

TOWN OF CARBERRY

ZONING BY-LAW NO. 13-2022

**Read a First time this 8th day of November, 2022 A.D.
Read a Second time this 21st day of August, 2023 A.D.
Read a Third time this 21st day of August, 2023 A.D.**

PART 1: SCOPE AND APPLICABILITY 6

- 1.1 Title..... 6
- 1.2 Scope 6
- 1.3 Application..... 6
- 1.4 Use and Development of Land and Buildings Must Comply..... 6
- 1.5 Compliance with Other Municipal By-laws, Federal and Provincial Laws and Regulations 6
- 1.6 Use and Development of Land Will Not Promote Nuisance or Create a Hazard 6
- 1.7 Crown Lands 6

PART 2: GENERAL RULES AND REGULATIONS APPLICABLE IN ALL ZONING DISTRICTS 7

- 2.1 Regulation of Uses 7
- 2.2 Existing Uses, Buildings and Structures 7
- 2.3 Existing Residential Dwellings 8
- 2.4 Multiple Uses or Provisions..... 8
- 2.5 Accessory Uses Buildings and Structures..... 8
- 2.6 Required Yards..... 9
- 2.7 Temporary Buildings, Structures, or Uses..... 9
- 2.8 Buildings to be Moved or Removed 10
- 2.9 Road Access 10
- 2.10 Landlocked Sites 10
- 2.11 Site Reduced by Road Widening..... 10
- 2.12 Unconventional Sites 10
- 2.13 Service Connections 10
- 2.14 Open Space Along Rural Roads 11
- 2.15 Corner Vision Triangles 11
- 2.16 Projections into Yards 11
- 2.17 Double Frontage Sites 12

2.18	Hazard Lands.....	12
2.19	Public Reserve Land	13
2.20	Development Near Waste Disposal Grounds (excluding transfer stations) and Sewage Lagoons	13
2.21	Development Near Areas with Potential for Aggregate Extraction.....	13
2.22	Development Near Railways	13
2.23	Development Near the Provincial Highway System.....	13
2.24	Onsite Water Supply and Sewage Disposal Systems.....	14
2.25	Public Utilities	14
2.26	Oil and Gas Exploration and Extraction, Electric Transmission Lines and Structures, and Pipelines	14
2.27	Off Street Parking Requirements.....	14
	TABLE 2.1: MINIMUM ONSITE PARKING SPACE REQUIREMENTS	15
	TABLE 2.2: PARKING AREA LAYOUT REQUIREMENTS.....	16
2.28	Accessible Parking Spaces	17
	TABLE 2.3: ACCESSIBLE PARKING SPACE REQUIREMENTS	18
2.29	Loading Space Requirements	18
	TABLE 2.4: MINIMUM LOADING SPACES	18
2.30	Parking Area Entrances / Exits for Automobile Service Stations, Public Parking Areas, Drive-Through Facilities, and Vehicle Sales.....	18
	TABLE 2.5: PARKING AREA ENTRANCE AND EXIT REQUIREMENTS	18
	TABLE 2.5: PARKING AREA ENTRANCE AND EXIT REQUIREMENTS CONT.	19
2.31	Fences – Residential Uses.....	19
2.32	Fences – Non Residential Uses	19
2.33	Advertising Signs and Billboards	19
2.34	Accessory Signs – General Provisions	20
	TABLE 2.6: ZONING DISTRICT SPECIFIC ACCESSORY SIGN REGULATIONS BY SIGN TYPE	21

PART 3: ZONING DISTRICTS 23

3.1	Zoning Districts in the TOWN OF CARBERRY.....	23
	TABLE 3.1: ZONING DISTRICTS ESTABLISHED	23
3.2	Zoning District Boundaries	23
3.3	Permitted and Conditional Uses.....	23
3.4	Use and Bulk Regulations.....	23

3.5	Additional Requirements for Specific Uses in Different Zones.....	23
3.6	“RMH” - Residential Mobile Home Zone – Purpose and Intent	24
3.6.1	“RMH” Residential Mobile Home Zone Accessory Uses, Buildings and Structures.....	24
	TABLE 3.2: USE & SITE REQUIREMENTS: “RMH” RESIDENTIAL MOBILE HOME ZONE	25
3.7	“RG” Residential General Zoning District – Purpose and Intent.....	28
3.7.1	“RG” Residential General Zoning District Accessory Uses, Buildings and Structures:.....	28
	TABLE 3.3: USE & SITE REQUIREMENTS: “RG” RESIDENTIAL GENERAL ZONE	29
3.8	“CM” Commercial Mixed Use Zoning District – Purpose and Intent	33
3.8.1	“CM” Commercial Mixed Use Zoning District Accessory Uses, Buildings and Structures	33
	TABLE 3.4: USE & SITE REQUIREMENTS: “CM” COMMERCIAL MIXED USE ZONE	34
3.9	“CG” Commercial General Zoning District – Purpose and Intent.....	39
3.9.1	“CG” Commercial General Zoning District Accessory Uses, Buildings and Structures.....	39
	TABLE 3.5: USE & SITE REQUIREMENTS: “CG” COMMERCIAL GENERAL ZONE.....	40
3.10	“MG” Industrial General Zoning District – Purpose and Intent	45
3.10.1	“MG” Industrial General Zoning District Accessory Uses, Buildings and Structures	45
	TABLE 3.6: USE & SITE REQUIREMENTS: “MG” - INDUSTRIAL GENERAL ZONE	46
3.11	The “OS” Open Space Zoning District	50
3.11.1	“OS” Open Space Zoning District Accessory Uses, Buildings and Structures	50
	TABLE 3.7: USE & SITE REQUIREMENTS: “OS” OPEN SPACE ZONE.....	50

PART 4: ADDITIONAL REQUIREMENTS FOR SPECIFIC PERMITTED, CONDITIONAL AND ACCESSORY USES IN DIFFERENT ZONES 54

4.1	Hazardous Materials Storage	54
4.2	Standards for Two-Unit Dwellings.....	54
4.3	Standards for Multi-Unit Dwellings	54
4.4	Standards for Bed and Breakfast Operations	54
4.5	Standards for Home Based Business Activities	55
4.6	Standards for Campgrounds and Recreational Vehicle Parks	56
4.7	Standards For Tiny Homes.....	57
4.8	Standards for Lot Coverage in Residential Areas	57

4.9	Standards for Mobile Homes.....	58
PART 5: ADMINISTRATION AND ENFORCEMENT.....		58
5.1	Administration and Enforcement.....	58
5.2	The Development Officer / Building Official Position and Authority	59
5.3	Role and Responsibilities of the Development Officer / Building Official	59
5.4	When Development Permits Are Required	59
5.5	When Development Permits Are Not Required.....	60
5.6	Other Required Permits	61
5.7	Applications for Development Permit	61
5.8	Applications for Building Permit.....	61
5.9	Entry for Inspection and Other Purposes.....	62
5.10	Order to Remedy Contravention	62
5.11	Review by Council (Appeal of Orders)	62
5.12	Application for Zoning By-law Amendments, Variances and Conditional Uses	63
5.13	Development Agreements	63
PART 6: DEFINITIONS.....		64
6.1	Definitions in <i>The Planning Act</i>	64
6.2	Definitions in this By-law	65
6.3	Cannabis and Related Terms	77
SCHEDULE “A”: ZONING MAPS		78

PART 1: Scope and Applicability

1.1 Title

This by-law shall be known as the **TOWN OF CARBERRY** Zoning By-law.

1.2 Scope

This by-law applies to all lands in the **TOWN OF CARBERRY** as indicated on the zoning maps of **Schedule "A"** of this by-law.

1.3 Application

This by-law regulates: a) the construction, erection, alteration, enlargement or placing of buildings and structures b) the establishment, alteration, or enlargement of uses of land, buildings and structures c) all other forms of development not included above.

1.4 Use and Development of Land and Buildings Must Comply

Within the **TOWN OF CARBERRY**, no land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged or placed, except in accordance with this by-law.

1.5 Compliance with Other Municipal By-laws, Federal and Provincial Laws and Regulations

Whenever a provision of another by-law or a law or regulation of the provincial or federal government contains a restriction governing the same subject matter contained in this bylaw, or imposes inconsistent regulations with respect to uses, buildings, or structures, the most restrictive or highest standard shall prevail. The onus will be on the applicant to provide sufficient documentation attesting that the applicable by-law, or regulation is of a higher standard, and where the activity/development is regulated by a higher authority under licence or permit, the submittal, review and approval of the submitted documentation will at the discretion of the Development Officer waive the requirement of the planning district to issue the required Development Permit.

1.6 Use and Development of Land Will Not Promote Nuisance or Create a Hazard

In this by-law or in a development permit, approval of a conditional use, variance order or other approval issued under this by-law shall not be construed as authorization for the carrying out of any activity which is a nuisance due to noise, odour, emission, vibration or other cause or create a hazard or a hazardous condition.

1.7 Crown Lands

The provisions of this zoning by-law do not apply to the provincial Crown Lands in Manitoba located within the municipality. The administration of Crown Lands in Manitoba is legislated under the Crown Lands Act under which Crown Land Plans are developed to guide land use decisions on Crown Lands.

PART 2: General Rules and Regulations Applicable in All Zoning Districts

2.1 Regulation of Uses

No land, building or structure shall be used or occupied except for a use which:

- a) Is listed in the applicable Use and Bulk Table one of the following:
 - i) a Permitted Principal Use;
 - ii) a Conditional Principal Use, subject to Council approval;
- b) a permitted accessory use, building or structure;
- c) a conditional accessory use, building or structure;
- d) Where a proposed use is not listed, and by interpretation of the by-law no equivalency can be found, the proposed use may be deemed by Council to be prohibited and a zoning by-law amendment will be required to allow for the proposed development in the zoning district in which it is located.
- e) Where a proposed use is similar in its impact on existing and neighbouring land uses, Council may use its discretion in approving such uses after considering both site and situation (i.e. neighbouring land uses) and determining by resolution that the circumstances and approval are acceptable to Council. If three or more of these situations should present themselves over time, Council should consider amending the Zoning By-law.

2.2 Existing Uses, Buildings and Structures

- a) A lawfully established existing use, building or structure which is classified as a **permitted use**, building or structure in the by-law shall be allowed to continue to exist, and may be enlarged or expanded, may be changed to another permitted use, or may be replaced if destroyed. In these circumstances, the enlargement, expansion, change in use, or replacement shall be subject to the issuance of a development permit, and shall conform with all requirements of the by-law.
- b) A lawfully established existing use, building or structure which is classified as a **conditional use** in this by-law shall be deemed to be an approved conditional use, building or structure and shall be allowed to continue to exist, or may be replaced if destroyed, provided that the replacement does not increase the intensity of the previously existing use.
 - i) In these circumstances, the change in use or replacement shall be subject to the issuance of a development permit, and shall conform with all requirements of this by-law; and
 - ii) Where an enlargement or expansion of such use is proposed, it shall require the specific approval of Council, in accordance with the requirements of **PART 5** of this By-law.
- c) Where a lawfully established use is established on a site and a site area or site width or required yard in accordance with the minimum requirements of this by-law and is thereafter reduced below the minimum requirements of this By-law by virtue of the development of a **public work, street or public utility**, the affected site area, site width and required yard shall be **deemed to conform** to the minimum requirements of this By-law

- d) An existing use, building or structure **which is not classified as a permitted or conditional use**, building or structure in this by-law shall be considered as a **legal non-conforming use**, building or structure, and shall be subject to the provisions of *The Planning Act* governing non-conformities and the following:
- i) A **legal non-conforming use** shall be allowed to continue to exist, and may be changed to a permitted use;
 - ii) A legal non-conforming use shall not be intensified and shall not be changed to a different non-conforming use;
 - iii) A legal non-conforming use shall not be re-established if it is discontinued for a period in excess of one year. A change in ownership or tenancy of a non-conforming use shall not affect the status of the non-conforming use;
 - iv) A legal non-conforming building or structure shall not be re-established if it is removed or destroyed by more than 50 percent of its replacement value above the foundation; and
 - v) Other provisions of The Planning Act governing non-conforming uses, buildings and structures, including a provision which enables Council to consider variation orders in situations where non-conformities are proposed to be enlarged or expanded, shall apply.
 - vi) There shall be a maximum of one dwelling unit per site or land parcel except for the following:
 - (a) dwelling units which are required for family members or employees, who in, are actively involved in the agricultural operation;
 - (b) multiple family dwellings as provided for in this by-law
 - (c) secondary suites as provided for in this by-law.

2.3 Existing Residential Dwellings

Notwithstanding the provisions PART 2, Section 2.2 (above) all lawfully established residential dwellings and their accessory structures existing at the effective date of this By-law are **deemed to be permitted uses** conforming to the minimum bulk requirements of the zone in which the buildings and/or structures are situated. Any enlargement, intensification, expansion or change of use of said existing residential dwellings and their related accessory structures shall conform with all of the requirements of this By-law.

2.4 Multiple Uses or Provisions

Where land, a building, or a structure is used for more than one purpose, all provisions of this by-law relating to each use must be satisfied. Where more than one provision in this by-law is applicable, the higher or more stringent requirement shall apply unless specified otherwise.

2.5 Accessory Uses Buildings and Structures

No accessory use, building or structure shall be established **except** for those in compliance with the following regulations:

- a) In this Municipality, an accessory use, building or structure may be accessory to a permitted or approved conditional use and may itself be treated as a permitted or conditionally approved accessory use, building or structure.

- b) No accessory use, building or structure shall be established, constructed or erected prior to the establishment of the principal use of land, building or structure to which it is accessory, except for the following:
 - i) A “Dwelling, Farm” shall be permitted as an accessory use to a permitted or conditional agricultural operation in all agricultural zoning districts when located on same site as the agricultural activity, provided that prior to the commencement of construction a Development Permit and Building Permit has first been obtained for the dwelling.
 - ii) An accessory garage or storage building may be constructed or erected for the purpose of storage of materials and equipment for use during construction of the main building, provided that a Development Permit and Building Permit has first been obtained for the principal building on same the zoning site as the accessory use, building or structure.
 - iii) A meteorological tower, used for wind and/or climatic research shall be allowed to be erected, subject to Council’s approval, for a term not exceeding three (3) years and shall be subject to all other provisions of this By-law pertaining to the siting of Wind Turbine Generator Stations (WTGS). If the meteorological tower is to remain in place after the maximum three (3) year period, it shall become a part of a (WTGS) and be subject to the conditional use approval process required for a Wind Turbine Generation Station (WTGS) as provided for **PART 3** of this By-law.
- c) The area of land or buildings used or occupied for accessory uses on a site shall not exceed the area of land or buildings respectively used or occupied by the principal use on the same site.
- d) No land, building, or structure shall be used or occupied for any accessory use after the use or uses to which it is accessory have been discontinued, without the approval of Council.
- e) Where the accessory building or structure is attached to a principal building or structure, it shall be subject to, and shall conform to, all regulations of this by-law applicable to the principal building or structure.
- f) Where the accessory building or structure is detached from the principal building or structure, it shall be subject to, and shall conform to, all regulations of this by-law applicable to accessory buildings or structures.
- g) An accessory building or structure shall not be used as a dwelling unit, except where otherwise allowed in this by-law.

2.6 Required Yards

- a) Shall be free of buildings, except accessory buildings and structures, which must conform to the other requirements of this By-law.
- b) Open, unenclosed projections, whether vertical or horizontal, such as stairs, landings, porches, and unenclosed balconies, may extend into the required yards for not more than [50] per cent of the required yard depth, up to a maximum of [three] metres (10 feet), except for wheelchair ramps (or similar accessibility structures), which are not subject to the restrictions for required yards.

2.7 Temporary Buildings, Structures, or Uses

- a) Temporary buildings, structures or uses may be allowed on a non-permanent basis subject to the issuance of a development permit under the following conditions:

- b) A Development Permit for a temporary building, structure or use shall be subject to such terms and conditions as specified by council.
- c) Each Development Permit issued for a temporary building, structure or use shall be valid for a period of not more than [12] months and may not be renewed for more than [two] successive periods on the same parcel of land. When required, a new permit may be issued.

2.8 Buildings to be Moved or Removed

- a) No building or structure shall be moved in whole or in part to any other location unless every portion of the building or structure is made to conform to or where a variation order is granted pertaining to the regulations of this By-law applying to the zone in which it is located.
- b) Notwithstanding any other by-law or policy of a member municipality regarding demolitions or removals, upon completion of the removal or demolition of a building from a site, the old foundation shall be removed, any excavation shall be filled, the ground shall be leveled and the site shall be put in a safe condition to the satisfaction of the Development Officer/Building Official with whom Council shall rely on for advice that the site owner has undertaken appropriate action to ensure public safety on the affected site. Unless otherwise specified, a minimum of 6 inches of topsoil is to be added to complete the filling of the excavation.

2.9 Road Access

- a) No permanent building may be constructed or placed on a parcel that does not have legal access to an improved public road.

2.10 Landlocked Sites

- a) In unique circumstances, Council may permit development on a site that only has frontage on a private lane or road, provided that the said lane or road is at least twenty feet in width and intersects with an improved street, and is secured by means of a registered easement/declaration of right-of-way. Such accesses shall be developed and/or improved to a standard that ensures all weather access by emergency services vehicles.
- b) For the purpose of establishing the position of the required yards, the Development Officer shall determine the front, side and rear site lines of a landlocked site.

2.11 Site Reduced by Road Widening

Where the site area or site width of an existing parcel of land have been reduced as a result of land acquired for the establishment or widening of a public road or drain, or for any other public work, the resulting site area and width of the parcel shall be deemed to be in compliance with the minimum site area and width requirements for the existing lawfully established use of the parcel as specified by this by-law.

2.12 Unconventional Sites

Where a site is of such a unique configuration that the required yards cannot be ascertained in accordance with the definitions of **PART 6** herein, the Development Officer may designate the location of the required yards. The location and required dimensions of such yards shall be consistent with the intent of the yards specified for the zone within which the site is located.

2.13 Service Connections

Where a parcel is served by municipal piped sewer or water, no permanent principal building or dwelling shall be constructed or placed unless it is connected to such services.

2.14 Open Space Along Rural Roads

Areas adjacent to rural intersecting roads shall be kept clear of features which would contribute to snow drifting problems on the roadway, or which would represent a safety hazard to motorists. Within all agricultural zone(s), the following provisions shall apply to any required front yard, side yard or rear yard which is adjacent to an improved government road allowance, highway or other municipal road:

- a) No building or structure shall be constructed or located within the required yard, except for electric fences, barbed wire fences, chain link fences, wooden rail fences which are at least seventy-five (75) percent open in character and small shelters for children at school bus stops;
- b) No excavation such as a dugout or gravel pit shall be located within the required yard;
- c) No substantial planting (such as a shelterbelt or hedge) exceeding a height of three (3) feet shall be located within the required front yard; and
- d) No substantial stockpiling of materials, such as soil, gravel, bales or cordwood shall be located within the required front yard.

2.15 Corner Vision Triangles

In order to provide for a reasonable measure of traffic safety within all of the municipality's zoning districts, it is considered important to provide for good visibility conditions at street intersections, by establishing special open space requirements as follows:

- a) No building, structure, vehicular parking space, shelterbelt, hedge or stockpiling of materials exceeding a height of three (3) feet above grade shall be located within a triangular area of any site adjacent to an intersection of two public streets, with the sides of the triangular area being measured a distance of ten (10) feet along each property boundary from the point of intersection.

2.16 Projections into Yards

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

- a) Open, unenclosed stairs and landings may extend into any required front or rear yard to a maximum distance of 10 feet, and there shall be no limitation on the construction of unenclosed wheelchair ramps;
- b) Other open, unenclosed projections of a building, including eaves, awnings, stairs, landings, wing-walls, raised decks and balconies, may extend into a required yard up to 50 percent of the required yard depth to a maximum projection of 5 feet, whichever is the lesser;
- c) Enclosed projections of a building, including chimneys, alcoves, eaves and bay windows may extend into a required yard up to 50 percent of the required yard depth to a maximum projection of 5 feet, whichever is the lesser, provided that no more than 10 square feet of area within any required yard is occupied by these types of projection;
- d) Air conditioning units, pool equipment and/or compressors shall be accessory structures in all zones and shall be subject to the following regulations:
 - i) Shall be a minimum distance of 15 feet to an openable window of a habitable room on an adjoining lot.

- ii) If located in a front yard, it must be screened with compact hedges or shrubs or other landscaping.
- iii) Should be no closer than 5 feet to a side site line in all Residential Zones. In all other zones, it should be no closer than 10 feet to a side site line.
- e) Landscaping features such as driveways, sidewalks, and patios at grade level, ornamental plantings, fences and other decorative features are permitted within any required yard, provided that the maximum height of a fence in any required front yard shall be 3 feet, and the maximum height of a fence in any required side or rear yard shall be 6 feet;
- f) A garage may be located in the required rear yard providing it is setback a minimum of 10 feet from the rear property line except in instances where the garage doors do not face a rear lane or street in which case the minimum required setback to the rear property line shall be reduced to no less than three feet.
- g) Portable buildings not exceeding 108 square feet in floor area for the storage of domestic equipment may be located within any required interior side yard or required rear yard, provided that the property lines are identified by legal survey, a separation distance of 2 feet is maintained from the site line, and a separation distance of 3 feet is maintained from any dwelling. Additional permit will be required from Manitoba Transportation & Infrastructure (MTI) for any structures proposed within the controlled area adjacent to PTH 5.
- h) The minimum distance between the principal building and any other building shall be 10 feet.
- i) Cairns, with a maximum size (footprint) of 25 square feet may be located within a required yard.

2.17 Double Frontage Sites

Within all zones, where a site has frontage along two more or less parallel streets, the following provisions shall apply:

- (a) Where the site depth is greater than two-hundred (200) feet, both site lines which abut these streets shall be considered to be front site lines, and the adjacent yards shall both be considered to be required front yards; and
- (b) Where the site depth is two-hundred (200) feet or less, only one (1) site line shall be considered to be the front site line, and this determination shall be made by the development officer, based on the arrangement of existing buildings in the immediate area.

2.18 Hazard Lands

- (a) No permanent building shall be constructed or placed in the vicinity of a lake, river, watercourse or body of water on land that would be inundated by the one in two hundred year flood or by a recorded flood exceeding the two hundred year flood, unless the owner provides sufficient information prepared by a qualified engineer licensed by the Association of Professional Engineers and Geoscientists of the Province of Manitoba to demonstrate to the satisfaction of council that the land is not subject to flooding; or proper measures will be taken to protect the building from flooding.
- (b) No permanent building shall be constructed or placed on land which is subject to subsidence or erosion by water or is marshy or unstable, or is otherwise unsuitable or hazardous by virtue of its soil or topography, unless the owner provides sufficient information prepared by a qualified engineer licensed by the Association of Professional Engineers and Geoscientists of the Province of Manitoba to demonstrate to the satisfaction of council that proper measures will be taken to

deal with the unsuitability or hazard. Only erosion control or bank stabilization measures designed by a qualified engineer licensed by the Association of Professional Engineers and Geoscientists of the Province of Manitoba will be accepted.

2.19 Public Reserve Land

Public reserve land shall only be used for:

- a) A public park or recreation area;
- b) A natural area;
- c) A planted buffer strip or part thereof separating incompatible land uses; or
- d) Public works.

2.20 Development Near Waste Disposal Grounds (excluding transfer stations) and Sewage Lagoons

Parcels of land containing active or abandoned waste disposal grounds and sewage lagoons shall not be located within one thousand three hundred and twenty (1,320) feet and one thousand five hundred (1,500) feet respectively of a dwelling or other habitable building, any **urban zone**, a **“GD” General Development Zone** and all **rural residential zone(s)**, unless a reduced separation distance is recommended by the provincial authority having jurisdiction and Council approves a variation order.

2.21 Development Near Areas with Potential for Aggregate Extraction

No building, dwelling, mobile or modular home or farm building or structure shall be constructed or located within an area which has been designated as a high or medium quality aggregate area by the Province of Manitoba, unless the site has been first been reviewed by the provincial authority having jurisdiction and a recommendation provided which would allow development to proceed. Where the proposed building is a dwelling, mobile or modular home, a separation distance of 500 feet shall be provided between the building location and the limits of the deposit.

2.22 Development Near Railways

- a) Nothing in this By-law shall be interpreted so as to interfere with normal railway operations and maintenance of railway tracks and crossings.
- b) Railway office buildings, warehouse facilities, maintenance buildings, and storage areas shall be subject to the requirements of this By-law.
- c) No new dwelling unit should be located within one hundred and fifty (150) feet of the edge of a railway right-of-way, although some existing residential lots may include land within 150 feet of the railway right-of-way and such lots may be redeveloped for residential use.
- d) All non-railway works and development including surface mining and quarries within 164 feet of a railway right-of-way are subject to the provisions of the Federal *Railway Safety Act* and its regulations including the Mining Near Lines of Railways Regulations SOR/91-104, as amended).

2.23 Development Near the Provincial Highway System

With the exception of fences built for agricultural purposes, any structure or construction proposed within the controlled areas adjacent to the provincial highway system, provincial permits are required from the authority having jurisdiction. Permits from the provincial authority having jurisdiction are also required for any new, modified (including intensification of use), or relocated driveway proposed to a provincial road or provincial trunk highway.

2.24 Onsite Water Supply and Sewage Disposal Systems

- a) In situations where piped municipal sewage collection and disposal services are not available, land owners may be allowed to construct private sewage disposal systems on their development site in accordance with all applicable provincial regulatory requirements. All onsite wastewater disposal systems must be registered with the provincial authority having jurisdiction prior to installation by a licensed installer. It is the responsibility of the land owner to apply for provincial permits and/or approvals for all private sewage disposal system.
- b) The provincial authority having jurisdiction should be consulted about permitting or licensing requirements for private water supplies. In the case of proposed development that involves the construction or expansion of a public or semi-public water supply system, the proponent shall be required to contact the provincial authority having jurisdiction for information concerning licensing and approvals that must be obtained prior to the commencement of construction. The Assiniboine Delta Aquifer is located under all of the Town and is the source of water for most people who live on that in-ground water supply, including domestic and farm water users. Sand points supply water to most houses in the **TOWN OF CARBERRY**, water wells are used only by a few properties.

2.25 Public Utilities

- a) This by-law shall be interpreted so as not to interfere with the construction, erection and location of a public utility's works, plant, pipes, cables, or equipment as defined in this by-law provided that the requirements of such public utility are of a standard compatible with the adjacent area, and that any building or structure erected in any zone complies with the required yard and area requirements applicable to the zone.
- b) Where a public utility (as defined in this By-law) of another municipality is proposed to be located within the **TOWN OF CARBERRY**, it shall first apply to the Town for approval prior to the commencement of development.
- c) The use and bulk requirements of this by-law do not apply to the transmission facilities (wires, pipes, poles and associated equipment such as transformers and sub-stations) of a public utility as defined herein as equipment such as this may require only very small parcels or none at all (where easements are used).
- d) All office buildings, warehouse facilities and storage compounds owned or used by any public utility or public works shall be subject to all of the provisions of this By-law.
- e) Where any site requirement, including site area, site width, required yard or parking, is reduced below the requirements of this By-law as a result of land acquired for any street, lane, public utility, public works, public park area or public monument, it shall be deemed to conform to the requirements of this By-law.

2.26 Oil and Gas Exploration and Extraction, Electric Transmission Lines and Structures, and Pipelines

Are deemed to be in compliance with this by-law if they are carried out, constructed and operated in accordance with federal and provincial law.

2.27 Off Street Parking Requirements

- a) All accessory parking and loading areas and spaces shall be located on the same site as the use served unless a variation order is approved by Council for any required parking and/or loading areas or spaces located on a different site than the use being served.

- b) The surface of all accessory off-street parking and loading areas and spaces and the access driveways thereto shall be surfaced with gravel, asphalt or concrete and shall be designed in such a manner that there will be no free flow of water onto either adjacent properties or public sidewalks.
- c) In all zones, when any new development is proposed, including a change of use of existing development, or when any existing development is enlarged or increased in capacity, then provision shall be made for accessory off-street parking in accordance with the regulations and standards contained in this section of the By-law as set out below.

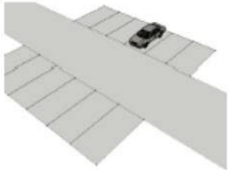
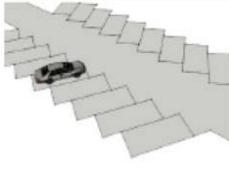


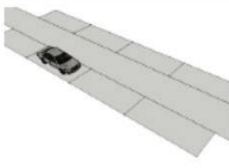
TABLE 2.1: MINIMUM ONSITE PARKING SPACE REQUIREMENTS

	Use	Number of Parking Spaces Required
Residential Uses	Single-Dwelling	2.0/ Dwelling Unit
	Two-Dwelling or Multi-Dwelling	2.0 / Dwelling Unit
	Mobile Home Dwelling	2.0 / Dwelling Unit
	Bed and Breakfast Home	1.0 / Sleeping Accommodation
	Residential Care Facility	1.0 / each 2 dwelling or sleeping units
Commercial Uses	Hotel and Motel	1.0 /Guest Room or Sleeping Unit
	Eating and Drinking Establishment	1.0 / 4 seats or 1.0 per 100 sq.ft. (9.29 sq./m) of floor area, whichever is greater
	Convenience and Retail Sales Stores All other Commercial Establishments	1.0 per 200 sq.ft. (18.6 sq./m) of floor area 1.0 per 250 sq.ft. (23.2 sq./m) of floor area
Industrial Uses	Industrial Uses	1.0 per 1,000 sq.ft. (92.9 sq./m) of floor area or 1.0 per 5 employees, whichever is greater
Other Uses	Indoor Participant Recreation Service, Religious Assembly, Outdoor Participant Recreation Service, Private Club, Public Library and Cultural Exhibit, and Community Centre	1.0 per 5 seating spaces or 10 ft (3.05 m) of bench space. Where there are no fixed seats, 1.0 for each 100 sq.ft. (9.29 sq./m) of floor area devoted to the assembly room floor area
	Extended Medical Treatment Service	2.0 per bed
	Education Service	1.5 per classroom, plus 1 for each 100 sq.ft. (9.29 sq./m) of floor area devoted to public use
	Government Service	1.0 per 550 sq.ft. (51.1 sq./m) of floor area
	Child Care Service Funeral Service	1.0 for every 2 employees 1.0 for every 5 seating places
*Where a proposed use is not listed above, the parking requirement shall be determined by the Development Officer who shall base said accessory off-street parking required based on the accessory off-street parking required for a similar use which is listed in this table.		

Footnotes Forming Part of Table 2.1

- a) The following regulations shall apply to all parking areas as required by this By-law:
 - i) In the case of a multiple use site, the Development Officer shall calculate the parking required for each individual use and the total shall be deemed to be the required parking for the site, unless the applicant can demonstrate to the satisfaction of Council that the complementary use of the parking facilities would warrant a reduction in the parking requirements;
 - ii) Parking areas shall be provided with at least one entrance and one exit for vehicles, and driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle;

- iii) The area shall be drained and maintained with a stable surface which is treated so as to prevent the rising of dust or loose particles; it may be constructed of crushed stone, slag, gravel, concrete, asphalt or other approved material;
 - iv) Where parking areas are provided in any commercial, industrial or institutional zone and lighting facilities are provided, such lights shall be so shielded and directed as to reflect away from any adjoining residential area. Where parking areas are provided in any residential zone and lighting facilities are provided, such lights shall be so shielded and directed as to reflect away from any adjoining residential property;
 - v) Where a parking area is situated along a site line which coincides with the boundary of a residential zone and is not separated there from by any street, lane or water course, a buffer of a design acceptable to the Council shall be provided;
 - vi) No sign shall be erected except:
 - a) signs for the direction of traffic within the parking area, and
 - b) directional signs of not more than five (5) square feet in area at each point of entrance and exit.
 - c) Such signs may bear the name of the business if the parking area is connected thereto.
- b) The layout and design of parking areas shall be as follows:
- a) The layout and design of the parking area shall be in accordance with **Table 2.1 "Minimum Onsite Parking Space Requirements"** and **Table 2.2 "Parking Area Layout Requirements"**;
 - b) The length of each parking space shall be exclusive of access driveways, aisles, ramps and columns, and office or work areas;
 - c) Where access to a parking space is directly from a lane, the width of the lane adjacent to said parking space may be computed as part of the aisle width required for said parking space;
 - d) The angle of parking shall be measured between the centerline of the parking space and the centerline of the aisle;
 - e) The off-street parking area shall be provided with an access drive with a minimum width of ten (10) feet, to a street or lane;
 - f) Except as provided for in paragraph (d), an aisle or driveway shall not mean a street or lane; and
 - g) Design of parking areas and access drives need to address safe pedestrian circulation routes, efficiency in the parking layout, accessibility, lighting, aesthetic appearance, service vehicle access, and snow removal.

Configuration	Angle	Minimum Stall Dimensions		Minimum Aisle Width	
		Width	Length	Two Way	One Way
	75° - 90°	2.75 m (9 ft)	5.5 m (18 ft)	7.3 m (24 ft)	7.3 m (24 ft)
	60° - 75°	2.75 m (9 ft)	5.5 m (18 ft)	7.3 m (24 ft)	5.5 m (18 ft)
	45° - 60°	2.75 m (9 ft)	5.5 m (18 ft)	7.3 m (24 ft)	4.0 m (13 ft)
	30° - 45°	2.75 m (9 ft)	5.5 m (18 ft)	7.3 m (24 ft)	3.7 m (12 ft)
	Parallel	2.75 m (9 ft)	6.7 m (22 ft)	7.3 m (24 ft)	3.7 m (12 ft)

2.28 Accessible Parking Spaces

Out of the total number of required off-street parking spaces, the owner must provide a portion of those spaces so as to be accessible to persons with disabilities, in accordance with the following requirements:

- a) Each accessible parking space:
 - i) must be at least 11.5 ft. wide;
 - ii) must be located within 200 ft. of major building entrances used by residents, employees, or the public; and
 - iii) must include signage reserving the space for use by persons with disabilities.
 - (i) At least one curb ramp must be located within 100 ft. of the auto parking space closest to each entrance to a principal or accessory building that is not a service entrance; and
 - (ii) The accessible parking space requirements are as follows:

TABLE 2.3: ACCESSIBLE PARKING SPACE REQUIREMENTS

Total Number of Parking Spaces Required	Minimum Number of Accessible Parking Spaces Required
1-25	1
25-50	2
51-75	3
75-100	4
101+	4 plus 1 for every 50 additional spaces, to a maximum of 10 spaces

2.29 Loading Space Requirements

For all building and uses involving regular and frequent receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials, the owner or operator of the buildings or uses shall provide and maintain on the site adequate loading and unloading spaces as follows:

- a) Each loading or unloading space shall be at least thirty (30) feet long, twelve (12) feet wide and have a vertical clearance of at least fourteen (14) feet;
- b) Access to loading or unloading areas shall be by means of a driveway at least 20 feet wide contained on the site in which the spaces are located and leading to a street or lane located within the zone in which the use is located;
- c) Loading and unloading areas shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles;
- d) Off-street loading spaces shall not be permitted in a required corner side yard; and
- e) The number of loading spaces shall be provided in accordance with the following:

TABLE 2.4: MINIMUM LOADING SPACES

Area of Building	Minimum Loading Space
Less than 5,000 square feet	One (1) space
Exceeding 5,000 square feet but not more than 15,000 square feet	Two (2) spaces
Exceeding 15,000 square feet	Three (3) spaces

2.30 Parking Area Entrances / Exits for Automobile Service Stations, Public Parking Areas, Drive-Through Facilities, and Vehicle Sales

Automobile service stations, public parking areas, drive-through facilities, and all vehicle/equipment sales shall require at least one entrance and one exit for vehicles, driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle. Access to sites for the titled uses for vehicles shall be only by way of entrances and exits provided in accordance with the following:

TABLE 2.5: PARKING AREA ENTRANCE AND EXIT REQUIREMENTS

Minimum width of an entrance or exit	20 ft.
Minimum width of a combined entrance and exit	25 ft.
Maximum width of an entrance or exit	40 ft.

TABLE 2.5: PARKING AREA ENTRANCE AND EXIT REQUIREMENTS CONT.

Maximum width of a combined entrance and exit	60 ft.
Minimum distance between any part of an entrance, exit and the intersection of street site lines or the intersection of a street site line and a side site line on a public lane	30 ft.
Minimum distance between entrances and exits	30 ft.

2.31 Fences – Residential Uses

A fence on a residential property:

- a) shall not include electric fences or barbed wire fences;
- b) shall not be higher than:
 - i) 3 feet in a required front yard, and
 - ii) 6 feet in a required side or rear yard measured from the highest part of the fence to the point where the fence post enters grade;
- c) are permitted in all required yards and can be placed up to the property line; and
- d) Outdoor storage of materials shall only be in side and/or rear yards and shall not project above the height of side or rear yard fences (where they exist or are proposed) except for recreation vehicles.

2.32 Fences – Non Residential Uses

A fence on all properties other than residential properties:

- a) in all agricultural zones, electric, barbed wire and wooden rail fences of a type not obstructing views of road traffic shall be permitted within the limits of the parcel on which they are located and should not exceed a height of 8 feet (See also Section 2.23 of this **PART**).
- b) in the case of the **Commercial** and **Industrial** zones, chained wire fences are allowed where the top 2 feet of the fence can be barbed wire for security purposes;
- c) shall not be higher than:
 - i) all other non-residential fencing shall not exceed 4 feet in a required front yard; and
 - ii) 8 feet in a required side or rear yard measured from the highest part of the fence to the point where the fence post enters grade;
- d) are permitted in all required yards and can be placed up to the property line.
- e) outdoor storage shall be allowed to project above the height of front, side and rear yard fencing in all **Zones**.

2.33 Advertising Signs and Billboards

Billboards and other advertising signs directing attention to a business, commodity or message offered elsewhere than upon the same zoning site on which that sign is located may allowed subject to satisfying the zoning district specific use and bulk requirements set out in that zone’s Use and Site Requirements Table in **PART 3** of this By-law. These signs will require the proponent to obtain a **Development Permit** and **may require conditional use approval** subject to the total size of the advertising sign being proposed.

For information permits are required from provincial authority having jurisdiction for any signs proposed within the controlled area adjacent to PTH 5. For clarification, this includes all signs, billboards and accessory signs.

2.34 Accessory Signs – General Provisions

The following provisions shall apply to all accessory signs erected or maintained within the Municipality, except wherein otherwise stated:

- a) Accessory signs and sign structures may be allowed as accessory uses in accordance with **PART 2, Table 2.6** (below), and may require the issuance of a Development Permit;
- b) All accessory signs shall comply with the minimum yard requirements for accessory structures in the zone in which they are to be located or erected and as may be provided in this section;
- c) No accessory sign or sign structure shall be erected at any location where it may interfere with or obstruct the view of any street, intersection or railroad grade crossing, or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign display;
- d) No accessory sign may contain flashing lights or digital images unless specifically allowed in **PART 2, Table 2.6** (below). All accessory signs with flashing lights or digital images are prohibited within 100 feet of residential zones;
- e) No accessory sign or structure shall be erected or maintained on, over or above any land or right-of-way administered by the Municipality without a Development Permit and an encroachment agreement registered on title of the subject property/building which abuts the municipally owned right-of-way;
- f) The placing of all signs, billboards, and accessory signs within the controlled area of a Provincial Road or Provincial Trunk Highway shall require a permit/approval from the provincial authority having jurisdiction, including along PTH 5;
- g) All accessory signs shall be setback a minimum of 5 feet from the limits of the parcel on which it is located and to which it is accessory. In the case of a corner lot, the corner side yard setback shall be increased to minimum of twelve (12) feet.
- h) All accessory signs and structures shall be kept in good repair and in a proper state of preservation. Signs which have become obsolete because of discontinuance of the operation or activity or are not maintained in good condition or repair shall be repaired, removed or relocated within 30 days following notice by the Development Officer; and
- i) The following accessory signs **shall not** require a **Development Permit**. However, they must still comply with any applicable siting and setback requirements in this By-law:
 - i) Flags or emblems of a political, civic, educational or religious organization;
 - ii) Commemorative or memorial signs or tablets;
 - iii) Temporary signs including real estate signs, construction signs, election signs, garage sale signs and similar;
- j) Signs posted by duly constituted public authorities in the performance of their public duties;

- iv) Residential on-site identification signs or warning signs (such as “Private Property” signs and similar) not exceeding four (4) square feet in surface area; and
- v) Signs required for direction and convenience of the public, including signs identifying restrooms or parking entrances, not exceeding five (5) square feet in sign surface area.

TABLE 2.6: ZONING DISTRICT SPECIFIC ACCESSORY SIGN REGULATIONS BY SIGN TYPE


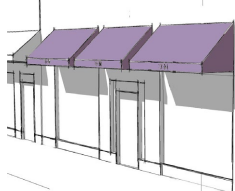









Sign Type	Siting Specifications	Allowed in Zones	Development Permit Required
 <p>Address/Name</p>	<p>Quantity 1 per address</p> <p>Area maximum 4.0 square feet for single detached dwellings, 32 square feet for multi-dwellings, Place of Worship and other non-residential buildings</p> <p>Depth max 3.0 inches</p>	ALL	No
 <p>Awning</p>	<p>Quantity 1 per window</p> <p>Area n/a</p> <p>Width maximum equal to building facade</p> <p>Depth minimum 4.0 feet</p> <p>Dist. from Curb min 2.0 feet</p>	CM CG MG	Yes
 <p>Fascia/Wall</p>	<p>Quantity 1 per business</p> <p>Area 1.5 square foot per linear foot of facade</p> <p>Width max 90% width of facade</p> <p>Depth max 7.0 in</p>	CG CM MG PF	No
 <p>Freestanding/Ground</p>	<p>Quantity 1 per site</p> <p>Area single occupancy = max 100 square feet. multiple occupancy = max 300 square feet.</p> <p>Height maximum 8.0 feet</p> <p>Width maximum 4.0 feet</p> <p>Depth max 12.0 inches</p>	ALL	Yes
 <p>Marquee</p>	<p>Quantity 1 per business</p> <p>Area n/a</p> <p>Width entrance plus 2 feet per side</p> <p>Depth minimum 4.0 feet; maximum 10 feet</p> <p>Dist. from Curb minimum 3.0 feet</p>	CM CG MG	Yes

TABLE 2.6: ZONING DISTRICT SPECIFIC ACCESSORY SIGN REGULATIONS BY SIGN TYPE

Sign Type	Siting Specifications	Allowed in Zones	Development Permit Required
 <p>Outdoor Display Case</p>	<p>Quantity 1 per business Area max 6.0 square feet. Width max 3.5 feet Height max 3.5 feet Depth max 6.0 inches</p>	ALL	No
 <p>Portable/Mobile</p>	<p>Quantity 1 per site Area maximum 48.0 square feet. Width n/a Height maximum 10.0 feet. Setback a minimum of 12 feet from the corner site lines of intersecting streets</p>	CM CG MG PF UH	Yes
 <p>Projecting</p>	<p>Quantity 1 per business Area max 4.0 square feet. Width maximum 4.0 feet Depth maximum 4.0 feet</p>	RG CM CG MG PF	Yes
 <p>Sidewalk/Sandwich</p>	<p>Quantity 1 per business Area maximum 8.0 square feet. Width maximum 26 inches Height maximum 42 inches</p>	RG CM CG MB PF	No
 <p>Window</p>	<p>Quantity 1 per window Area maximum 25% of glass area</p>	ALL	No
 <p>Yard/Identification</p>	<p>Quantity 1 per site Area maximum 6 square feet. Width maximum 3.0 feet Height maximum 2.0 feet (not incl. post) Apex max 6.0 feet to top of post</p>	ALL	No

PART 3: Zoning Districts

3.1 Zoning Districts in the TOWN OF CARBERRY

The following zoning districts are hereby established in this By-law and are intended to provide sufficient land in suitable locations to meet the needs of the municipality while also being generally consistent with the provisions of the CYPRESS PLANNING DISTRICT Development Plan.

TABLE 3.1: ZONING DISTRICTS ESTABLISHED

Abbreviations	Zoning District Name	Refer to Section
"RMH"	Residential Mobile Home Zone	3.6
"RG"	Residential General Zone	3.7
"CM"	Commercial Mixed Use Zone	3.8
"CG"	Commercial General Zone	3.9
"MG"	Industrial General Zone	3.10
"OS"	Open Space Zone	3.11
"UH"	Urban Hold Zone	3.12

3.2 Zoning District Boundaries

The zoning districts established in **TABLE 3.1** (above) shall apply within the boundaries of the zones shown on the maps in **Schedule "A"** of this by-law and the following rules of interpretation shall apply in all zoning districts:

- a) Boundaries indicated as approximately following the centre-lines of streets, lanes, highways, rivers, or railway or public utility lines or rights-of-way shall be construed to follow such centre-lines;
- b) Boundaries indicated as approximately following parcel limits as shown on a registered plan or by reference to the Dominion Government Survey shall be construed to follow such parcel limits.

3.3 Permitted, Conditional and Accessory Uses

The permitted, conditional and accessory uses prescribed for parcels within each zoning district are those set out in the Use Tables of **PART 3** of this By-law as follows:

- a) Permitted uses are indicated with the letter **[P]**.
- b) Conditional uses are indicated with the letter **[C]**.
- c) Accessory uses are indicated with the letter **[A]**.

3.4 Use and Bulk Regulations

No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged, or placed, except in accordance with the use and bulk requirements described in the Use and Bulk Regulations Tables of this **PART** or elsewhere in this by-law.

3.5 Additional Requirements for Specific Uses in Different Zones

Regardless of whether a use is allowed as a permitted use or a conditional use, and regardless of the zoning district in which the use is located, additional standards for specific uses may apply and are set out in **PART 4** of this By-law and must be met, except as may otherwise be provided for in this By-law through a Conditional Use or Variance Order.

3.6 **“RMH” - Residential Mobile Home Zone – Purpose and Intent**

The “RMH” Residential Mobile Home Zoning District is hereby established in this by-law and is intended to provide areas in TOWN OF CARBERRY where mobile home parks may be developed.

3.6.1 **“RMH” Residential Mobile Home Zone Accessory Uses, Buildings and Structures**

a) **Permitted Accessory Uses, Buildings and Structures**

- i) Accessory Domestic Structures
Accessory structures such as but not limited to decks, patios, statuary, flagpoles, private garages and parking areas, garden sheds, gazebos, private swimming pools and other similar features.
- ii) Accessory Signs as provided for in **PART 2** of this By-law.
- iii) Accessory Telecommunications Towers
An accessory telecommunication tower used to support ancillary devices such as but not limited to citizens’ band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved use shall be treated as a permitted accessory structure. Notwithstanding the siting and setback requirements of **Table 3.2 of this PART**, all accessory telecommunication tower structures shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.
- iv) Home Based Businesses
Shall be developed in accordance with the requirements of **PART 4** of this by-law.
- v) Accessory Tent-Like Structures
In the “RMH” Zone, an accessory “tent-like” as defined on **PART 6 of this By-law** may be allowed.

b) **Conditional Accessory Uses, Buildings and Structures**

c) **Prohibited Accessory Uses Buildings and Structures**

- i) Accessory Shipping Containers
Accessory shipping containers as defined in **PART 6** of this by-law are prohibited in the “RMH” Residential Mobile Home Zone.
- ii) Pole Type Structures / Buildings
As defined in **PART 6** of this by-law are prohibited in the “RMH” – Residential Mobile Home Zone.
- iii) Secondary Suites as defined in **PART 6** of this By-law are prohibited in the “RMH” – Residential Mobile Home Zone.
- iv) Livestock
The keeping of any livestock in the “RMH” zone is prohibited.

NOTE: For information related to projections into required yards, on-site parking and loading and fencing, refer to **PART 2** of this By-law.

TABLE 3.2: USE & SITE REQUIREMENTS: "RMH" RESIDENTIAL MOBILE HOME ZONE	MINIMUM REQUIREMENTS (a) (b) (c) (f) (j) (k)				
	SITE SIZE		REQUIRED YARDS		
	SITE AREA (sq.ft.)	SITE WIDTH (feet)	FRONT YARD (feet)	SIDE YARD (feet)	REAR YARD (feet)
PERMITTED USES [P]					
Mobile Home Park (l)	2 Acres	200	50	25	25
- Mobile Home Space in a Mobile Home Park (e)	4,000	40	15	4 (d)	15
Dwellings: - Mobile Homes	6,000	50	25	6 (c) (d)	25
CONDITIONAL USES [C]					
Community Centers and Clubs	20,000	100	25	12	20
Emergency Services Including Fire, Police and Ambulance Stations	10,000	100	25	15	25
Group Daycare Facilities	7,200	65	25	10	25
Parks, Playgrounds, Tot Lots and Buffer Strips	3,000	20	10	10	10
Public Utility Buildings and Systems (i)	5,000	50	15	6	25
ACCESSORY USES, BUILDINGS, STRUCTURES [A]					
Accessory uses, Buildings and Structures (g) (See also PARTS 2 and 4 of this By-law).	-	-	(h)	5	12 (i)
NOTES:					
¹ For information concerning the treatment of lawfully established <u>existing uses, buildings and structures</u> in existence prior to the adoption of this by-law, please refer to PART 2: Uses of this by-law.					
² Provisions of PART 2 General Rules and Regulations Applicable in All Zoning Districts and PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones of this by-law shall also apply in this zone. In the event of a conflict between the provisions of PART 2 or PART 4 and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.					

Footnotes Forming Part of Table 3.2: "RMH" Residential Mobile Home Zone:

In addition to the minimum requirements for **TABLE 3.2** (above), the following requirements shall apply:

- (a) Not more than one (1) principal building or principal use and its accessory buildings or structures shall be permitted on one (1) site, with the exception of mobile homes in a mobile home park.
- (b) The maximum allowable height for all principal buildings and structures shall be 20 feet except for architectural components of permitted or conditionally approved residential use.
- (c) The maximum allowable height for all accessory buildings and structures shall be 15 feet.
- (d) A mobile home park may be serviced by a piped municipal sewer system and private water wells, typically a sand point.
- (e) In the case of a corner mobile home space, the minimum required side yard setback are addressed in **Part 4, Section 4.8**.
- (f) Where an interior mobile home space used for residential purposes is not adjacent to a lane, one of the side yards shall be a minimum of 10 feet free of all projections other than eaves and gutters in order to

accommodate the required parking space or to provide for vehicular access to the rear of the site. This requirement shall not apply where a garage or carport is attached to the principal building.

- (g) One side of a mobile home space or mobile home site shall contain a minimum open area of ten (10) feet by forty (40) feet for the purposes of providing for outdoor amenity and recreation.
- (h) The minimum floor area for dwellings in this zone is six-hundred (600) sq. ft.
Tiny homes are addressed in **Part 4, Section 4.7.**
- (i) Under authority of the applicable provincial Act, where any structure or development is proposed under, below or at ground level within the controlled areas of the provincial highway system, permits must be obtained from the provincial authority having jurisdiction.
- (j) Where an accessory building is used for storage of a motor vehicle on a mobile home space, the wall which contains the vehicle access door shall be set back a minimum distance of ten (10) feet from an interior road.
- (k) Where any accessory building is located to the rear of the principal building the minimum interior side yard is two (2) feet
- (l) The minimum required front yard for accessory buildings and structures shall be the same as the minimum required front yard for the principal building on the same site.
- (m) Bulk requirements do not apply to transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and similar infrastructure since all of this apparatus may require only very small parcels or none at all (easements). This does not apply, however, to offices, equipment or vehicle storage, parking or workshops, where and if these uses are permitted or approved.
- (n) Where a proposed development involves the construction of “water control works” or “drainage works” as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.
- (o) All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space except as provided elsewhere in this By-law.
- (p) **MOBILE HOME PARK REQUIREMENTS:**
A mobile home park may only be developed with council’s approval after consideration of a development application subject to the following requirements:
 - (i) A mobile home park shall only be developed in the “**RMH**” **Residential Mobile Home Zone** and allow for the location of mobile and modular homes in the park.
 - (ii) A new mobile home park shall contain a minimum of three (3) mobile home spaces.
 - (iii) A mobile home park shall have a minimum width of two hundred (200) feet.
 - (iv) A landscaped buffer area, a minimum of twenty (20) feet in width shall be maintained free and clear of all buildings and structures around the entire perimeter of a mobile home park – accesses to the mobile home park may cross this buffer.

- (v) Internal road rights-of-way in a mobile/modular home park shall be a minimum of fifty (50) feet in width with the improved portion of the roadway being a minimum of twenty-five (25) feet in width.
- (vi) Only one mobile home shall be located on a single mobile home space in a mobile home park.
- (vii) No mobile home shall be located within twelve (12) feet of a storage compound or twenty (20) feet of a service building.
- (viii) Each mobile home space in a mobile home park shall be provided with a potable water supply and a provincially approved wastewater system, an electrical service connection capable of meeting the domestic needs of the mobile home and an adequate base to support the mobile home.
- (ix) Each application for development of a mobile home park shall be accompanied by a site plan showing, to scale, roads, mobile home spaces, mobile home pads, service and communal buildings and structures.
- (x) Each mobile home space shall be a minimum of 40 feet wide and have a minimum depth of 100 feet. Each mobile home shall be sited on a mobile home space such that a minimum 10 ft. side yard exists on one side of the mobile home for vehicle parking and open space purposes.
- (xi) Notwithstanding anything herein, no detached accessory building or structure shall be located nearer a mobile home, including a mobile home on an adjoining space, than a distance of six (6) feet clear of all projections. Detached accessory buildings or structures shall be located only in the rear yard.
- (xii) All mobile and modular homes must meet all requirements as set forth in *The Buildings and Mobile Home Act*, as amended. **Part 4, Section 4.9** of this By-law contains standards for mobile and modular homes in residential areas of this community.

3.7 **“RG” Residential General Zoning District – Purpose and Intent**

The “RG” Residential General Zoning District is hereby established in this by-law and is intended to provide areas in the **TOWN OF CARBERRY** to accommodate fully serviced (i.e. private water wells and municipal wastewater) single-unit, two-unit and multi-unit dwellings, mobile and modular homes and related development. This zone provides for a variety of housing types and affordability levels to accommodate a range of income levels, the ability to age in place and serve diverse market demands.

3.7.1 “RG” Residential General Zoning District Accessory Uses, Buildings and Structures:

a) **Permitted Accessory Uses, Buildings and Structures**

- i) Accessory Domestic Structures
Accessory structures such as but not limited to decks, patios, statuary, flagpoles, private garages, garden sheds, gazebos, swimming pools and other similar features.
- ii) Accessory Signs as provided for in **PART 2** of this By-law.
- iii) Accessory Telecommunications Towers
An accessory telecommunication tower used to support ancillary devices such as but not limited to citizens’ band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved use shall be treated as a permitted accessory structure. Notwithstanding the siting and setback requirements of **Table 3.7 of this PART**, all accessory telecommunication tower structures shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.
- iv) Home Based Businesses
Shall be developed in accordance with the requirements of **PART 4** of this by-law.

b) **Conditional Accessory Uses, Buildings and Structures**

- i) Secondary Suite
Not more than one “secondary suite” as defined in PART 6 of this by-law may be developed as a conditionally approved accessory use and only when it is located on the same zoning site and the secondary suite is detached or is located within and/or forming part of either an existing or newly proposed permitted “single-unit dwelling” or “modular home”. Notwithstanding the siting and setback requirements for “accessory uses” as provided for in Table 3.2 of this PART, all secondary suites shall satisfy all of the siting and setback requirements of PART 3, Table 3.2 herein applicable to the principal dwelling within which the secondary suite is to be developed and all secondary suites shall not exceed 49% of the total habitable floor space of the principal dwelling in which it is developed. In all cases, where a secondary suite is being proposed, the principal dwelling in which the secondary suite is being proposed shall be occupied by the owner of the property. It shall be the responsibility of the proponent to consult with the provincial authority having jurisdiction prior to construction to determine the suitability of the site for the secondary suite and determine the need for any provincial permits, approvals or licenses as may be required associated with new or expanded or modified on-site wastewater collection and drinking water systems and/or the provision of hydro services.
- a) Pole type structures / buildings as defined in **PART 6** of this by-law are a Conditional Use in the “RG – Residential General Zone.

b) Short Term Rentals

This service may be allowed in the “**RG**” **Zone** as a conditional accessory use and subject to inspections for health and safety requirements.

c) **Prohibited Accessory Uses Buildings and Structures**

i) Accessory Shipping Containers

Accessory shipping containers as defined in **PART 6** of this by-law are prohibited in the “**RG**” **Residential General Zone**.

NOTE: For information related to projections into required yards, on-site parking and loading and fencing, refer to **PART 2** of this By-law.

<u>TABLE 3.3: USE & SITE</u>	MINIMUM REQUIREMENTS (a) (b) (h) (l) (m)	
	SITE SIZE	REQUIRED YARDS

<u>REQUIREMENTS: "RG"</u> <u>RESIDENTIAL GENERAL ZONE</u>	SITE AREA (Acres)	SITE WIDTH (feet)	FRONT YARD (feet) (b)	SIDE YARD (feet) (b)	REAR YARD (feet) (b)
PERMITTED USES [P]					
Child Care Services	15,000	75	25	8 (c)	25
Dwellings (e):					
- Single-Unit Dwellings	5,000	50	25	5(c)(d)	25
- Two-Unit Dwellings	8, 000 (f)	80	25	8 (c) (d)	25
- Multi-Unit Dwellings	10,000 (g)	100	15	15	25
Existing Uses Lawfully Established Prior to the Adoption of this By-law	6,000	50	20	10	20
Parks and Playgrounds	5,000	50	15	8 (c)	25
Place of Worship and Assembly	15,000	100	25	8 (c)	25
Public Utilities	5,000	50	15	8 (c)	25
Schools	1 acre	200	25	15	25
CONDITIONAL USES [C]					
Boarding, Rooming and Lodging Houses	15,000	100	25	8 (c)	25
Community Centers and Clubs	15,000	100	25	8 (c)	25
Dwellings:					
- Mobile Homes	6,000	50	25	6 (c) (d)	25
Emergency Services Including Fire, Police and Ambulance Stations	15,000	100	25	8 (c)	25
Libraries and Museums	15,000	100	25	8 (c)	25
Personal Care Home Facilities	15,000	100	25	8 (c)	25
Residential Care Facilities	15,000	100	25	8 (c)	25
ACCESSORY USES, BUILDINGS, STRUCTURES [A]					
Accessory uses, Buildings and Structures (i) (See also PARTS 2 and 4 of this By-law).	-	-	(j)	5	25 (i)
NOTES:					
¹ For information concerning the treatment of lawfully established <u>existing uses, buildings and structures</u> in existence prior to the adoption of this by-law, please refer to PART 2: Uses of this by-law.					
² Provisions of PART 2 General Rules and Regulations Applicable in All Zoning Districts and PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones of this by-law shall also apply in this zone. In the event of a conflict between the provisions of PART 2 or PART 4 and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.					

Footnotes Forming Part of Table 3.3: "RG" Residential General Zone:

In addition to the minimum requirements for **TABLE 3.3** (above), the following requirements shall apply:

- (a) In the case of a corner lot, the minimum required side yard setback shall be increased to 12 feet free of all projections other than eaves and gutters.
- (b) The maximum allowable height for all buildings and structures shall be 30 feet (two stories) except for church steeples and similar architectural components of permitted or conditionally approved public buildings and private tele-communication towers which are accessory to a residential use.
- (c) Where a proposed use requires wastewater disposal facilities and the site is **NOT** serviced by a piped municipal sewer system or a private holding tank approved by the provincial authority having jurisdiction, the minimum bulk requirements shall be adjusted as follows:

- (i) Minimum required site area shall be two (2) acres;
 - (ii) Minimum required site width shall be two hundred (200) feet;
 - (iii) Minimum required side yard shall be thirty (30) feet.
- (d) Where an interior lot used for residential purposes is not adjacent to a lane, one of the side yards shall be a minimum of 10 feet free of all projections other than eaves and gutters in order to accommodate the required parking space or to provide for vehicular access to the rear of the site. This requirement shall not apply where a garage or carport is attached to the principal building.
- (e) The minimum dwelling unit floor area for a single-unit dwelling shall be six hundred (600) sq. ft. with an additional four hundred (400) sq. ft. for the second and each additional dwelling unit therein. Tiny homes are addressed in **Part 4, Section 4.7** of this By-law.
- (f) For the purpose of interpreting the requirements of **Table 3.3** herein, a semi-detached two-unit dwelling, a row house or a multi-unit dwelling having common party walls shall be considered as being one (1) building occupying one (1) site.
- Notwithstanding clause (f) of this footnote (above), in the case of semi-detached two-unit dwellings, each dwelling unit may occupy a separate site, provided each site is a minimum of 4,000 sq. ft. in area and has a minimum site width of fifty (50) feet. In such circumstances, the side yard required along the shared common party wall shall be reduced zero (0) feet and all other provisions of **Table 3.3 of this PART** shall also apply.
- (g) The minimum site area required for multi-unit dwellings shall be 10,000 sq. ft. for the first three (3) units and shall increase by a minimum of 1000 sq. ft. for each additional dwelling unit thereafter.
- (h) Under authority of the applicable provincial Act, where any structure or development is proposed under, below or at ground level within the controlled areas of the provincial highway system, permits must be obtained from the provincial authority having jurisdiction.
- (i) Where an accessory building is used for storage of a motor vehicle, the wall which contains the vehicle access door shall be set back a minimum distance of ten (10) feet from a public lane.
- (j) The minimum required front yard for accessory buildings and structures shall be the same as the minimum required front yard for the principal building on the same site.
- (k) Bulk requirements do not apply to transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and similar infrastructure since all of this apparatus may require only very small parcels or none at all (easements). This does not apply, however, to offices, equipment or vehicle storage, parking or workshops, where and if these uses are permitted or approved.
- (l) Where a proposed development involves the construction of “water control works” or “drainage works” as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.

- (m) All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space except as provided elsewhere in this By-law.

3.8 **“CM” Commercial Mixed Use Zoning District – Purpose and Intent**

The “CM” – **Commercial Mixed Use Zoning District** is hereby established in this by-law and is intended to provide areas in the **TOWN OF CARBERRY** for street-level commercial retail and other compatible uses such as, office, personal service, dining and entrainment, large scale indoor recreation facilities in the centralized part of **Carberry**. This zoning district also supports existing and new urban residential development including apartments, lofts, and condominiums. This zoning also supports the rehabilitation and re-use of existing buildings, along with the preservation of heritage resources and significant structures.

3.8.1 **“CM” Commercial Mixed Use Zoning District Accessory Uses, Buildings and Structures**

a) **Permitted Accessory Uses, Buildings and Structures**

i) Accessory Dwelling Unit

In the “CM” **Commercial Mixed Use Zoning District**, one or more accessory dwelling units developed within the principal building shall be allowed as a permitted accessory use but in all cases said accessory dwelling units must be located above or behind the principal commercial enterprise occurring in the principal building and meet all other requirements of this by-law, the Manitoba Building Code and Manitoba Fire Code (where applicable).

ii) Accessory Signs as provided for in **PART 2** of this By-law.

iii) Accessory Telecommunications Towers

An accessory telecommunication tower used to support ancillary devices such as but not limited to citizens’ band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved use shall be treated as a permitted accessory structure. Notwithstanding the siting and setback requirements of **Table 3.8 of this PART**, all accessory telecommunication tower structures shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.

iv) Home Based Business Activities shall be developed in accordance with the requirements of **PART 4** of this by-law.

b) **Conditional Accessory Uses, Buildings and Structures**

i) Accessory Shipping Containers

In the “CM” **Zone**, an “accessory shipping container” as defined in **PART 6** of this by-law may be developed as a conditionally approved accessory building only when it is located on the same site as the use to which it is accessory. All accessory shipping containers as provided for herein shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law, Manitoba Building Code and Manitoba Fire Code (where applicable).

ii) Accessory Tent Like Structures

In the “CM” **Zone**, an “accessory tent-like structure” as defined in **PART 6** of this by-law may be developed as a conditionally approved accessory building only when it is located on the same site as the use to which it is accessory. All accessory tent-like structures between one hundred and eight (108) square feet and two-hundred and fifty (250) square feet shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law. Accessory tent-like structures exceeding two-hundred and fifty (250) square feet shall be subject to the issuance

of a Development Permit and Building Permit and must meet all other requirements of the zoning by-law.

iii) Short Term Rentals

This service may be allowed in the “**CM**” Zone as a conditional accessory use and subject to inspections for health and safety requirements.

c) **Prohibited Accessory Uses Buildings and Structures**

The keeping of any livestock in the “**CM**” zone is prohibited.

NOTE: For information related to projections into required yards, on-site parking and loading and fencing, refer to **PART 2** of this By-law.

	SITE SIZE		REQUIRED YARDS		
	Area (sq.ft.)	Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED USES [P]					
Advertising Signs (with a sign surface area up to 54 sq./ft. in size)	-	-	25 (h)	15 (h)	15 (h)
Automobile, Boat and Trailer Sales and Service	15,000	100	15	15	25
Automobile Service Stations	15,000	100	15	15	25
Banquet Halls	5,000	50	5	5 (d)	25
Business and Personal Services Establishments	5,000	50	5	5 (d)	25
Bus Stations	5,000	50	5	5 (d)	25
Child Care Services	15,000	75	25	8 (d)	25
Community Centers and Clubs	20,000	100	25	10 (d)	25
Contractor's Establishments (with indoor storage only)	5,000	50	25	10 (d)	25
Existing Uses Lawfully Established Prior to the Adoption of this By-law	6,000	50	20	10	20
Emergency Services Including Fire, Police and Ambulance Stations	5,000	50	5	5 (d)	25
Government Offices	5,000	50	5	5 (d)	25
Grocery Stores	5,000	50	5	5 (d)	25
Hospitals	1 acre	200	25	10 (d)	25
Hotels or Motels	30,000	150	25	10 (d)	25
Laundries, Dry Cleaning Establishments	15,000	100	25	15	25
Libraries and Museums	15,000	100	25	10 (d)	25
Lumber Yards (with indoor storage only)	10,000	100	25	15	10
Moving, Storage and Warehousing	5,000	50	5	5 (d)	25
Parks and Playgrounds	5,000	50	15	8 (d)	25
Place of Worship and Assembly	20,000	100	25	10 (d)	25
Private Clubs and Lodges	5,000	50	5	5 (d)	25
Public Utilities (k)	5,000	50	15	8 (d)	25
Recreation Facilities (bowling alleys, cinemas, etc.)	5,000	50	5	5 (d)	25
Retail Services	5,000	50	5	5 (d)	25
Restaurants and Drive-In Eating Establishments	5,000	50	5	5 (d)	25
Wholesale Office Sales and Storage	5,000	50	5	5 (d)	25
CONDITIONAL USES [C]					
Advertising Signs (with a sign surface area greater than 54 sq./ft. in size)	-	-	25 (h)	15 (h)	15 (h)
Boarding, Rooming and Lodging Houses	15,000	100	25	10 (d)	25
Bulk Fuel and Oil Sales and Storage	10,000	100	25	15	25
Cannabis Retail Establishment (n)	5,000	50	5	5 (d)	25
Carpentry and Woodworking Shops	5,000	50	5	5 (d)	25
Contractor's Establishments (with indoor and outdoor storage)	7,000	70	25	15	25
Dwellings: (f)					
- Single-Unit Dwellings and Modular Homes	5,000	50	25	6 (d) (e)	25
- Two-Unit Dwellings	8,000 (g)	80	25	8 (d) (e)	25
Lumber Yards (with outdoor storage)	15,000	100	25	10 (d)	25

TABLE 3.4: USE & SITE REQUIREMENTS: “CM” COMMERCIAL MIXED USE ZONE	MINIMUM REQUIREMENTS (a) (b) (c) (h) (l) (m)				
	SITE SIZE		REQUIRED YARDS		
	Area (sq.ft.)	Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
Machine Shops	7,000	70	25	15	25
Manufacturing, General	7,500	75	25	15	25
Parking Lots (public or private) (m)	4,000	40	5	5 (d)	10
Residential Care Facilities	15,000 (b)	100	25	10 (d)	25
Snowmobile, Motorcycle and ATV Sales and Service Establishments	10,000 (b)	100	25	15	25
ACCESSORY USES, BUILDINGS, STRUCTURES [A]					
Accessory uses, Buildings and Structures (See also PARTS 2 and 4 of this By-law).	-	-	(j) (k)	3	2 (i)
<p>NOTES:</p> <p>¹ For information concerning the treatment of lawfully established existing uses, buildings and structures in existence prior to the adoption of this by-law, please refer to PART 2: General Rules and Regulations Applicable in All Zoning Districts of this by-law.</p> <p>² Provisions of PART 2: General Rules and Regulations Applicable in All Zoning Districts and PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones of this by-law shall also apply in this zone. In the event of a conflict between the provisions of PART 2 or PART 4 and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.</p>					

Footnotes Forming Part of Table 3.4: “CM” COMMERCIAL MIXED USE ZONE:

In addition to the minimum requirements for **TABLE 3.4** (above), the following requirements shall apply:

- (a) The maximum allowable height for all buildings and structures shall be 45 feet (three stories) except for church steeples and similar architectural components of permitted or conditionally approved public buildings and accessory telecommunication towers.
- (b) Where a proposed use requires wastewater disposal facilities and the site is **NOT** serviced by a piped municipal sewer system or a private holding tank approved by the provincial authority having jurisdiction, the minimum bulk requirements shall be adjusted as follows:
 - (i) Minimum required site area shall be two (2) acres;
 - (ii) Minimum required site width shall be two hundred (200) feet;
 - (iii) Minimum required side yard shall be thirty (30) feet.
- (c) In the **“CM” Zone**, more than one principal commercial building or commercial use of land or some combination thereof may be permitted on a single parcel of land. Where any building or parcel is used for more than (1) purpose, all of the requirements of this by-law pertaining to each building or use shall be satisfied. In the event of a conflict between requirements pertaining to each use or building, the higher or more stringent requirement shall prevail and shall be satisfied.
- (d) In the case of a corner lot, the minimum required side yard setback shall be increased to 12 feet free of all projections other than eaves and gutters.
- (e) Where an interior lot used for residential purposes is not adjacent to a lane, one of the side yards shall be a minimum of 10 feet free of all projections other than eaves and gutters in order to accommodate the

required parking space or to provide for vehicular access to the rear of the site. This requirement shall not apply where a garage or carport is attached to the principal building.

- (f) The minimum dwelling unit floor area for a single-unit dwelling shall be six hundred (600) sq. ft. with an additional four hundred (400) sq. ft. for the second and each additional dwelling unit therein. Tiny homes are addressed in **Part 4, Section 4.7** of this By-law.
- (g)
 - (i) For the purpose of interpreting the requirements of **Table 3.4** herein, a semi-detached two-unit dwelling, a row house or a multi-unit dwelling having common party walls shall be considered as being one (1) building occupying one (1) site.
 - (ii) Notwithstanding clause (i) of this footnote (above), in the case of semi-detached two-unit dwellings, each dwelling unit may occupy a separate site, provided each site is a minimum of 4,000 sq. ft. in area and has a minimum site width of fifty (50) feet. In such circumstances, the side yard required along the shared party wall shall be reduced zero (0) feet and all other provisions of **Table 3.4 of this PART** shall also apply.
- (h) Under authority of the applicable provincial Act, where any structure or development is proposed under, below or at ground level within the controlled areas of the provincial highway system, permits must be obtained from the provincial authority having jurisdiction.
- (i) Where an accessory building is used for storage of a motor vehicle, the wall which contains the vehicle access door shall be set back a minimum distance of ten (10) feet from a public lane.
- (j) The minimum required front yard for accessory buildings and structures shall be the same as the minimum required front yard for the principal building on the same site.
- (k) Bulk requirements do not apply to transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and similar infrastructure since all of this apparatus may require only very small parcels or none at all (easements). This does not apply, however, to offices, equipment or vehicle storage, parking or workshops, where and if these uses are permitted or approved.
- (l) Where a proposed development involves the construction of “water control works” or “drainage works” as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.
- (m) All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space except as provided elsewhere in this By-law.
- (n) All newly siting cannabis retail establishments shall be setback a minimum of 100 feet from the limits of lands zoned “**RG**” **Residential General Zone**.
- (o) The maximum allowable height for all buildings and structures shall be 45 feet (three stories) except for church steeples and similar architectural components of permitted or conditionally approved public buildings and accessory telecommunication towers.
- (p) Where a proposed use requires wastewater disposal facilities and the site is **NOT** serviced by a piped municipal sewer system or a private holding tank approved by the provincial authority having jurisdiction, the minimum bulk requirements shall be adjusted as follows:
 - (iv) Minimum required site area shall be two (2) acres;

- (v) Minimum required site width shall be two hundred (200) feet;
- (vi) Minimum required side yard shall be thirty (30) feet.
- (q) In the **"CM" Zone**, more than one principal commercial building or commercial use of land or some combination thereof may be permitted on a single parcel of land. Where any building or parcel is used for more than (1) purpose, all of the requirements of this by-law pertaining to each building or use shall be satisfied. In the event of a conflict between requirements pertaining to each use or building, the higher or more stringent requirement shall prevail and shall be satisfied.
- (r) In the case of a corner lot, the minimum required side yard setback shall be increased to 12 feet free of all projections other than eaves and gutters.
- (s) Where an interior lot used for residential purposes is not adjacent to a lane, one of the side yards shall be a minimum of 10 feet free of all projections other than eaves and gutters in order to accommodate the required parking space or to provide for vehicular access to the rear of the site. This requirement shall not apply where a garage or carport is attached to the principal building.
- (t) Drive-through facilities may be added to new or existing eating establishments and restaurants provided sufficient space is available for vehicle laneways on land associated with the business and following Council approval for this specific feature.
- (u) Short Term Rentals in the **"CM" Zone**, including where the owner does not reside in the rental building, will be considered as a conditional use and require additional inspections for health and safety requirements prior to receiving a building permit.

3.9 **“CG” Commercial General Zoning District – Purpose and Intent**

The “CG” – **Commercial General Zoning District** is hereby established in this by-law and is intended to provide areas in the **TOWN OF CARBERRY** for street-level commercial retail and other compatible uses such as, office, personal service, dining and entertainment, large scale indoor recreation facilities in the centralized part of **Carberry**. This zoning district also supports the rehabilitation and re-use of existing buildings, along with the preservation of heritage resources and significant structures.

3.9.1 **“CG” Commercial General Zoning District Accessory Uses, Buildings and Structures**

a) **Permitted Accessory Uses, Buildings and Structures**

i) Accessory Dwelling Unit

In the “CG” **Commercial General Zoning District**, one or more accessory dwelling units developed within the principal building shall be allowed as a permitted accessory use but in all cases said accessory dwelling units must be located above or behind the principal commercial enterprise occurring in the principal building and meet all other requirements of this by-law, the Manitoba Building Code and Manitoba Fire Code (where applicable).

ii) Accessory Signs as provided for in **PART 2** of this By-law.

iii) Accessory Telecommunications Towers

An accessory telecommunication tower used to support ancillary devices such as but not limited to citizens’ band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved use shall be treated as a permitted accessory structure. Notwithstanding the siting and setback requirements of **Table 3.9 of this PART**, all accessory telecommunication tower structures shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.

iv) Home Based Business Activities shall be developed in accordance with the requirements of **PART 4** of this by-law.

b) **Conditional Accessory Uses, Buildings and Structures**

i) Accessory Shipping Containers

In the “CG” **Zone**, an “accessory shipping container” as defined in **PART 6** of this by-law may be developed as a conditionally approved accessory building only when it is located on the same site as the use to which it is accessory. All accessory shipping containers as provided for herein shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law, Manitoba Building Code and Manitoba Fire Code (where applicable).

ii) Accessory Tent Like Structures

In the “CG” **Zone**, an “accessory tent-like structure” as defined in **PART 6** of this by-law may be developed as a conditionally approved accessory building only when it is located on the same site as the use to which it is accessory. All accessory tent-like structures between one hundred and eight (108) square feet and two-fifty (250) square feet shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law. Accessory tent-like structures exceeding two-hundred and fifty (250) square feet shall be subject to the issuance of a Development Permit and Building Permit and must meet all other requirements of the zoning by-law.

iii) Short Term Rentals

This service may be allowed in the “CG” Zone as a conditional accessory use and subject to inspections for health and safety requirements prior to receiving a building permit.

c) **Prohibited Accessory Uses Buildings and Structures**

iv) The keeping of any livestock in the “CG” zone is prohibited.

NOTE: For information related to projections into required yards, on-site parking and loading and fencing, refer to **PART 2** of this By-law.

TABLE 3.5: USE & SITE	MINIMUM REQUIREMENTS (a) (b) (c) (h) (l) (m)
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	SITE SIZE		REQUIRED YARDS		
	Area (sq.ft.)	Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED USES					
Advertising Signs (with a sign surface area up to 54 sq./ft. in size)	-	-	25 (h)	15 (h)	15 (h)
Automobile, Boat and Trailer Sales and Service	15,000	100	15	15	25
Automobile Service Stations	15,000	100	15	15	25
Banquet Halls	5,000	50	5	5 (d)	25
Business and Personal Services Establishments	5,000	50	5	5 (d)	25
Bus Stations	5,000	50	5	5 (d)	25
Child Care Services	15,000	75	25	8 (d)	25
Community Centers and Clubs	20,000	100	25	10 (d)	25
Contractor's Establishments (with indoor storage only)	5,000	50	25	10 (d)	25
Existing Uses Lawfully Established Prior to the Adoption of this By-law	6,000	50	20	10	20
Emergency Services Including Fire, Police and Ambulance Stations	5,000	50	5	5 (d)	25
Government Offices	5,000	50	5	5 (d)	25
Grocery Stores	5,000	50	5	5 (d)	25
Hospitals	1 acre	200	25	10 (d)	25
Hotels or Motels	30,000	150	25	10 (d)	25
Laundries, Dry Cleaning Establishments	15,000	100	25	15	25
Libraries and Museums	15,000	100	25	10 (d)	25
Lumber Yards (with indoor storage only)	10,000	100	25	15	10
Moving, Storage and Warehousing	5,000	50	5	5 (d)	25
Parks and Playgrounds	5,000	50	15	8 (d)	25
Place of Worship, including Churches, Temples, Church Halls and Church Educational Facilities	20,000	100	25	10 (d)	25
Private Clubs and Lodges	5,000	50	5	5 (d)	25
Public Utilities (k)	5,000	50	15	8 (d)	25
Recreation Facilities (bowling alleys, cinemas, etc.)	5,000	50	5	5 (d)	25
Retail Services	5,000	50	5	5 (d)	25
Restaurants and Drive-In Eating Establishments	5,000	50	5	5 (d)	25
Wholesale Office Sales and Storage	5,000	50	5	5 (d)	25
CONDITIONAL USES					
Advertising Signs (with a sign surface area greater than 54 sq./ft. in size)	-	-	25 (h)	15 (h)	15 (h)
Boarding, Rooming and Lodging Houses	15,000	100	25	10 (d)	25
Bulk Fuel and Oil Sales and Storage	10,000	100	25	15	25
Cannabis Retail Establishment (n)	5,000	50	5	5 (d)	25
Carpentry and Woodworking Shops	5,000	50	5	5 (d)	25
Contractor's Establishments (with indoor and outdoor storage)	7,000	70	25	15	25
Dwellings: (f)					
- Single-Unit Dwellings and Modular Homes	5,000	50	25	6 (d) (e)	25
- Two-Unit Dwellings	8,000 (g)	80	25	8 (d) (e)	25
Lumber Yards (with outdoor storage)	15,000	100	25	10 (d)	25

TABLE 3.5: USE & SITE REQUIREMENTS: “CG” COMMERCIAL GENERAL ZONE	MINIMUM REQUIREMENTS (a) (b) (c) (h) (l) (m)				
	SITE SIZE		REQUIRED YARDS		
	Area (sq.ft.)	Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
Machine Shops	7,000	70	25	15	25
Manufacturing, General	7,500	75	25	15	25
Parking Lots (public or private) (m)	4,000	40	5	5 (d)	10
Residential Care Facilities	15,000 (b)	100	25	10 (d)	25
Snowmobile, Motorcycle and ATV Sales and Service Establishments	10,000 (b)	100	25	15	25
Veterinary Clinics	15,000	100	40	10	30
ACCESSORY USES, BUILDINGS, STRUCTURES					
Accessory uses, Buildings and Structures (See also PARTS 2 and 4 of this By-law).	-	-	(j) (k)	5	25 (i)
<p>NOTES:</p> <p>³ For information concerning the treatment of lawfully established existing uses, buildings and structures in existence prior to the adoption of this by-law, please refer to PART 2: General Rules and Regulations Applicable in All Zoning Districts of this by-law.</p> <p>⁴ Provisions of PART 2: General Rules and Regulations Applicable in All Zoning Districts and PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones of this by-law shall also apply in this zone. In the event of a conflict between the provisions of PART 2 or PART 4 and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.</p>					

Footnotes Forming Part of Table 3.5: “CG” COMMERCIAL GENERAL ZONE:

In addition to the minimum requirements for **TABLE 3.5** (above), the following requirements shall apply:

- (a) The maximum allowable height for all buildings and structures shall be 45 feet (three stories) except for church steeples and similar architectural components of permitted or conditionally approved public buildings and accessory telecommunication towers.
- (b) Where a proposed use requires wastewater disposal facilities and the site is **NOT** serviced by a piped municipal sewer system or a private holding tank approved by the provincial authority having jurisdiction, the minimum bulk requirements shall be adjusted as follows:
 - (i) Minimum required site area shall be two (2) acres;
 - (ii) Minimum required site width shall be two hundred (200) feet;
 - (iii) Minimum required side yard shall be thirty (30) feet.
- (c) In the **“CG” Zone**, more than one principal commercial building or commercial use of land or some combination thereof may be permitted on a single parcel of land. Where any building or parcel is used for more than (1) purpose, all of the requirements of this by-law pertaining to each building or use shall be satisfied. In the event of a conflict between requirements pertaining to each use or building, the higher or more stringent requirement shall prevail and shall be satisfied.
- (d) In the case of a corner lot, the minimum required side yard setback shall be increased to 12 feet free of all projections other than eaves and gutters.
- (e) Where an interior lot used for residential purposes is not adjacent to a lane, one of the side yards shall be a minimum of 10 feet free of all projections other than eaves and gutters in order to accommodate the required parking space or to provide for vehicular access to the rear of the site. This requirement shall not apply where a garage or carport is attached to the principal building.

- (f) The minimum dwelling unit floor area for a single-unit dwelling shall be six hundred (600) sq. ft. with an additional four hundred (400) sq. ft. for the second and each additional dwelling unit therein.
- (g) For the purpose of interpreting the requirements of **Table 3.5** herein, a semi-detached two-unit dwelling, a row house or a multi-unit dwelling having common party walls shall be considered as being one (1) building occupying one (1) site.
- (h) Notwithstanding clause (i) of this footnote (above), in the case of semi-detached two-unit dwellings, each dwelling unit may occupy a separate site, provided each site is a minimum of 4,000 sq. ft. in area and has a minimum site width of fifty (50) feet. In such circumstances, the side yard required along the shared party wall shall be reduced zero (0) feet and all other provisions of **Table 3.5 of this PART** shall also apply.
- (i) Under authority of the applicable provincial Act, where any structure or development is proposed under, below or at ground level within the controlled areas of the provincial highway system, permits must be obtained from the provincial authority having jurisdiction.
- (j) Where an accessory building is used for storage of a motor vehicle, the wall which contains the vehicle access door shall be set back a minimum distance of ten (10) feet from a public lane.
- (k) The minimum required front yard for accessory buildings and structures shall be the same as the minimum required front yard for the principal building on the same site.
- (l) Bulk requirements do not apply to transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and similar infrastructure since all of this apparatus may require only very small parcels or none at all (easements). This does not apply, however, to offices, equipment or vehicle storage, parking or workshops, where and if these uses are permitted or approved.
- (m) Where a proposed development involves the construction of “water control works” or “drainage works” as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.
- (n) All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space except as provided elsewhere in this By-law.
- (o) All newly siting cannabis retail establishments shall be setback a minimum of 100 feet from the limits of lands zoned “**RG**” **Residential General Zone**.
- (p) The maximum allowable height for all buildings and structures shall be 45 feet (three stories) except for church steeples and similar architectural components of permitted or conditionally approved public buildings and accessory telecommunication towers.
- (q) Where a proposed use requires wastewater disposal facilities and the site is **NOT** serviced by a piped municipal sewer system or a private holding tank approved by the provincial authority having jurisdiction, the minimum bulk requirements shall be adjusted as follows:
 - (i) Minimum required site area shall be two (2) acres;
 - (ii) Minimum required site width shall be two hundred (200) feet;
 - (iii) Minimum required side yard shall be thirty (30) feet.

- (r) In the **"CG" Zone**, more than one principal commercial building or commercial use of land or some combination thereof may be permitted on a single parcel of land. Where any building or parcel is used for more than (1) purpose, all of the requirements of this by-law pertaining to each building or use shall be satisfied. In the event of a conflict between requirements pertaining to each use or building, the higher or more stringent requirement shall prevail and shall be satisfied.
- (s) In the case of a corner lot, the minimum required side yard setback shall be increased to 12 feet free of all projections other than eaves and gutters.
- (t) Where an interior lot used for residential purposes is not adjacent to a lane, one of the side yards shall be a minimum of 10 feet free of all projections other than eaves and gutters in order to accommodate the required parking space or to provide for vehicular access to the rear of the site. This requirement shall not apply where a garage or carport is attached to the principal building.
- (u) Drive-through facilities may be added to new or existing eating establishments and restaurants provided sufficient space is available for vehicle laneways on land associated with the business and following Council approval for this specific feature.

3.10 **“MG” Industrial General Zoning District – Purpose and Intent**

Is hereby established in this by-law and is intended to provide areas in the **TOWN OF CARBERRY** for a variety of light manufacturing, processing, storage, and transportation industries.

3.10.1 **“MG” Industrial General Zoning District Accessory Uses, Buildings and Structures**

a) **Permitted Accessory Uses, Buildings and Structures**

- i) Accessory Shipping Containers
In the **“MG” Industrial General Zone**, an “accessory shipping container” as defined in **PART 6** of this by-law may be developed as a permitted accessory building only when it is located on the same site as the permitted or conditionally approved industrial use to which it is accessory. All accessory shipping containers as provided for herein shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law, Manitoba Building Code and Manitoba Fire Code (where applicable).
- ii) Accessory Signs as provided for in **PART 2** of this By-law.
- iii) Accessory Tent Like Structures
In the **“MG” Industrial General Zone**, an “accessory tent-like structure” as defined in **PART 6** of this by-law may be developed as a permitted accessory building only when it is located on the same site as the use to which it is accessory. All accessory tent-like structures between one hundred and eight (108) square feet and two-hundred and fifty (250) square feet shall be subject to the issuance of a Development Permit and must meet all other requirements of the zoning by-law. Accessory tent-like structures exceeding two-hundred and fifty (250) square feet shall be subject to the issuance of a Development Permit and Building Permit and must meet all other requirements of the zoning by-law.
- iv) Accessory Dwelling Unit
In the **“MG” Industrial General Zone**, one (1) attached or detached accessory dwelling unit and its associated accessory buildings may be developed as a permitted accessory use on the same parcel as the principal commercial use of the property which it serves. The accessory dwelling unit must in all cases satisfy all of the siting and setback requirements applicable to the principal use of the property and meet all other requirements of this by-law, the Manitoba Building Code and Manitoba Fire Code (where applicable). The minimum dwelling unit floor area for the accessory dwelling unit shall be one-thousand (1,000) sq. ft.
- v) Accessory Telecommunications Towers
In the **“MG” Industrial General Zone**, an accessory telecommunication tower used to support ancillary devices such as but not limited to citizens’ band radio, television or internet service which is located on the same site and in direct support of either a permitted or conditionally approved use shall be treated as a permitted accessory structure. Notwithstanding the siting and setback requirements of **Table 3.10 of this PART**, all accessory telecommunication tower structures shall be set back from all property lines of the site on which it is located a minimum distance equal to its total height, measured from the ground to the uppermost point of its extension.

b) **Conditional Accessory Uses, Buildings and Structures**

c) Prohibited Accessory Uses Buildings and Structures

- i) The keeping of any livestock in the “**MG**” zone is prohibited.

NOTE: For information related to projections into required yards, on-site parking and loading and fencing, refer to **PART 2** of this By-law.

TABLE 3.6: USE & SITE

MINIMUM REQUIREMENTS (a) (b) (c) (d) (f) (h) (i)

	SITE SIZE		REQUIRED YARDS		
	Area (sq.ft.)	Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED USES					
Advertising Signs (with a sign surface area up to 54 sq./ft. in size)	-	-	25 (d)	15 (d)	15 (d)
Automobile, Boat and Trailer Sales and Service	40,000	150	25	15	25
Automobile Service Stations	40,000	150	25	15	25
Bulk Fuel and Oil Sales and Storage	15,000	100	25	15	25
Carpentry and Woodworking Shops	7,000	70	25	15	25
Concrete Products Manufacturing Establishments	7,000	70	25	15	25
Contractor's Establishments					
- With outdoor storage	10,000	100	25	15	25
- With indoor storage only	7,000	70	25	15	25
Existing Uses Lawfully Established Prior to the Adoption of this By-law	6,000	50	20	10	20
Farm Implement Sales and Service	40,000	150	25	15	25
Emergency Services Including Fire, Police and Ambulance Stations	7,000	70	25	15	25
Machine Shop	7,000	70	25	15	25
Manufacturing, General	7,000	70	25	15	25
Moving, Storage and Warehousing	7,000	70	25	15	25
Public Utilities (g)	5,000	50	25	15	25
Recreation Facilities (Bowling Alleys, Cinemas, etc	7,000	70	25	15	25
Snowmobile, Motorcycle and ATV Sales and Service Establishments	10,000	100	25	15	25
Truck Terminals	40,000	150	25	15	25
Wholesale Office Sales and Storage	7,000	70	25	15	25
Wood Processing Establishments	7,000	70	25	15	25
CONDITIONAL USES					
Advertising Signs (with a sign surface area greater than 54 sq./ft. in size)	-	-	25 (d)	15 (d)	15 (d)
Agricultural Industries	40,000	150	25	15	25
Asphalt Mixing Plants and Products	40,000	150	25	15	25
Automobile Wrecking Establishments	40,000	150	25	15	25
Concrete Batch Plants	40,000	150	25	15	25
Industrial Service Shop	40,000	150	25	15	25
Junk Yard	40,000	150	25	15	25
Manufacturing, Chemical	40,000	150	25	15	25
Manufacturing, Indoor federally licensed cannabis cultivation, processing and packaging facilities and related activities).	40,000	150	25	15	25
Restaurants and Drive-In Eating Establishments	20,000	100	25	15	25
ACCESSORY USES, BUILDINGS, STRUCTURES					
Accessory uses, Buildings and Structures (See also PARTS 2 and 4 of this By-law)	-	-	(e)	3	2

TABLE 3.6: USE & SITE REQUIREMENTS: “MG” - INDUSTRIAL GENERAL ZONE	MINIMUM REQUIREMENTS (a) (b) (c) (d) (f) (h) (i)				
	SITE SIZE		REQUIRED YARDS		
	Area (sq.ft.)	Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
NOTES:					
¹ For information concerning the treatment of lawfully established existing uses, buildings and structures in existence prior to the adoption of this by-law, please refer to PART 2: General Rules and Regulations Applicable in All Zoning Districts of this by-law.					
² Provisions of PART 2: General Rules and Regulations Applicable in All Zoning Districts and PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones of this by-law shall also apply in this zone. In the event of a conflict between the provisions of PART 2 or PART 4 and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.					

Footnotes Forming Part of Table 3.6: “MG” Industrial General Zone:

- (a) The maximum allowable height for all buildings and structures shall be 30 feet (two stories) except for architectural components of permitted or conditionally approved public buildings and accessory telecommunication towers.
- (b) Where a proposed use requires wastewater disposal facilities and the site is **NOT** serviced by a piped municipal sewer system or a private holding tank approved by the provincial authority having jurisdiction, the minimum bulk requirements shall be adjusted as follows:
 - (i) Minimum required site area shall be two (2) acres;
 - (ii) Minimum required site width shall be two hundred (200) feet;
 - (iii) Minimum required side yard shall be thirty (30) feet.
- (c) In the **“MG” Industrial General Zone**, more than one principal commercial building or commercial use of land or some combination thereof may be permitted on a single parcel of land. Where any building or parcel is used for more than (1) purpose, all of the requirements of this by-law pertaining to each building or use shall be satisfied. In the event of a conflict between requirements pertaining to each use or building, the higher or more stringent requirement shall prevail and shall be satisfied.
- (d) Under authority of the applicable provincial Act, where any structure or development is proposed under, below or at ground level within the controlled areas of the provincial highway system, permits must be obtained from the provincial authority having jurisdiction.
- (e) The minimum required front yard for accessory buildings and structures shall be the same as the minimum required front yard for the principal building on the same site.
- (f) Where a side or rear yard of a site in the **“MG” Industrial General Zone** abuts the boundary of another zone, the yard requirements shall be increased by 25 percent.
- (g) Bulk requirements do not apply to transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and similar infrastructure since all of this apparatus may require only very small parcels or none at all (easements). This does not apply, however, to offices, equipment or vehicle storage, parking or workshops, where and if these uses are permitted or approved.

- (h) Where a proposed development involves the construction of “water control works” or “drainage works” as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.

- (i) All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space except as provided elsewhere in this By-law.

3.11 The “OS” Open Space Zoning District

Is hereby established in this by-law and is intended to provide areas in the **TOWN OF CARBERRY** for uses such as educational, institutional and public recreational areas and facilities and natural areas.

3.11.1 “OS” Open Space Zoning District Accessory Uses, Buildings and Structures

a) Permitted Accessory Uses, Buildings and Structures

- i) Accessory buildings or structures required for the operation or maintenance of any educational, institutional, recreational or other use which is a permitted or conditional in the zone;
- ii) Accessory Signs as provided for in **PART 2** of this By-law.
- iii) Antennas, including satellite dish antennas
- iv) Walls, decks, patios, gazebos, statuary, flagpoles and similar features

b) Conditional Accessory Uses, Buildings and Structures

c) Prohibited Accessory Uses Buildings and Structures

Accessory Shipping Containers

Accessory shipping containers as defined in **PART 6** of this by-law are prohibited in the “OS” **Open Space Zone**.

NOTE: For information related to projections into required yards, on-site parking and loading and fencing, refer to **PART 2** of this By-law.

TABLE 3.7: USE & SITE	MINIMUM REQUIREMENTS (a) (b) (d) (g) (h)
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	SITE SIZE		REQUIRED YARDS		
	Area (sq.ft.)	Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
PERMITTED USES					
Arenas	20,000	100	25	20	20
Cemeteries	40,000	100	15	10	10
Halls	20,000	100	25	20	20
Exhibition Grounds	80,000	200	25	20	20
Existing Uses Lawfully Established Prior to the Adoption of this By-law	6,000	50	20	10	20
Parks, Playgrounds and Picnic Areas	2,500	25	15	5	10
Personal Care Home Facilities	15,000 (b)	100	25	10 (d)	25
Public Swimming Pools	20,000	100	25	20	20
Public Utilities (c)	10,000	100	25	10	10
Schools	40,000	200	25	20	20
CONDITIONAL USES					
Travel Trailer Recreation Parks/Campgrounds	20,000	100	25	15	25
ACCESSORY USES, BUILDINGS, STRUCTURES					
Accessory uses, Buildings and Structures (See also PARTS 2 and 4 of this By-law)	-	-	(e)	3	2
NOTES:					
¹ For information concerning the treatment of lawfully established existing uses, buildings and structures in existence prior to the adoption of this by-law, please refer to PART 2: General Rules and Regulations Applicable in All Zoning Districts of this by-law.					
² Provisions of PART 2: General Rules and Regulations Applicable in All Zoning Districts and PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones of this by-law shall also apply in this zone. In the event of a conflict between the provisions of PART 2 or PART 4 and the use and site requirements of this table, the highest or most restrictive requirement shall prevail and shall be satisfied.					

Footnotes for Table 3.7: "OS" OPEN SPACE ZONE:

- (a) The maximum allowable height for all buildings and structures shall be 30 feet (two stories) except for architectural components of permitted or conditionally approved public buildings and telecommunication towers which are accessory to public buildings.
- (b) Where a proposed use requires wastewater disposal facilities and the site is **NOT** serviced by a piped municipal sewer system or a private holding tank approved by the provincial authority having jurisdiction, the minimum bulk requirements shall be adjusted as follows:
 - (i) Minimum required site area shall be two (2) acres;
 - (ii) Minimum required site width shall be two hundred (200) feet;
 - (iii) Minimum required side yard shall be thirty (30) feet.
- (c) Bulk requirements do not apply to transmission facilities (wires or pipes) or the associated equipment such as poles, transformers and switching boxes including Manitoba Hydro Substations and similar infrastructure since all of this apparatus may require only very small parcels or none at all (easements). This does not apply, however, to offices, equipment or vehicle storage, parking or workshops, where and if these uses are permitted or approved.

- (d) Under authority of the applicable provincial Act, where any structure or development is proposed under, below or at ground level within the controlled areas of the provincial highway system, permits must be obtained from the provincial authority having jurisdiction.
- (e) For all accessory buildings or structures, the required front shall be the same as the required front yard for the principal building or structure.
- (f) The owner shall maintain the minimum site area, site width, required yards and other requirements specified herein for any use. Furthermore, the minimum requirements allocated to a use as specified by this By-law shall not by virtue of change of ownership, or for any other reason, be used to satisfy the requirements for any other use.
- (g) Where a proposed development involves the construction of “water control works” or “drainage works” as identified under the Water Rights Act, it shall be the responsibility of the proponent to contact the provincial authority having jurisdiction to obtain any required licenses or approvals prior to the commencement of development.
- (h) All required yards specified for any use shall be located on the same site as the use, and shall be maintained as open space except as provided elsewhere in this By-law.

3.12 “UH” Urban Hold Zone -- Purpose and Intent

The **“UH” Urban Hold Zone** is hereby established in this by-law and provides small areas of land in the **TOWN OF CARBERRY** currently used for agricultural purposes (including cropping, pasture, hay production, or woodlots) but waiting for redevelopment for urban land uses. Existing farm use or pasturing of animals will be allowed to continue in the **“UH” Urban Hold Zone** until such time as the land is made available for redevelopment. New development will require rezoning as part of the approval process.

PART 4: Additional Requirements for Specific Permitted, Conditional and Accessory Uses in Different Zones

Regardless of whether a use is allowed as a permitted use or a conditional use, and regardless of the zoning district in which the use is located, the following standards for specific uses must be met, except as otherwise provided in this by-law or by a conditional use or variance order:

4.1 Hazardous Materials Storage

No commercial chemical warehouse, inland grain terminal, bulk fuel or fertilizer storage or anhydrous ammonia storage container shall be located within:

- a) 350 feet of any public roadway
- b) 1,000 feet of a building used for human occupation excepting the operator;
- c) 2,640 feet of any of the limits of the **TOWN OF CARBERRY**;

4.2 Standards for Two-Unit Dwellings

In those zoning districts where a two-unit dwelling may be allowed, it shall have no required interior side yard between the two dwelling units where they share a common **party wall** which is located on the boundary between each dwelling unit that is located on their own zoning site.

4.3 Standards for Multi-Unit Dwellings

In those zoning districts where a multi-unit dwelling may be allowed, it shall:

- a) only be located above the first storey of the building in the “CG” zones;
- b) have no required interior side yard between the dwelling units where they share a common party wall which is located on the boundary between each dwelling unit that is located on their own zoning site.

4.4 Standards for Bed and Breakfast Operations

A bed and breakfast shall only be allowed on a site in a zoning district where a “home-based business” may be allowed if it meets all of the following requirements:

- a) the operator must reside within the principal residence to which the bed and breakfast is an accessory use;
- b) no more than [eight] patrons shall be accommodated within one dwelling;
- c) no more than five bedrooms shall be used for the bed and breakfast operation
- d) one additional on-site parking spot shall be provided for each bedroom that is used for the bed and breakfast operation;
- e) signs shall follow the regulations for home-based businesses in the zone in which the bed and breakfast is located.

4.5 Standards for Home Based Business Activities

In the Municipality, a “home industry” and “home occupation” are two distinct types of home based business activities which are recognized as legitimate accessory uses in certain zoning districts. Each of these two distinct types of home based business activities shall be governed by the following rules:

a) **Home Industry**

May be allowed as a conditionally approved accessory use in the “**RG**” Residential General Zone” as well as **Commercial, Industrial, and Institutional Zones** and shall be subject to the following additional rules:

- i) A home industry shall be principally conducted by the members of the family residing in the dwelling located on the same site as the proposed home industry and any other persons employed or otherwise engaged in the home industry who do not reside in said dwelling may not exceed:
 - (a) Two (2) employees in the “**RG**” and “**CM**” Zone(s)
 - (b) Five (5) employees in the “**CG**” and “**MG**” Zone(s).
- ii) A home industry shall not generate undue traffic or congestion, adversely affect the amenity and convenience of the neighbourhood, or create a nuisance.
- iii) A home industry shall not unduly interfere with the general enjoyment of adjacent property.
- iv) One business sign, either freestanding or affixed to the wall of the principal or accessory building in which the home industry is carried out shall be allowed and shall have a maximum sign surface area as follows:
 - (a) In all agricultural zones – 32 square feet
 - (b) In all other zones where home based business as allowed as permitted accessory uses – 16 square feet.
- v) Where a home industry is proposed adjacent to a provincial trunk highway and will be utilizing an existing access onto the provincial trunk highway, the proponent will be required to change or intensify the use of an existing structure within the controlled area adjacent to PTH5 and to intensify the use of an existing access to declared sections of PR 351 and the Carberry Provincial Access Road.
- vi) It shall be the responsibility of the proponent proposing to establish or expand a home industry to investigate the need to obtain a development permit and/or building permit and approval from the Council of the **TOWN OF CARBERRY** prior to the commencement of the development.

b) **Home Occupation**

Shall be allowed as a permitted accessory use in the “**RG**” Residential Zone and “**RMH**” Residential Mobile Home Zone and will be subject to the following additional rules:

- i) A home occupation shall be principally conducted by the members of the family residing in the dwelling located on the same site as the proposed home occupation and any other persons employed or otherwise engaged in the home occupation who do not

reside in said dwelling may not exceed two (2) employees in the “RG” and “RMH” zone(s);

- ii) A home occupation shall not by reason of emission of odor, dust, smoke, noise, gas, fumes, cinders, light, vibration, refuse matter or water carried wastes become offensive or obnoxious or create a nuisance at or beyond any site line;
- iii) There shall be no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the principal or accessory building except as otherwise provided for herein;
- iv) A home occupation shall not cause the generation of undue traffic and congestion in the neighborhood;
- v) A home occupation shall be carried on entirely within the dwelling unit or within an accessory building located on the same site as the principal building to which it is accessory;
- vi) Not more than six hundred (600) square feet of floor area shall be devoted to a home occupation in any dwelling unit or its accessory buildings located on the same site as the principal building thereto, or thirty percent (30%) of the total floor area of the dwelling, whichever is the lesser;
 - (a) Notwithstanding the maximum floor area limitations outlined in clause (vi) above, in the case of a home occupation involving the establishment or expansion of a bed and breakfast or boarding or lodging use or building, a maximum of four (4) suites per site shall be allowed;
- vii) One business sign, either freestanding or affixed to the wall of the principal or accessory building in which the home occupation is carried out shall be allowed and shall have a maximum sign surface area as follows:
 - (a) In all agricultural zones – 32 square feet
 - (b) In all other zones where home based business as allowed as permitted accessory uses – 16 square feet.
- viii) Where a home occupation is proposed adjacent to a provincial trunk highway and will be utilizing an existing access onto the provincial trunk highway, the proponent will be required to change or intensify the use of an existing structure within the controlled area adjacent to PTH5 and to intensify the use of an existing access to declared sections of PR 351 and the Carberry Provincial Access Road..
- ix) It shall be the responsibility of the proponent proposing to establish or expand a home occupation to investigate the need to obtain a Development Permit and/or Building Permit and approval from the Council of **TOWN OF CARBERRY** prior to the commencement of the development.

4.6 Standards for Campgrounds and Recreational Vehicle Parks

In those zoning districts where a campground or recreational vehicle (RV) park may be developed, it must comply with provincial Campground Regulations and meet the following standards:

- a) more than one camping space or recreational vehicle (RV) space shall be allowed on a zoning site in a campground RV park;
- b) a campground or RV park must provide an all-weather roadway that serves all sites with a driving surface a minimum of 20 feet wide;
- c) a campground or RV park must provide storage of refuse in a sanitary manner at locations not more than 500 feet from all camping spaces and recreation vehicle (RV) spaces in the campground and/or RV park.;
- d) a campground or RV park must provide clear numbered identification of each camping/RV space;
- e) a campground or RV park must provide a centrally located recreation area equivalent to a minimum area of 215 square feet per camping/RV space .

4.7 Standards For Tiny Homes

In the residential zoning districts where dwellings may be developed, tiny homes may be considered for approval at the discretion of Council:

Tiny homes are a novel housing choice in today's search for more affordable housing options and are expected to be explored as new housing development in the coming years. Tiny homes are simply a modern version of dwellings that are smaller in size than what was typically built in the last 20 years. Tiny homes are intended to be used as a primary residence and as such would normally be considered as an approvable principal use on a standard residential lot. Their smaller size may detract from the standardized look of the rest of the housing already developed in the community, but there may be locations in the community where such development may be accepted by community members.

Tiny homes, under this By-law, may be considered for approval at the discretion of Council after consideration of site and situation (i.e. surrounding land uses) for a specific proposal for development. Council would need to provide for such approval by passing a resolution and a Variation Order to reduce the minimum dwelling unit floor area established in the residential zones in this By-law or other zoning requirements such as minimum lot size that may need to be varied to accommodate the proposed development.

Tiny homes are sometimes marketed as "park model homes" and could be considered for approval in any mobile home park zoned "RMH" and in other areas of the community with existing residential development, such as areas zoned "RG" Residential General Zone.

Tiny homes can be manufactured by companies specializing in the production of these units which will need to be moved onto any chosen approved site, or the units may be stick-built on site in accordance with applicable standards as set out in the provincial building code or municipal building by-law. The use of permanent foundations may be a requirement of Council considering any tiny home development for approval.

4.8 Standards for Lot Coverage in Residential Areas

In order to maintain sufficient amenity space in areas of the community where people live, residential lot coverage by buildings will be limited to 40 per cent of total lot area but that requirement may be increased to 50 per cent lot coverage by Council making a discretionary decision in response to an application for varying this requirement.

Council will need to consider both site and situation (i.e. surrounding land uses) before making their decision, and may wish to discuss any such applications with neighbouring land owners. Council approval would be by resolution and Council may need to consider approving a Variation Order to allow for varying this requirement.

4.9 Standards for Mobile Homes

In those zoning districts where Mobile and Modular homes may be developed, that development must meet the following standards:

- a) New mobile and modular homes manufactured for use in Manitoba and built to current construction standards may be moved on-site in accordance with local approvals from an approving authority'
- b) Mobile and Modular home older than 10 years may not be eligible for approval and any proposal including the use of older units will require approval by resolution from the municipal Council; this approval is discretionary and will depend on an evaluation of site and situation (i.e. surrounding land uses) as well as an evaluation of the current condition of the older unit by the local Building Inspector or any other person with expertise that Council wishes to consult before making their decision regarding unit approval for location within the appropriate zone in the community.

PART 5: Administration and Enforcement

This by-law shall be administered in accordance with the provisions of *The Planning Act* and this **PART**.

5.1 Administration and Enforcement

In the administration and enforcement of this by-law, staff from the **TOWN OF CARBERRY or the Cypress Planning District** shall have all of the powers of inspection, remedy and enforcement provided under

PART 12 of *The Planning Act*.

5.2 The Development Officer / Building Official Position and Authority

The position of the Development Officer / Building Official is hereby established. The person(s) appointed as Development Officer / Building Official by Council shall be a designated officer for the administration and enforcement of this by-law as provided for under *The Planning Act*.

5.3 Role and Responsibilities of the Development Officer / Building Official

The Development Officer / Building Official shall have the authority to:

- a) issue Development Permits and Building Permits (where required) and exercise the powers of administration, inspection, remedy and enforcement as provided for under authority of *The Planning Act*.
- b) refuse to issue a Development Permit and where required, a Building Permit where:
 - i) the required Permit application(s), or any information accompanying said Permit application(s), is incorrect or incomplete;
 - ii) the proposed building, structure or use does not, to the development officer's knowledge, comply with this zoning bylaw, the municipality's building by-law or with any other applicable federal and/or provincial law and/or regulation;
- c) revoke a Development Permit and/or Building Permit where the Permit(s) were issued in error.
- d) make a minor variance order, without the need for a public hearing, for any proposed change that varies:
 - i) any height, distance, area, size or intensity of use requirement in the zoning by-law by no more than 15% per cent;
 - ii) the number of parking spaces required by the zoning bylaw by no more than 10% per cent.

5.4 When Development Permits Are Required

- a) In the case of proposed development that involves the construction or expansion of a **public or semi-public or water supply** system, the proponent shall be required to contact the provincial authority having jurisdiction for information concerning water licensing and approvals that must be obtained prior to the commencement of construction.
- b) Before developing a **self-supplied water source (e.g. a well)**, the proponent shall be required to contact the provincial authority having jurisdiction for information concerning licensing, permits or approvals that may be necessary prior to the commencement of construction.
- c) Subject to **Section 5.5 of this PART** (below), the repair, rehabilitation, renovation, construction, erection, removal or relocation, enlargement, addition, extension, conversion, improvement or structural alteration or placing of a building or structure or any part thereof (including mechanical systems) and/or replacement of building components and underpinnings or excavation of land for the purpose of erecting a building or structure requires a **Development Permit** and **Building Permit** (where required) including those activities set out below, except as otherwise provided for in this by-law:
 - i) the erection, construction, enlargement, structural alteration or placing of a building or structure, either permanent or temporary;

- ii) the establishment of a use of land or a building or structure;
- iii) the change of a use of land or a building or structure from the existing use to a use which is not a permitted use;
- iv) the alteration or enlargement of an approved conditional use except where specifically exempt elsewhere in this by-law.

5.5 When Development Permits Are Not Required

- a) A Development Permit is not required for the following:
 - i) agricultural cropping of land;
 - ii) incidental non-structural alterations;
 - iii) patching, painting or decorating;
 - iv) replacement of stucco, siding or shingles with the same material;
 - v) replacement of doors or windows when the opening is not altered;
 - vi) replacement of open landings and stairs up to 50 sq. ft. in size and not exceeding 24 inches in height above finished grade;
 - vii) open patios less than 8 inches above finished grade;
 - viii) installation of cabinets and shelves;
 - ix) a detached accessory storage building not exceeding one hundred and eight (108) square feet in floor area;
 - x) garden houses tool sheds and children’s playhouses not exceeding one hundred and eight (108) square feet in floor area;
 - xi) non-structural alterations or repairs to buildings or structures where the value of the work is less than five thousand dollars (\$5,000.00);
 - xii) replacement of or minor changes to the capacity of pipes, ducts or conduits;
 - xiii) the maintenance or restoration of building components, including re-painting and similar operations;
 - xiv) the installation of sidewalks, parking pads, exterior steps, parking pads, trees, hedges, shrubs, planters, fountains, flag poles, trellises, lighting and similar landscaping features that are developed in accordance with the provisions of this by-law;
 - xv) private communications aerials and antennas;
 - xvi) private sewage disposal systems;
 - xvii) the erection of certain accessory signs as provided for in **PART 2** of this By-law.
- b) Despite not requiring a **Development Permit**, all items in this section shall be subject to all other requirements of this by-law and all other applicable by-laws of the Municipality.

5.6 Other Required Permits

The issuance of a Development Permit in respect of the development of building, structure or use does not affect the obligation of the development proponent to obtain a Building Permit (where required) or any other permit or approval where required under the municipal building by-law or other municipal by-law, applicable federal and provincial law(s) and/or regulations, for such a building, structure or use.

5.7 Applications for Development Permit

An application for a Development Permit and/or Building Permit shall:

- a) be made by the owner or owners of the parcel in question, or by a person authorized in writing by them;
- b) be accompanied by plans drawn to scale showing the following:
 - i) the shape and dimensions of the parcel to be used or built on;
 - ii) the location (relative to property lines) and dimensions of existing buildings and structures;
 - iii) the location (relative to property lines) and dimensions of any proposed building, structure, enlargement or alteration;
 - iv) the number of existing and proposed dwelling units being proposed (where applicable);
 - v) the use or uses of each existing and proposed building and structure, use of the land, and the area to be occupied by each use;
 - vi) location of existing and/or proposed vehicular access, utility connections, parking areas, loading areas, and signage (where applicable);
 - vii) the type and location of all existing and/or proposed water supply systems and wastewater management systems and their distances from property lines and existing and proposed habitable buildings.
 - viii) any other information as may be required by the Development Officer/Building Official to determine compliance with, and to provide for enforcement of, this by-law including but not limited to Certificate(s) of Title and instruments registered thereon including easement agreements and caveats, a surveyor's Certificate and/or Building Location Certificate prepared by a Manitoba Land Surveyor.
- c) applications shall be accompanied by the fee(s) prescribed by the Municipality.
- d) no person shall use or occupy any land, building or structure, or erect, construct, enlarge, alter or place any building or structure, except in accordance with an approved Development Permit and Building Permit (where required), and with this by-law.

5.8 Applications for Building Permit

- a) Shall be made by the owner(s) of the parcel in question, or by a person authorized in writing by

them.

- b) Shall be accompanied by plans and specifications as prescribed in the member municipality's building by-law and as prescribed in the Manitoba Building Code.
- c) Any other information as required by the Building Official having jurisdiction.

5.9 Entry for Inspection and Other Purposes

- a) The Development Officer / Building Official may, after giving reasonable notice to the owner or occupier of land or a building or other structure to be entered, and displaying or producing on request identification showing his or her official capacity:
 - i) enter the land, building or structure at any reasonable time for the purpose of inspection, enforcement and or action authorized by this by-law;
 - ii) request that anything be produced to assist in inspection, remedy, enforcement or authorized action; a
 - iii) make copies of anything related to the inspection, remedy, enforcement or authorized action.
- b) In an emergency or in extraordinary circumstances, the Development Officer / Building Official need not give reasonable notice or enter at a reasonable time and may do the things referred to in **Section 5.9 of this PART** without the consent of the owner or occupant.

5.10 Order to Remedy Contravention

- a) If the Development Officer / Building Official finds that a person is contravening this by-law or *The Planning Act*, the development officer may by written order require the person responsible for the contravention to remedy it if, in the opinion of the development officer, the circumstances so require.
- b) The order may:
 - i) direct a person to stop, or alter activities as applicable;
 - ii) direct a person to take any action necessary to remedy the contravention, including the removal or demolition of a building or structure that has been constructed, erected or placed in contravention, and if necessary, take appropriate steps to prevent a recurrence of the contravention;
 - iii) state a time within which the person must comply with the directions; and
 - iv) state that if the person does not comply with the stated directions, the municipality will take the action or measure at the expense of the person.

5.11 Review by Council (Appeal of Orders)

- a) A person who receives an order under **section 5.10 of this PART** may request Council to review the order, by written notice given within 14 days after the date the order is received.

- b) After giving the person a reasonable opportunity to be heard, the Council may confirm, vary, substitute or cancel the order or decision.

5.12 Application for Zoning By-law Amendments, Variances and Conditional Uses

An application for a variance, or conditional use, or an amendment to this by-law must be made in writing to the Development Officer / Building Official by the owner or owners of the land in question, or by a person authorized in writing by them in the proper form and must be accompanied by the fee prescribed by Council. The application must also be accompanied by:

- a) plans drawn to scale showing the shape and dimensions of the affected property;
- b) plans drawn to scale showing the location (relative to property lines) and dimensions of existing buildings and structures;
- c) plans drawn to scale showing the location (relative to property lines) and dimensions of the proposed building, structure, enlargement or alteration;
- d) a description of the use or uses of each existing and proposed building or structure, or of the land and the area to be occupied by each use;
- e) a description of the reason why the variance, conditional use, or amendment to this by-law is being requested;
- f) any other information required by the Development Officer / Building Official to determine compliance with, and to provide for enforcement of, this by-law.

5.13 Development Agreements

- a) In accordance with **Section 150 of *The Planning Act***, where an application is made for a variance order, conditional use or an amendment of this zoning by-law, Council may require the owner or the person entitled to be registered as owner of the land, building, or structure to which the amendment will apply, as a condition of its enactment, to enter into a development agreement with the Municipality in respect of that land as well as contiguous land owned or leased by the applicant.
- b) Where an application is made for the subdivision of land, Council may require the owner or the person entitled to be registered as owner of the land to enter into a development agreement with the **TOWN OF CARBERRY**, in accordance with **Section 135 of *The Planning Act***.
- c) A Development Agreement may contain provisions with respect to the responsibilities for the provision of various services and other improvements, such as water and sewer piping, lot grading and drainage, street construction, and other matters as provided for in ***The Planning Act***.

PART 6: Definitions

6.1 Definitions in *The Planning Act*

Terms not defined in this bylaw which are defined in *The Planning Act* have the meaning provided in that Act as follows:

Building includes a well, pipe line, conduit, cut, excavation, fill, transmission line and any structure or erection, and any part of any of those things, and also includes an addition to or extension of any building or any of those things and a chattel that is attached to, or installed in or on, any building or any of those things.

Conditional Use means a use of land or a building that may be permitted under a zoning by-law.

Construction means:

- a) excavating, removing, filling and backfilling for the purpose of preparing or maintaining a site in respect of a building or a proposed building;
- b) erecting, extending, enlarging, placing, removing, locating and demolishing a building;
- c) altering, renovating and reconstructing a building;
- d) moving a building from one site to another; and
- e) underpinning the foundation of a building.

Council means the Council of the **TOWN OF CARBERRY**.

Development means :

- a) the construction of a building on, over or under land;
- b) a change in the use or intensity of use of a building or land;
- c) the removal of soil or vegetation from land; and
- d) the deposit or stockpiling of soil or material on land and the excavation of land.

Livestock Operation means a permanent or semi-permanent facility or non-grazing area where at least 10 animal units of livestock are kept or raised either indoors or outdoors, and includes all associated manure collection facilities, but does not include an auction mart.

Owner, in relation to property, means a person who is the owner of a freehold estate in the property, and includes:

- a) a person who is an owner with another person as joint tenant or tenant in common of a freehold estate;
- b) a person who is the registered owner of a unit under *The Condominium Act*; and
- c) a real owner, as defined in subsection 1(1) of *The Municipal Assessment Act*.

Parcel of Land means the aggregate of all land described in any manner in a certificate of title.

Property means land and improvements on land, and includes

- a) an interest in land or an improvement on land; and
- b) air, surface and subsurface rights and interests in respect of land.

Sensitive Land" includes

- a) land that is susceptible to flooding, permafrost, erosion or that has unstable slopes or poor drainage;
- b) areas of special significance for animal, bird or plant life, including wetlands, forests and nesting areas; and
- c) land on which any development is likely to harm ecological diversity.

Subdivision means the division of land by an instrument, including

- a) a plan of subdivision, conveyance, deed, mortgage or grant; or
- b) an agreement granting or extending a use of or right in land, directly or indirectly or by an entitlement to renewal, for a period of 21 years or more; but not including a lease respecting only floor space in a building.

6.2 Definitions in this By-law

Where the following terms appear in this by-law, they have the meaning provided as follows:

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

Accessory Shipping Container means a pre-fabricated structure which is designed for the shipping of goods via land, sea, rail or road and may include trailer bodies or other similar structures (including motor vehicle bodies) which have the wheels removed. An accessory shipping container shall naturally and normally be incidental, subordinate in purpose or area, or both, and shall be located on the same site as the principal use, building or structure to which it is accessory.

Accessory Tent-like Structure means a pre-manufactured or constructed structure or building that consists of a main frame covered by a canvas type material. An accessory tent-like structure shall naturally and normally be incidental, subordinate in purpose or area, or both, and shall be located on the same site as the principal use to which it is accessory.

Agricultural Operation means an agricultural, horticultural or silvicultural operation that is conducted in order to produce agricultural products on a commercial basis, and includes:

- a) the production of crops, including grains, oil seeds, hay and forages, and horticultural crops, including vegetables, fruit, mushrooms, sod, trees, shrubs and greenhouse crops;
- b) the use of land for livestock operations and grazing;

- c) the production of eggs, milk and honey;
- d) the raising of game animals, fur-bearing animals, game birds, bees and fish;
- e) the processing necessary to prepare an agricultural product for distribution from the farm gate;
- f) the operation of agricultural machinery and equipment, including the tillage of land and the application of fertilizers, manure, soil amendments and pesticides, whether by ground or aerial application;
- g) the storage, use or disposal of organic wastes for agricultural purposes.

Agro-Industrial Business means an establishment that provides goods or services to the agricultural sector, including (but not limited to) anhydrous ammonia sales, fertilizer sales and service establishments, farm equipment and machinery repair shops, feed operations, livestock auction marts, and commercial seed cleaning plants.

Alterations, Incidental means changes or replacements in the non-structural parts of a building or structure, including, but not limited to the following:

- a) An addition, alteration, removal, reconstruction or replacement on the non-structural exterior of a residential building
- b) An addition, alteration, removal, reconstruction or replacement of any unroofed driveway, sidewalk, patio or any accessory building floor
- c) Alteration of non-load bearing interior partitions in all types of buildings
- d) Replacement of, or changes in, the capacity of utility pipes, ducts or conduits
- e) Replacement and placement of necessary roofing materials, awnings, eaves, overhangs and related structures, provided the area and height of the roof are not increased
- f) The addition and replacement of interior structures such as furnaces, fuel tanks, water heaters, fireplaces or wood stoves
- g) Replacement of exterior building facades

Alterations, Structural means any change, which prolongs the life of the supporting members of a building or structure, which includes, but is not limited to, bearing walls, columns, beams or girders.

Animal Confinement Facility means a barn or an outdoor area where livestock are confined by fences or other structures, and includes a seasonal feeding area but does not include a feedlot or grazing area.

Animal Confinement Area means an outdoor, non-grazing area where livestock are confined by fences or other structures, and includes a feedlot, paddock, corral, exercise or holding area, as well as a covered structure used to confine livestock that has one or more sides without a wall that exposes the interior of the structure to the elements but does not include a seasonal feeding area (pasture). Typically, these areas are used for the housing of livestock that creates a build up of manure (manure pack).

Animal Keeping means a use where livestock or other animals (excluding pets) less than 10 *animal units* (cumulative across species) are sheltered, bred, raised, or sold. This includes, but is not limited to, stables

and kennels.

Animal Unit means the number of animals of a particular category of livestock that will excrete 73 kilograms of total nitrogen in a 12 month period as defined in the Provincial Planning Regulation - Manitoba Reg. 81/2011, as amended.

Bed and Breakfast Operation means accommodation for transient lodgers in individual rooms or apartments.

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

Business and Personal Services establishments: means the occupancy or use of a building or part thereof for the transaction of business or the rendering or receiving of professional or personal services.

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

Council means the Council of the **TOWN OF CARBERRY**.

Crematorium means a facility containing a certified furnace or similar device intended for use in the incineration of human or animal corpses.

Daycare means the use of premises for the care during the day for more than 8 children not residing on the premises.

Development Officer means a person appointed by the Town Council who is responsible for those duties as provided for herein, including a person hired by the Cypress Planning District to undertake those same duties.

Drive-Through Facility means a facility designed to provide goods or services to the persons in standing (as opposed to parked) motor vehicles, including but not limited to a drive-through restaurant or bank.

Dwelling means a building designed for residential occupancy in accordance with the provisions of the Manitoba Buildings and Mobile Homes Act. A cottage, by dictionary definition, is a small dwelling. The term dwelling includes the following:

- a) **Farm** - means a single-unit dwelling, mobile home or modular home which is the principal residence of the owner or operator of a permitted or conditional agricultural activity, and which is located on the same site or a new site taken from the agricultural activity.
- b) **Multi-Unit** - means a building containing three (3) or more dwelling-units, with each dwelling unit being designed for and used for the exclusive occupancy of one (1) dwelling;
- c) **Single-Unit** - means a detached building designed and used for the exclusive occupancy of one (1) dwelling.
- d) **Two-Unit** - means a detached or semi-detached building designed and used for two (2) households, with each unit having exclusive occupancy of a one household unit.

- e) **Non-Farm** – means a single-unit dwelling, mobile home or modular home on a site used for residential purposes, regardless of the owner’s occupation, and located in the “A/R” Agricultural General Zone or “AL” Agriculture Limited Zone.

Dwelling unit means one or more habitable rooms in a building designed for one or more persons living as a single housekeeping unit, with cooking, eating, living, sleeping and sanitary facilities.

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

Farm Building/Structure means a building or structure, other than a dwelling, which does not contain a residential occupancy, located on a farm and used or to be used in the actual farming operation and which is:

- a) associated with and located on land devoted to the practice of farming and considered to be an “Agricultural Operation” and
- b) used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds, such as barns, produce storage buildings, milking centres, piggeries, poultry houses, grain bins, silos, machinery sheds, farm workshops, feed preparation centres, manure storages, greenhouses and garages not attached to a farm residence and
- c) has a Low Human Occupancy (as applying to farm buildings) means an occupancy having an occupant load of not more than 1 person per 40 square meters during normal use)

Feedlot means an outdoor area that is fenced to confine livestock solely for the purpose of growing or finishing, but does not include:

- a) a grazing area; or
- b) a seasonal feeding area.

First Storey means the uppermost storey having its floor level not more than 2 meters above grade.

General Agricultural Activities means a use of land for agricultural purposes, including production of field crops, apiculture, floriculture, horticulture and the necessary accessory uses for packing, storing or treating the produce, but does not include the following:

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

Grade means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Development Officer.

Grazing Area means lands used for pasture or crop production on which livestock may be kept year-round or seasonally, and are fed primarily by direct consumption of plant material grown on the area, and where manure produced by those livestock does accumulate as fertilizer such that mechanical removal is not required.

Height means the total number of storeys in a building or the vertical distance measured from grade to: a) the highest point of the roof surface of a flat roof b) the deck or eaves of any other roof type

Home Based Business - Types:

a) **home industry** means a small-scale manufacturing, repair or trade activity such as but not limited to a welding shop, plumber, electrician, carpentry or cabinet maker, auto repair mechanic or trucking operation and similar uses which are carried on in or from a dwelling or its accessory building for consideration and which is located on the same site and which is clearly secondary and incidental to the principal use of the property.

b) **home occupation** means an occupation, trade, profession or craft such as but not limited to a hair salon, bed and breakfast operation, tea room, home day care operator, lawyer or accountant and similar uses which are carried on in or from a dwelling unit or its accessory building for consideration and which is clearly incidental or accessory to the principal use of the property.

One in Two-Hundred Year flood means a flood that can be expected to occur, on average, once in 200 years.

Kennel means premises upon which more than 5 dogs or 10 cats, not including animals less than 4 months of age, are boarded, bred, trained or cared for in return for remuneration or are kept for the purpose of sale.

Manure Storage Facility - Types:

a) **earthen manure storage facility** means a structure built primarily from soil, constructed by excavating or forming dikes, and used for storing or retaining livestock manure, but does not include

- i) a collection basin;
- ii) a field storage site; or
- iii) a temporary composting site for manure.

b) **non-earthen manure storage facility** means a non-earthen structure, molehill, tank or other non-earthen facility for storing or treating manure, but does not include a gutter or concrete pit used to contain liquid or semi-solid manure for less than 30 days for the purpose of moving the manure to a manure storage facility.

Mobile Home is a manufactured home constructed of single or multiple sections constructed as a portable dwelling (single unit dwelling) unit that is capable of being transported on its own chassis and running gear by towing or other means, and which is designed to be connected to external electrical, water and sewer facilities, and to be used as a single dwelling unit and comprises not more than one storey and at a minimum complies with CAN/CSA Z240 MH Series of Standards at the time of construction (under the Buildings and Mobile Home Act (as amended)). Foundations for these homes are at a minimum constructed to CAN/CSA Z-240 Standards (Deformation Resistant Foundations).

Mobile Home Park means an area of land upon which mobile home spaces are rented to individual owners of mobile homes, and which has been approved by Council.

Mobile Home Space means a space in a mobile home park, which may be rented/leased by an individual for the placement of a mobile home.

Mobile Home Subdivision means an area of land which is subdivided into mobile home sites which may be sold for the placement of mobile homes.

Modular Homes are a pre-manufactured single unit dwelling built in a factory in one or more finished sections for transport to a site for installation. These dwelling units are similar to but distinct from a mobile home. Modular (pre-manufactured homes) are at a minimum certified to CAN/CSA A277 standards at the time of construction. Foundations for these types of buildings may be constructed as permanent foundations or other approved foundations.

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

Place of Worship and Assembly means a building (ex: a church, chapel, mosque, synagogue, or temple) primarily used for religious purposes.

Personal Care Home means a building in which residential accommodation, plus supervision, care or treatment, is provided for elderly individuals who can no longer remain safely at home because of a disability or their health care needs.

Principal Use means the primary or predominant activity on any lot or within any building or structure.

Pole Type Structure / Building means a building or structure typically constructed with its main frame and foundation consisting of laminated, sawn or natural (round) wood poles.

Principal Building means a structure on a site used to accommodate the principal use. or structure typically constructed with its main frame and foundation consisting of laminated, sawn or natural (round) wood poles.

Public Utility means any system, works, building, plant equipment or service, excluding telecommunications towers (private for profit), wind energy generation stations (WEGS) and private for profit commercial scale solar energy generation systems, developed for the purpose of furnishing publicly used communication, transportation, transmission and collection services and facilities (including fire, police and EMS) that are available at approved rates to the inhabitants of the **TOWN OF CARBERRY**.

Residential Care Facility means a building in which residential accommodation, plus supervision, care or treatment, is provided to 5 or more persons, by a person or persons employed for the purpose.

Secondary Suite means a self-contained detached or attached accessory dwelling-unit located on the same zoning site as the principal building or use to which it is accessory. A secondary suite is comprised of a single-unit dwelling and has its own separate access, cooking, sleeping and sanitary facilities which are separate from and not shared with those of the principal dwelling. A secondary suite can include a basement suite such as those which already exist in the Town. This accessory use does not include duplex housing, semi-detached housing, multiple-unit dwelling housing or apartment housing.

Sign means any writing (including letters, words, or numerals), pictorial representation (including illustration or decoration), emblem or logo (including device, symbol or trademark), banner, pennant or any other figure of similar character (excluding display windows) which:

- a) Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on or in a building or other structure;
- b) Is used to identify, direct attention to, or advertise;
- c) Is visible from outside a building.

Sign Types

Address Sign means a sign, generally applied to a building wall that displays a building's address.

Advertising Sign means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the zoning site where the sign is maintained.

Awning Sign means lettering applied directly on the valance or other vertical portion of an awning.

Bulletin Board means a sign of permanent character, but with movable letters, words or numerals indicating the names of persons associated with, or event conducted upon, or products or services offered on the same zoning site upon which the bulletin board sign is maintained, e.g. school, church, community centre and similar uses.

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

Clearance means the height above the walkway, or other surface if specified, of the bottom edge of an element.

Construction Sign means a sign which identifies a construction project and information relative thereto.

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

Flashing Sign means an illustrated sign on which artificial light is not maintained constant in intensity and colour at all times when such sign is in use.

Freestanding Sign means a sign supported by a vertical column or columns placed in the ground with the sign surface area above ground level.

Identification Sign or Nameplate means a sign that identifies the business, owner, resident or the street address and which sets forth no other advertisement.

Illuminated Sign means a sign designed to give forth any artificial light or reflect light from an artificial source.

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

Outdoor Display Case means a sign consisting of a lockable metal or wood framed cabinet with a transparent window or windows, mounted onto a building wall or freestanding support. It allows the contents, such as menus or maps, to be maintained and kept current.

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

Projecting Sign means any sign other than a fascia sign, which is attached to a building and extends beyond the exterior wall of the said building beyond the surface of that portion of the building to which it is attached.

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

Sidewalk Sign or **Sandwich Board** means a moveable freestanding sign that is typically double-sided, placed at the entrance to a business to attract pedestrians.

Sign Surface Area means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, including any frame or other material or colour forming an integral part of the display or used to differentiate such sign from the background against which it is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two (2) feet from one another, the sign surface area of the sign shall be taken as the surface areas of one face if the two faces are of equal area, or as the surface area of the larger face if the two faces are of unequal area.

Temporary Sign means a sign which is not permanently anchored to a footing extending below grade or permanently affixed to, or painted on, a building and on which the copy has been painted or affixed in a permanent manner. The copy on the sign shall relate to an activity, use or event of a limited time duration not exceeding six months. Temporary signs include political campaign signs, real estate signs, construction identification signs, signs involving seasonal businesses, and signs advertising specific community events. For the purpose of this By-law, temporary signs shall not include portable signs.

Valance means the portion of an awning that hangs perpendicular to the sidewalk.

Window Sign means a sign placed or painted on the interior of a shopfront window or the window of a business door.

Yard Sign means a permanent freestanding sign in a Front Yard, including a supporting post or posts.

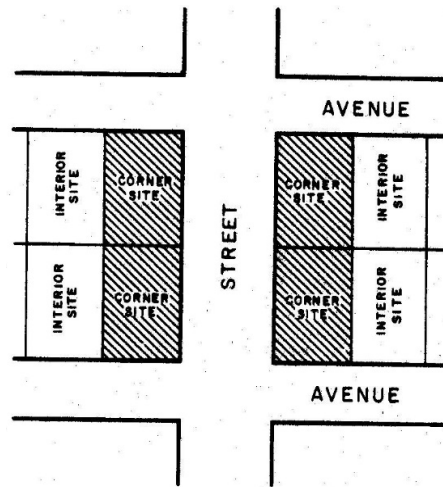
Sign Surface Area means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any other material or colour forming an integral part of the display; excluding the necessary supports or uprights on which it is placed. In computing the total sign surface area in square feet, standard mathematical formulas for known or common shapes will be used. In the case of irregular shapes, straight lines drawn closest to the extremities of the shape will be used. Where a sign has

two (2) faces placed back to back and are at no point more than three (3) feet from one another, the total sign surface area of the sign may be taken as the sign surface area of one (1) face of the sign.

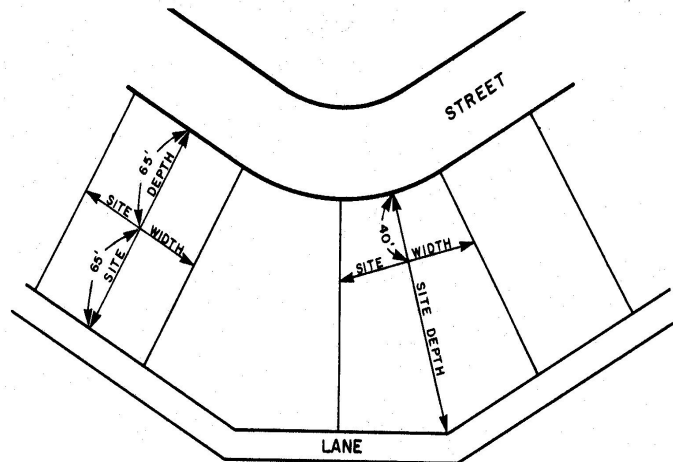
Site means an area of land which:

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

site, corner means a site situated at the intersection of 2 streets.



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



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

site lines

front site line means:

- a) the boundary of a site along any/all streets or highways;
- b) for a corner site, the continuation of the front site line of the abutting interior site.

rear site line means:

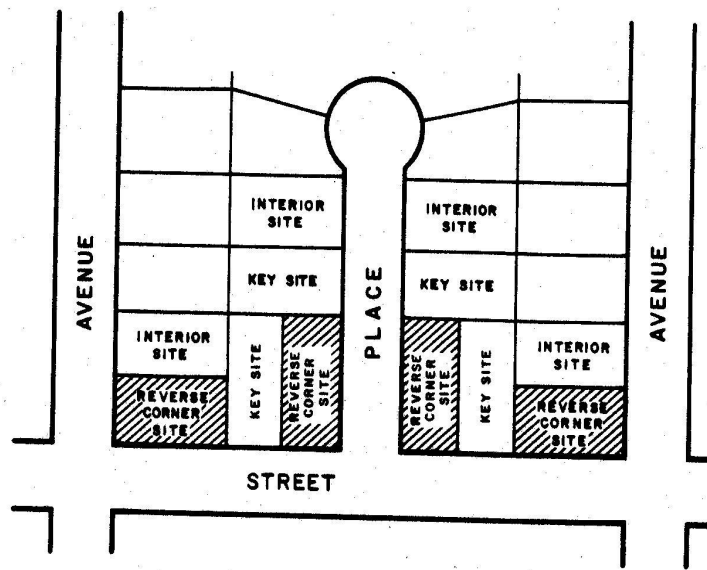
- a) that boundary of a site which is most nearly parallel to the front site line;
- b) where the side site lines intersect, a line 10 feet in length within the site, parallel to and at the maximum distance from the front site line.

side site line:

- a) means any boundary of a site which is not a front or rear site line.

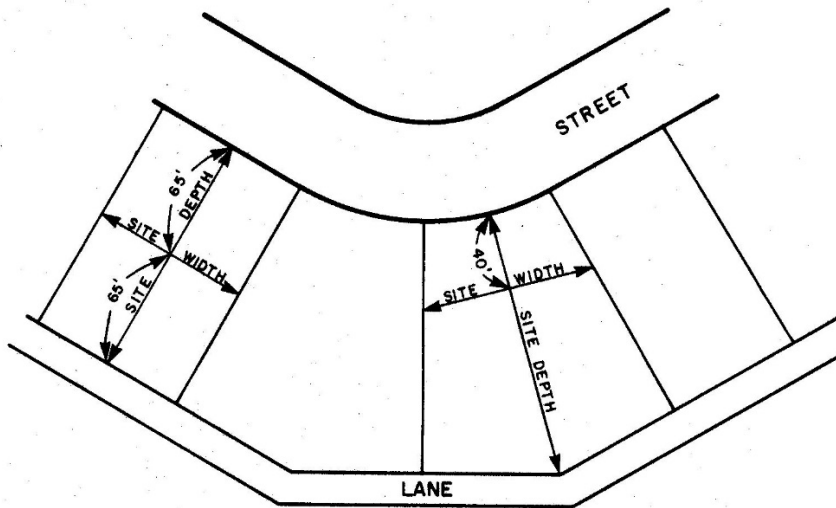
Where it is not possible to determine site lines according to these definitions, they shall be determined by the development officer.

Site, Reverse Corner means a corner site, the flanking street site line of which is substantially a continuation of the front site line of the first site to its rear.



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

Site, Width means the horizontal distance between the side site lines, measured at right angles to the site depth at a point midway between the front and rear site lines, or at 40 feet from the front site lines, whichever is less.



Specialized Agricultural Activities means agricultural activities such as apiculture, floriculture, horticulture, greenhouses, nurseries, market gardening and other activities of a like nature which do not require large acreages of land, and which, in the opinion of Council, provide the opportunity for additional income.

Storey means that portion of any building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

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

Surface Watercourse means the channel in or bed on which surface water flows or stands, but does not include a dugout, drain, reservoir, intermittent slough, drainage ditch or intermittent stream that is completely surrounded by private land controlled by the owner or operator of an agricultural operation and that has no outflow going beyond the private land or an infield ephemeral drain.

Surface Water means any body of flowing or standing water, whether naturally or artificially created, including, but not limited to a lake, river, creek, spring, drainage ditch, roadside ditch, reservoir, swamp, wetland and marsh, including ice on any of them, but not including a dugout or reservoir on the property of an agricultural operation. Where this By-law requires a use, building or structure to be set back a certain distance from "surface water", that distance shall be measured from the ordinary high water mark of the surface water or from the nearest and highest bank of the surface water, whichever is further from the surface water.

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

Wind Energy Generation Station (WEGS) means a site and facility that is comprised of, but not limited to, one or more wind turbine generator towers, and may include associated accessory operations and

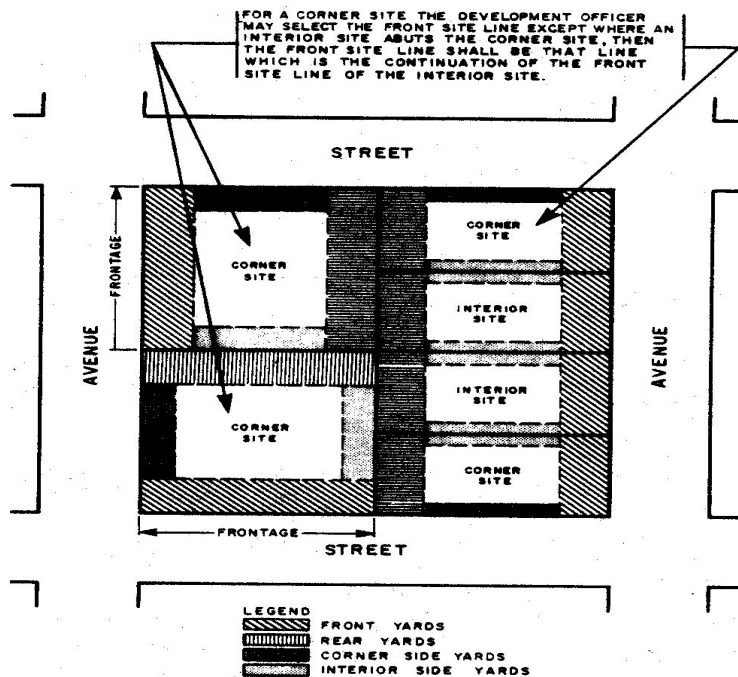
maintenance buildings, research or meteorological towers, collector grids, roads and substations that convert wind energy to electrical energy for use or sale by a private commercial enterprise. It must have a collective nameplate rating of 0.75 megawatt or greater and be connected to the transmission or a local distribution grid. The (WEGS) can be comprised of either a leased or an owned site.

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

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

- a) **corner site** means a side yard which adjoins a street.
- b) **front** means a yard extending along the full length of the front site line between the side site lines (typically where access to the site is provided).
- c) **interior side** means a side yard which is adjacent to another site, or to a lane separating such side yard from another site.
- d) **rear** means a yard extending along the full length of the rear site line between the side site lines.
- e) **side** means a yard extending along the side site line from the required front yard to the required rear yard.

The following sketch illustrates the foregoing definitions of yards:



6.3 Cannabis and Related Terms

Cannabis means cannabis as defined in the Cannabis Act (Canada).

Manufacturing, Indoor provincially licensed cannabis cultivation, processing and packaging facilities and their related activities refers to a land use undertaken by person(s) and/or a corporate entity who holds a cannabis distributor licence issued under the Liquor, Gaming and Cannabis Control Act (Manitoba).

Cannabis Retail Establishment means the premises specified in a retail cannabis licence where the retail sale of cannabis is authorized.

Retail Cannabis Licence means a licence issued under the Liquor, Gaming and Cannabis Control Act (Manitoba).

Cannabis concentrate means the hashish, cannabinoids, or any alkaloid, salt, derivative, preparation, compound, or mixture, whether natural or synthesized, of cannabinoids.

Cannabis-infused product means a product infused with cannabis that is intended for use or consumption other than by smoking, including but not limited to, edible product, ointments and tinctures.

Cannabis Cultivation means the large-scale growing of cannabis plants and harvesting material from those plants, as well as associated activities including development of nursery stock (seed and seedlings).

Industrial Hemp means the growing of industrial hemp plants (those containing 0.3 per cent THC or less) and associated activities.

Cannabis Processing means the large-scale manufacturing, packaging and labelling of cannabis products destined for sale to consumers, and the intra-industry sale of these products, including to provincially/territorially authorized distributors, as well as associated activities.

SCHEDULE "A": ZONING MAPS