	P	4		230	7.5	6	3	6	--	--
Community Service, Government, Recreational, Institutional and Other Uses										
(1) Adult day care facilities	P	14	8.1	230	7.5	6	3	6	--	--
(2) Protective services	P	12		230	7.5	6	3	6	--	--
(3) Cemeteries	D	0		--	7.5	6	3	6	--	--
(4) Community centres	P	4		230	7.5	6	3	6	--	--
(5) Community gardens	P	0		--	--	--	--	--	--	--
(6) Cultural institutions	P	4		230	7.5	6	3	6	--	--
(7) Custodial care facilities	D	14	8.3	230	7.5	6	3	6	--	--
(8) Educational institutions	P	24		--	--	6	3	6	--	--
(9) Federal, provincial and municipal buildings and uses, excluding warehouses, storage yards and sewage lagoons	P	4		230	7.5	6	3	6	--	--
(10) Hospitals	P	6		230	7.5	6	3	6	--	--
(11) Municipal facilities	P	0		--	--	--	--	--	--	--
(12) Parks and playgrounds	P	0		--	--	--	3	--	--	10
(13) Places of worship	P	8		230	7.5	6	3	6	--	--

Table 10-7 CS - COMMUNITY SERVICE DISTRICT DEVELOPMENT STANDARDS for the Town of Birch Hills										
Principal Use	Designation	Parking Category	Subject to Sections	Development Standards						
				Minimum Site Area (m ²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Minimum Bldg Floor Area (m ²)	Maximum Site Coverage (%)
(14) Public works excluding warehouses, storage yards and sewage lagoons	P	0		--	--	--	--	--	--	--
(15) Residential care facilities	P	7	8.3	230	7.5	6	3	6	--	--
(16) School, Primary	P	20		230	7.5	6	3	6	--	--
(17) School, Secondary	P	21		230	7.5	6	3	6	--	--
(18) Wastewater treatment facilities including sewage lagoons	D	0		--	--	--	--	--	--	--
(19) Public recreational facilities	P	5		230	7.5	6	3	6	--	--

Use Designations:

(P) - Permitted Use: Any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to the regulations contained in this zoning bylaw.

(D) - Discretionary Use: Any use or form of development that may be allowed in a zoning district following application to, and approval of the Council; and which complies with the development standards, as required by Council, and contained in this zoning bylaw.

Special limitations and standards regarding Table 10-7 and the CS district:

10.8 PR – PARKS AND RECREATION DISTRICT

10.8.1 *Purpose*

The objective of the **PR** - Parks and Recreation District is to provide for parks, open space, recreational development, and other compatible uses.

10.8.2 *Permitted and Discretionary Uses*

Uses are listed and designated in Table 10-8.

10.8.3 *Accessory Uses*

(1) Accessory buildings and uses shall be permitted subject to Section 4.8.

10.8.4 *Standards and Regulations*

(1) Site and building requirements are shown in Table 10-8.

(2) Uses may also be subject to additional general regulations contained in Sections 4 and 8.

10.8.5 *Standards for Discretionary Uses*

Council will consider discretionary use applications in the **PR** district with respect to Section 3.10.3 Discretionary Use - General Evaluation Criteria and to Section 3.10.4 Discretionary Use - Specific Evaluation Criteria and to additional evaluation criteria and development standards that follows in this section.

10.8.6 *Exceptions to Development Standards*

10.8.7 *Off-Street Parking and Loading*

Off-street parking and loading requirements are subject to Section 5.

10.8.8 *Landscaping*

Landscaping is subject to Section 7.

10.8.9 *Outside Storage*

Outside storage, including garbage storage, is subject to Section 4.16 of this Bylaw.

Table 10-8 PR - PARKS AND RECREATION DISTRICT DEVELOPMENT STANDARDS for the Town of Birch Hills									
Principal Use	Designation	Parking Category	Subject to Sections	Development Standards					
				Minimum Site Area (m ²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	
Agricultural Uses									
(1)	Intensive agricultural uses, including vegetable and fruit production, and excluding both operations relating to the raising of livestock and/or other animals, and operations carried on partially or entirely within buildings	D	4	3.10.4(17)	1000	60	28	6	15
Community Service, Municipal, Recreational, Institutional and Other Uses									
(1)	Cemeteries	D	0						
(2)	Community centres	D	4	3.10.4 (3)	450	15	6	3	6
(3)	Community gardens	P	0		450	15	6	3	6
(4)	Golf courses	D	4	3.10.4 (16)					
(5)	Farm stands	P	0		--	--	--	--	--
(6)	Municipal facilities	P	0		--	--	--	--	--
(7)	Nurseries, greenhouses and garden centres	D	4		450	15	6	3	6
(8)	Parks and playgrounds	P	0		--	--	--	3	--
(9)	Public recreation facilities	D	4	3.10.4 (3)					
(10)	Public works, excluding sewage lagoons	P	0		--	--	--	--	--
(11)	Tourist information centres and booths	D	0		450	-15	6	3	6
(12)	Tourist campgrounds	D	4	3.10.4 (14)	1000	30	6	3	6

Use Designations:

(P) - Permitted Use: Any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to the regulations contained in this zoning bylaw.

(D) - Discretionary Use: Any use or form of development that may be allowed in a zoning district following application to, and approval of the Council; and which complies with the development standards, as required by Council, and contained in this zoning bylaw.

Special limitations and standards regarding Table 10-8 and the PR district:

10.9 FUD – FUTURE URBAN DEVELOPMENT DISTRICT

10.9.1 *Purpose*

The objective of the **FUD** – Future Urban Development District is to provide for interim land uses where the future use of the land or the timing of development is uncertain due to issues of servicing, transitional use, or market demand.

10.9.2 *Permitted and Discretionary Uses*

Uses are listed and designated in Table 10-9.

10.9.3 *Accessory Uses*

- (1) Accessory buildings and uses shall be permitted subject to Section 4.8.

10.9.4 *Standards and Regulations*

- (1) Site and building requirements are shown in Table 10-9.
- (2) Uses may also be subject to additional general regulations contained in Sections 4 and 8.

10.9.5 *Standards for Discretionary Uses*

Council will consider discretionary use applications in the **FUD** district with respect to Section 3.10.3 Discretionary Use – General Evaluation Criteria and to Section 3.10.4 Discretionary Use – Specific Evaluation Criteria and to additional evaluation criteria and development standards that follows in this section.

- (1) Discretionary uses in the **FUD** district will only be permitted where Council is assured that such development will be compatible with the future use of the area, as indicated in the Official Community Plan Bylaw.

10.9.6 *Exceptions to Development Standards*

10.9.7 *Off-Street Parking and Loading*

Off-street parking and loading requirements are subject to Section 5.

10.9.8 *Landscaping*

Landscaping is subject to Section 7.

10.9.9 *Outside Storage*

Outside storage, including garbage storage, is subject to Section 4.16 of this Bylaw.

Table 10-9 FUD – FUTURE URBAN DEVELOPMENT DISTRICT DEVELOPMENT STANDARDS for the Town of Birch Hills											
Principal Use	Designation	Subject to Sections	Development Standards								
			Minimum Site Area (ha)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Minimum Bldg Floor Area (m ²)	Maximum Site Coverage (%)		
Residential Uses											
(1) Single detached dwelling ⁽¹⁾	P		0.3	60	28 ⁽²⁾	3	6	70	10		
Agricultural Uses											
(1) Agricultural uses including crop farming, grazing and pasturage and cultivation of land, but not including intensive livestock or poultry operations	P		16	60	28 ⁽²⁾	6	15	--	--		
(2) Nurseries, greenhouses and garden centres	D		16	60	28 ⁽²⁾	6	15	--	--		
(3) Agricultural fair grounds	D		2	60	28 ⁽²⁾	6	15	--	--		
Commercial Uses											
(1) Agricultural equipment sales and service	D		2	15	6	6	6	--	--		
(2) Home based business - Type I	P	4.9	same as home								
(3) Home based business - Type II	D	4.9	same as home								
(4) Kennels, boarding and breeding	D		2	15	6	6	6	--	--		
Community Service, Municipal, Recreational, Institutional and Other Uses											
(1) Community gardens	P		--	--	--	--	--	--	--		
(2) Golf courses	D	3.10.4 (16)	2	15	6	6	6	--	--		
(3) Municipal facilities	P		--	--	--	--	--	--	--		
(4) Public works, excluding sewage lagoons	P		--	--	--	--	3	--	--		
(5) Radio, television and telecommunications towers and ancillary facilities	D		--	--	3	3	3	--	--		
(6) Parks and playgrounds, including sports fields	P		--	--	--	3	--	--	10		

Use Designations:

(P) - Permitted Use: Any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to the regulations contained in this zoning bylaw.

(D) - Discretionary Use: Any use or form of development that may be allowed in a zoning district following application to, and approval of the Council; and which complies with the development standards, as required by Council, and contained in this zoning bylaw.

Special limitations and standards regarding Table 10-9 and the FUD district:

- (1) a maximum of two single detached dwellings, one of which may be a manufactured home, are permitted on any future urban development site
- (2) all buildings shall be set back at least 30 m from the edge of any provincial highway and 15 m from any municipal street

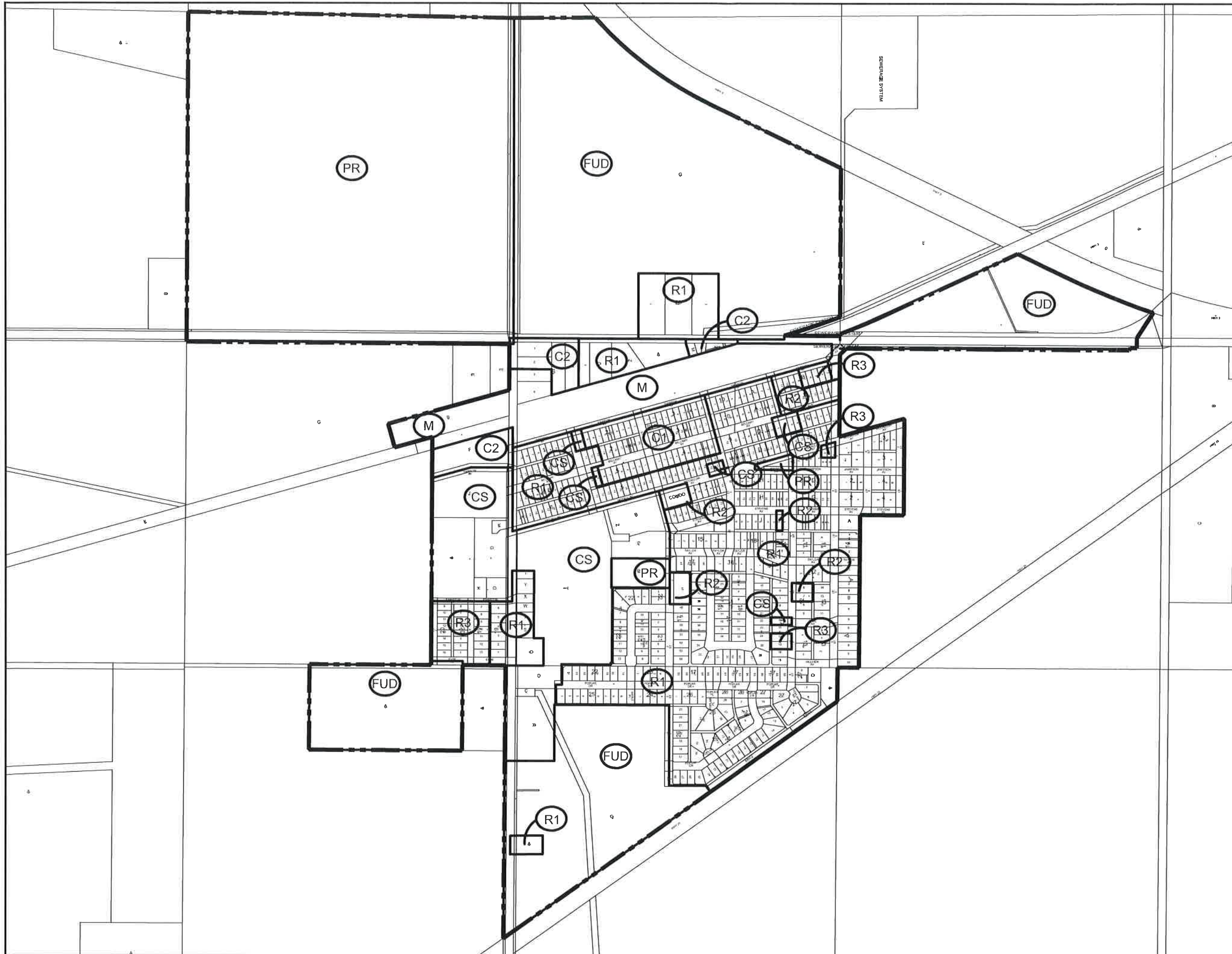
11 MAPPING

Town of Birch Hills
SASKATCHEWAN

ZONING DISTRICT MAP

ZONING DISTRICTS


- R1 LOW DENSITY RESIDENTIAL
- R2 MEDIUM DENSITY RESIDENTIAL
- R3 MANUFACTURED HOME RESIDENTIAL
- C1 DOWNTOWN COMMERCIAL
- C2 HIGHWAY COMMERCIAL
- CS COMMUNITY SERVICE
- M INDUSTRIAL
- PR PARKS & RECREATION
- FUD FUTURE URBAN DEVELOPMENT



• This is the Zoning District Map which accompanies Bylaw Number _____ adopted by the City of Humboldt.


Mayor _____

City Clerk _____

• Approved on the 13th day of Sept 2017

 Minister
 Saskatchewan Government Relations

CROSBY HANNA & ASSOCIATES  407C 1st Ave. North
 Saskatoon, SK S7K 1X8
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LANDSCAPE ARCHITECTURE T (306) 665-3441
 COMMUNITY PLANNING F (306) 662-9619

 DATE: 2016-11-28
 PROJECT NO: CHA 15024


ZONING DISTRICTS

- R1 LOW DENSITY RESIDENTIAL
- R2 MEDIUM DENSITY RESIDENTIAL
- R3 MANUFACTURED HOME RESIDENTIAL
- C1 DOWNTOWN COMMERCIAL
- C2 HIGHWAY COMMERCIAL
- CS COMMUNITY SERVICE
- M INDUSTRIAL
- PR PARKS & RECREATION
- FUD FUTURE URBAN DEVELOPMENT


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 DATE: 2016-11-28
 PROJECT NO. CHA 15024

