

VILLAGE OF ELBOW

ZONING BYLAW

BYLAW NO. 08-05

Consolidated Version
(official copies of Bylaws available at Village Office)

Zoning Amendments:

#09-09

#10-01 (map)

#10-02 (map)

#10-07

#10-10

#12-01

#14-07

#14-08

#16-04

#18-05

#19-03

#20-02

#20-05

TABLE OF CONTENTS

	Page
SECTION 1 - INTRODUCTION.....	5
SECTION 2 - INTERPRETATION.....	5
SECTION 3 - ADMINISTRATION	12
3.1 Development Officer.....	12
3.2 Development Permit.....	12
3.3 Application for Discretionary Use	13
3.4 Development Permit Process in Reservoir Development Area	14
3.5 Development Appeals	14
3.6 Minor Variances	15
3.7 Fees for Amendment of the Zoning Bylaw.....	15
3.8 Offences and Penalties	15
3.9 Non-Conforming Use, Buildings and Sites	15
SECTION 4 - GENERAL REGULATIONS	16
4.1 Licenses, Permits, and Compliance with Other Bylaws.....	16
4.2 Building Lines.....	16
4.3 Number of Principle Buildings Permitted on a Lot	16
4.4 Projections, Buildings and Structures in Required Yards	16
4.5 Signs	17
4.6 Accessory Uses, Buildings and Structures	18
4.7 Bed and Breakfast.....	18
4.8 Home Occupation.....	18
4.9 Personal Care Homes	19
4.10 Modular and Relocated Homes	19
4.11 Temporary Mobile Homes during Construction	20
4.12 Servicing.....	20
4.13 Parking	20
4.14 Converted Dwellings.....	21
4.15 Day Care Centres.....	21
4.16 Landscaping	21
4.17 Lot Lines.....	22
SECTION 5 - ZONING DISTRICTS	22
5.1 Zoning District Map.....	22
5.2 Classification of Zoning Districts.....	22
5.3 Boundaries of Zoning Districts.....	22
5.4 Zoning Districts.....	22
5.4.1 UH - Urban Holding District.....	23
5.4.2 R1 - Residential District	24
5.4.3 R2- Residential District	26
5.4.4 R3 - Residential District	28

5.4.5	RR - Recreational Residential District.....	30
5.4.6	RA - Residential Acreage District.....	32
5.4.7	PR - Park & Recreational District.....	34
5.4.8	C1 - Commercial District.....	34
5.4.9	C2 - Commercial District.....	36
5.4.10	M1 - Light Industrial District	37
5.4.11	M2 - Industrial District.....	39

SECTION 6 - COMING INTO FORCE	41
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SCHEDULE "A" - ZONING DISTRICT MAP

SECTION 1 - INTRODUCTION

Under the authority of *The Planning and Development Act, 2007* and in conjunction with Bylaw 08-04, the Official Community Plan of the Village of Elbow, the Council of the Village of Elbow, in the Province of Saskatchewan, in open meeting, hereby enacts as follows:

1. Title - This bylaw shall be known and may be cited as the Zoning Bylaw of the Village of Elbow.
2. Scope – All development within the limits of the Village of Elbow must conform with the provisions of this Bylaw.
3. Severability – If any section, clause or provision of this Bylaw, including anything shown on the Zoning District Map, is for any reason declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Bylaw as a whole or part, other than the section, clause, provision or anything shown on the Zoning District Map, declared to be invalid.

SECTION 2 - INTERPRETATION

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

Accessory Use - A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Act - *The Planning and Development Act, 2007*.

Administrator – The Administrator of the Village of Elbow.

Bed and Breakfast Home - A single detached dwelling, licensed under *The Public Accommodation Regulations*, in which overnight accommodation within the single detached dwelling, along with a meal served before noon, is provided to the travelling public for a charge.

Billboard - A free standing sign on which advertising can be placed and which is unrelated to the use or ownership of the property on which the sign is located.

Building - A structure constructed or placed on, in, or over land, but does not include a public highway.

Building, Accessory - A detached building which is accessory to a principal building or principal use and located on the same lot.

Building Height – The vertical distance of a building measured from grade level to the highest point on the roof.

Building Permit - A permit issued under a bylaw of the Village of Elbow authorizing the construction of all or part of a building or structure.

Building, Principal - The building in which is conducted the main or primary use of the lot on which the said building is situated.

Building Line - A line parallel to the front lot line at a distance there from equal to the depth of the front yard required by the zoning district in which the lot is located.

The following Cannabis Production Operation definition was added as per Bylaw 19-03 (September 9, 2019)

Cannabis Production Operation – a facility, approved under federal and provincial regulations that is used in whole or in part for the planting, cultivation, testing, harvesting, processing, and distribution of the cannabis plant and any of its derivatives. The activities involved in the cultivation, processing, and distribution of cannabis are described below:

- **Cannabis Cultivation** – activities in this category include growing industrial hemp and cannabis plants and the harvesting of material from those plants, as well as associated activities. Nurseries that grow plants for the harvesting of starting material are also included.
- **Cannabis Processor** – activities in this category include those that manufacture, package, and label 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.
- **Cannabis Wholesale** – this activity includes businesses that operate warehouse and distribution facilities in Saskatchewan that purchase cannabis from licensed producers or other Saskatchewan based wholesalers for distribution to cannabis retailers.

Retail sale to the public is NOT included. Cannabis cultivation and cannabis processor activities will be licensed by federal regulators. Additionally, cannabis processors wishing to do business in Saskatchewan will be licensed provincially as “licensed producers”. A cannabis wholesaler is regulated provincially by the Saskatchewan Liquor and Gaming Authority (SLGA).

Construction Trade - Offices, shops and warehouses, with or without associated retail sales of plumbing and heating, electrical, carpentry, masonry, and other trades associated with construction of buildings.

Converted dwelling – a single family dwelling unit converted to an alternative residential use or other non-residential use.

Corner Lot - A lot at the intersection or junction of two or more streets.

Council - The Council of the Village of Elbow

Day Care Centre – a building in which non-parental, non-residential care and supervision is provided for 4 or more children at the request of the parents or guardian

Deck - A raised open platform with or without rails, attached to a principal building.

Development - The carrying out of any building, engineering, mining, or other operations in, on or over land or the making of any material change in use or intensity of the use of any building or land.

Development Officer – the Village Administrator.

Development Permit – A document authorizing a development, issued pursuant to this Zoning Bylaw.

Discretionary Use - means a use of land or buildings or form of development that is prescribed as a discretionary use in the zoning bylaw; and requires the approval of council;

Dwelling, Duplex - A building divided horizontally into two dwelling units as herein defined.

Dwelling, Fourplex – A single building comprised of four dwelling units, each having a separate direct entrance from grade.

Dwelling Group - Two or more dwelling units, or multiple dwelling units, that are situated on a site containing communal land and facilities collectively administered by the owners of the dwelling units or multiple dwelling units.

Dwelling, Multiple Unit - A building divided into three or more dwelling units as herein defined and shall include, among others, town or row houses and apartments but not a rooming house, hotel, or motel.

Dwelling, Semi-Detached - Two dwelling units side by side in one building structure with a common party wall which separates, without opening, the two dwelling units throughout the entire structure.

Dwelling, Single Detached - A detached building consisting of one dwelling unit as herein defined, and occupied or intended to be occupied as the permanent home or residence including a pre-built dwelling constructed to National Building Code Standards to be mounted on a permanent foundation, but excluding any mobile home or modular home.

Dwelling Unit - One or more habitable rooms constituting a self-contained unit used as a residence, each unit having sleeping, cooking and toilet facilities.

Fence - An artificially constructed barrier erected to enclose or screen areas of land.

Flankage - The longer of the sides of a corner lot that abuts a street.

Floor Area - The maximum habitable area contained within the outside walls of a building at, or above grade level, excluding in the case of a dwelling unit any private garage, porch, veranda, or unfinished attic.

Frontage - The side of a lot abutting the street; however, in the case of a corner lot, the shorter of the sides is the frontage.

Garage, Private - A building or part of a building used or intended to be used for the storage of motor vehicles for the dwelling unit to which the garage is accessory.

Holding tank – a tank designed to retain sewage or effluent until transferred into mobile equipment for disposal elsewhere.

Home Occupation - An occupation, trade, profession, or craft customarily conducted entirely within a residential or accessory building and carried on by the inhabitants thereof, which is clearly incidental and does not change the exterior character.

Hotel - A building or part of a building used as a place for sleeping accommodation, for itinerant use, with or without meals which may have a licensed beverage room for the sale of alcoholic beverages, and which is provided for transient lodgers, but does not include a motel.

Lot - An area of land with fixed boundaries and which is of record in the Land Titles Office by Certificate of Title.

Lot Line, Front - The line that divides the lot from the street. In the case of a corner lot, the front lot line shall mean the line separating the narrowest street frontage of the lot from the street.

Lot Line, Rear - The line at the rear of the lot and opposite the front lot line.

Lot Line, Side - A lot line other than a front or rear lot line.

Mayor - The Mayor of the Village of Elbow.

Mobile Home (single wide) - A trailer coach that is designed as a dwelling for year-round living, and that has water faucets and a shower head or bathtub that is connected to a water distribution system, and that has a wash basin and water closet that is connected to a sewage system and is certified by the manufacturer that it complies with Canadian Standards Association, Construction Standard No. Z240.2.1 – standard or revisions thereto.

Mobile Home (double wide) - A trailer coach that is designed as a dwelling or year-round living, and that has water faucets and a shower head or bathtub that is connected to a water distribution system, and that has a wash basin and water closet that is connected to a sewage system, is certified by the manufacturer that it complies with Canadian Standards Association, Construction Standard No. Z240.2.1 – standard or revisions thereto, and is greater than five (5) metres in total width.

Mobile Home Court - Any parcel of land on which two or more occupied mobile homes are located and includes any structure used or intended to be used as part of the equipment of such mobile home court.

Modular Home - A building that is manufactured in a factory as a whole or modular unit(s) to be used as one dwelling unit and is certified by the manufacturer that it complies with the Canadian Standards Association Code CSA-A277 standard or revisions thereto, and is designed to be moved to the site and placed on a permanent foundation.

Modular Home, Single Wide - A modular home that is designed to be moved and placed onto a permanent foundation and which is less than 5 metres in width.

Modular Home, Double Wide - A modular home, that is designed to be moved and placed onto a permanent foundation in two or more modular units that when joined together exceed 8 metres in width.

Motel – An establishment consisting of a group of attached or detached living or sleeping accommodations each with a bathroom, located on a lot or lots and designed for use by the public, and may include a licensed dining room.

Municipality - The Village of Elbow.

non-conforming building means a building:

- (i) that is lawfully constructed or lawfully under construction, or with respect to which all required permits have been issued, at the date a zoning bylaw or any amendment to a zoning bylaw affecting the building or land on which the building is situated or will be situated becomes effective; and
- (ii) that on the date a zoning bylaw or any amendment to a zoning bylaw becomes effective does not, or when constructed will not, comply with the zoning bylaw;

non-conforming site means a site, consisting of one or more contiguous parcels, that, on the date a zoning bylaw or any amendment to a zoning bylaw becomes effective, contains a use that conforms to the bylaw, but the site area or site dimensions do not conform to the standards of the bylaw for that use;

non-conforming use means a lawful specific use:

- (i) being made of land or a building or intended to be made of land or of a building lawfully under construction, or with respect to which all required permits have been issued, at the date a zoning bylaw or any amendment to a zoning bylaw affecting the land or building becomes effective; and
- (ii) that on the date a zoning bylaw or any amendment to a zoning bylaw becomes effective does not, or in the case of a building under construction or with respect to which all required permits have been issued will not, comply with the zoning bylaw;

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

Personal Care Home - A facility licensed under *The Personal Care Homes Act* that provides long term residential, social, and personal care, including accommodation, meals, supervision, or assistance for persons who have some limits on ability for self-care, and are unrelated to the operator or owner.

Personal Service Shops - Establishments engaged in providing the care of a person or their apparel, which include barber shops, hairstyle salons, laundries, dry cleaners, shoe repair, and photographic studios.

Public work” means:

- (i) systems for the production, distribution or transmission of electricity;
- (ii) systems for the distribution, storage or transmission of natural gas or oil;
- (iii) facilities for the storage, transmission, treatment, distribution or supply of water;

- (iv) facilities for the collection, treatment, movement or disposal of sanitary sewage;
- (v) telephone, cable television or light distribution or transmission lines; or
- (vi) facilities for the collection, storage, movement and disposal of storm drainage;

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

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

Recreation vehicle – A unit intended to provide temporary living accommodation for campers or travellers; built as part of, or to be towed by, a motor vehicle to be used on a public highway without special permit; and includes truck campers, motor homes, tent trailers and travel trailers.

Recreational Vehicle Park – Any parcel of land on which serviced lots are provided for two or more recreational vehicles.

Regulations, General - Regulations prescribed herein that apply to all developments.

Regulations, Special - Regulations prescribed herein that apply to a specific use.

Senior Citizens Home – Shall mean a building containing dwelling units for the exclusive use of senior citizens.

Septic tank – a digestion chamber in which sewage is received and retained and from which the effluent is discharged.

Service Station - A building or part of a building, other than a private garage, used primarily for the retail sale of lubricating oil, gasoline, and automobile accessories, the storage, care, repair, servicing or equipping of motor vehicles, the hire, sale or display of motor vehicles and which may include a cafeteria and other retail and rental business.

Sign - Any device, letter, figure, symbol, emblem, or picture which is affixed to or represented directly or indirectly upon a building, structure, or a piece of land and which identifies or advertises any object, product, place, activity, person, organization or business in such a way as to be visible to the public on any street or thoroughfare.

Sign, directional & informational - A sign providing information or directions to a location or attraction. Not intended for advertising, but for directions.

Sign, portable – A sign designed to be easily moved and would include trailer mounted, truck mounted, vans or truck trailers converted for use as a sign.

Sign, temporary - A removable sign erected for a period of time not exceeding six months.

Structure - Anything that is built, constructed, or erected, located on, or in the ground, or attached to something located on, or in the ground.

Structural Alteration - The construction or reconstruction of supporting elements of a building or other structure.

The following three "suite" definitions were added as per Bylaw 18-05 (December 10, 2018)

Suite, Garage – a self-contained dwelling unit that is attached to a detached garage on a site on which the principal use is a single detached dwelling, and to which the suite is an accessory use (see Figure 1.1 for an example diagram).

Suite, Garden – a self-contained dwelling unit that is located in the rear or side yard of a site on which the principal use is a single detached dwelling, and to which the suite is an accessory use (see Figure 1.1 for an example diagram).

Suite, Secondary – a self-contained dwelling unit that is an accessory use to, and located within a building in which the principal use is a single detached dwelling, semi-detached dwelling, or two-unit dwelling (see Figure 1.1 for an example diagram).

Figure 1.1

Townhouse - A multiple-unit dwelling in which each unit has its own entrance to the outside, each unit being separated from other units by a common wall or ceiling which has no openings.

Yard - Any part of a lot unoccupied and unobstructed by any principal building.

Yard, Distance - The minimum distance between the principal building and the respective lot line.

Yard, Front - A yard extending across the full width of a lot between the front lot line and the nearest main wall, exclusive of the eaves of the principal building or structure on the lot.

Yard, Rear - A yard extending across the full width of the lot between the rear lot line and the nearest wall, exclusive of the eaves of the principal building or structure on the lot.

Yard, Side - A yard extending from the front yard to the rear yard between the side lot line and the nearest wall, exclusive of the eaves of the principal building on the lot.

SECTION 3 - ADMINISTRATION

3.1 Development Officer - The Administrator of the Village of Elbow shall be the Development Officer responsible for the administration of this Bylaw.

3.2 Development Permit

- (1) Except as provided in Section 3.2(4), no person shall undertake a development or commence a use unless a development permit is obtained.
- (2) No development permit is valid unless it conforms with this Bylaw
- (3) An application for a development permit shall be made in a form which shall be approved by the Development Officer and shall contain the minimum information necessary to properly evaluate the proposal in relation to the regulations of this bylaw and shall include the following:
 - a) proposed use
 - b) name of applicant
 - c) registered owner of property
 - d) site plan showing:
 - i. all building and set back dimensions
 - ii. landscaping and parking areas
 - iii. ingress and egress from site
 - iv. proposed municipal services and locations.
- (4) A development permit is not required for the following, provided all other provisions and regulations of this Bylaw are conformed to:
 - a) the maintenance of public work;
 - b) the construction of a public work by, or on behalf of the Village of Elbow;
 - c) the installation of a public work on any street or other public right-of-way;
 - d) the construction of a fence under two metres in height;
 - e) any maintenance and repair that does not involve or affect a structural component;
 - f) the construction of any accessory building under 9.3 m² (100 ft²) in area;
 - g) the erection of a temporary sign.
- (5) Where a person applies for a development permit in respect of a development or use described as a permitted use by this zoning bylaw, the development officer shall, where the application conforms to this zoning bylaw, issue a development permit.

- (6) Where a person applies for a development permit in respect of a development or use that is a discretionary use under this zoning bylaw, the development officer shall, where the application is approved by Council, issue a development permit subject to any reasonable condition required by the Council as may be authorized by this bylaw and Section 56(3) of the Act.
- (7) Every decision of the Council or the development officer with respect to an application for a development permit shall be in writing and a copy shall be sent to the applicant.
- (8) Where the Council or development officer refuses an application for a development permit, the decision shall state the reasons for the refusal.
- (9) If the development authorized by a development permit is not commenced within twelve (12) months from the date of issue, the permit is deemed to be void, unless an extension of this period has been granted.
- (10) The development permit may include a requirement that the development be substantially completed within a specified timeframe.

3.3 Application for Discretionary Uses

- (1) Where this bylaw provides for a discretionary use or form of development, the owner of a property (or other person, with the written consent of the owner) may apply to the development officer in the form as prescribed in Section 3.2(3) and shall provide any other information that the Development Officer may determine is necessary for Council to fully review the proposed development.
- (2) On receipt of an application pursuant to subsection (1) the development officer shall, at least seven days before the application is to be considered by council, provide notice of the application by:
 - a) posting a notice in the Village of Elbow Office; and
 - b) written notice to all assessed owners within 75 meters of the boundary of the proposed development site; and
 - c) advertisement in a newspaper having regular circulation in the community.
- (3) When considering an application for discretionary use Council shall apply the following criteria:
 - a) The proposed use must be contained within the list of discretionary uses of the respective zoning district.
 - b) Any proposed buildings and structures must conform to the regulations of the zoning district;

- c) In Council's opinion the use will not create unnecessary disturbance to abutting residential areas due to noise, dust, gas, vapour, traffic or odour;
- d) In approving any discretionary use to minimize land use conflict, Council may prescribe specific development standards related to:
 - I. site drainage of storm water
 - II. the location of buildings with respect to buildings on adjacent properties
 - III. access to, number and location of parking and loading facilities
 - IV. appropriate space for vehicle circulation and impact on traffic flows on adjacent roadways
 - V. control of noise, glare, dust and odour
 - VI. landscaping, screening and fencing to buffer adjacent properties.

The following section 3.3(4) was added as per Bylaw 09-09 (September 14, 2009)

- (4) Council may approve the discretionary use for a limited time.

3.4 Development Permit Process in Reservoir Development Area

- (1) All applications for development within the Lake Diefenbaker Reservoir Development Area shall be forwarded to Saskatchewan Watershed Authority for review and specific decision in accordance with the Reservoir Development Area regulations, after review and recommendation by Council.
- (2) Upon receipt of an application for a discretionary use within the Reservoir Development area, the development officer will send a copy of the application along with a copy of the notice pursuant to Section 3.3(2) to Saskatchewan Water Authority.

3.5 Development Appeals

- (1) Development Appeals Board - A Development Appeals Board of the Village of Elbow is appointed in accordance with sections 26 to 28 and 213 to 227 of the Act.
- (2) Where an application for a permitted use has been refused, the applicant may appeal to the Development Appeals Board of the Village of Elbow and shall be advised of this right.
- (3) Where an application for a discretionary use has been approved by Council with prescribed development standards pursuant to this Bylaw and/or conditions required by Council and the applicant is of the opinion that the special regulations or conditions prescribed exceed those

necessary to secure the objectives of the Bylaw, the applicant may, within thirty (30) days of the date of Council's approval, appeal the development standards prescribed or conditions required with the approval of the discretionary use to the Development Appeals Board of the Village of Elbow.

- (4) Notwithstanding the provisions of this section, no person shall appeal a decision of the Council to reject an application for approval of a discretionary use.
- (5) An application for Development Permit for a permitted use shall be deemed to be refused when a decision thereon is not made within 40 days after the receipt of the application in its complete and final form by the development officer, and an appeal may be made as though the application had been refused at the end of the period specified in this subsection.

3.6 Minor Variances

- (1) Council may approve a minor variance in accordance with Section 60 of the Act.
- (2) An application for a minor variance must be in writing and state the reasons for the minor variance, and include payment of the application fee.
- (3) A minor variance on dimension shall not exceed 10% of the respective regulation.

3.7 Fees for Amendment of the Zoning Bylaw

Where an application for an amendment to this Bylaw is made to Council, the applicant shall pay all costs associated with administration and advertisement of the proposed amendment in accordance with the Zoning Administration Fee Bylaw.

3.8 Offences and Penalties

Any person who violates this bylaw is guilty of an offence and liable on summary conviction to the penalties as provided for in Section 243 of the Act.

3.9 Non-Conforming Uses, Buildings and Sites

- (1) A non-conforming use, building or site shall be subject to Sections 88-93 inclusive of the Act.

- (2) No existing structure or lot shall be deemed to be non-conforming by reason only of the conversion from the Imperial System of Measurement to the Metric System of Measurement where such non-conformity is resultant solely from such change and is reasonably equivalent to the metric standard herein established.
- (3) A use which legally existed prior to the adoption of the bylaw and which is listed as a discretionary use is deemed to be an approved discretionary use.

SECTION 4 - GENERAL REGULATIONS

4.1 Licenses, Permits, and Compliance with Other Bylaws and Legislation

Nothing in this Bylaw shall exempt any person from complying with the requirement of any other federal, provincial, municipal legislation, regulation or requirement, or from obtaining any license, permission, permit, authorization, or approval required by such requirements.

4.2 Building Lines

Where a building line in a residential district has been established by existing buildings in a block having greater than one half the lots built on, new development may conform to this line.

4.3 Number of Principal Buildings Permitted on a Lot

Not more than one (1) principal building shall be placed on any one lot, except in the case of a school, hospital, curling and skating rink, public recreational facility, nursing home, a senior citizen home, dwelling group, a mobile home court or a group of buildings in an industrial district.

4.4 Projections, Buildings and Structures in Required Yards

Where a minimum distance is required between the principal building or any approved accessory structure and the lot line in any district, such minimum requirements shall not apply to the following:

- (1) in any yard: the construction of a chimney, sill, cornice, or roof overhang that does not exceed 0.45 metres in size or any sidewalk, uncovered driveway, fence, garden or pond, and
- (2) in rear yards: in addition to the above, the construction of a deck having a maximum projection into the rear yard of 1.8 metres.

4.5 Signs - Except as otherwise provided, all signs shall be subject to the following regulations:

(1) Commercial and Industrial Districts - In any commercial or industrial district:

- a) no more than two (2) signs (excluding directional and informational signs) are permitted on the lot;
- b) no sign shall have a facial area in excess of 3.5 m² but each sign may be double-faced;
- c) the maximum height of any sign shall be 6 metres above ground surface;
- d) One temporary or portable sign shall be permitted for a period of time not exceeding 6 months.

(2) Other Districts

In any district other than the districts mentioned in (1).

- a) no more than one permanent sign is permitted on the lot, except one (1) additional sign is permitted for a home occupation or bed and breakfast;
- b) additional temporary signs bearing notice of sale or lease, sale of produce, or other information relating to a temporary condition affecting the lot are permitted;
- c) no sign shall have a facial area exceeding 0.4 square metres, except as provided for a home occupation or bed and breakfast where a sign having a maximum facial area of one (1) square metre is permitted.

(3) Informational Signs

Informational signs are discretionary uses, permitted only with the prior approval of Council and subject to the following criteria:

- a) signs are to convey information or directions to a location or attraction and are not meant as an advertisement for any location or attraction.
- b) signs must comply with the following:
 - i. The maximum single face area is 6 square metres;
 - ii. The maximum total face area is 12 square metres;
 - iii. All double-faced signs shall be constructed so one face is completely behind and parallel to the other face and facing the opposite direction;
 - iv. The maximum height above grade is six (6) metres.
- c) No informational sign shall have a flashing or intermittent light.
- d) All lighting shall be shielded from direct view from any roadway or site boundary.
- e) Council may place special conditions on the location of the informational sign on a site to protect the clear view of an intersection or highway.

(4) Billboard Signs

No billboards shall be erected or displayed within the Village.

4.6 Accessory Uses, Buildings and Structures

- (1) Private garages, carports, and accessory buildings attached to a principal building by a substantial roof structure shall be considered as part of the principal building and subject to the regulations of the principal building.
- (2) The exterior of any separate accessory structure shall be compatible with the exterior of the principal structure.
- (3) Criteria for location and size of accessory uses, buildings and structures shall be prescribed for each residential district.

The following sections (4.6(4) & (5)) were added as per Bylaw 16-04 (October 11, 2016)

- (4) An accessory building can be built to the same height as the principal building on the same lot.
- (5) An accessory use development permit may be approved prior to the construction of the principal building on that same lot, on the condition that a development permit for the principal building is obtained at the same time, and that construction of the principal building shall commence within one (1) year.

4.7 Bed and Breakfast

Bed and breakfast operations, where allowed in a specific zoning district, shall:

- (1) in a Residential District be only located in the operator's principal residence;
- (2) be licensed by the Department of Health;
- (3) be limited to a maximum of four guest bedrooms,
- (4) have only one non-illuminated sign, not exceeding one (1) square metre in area, advertising the bed and breakfast located on site; and
- (5) provide one (1) off street parking space for each guest bedroom.

4.8 Home Occupation

Where any home occupation is approved in any residential district, the owner of the property and the operator shall ensure that:

- (1) no conflict occurs with the residential area in terms of emission of noise, glare, dust, gas or odour which would be disruptive to the surrounding residential uses;
- (3) there is no exterior display or storage of materials and no exterior variation from the residential character of the building other than a sign not exceeding one (1) square metre in area;
- (4) persons employed in the home occupation shall be full time residents of the dwelling.

4.9 Personal Care Homes

Where any personal care home facility is operated in a residential district, the owner of the property and the operator shall ensure that:

- (1) no conflict occurs within the residential area in terms of emission of noise, glare, dust, gas or odour which would be disruptive to the surrounding residential uses;
- (2) adequate arrangements are made for traffic and parking in the immediate area;
- (3) the home is licensed as may be required by provincial legislation;
- (4) there is no exterior display or storage of materials and no exterior variation from the residential character of the building other than a sign not exceeding one (1) square metre in area;
- (5) At least one employee of a personal care home shall be on site at all times;
- (6) the total number of residents in all personal care homes located on the same side of the street within the same block and on the opposite block face shall not exceed 15.

4.10 Modular Homes and relocated homes

- (1) Modular and relocated homes will be permitted provided that in the opinion of the Development Officer the home, with any modifications as may be required by the Development Officer, will be consistent with the general appearance, size and quality of other homes in the immediate area;

- (2) All modular homes shall be placed on and permanently attached to a sub-grade foundation comprised of a full or partial basement, grade beam or combination thereof extending above a minimum height of 500 mm above grade, and constructed to generally accepted engineering standards;
- (3) All modular homes shall be permanently connected to water and sewer lines.

4.11 Temporary Mobile Homes During Construction

In any zone where a mobile home or trailer is not permitted, a mobile home or trailer may be used with the permission of Council, during the construction or re-construction of a permitted residence provided that period of use does not exceed one (1) year unless an extension of this period has been granted by Council.

4.12 Servicing

- (1) Holding or septic tanks are not allowed in the areas of the Village except where permitted in residential acreages and industrial districts and subject to approval by the Ministry of Health.
- (2) Where holding or septic tanks are permitted, the tanks shall be of a design approved by the appropriate provincial department or where this is not applicable, Council and the contents shall be discharged into the Elbow lagoon.
- (3) Sewage field disposal systems are not permitted in the Village.
- (6) All developments requiring potable water service shall be connected to the Village water distribution system provided it is reasonably available.

4.13 Parking

- (1) In all zoning districts, off-street parking shall be provided in accordance with the following table. In any case where different occupancies are on the same site, the more stringent parking requirement applies.

Use	Minimum Parking Spaces
Dwellings, including mobile homes	1 per dwelling unit
Home-based business and home occupations	1 per non-resident employee
Day Care center or adult care centre	1 plus one per 5 persons enrolled in the facility
Bed and breakfast	1 plus 1 per 2 guest beds
Schools, educational institutions	1 per classroom
Restaurants, lounges, night clubs, taverns, theatres, assembly halls	1 per 4 seats, based on the maximum seating capacity

Hotels	1 for every guest sleeping room
Motels	1 parking space for each unit
Commercial Retail establishments, Lumber Yards, and Industrial Uses	1 for every 50 m ² (538 sq. ft) of gross floor area or 1 per 2 employees, whichever is greater
Other uses	1 for every 70 m ² (753 sq. ft) of gross floor area of the principal building

- (2) In residential districts parking spaces located within the front yard may not occupy more than ½ of the area of the front yard.

4.14 Converted Dwellings

Converted dwellings shall be subject to the following:

- (1) the use must be a permitted or discretionary use in the district with the exception of the following specific commercial uses:
 - hair style salons and barber shops
 - medical, dental or law offices
 - photographic studios
 - art studios
- (2) Any exterior addition or alteration does not change the general appearance and character of the building from a single dwelling;
- (3) the development standards for single dwellings shall apply;
- (4) parking regulations for the new use shall apply;
- (5) a maximum of two parking spaces may be located in the front yard.

4.15 Day Care Centres

Day Care Centres providing care for more than 4 children shall be considered a discretionary use and subject to the following:

- (1) the centre must be licensed or approved in accordance with applicable provincial regulations;
- (2) the proposed centre receives approval from the Ministry of Health and meets the necessary health requirements;

4.16 Landscaping

- (1) All areas of the site not occupied by buildings or vehicle parking, circulation and loading areas shall be landscaped with trees, shrubs, grasses, rock, pavers and/or other similar materials.
- (2) All landscaping shall be maintained in a neat and tidy condition.

- (3) The Development Officer shall not approve an application for a development permit for a townhouse, dwelling groups, fourplex dwellings or commercial uses unless:
- a landscape sketch plan has been submitted; and
 - the landscape plan provides, in the opinion of the Development Officer, appropriate soft or hard landscape features to enhance the visual amenity of the site and provide adequate visual screening, if necessary.

4.17 Lot Lines

Where a building is constructed on more than one lot, the outer lot lines of the combined lots shall be construed to be the lot boundaries for the purposes of this bylaw.

The following section (4.18) was added as per Bylaw 18-08 (December 10, 2018)

4.18 Secondary, Garden and Garage Suites

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

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

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

- (1) Secondary suites shall only be permitted on sites wherein the principal use is a single detached dwelling and shall occupy no more than 80% of the gross floor area of the principal dwelling.
- (2) In order to accommodate a secondary suite, a single detached dwelling must have a gross floor area, including the area of any basement, of at least 100m² (per unit).
- (3) The maximum floor area of a secondary suite shall be no more than 80m²

- and shall contain no more than two (2) bedrooms.
- (4) The minimum floor area for a secondary suite shall be 30m².
 - (5) The floor area occupied by a secondary suite shall be considered as part of the principal dwelling.
 - (6) The exterior finishing of a secondary suite, if any, shall be consistent with the exterior of the remainder of the principal dwelling to give the entire building the appearance of a single detached dwelling.
 - (7) Secondary suites shall comply with all relevant requirements of the National Building Code, or equivalencies as may be established by the Development Officer.
 - (8) No more than one secondary suite may be located within any single detached dwelling.
 - (9) One off-street parking space is required for a secondary suite and shall not be located in a required front yard unless the site has no access to a rear land, and shall be paved, sited and screened to the satisfaction of the Development Officer.

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

- (1) Garden and garage suites shall only be permitted on sites wherein the principal use is a single detached dwelling.
- (2) The minimum side yard for garden and garage suites shall be the same as the yard requirement that applies to the principal building in the applicable zoning district for all lots in a residential block, including corner lots.
- (3) The maximum height of a garden suite shall be 4.3m. The maximum height of a garage suite shall be 5m or the height of the principal dwelling, whichever is greater.
- (4) The maximum floor area of a garden or garage suite shall be 50m² and the minimum floor area shall be 30m².
- (5) The minimum distance between a detached garage containing a garage suite and the principal building on the site shall be 4m.
- (6) Rear yard decks and porches, attached to a garden or garage suite, are permitted provided minimum setbacks, necessary site access and parking spaces are provided, and that overlook into adjacent properties is minimized.
- (7) Windows contained within a garage or garden suite shall be placed and sized such that they minimize overlook into yards and windows of abutting properties by:
 - a. Offsetting window placement to limit direct views of abutting rear or side yard amenity areas or direct view into a garage or garden suite on an abutting site;
 - b. Strategic placement of windows in conjunction with landscaping or the placement of other accessory buildings; and
 - c. Placement of larger windows such as living room windows, to face a lane, flanking street or towards the interior of the lot.

SECTION 5 - ZONING DISTRICTS

5.1 The Zoning District Map

The map, bearing the statement “This is the Zoning District Map referenced to as Schedule ‘A’ in the Zoning Bylaw of The Village of Elbow by Bylaw No. 08-05” adopted by the Village and signed by the Mayor and Municipal Administrator under the seal of the municipality shall be known as the Zoning District Map and such map is attached as Schedule ‘A’ and forms part of this Bylaw.

5.2 Classification of Zoning Districts

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

Zoning Districts

R1 - Residential District	PR - Park and Recreational District
R2 - Residential District	C1 - Commercial District
R3 - Residential District	C2 - Commercial District
RA - Residential Acreage District	M1 - Light Industrial District
RR - Recreational Residential District	M2 - Industrial District
UH - Urban Holding District	

5.3 Boundaries of Zoning Districts

The boundaries of the zoning districts referred to together with explanatory legend, notation, and reference, shall be as shown on the map entitled Zoning District Map. Unless otherwise shown, the boundaries of such districts shall be lot lines, centre lines or streets, lanes, road allowances, and the boundaries of the municipality. In un-subdivided land, the boundaries of the districts shall be determined by the use of the scale shown on the map.

5.4 Zoning Districts

The following are the uses and special regulations pertaining to the various zoning districts under this bylaw:

5.4.1 UH - Urban Holding District

(1) Purpose

The purpose of this district is to reserve those lands in transition and on the periphery of the village, which may be required for future urban development.

(2) Permitted Uses - The following are permitted uses in the UH - Urban Holding District:

(a) agricultural: including crop farming, grazing and pasturage, and cultivation

- of land but not including intensive livestock or poultry operations;
- (b) public works;
- (c) accessory uses, buildings and structures subject to Section 4.6.

(3) Discretionary Uses - The following are discretionary uses in the UH - Urban Holding District:

- a) sports fields;
- b) parks;
- c) heritage sites and museums
- d) golf courses;
- e) camping areas;
- f) greenhouses and tree nurseries; and
- g) a single detached dwelling
- h) recreational vehicle parks
- i) railway yards

(4) Development Standards - Development shall conform to the following:

- a) Single Detached dwelling:
 - i) Frontage – minimum 15 metres
 - ii) Front Yard- minimum 9 metres
 - ii) Rear yard- minimum 9 metres
 - iii) Side yard -minimum 1.5 metres.
- b) All other buildings:
 - i) Frontage - minimum 20 metres.
 - ii) Front Yard – minimum 9 metres
 - iii) Rear yard – minimum 9 meters
 - iv) Side yard – minimum 1.5 metres

(5) Discretionary use Criteria

In addition to Section 3.3(3) for discretionary uses the following criteria will be applied:

- a) The use meets the development standards as contained in Section 5.4.1(4)
- b) the intensity and duration of the proposed use is such that future village expansion will not be compromised;
- c) the use will not create a conflict with abutting residential uses with regard to emission of noise, glare, dust, gas or odour;
- d) the use does not create undue traffic which may cause disruption to residential areas;

5.4.2 R1 - Residential District

(1) Purpose

The purpose of this district is to establish and preserve quiet residential

neighbourhoods free from other non-compatible uses and allow development on small lots and limited multiple unit development.

(2) Permitted Uses - The following uses are permitted in the R1 - Residential District:

- a) single detached dwellings;
- b) modular homes;
- c) churches;
- d) schools, libraries and educational institutions;
- e) halls and auditoriums;
- f) public recreational facilities;
- g) parks and playgrounds;
- h) accessory uses, buildings and structures subject to Section 4.6

(3) Discretionary Uses – The following are discretionary uses in the R1 – Residential District:

- a) semi-detached, duplex dwellings, townhouses;
- b) dwelling groups of single detached, semi-detached and townhouse units;
- c) fourplex dwellings
- d) public works
- e) RCMP detachment and barracks;
- f) hospitals
- g) day care centres subject to Section 4.15
- h) home occupations subject to Section 4.8;
- i) personal care homes subject to Section 4.9 ;
- j) bed and breakfast homes
- k) converted dwellings subject to Section 4.14

(4) Development Standards

Development shall conform to the following:

Requirement*	Single Detached Dwellings and modular homes	Semi-detached, townhouse & Duplex Dwellings	Dwelling groups and Fourplex dwellings	Other Uses	Accessory Buildings
Site area, minimum	465 sq. m.	315 sq. m. per unit	200 sq. m. per unit	900 sq. m	n/a
Site frontage, minimum	15 m	10.5 m per unit	24 m	30 m	n/a
Front yard, minimum	7 m	7 m	7 m	7 m	n/a
Rear yard, minimum	9 m	9 m	9 m	9 m	1 m.
Side yard, minimum	1.5 m ; 3m. abutting street	1.5 m ; 3m. abutting street	1.5 m ; 3m. abutting street; 3 m. between buildings	Greater of 3 m. or ½ abutting wall height	1 m.; 3 m. abutting street
Site coverage, maximum all buildings	45 %	45%	45 %	50 %	10 % of site area
Principal Building area, minimum	70 sq. m.	50 sq. m per unit	50 sq. m per unit	n/a	n/a
Building height, maximum	8.5 m	8.5 m	12 m	12 m	5 m.

* No minimum requirement for parks, playgrounds and public works

The following section (4.6(4)) was added as per Bylaw 16-04 (October 11, 2016) regarding accessory building heights

(4.6(4)) An accessory building can be built to the same height as the principal building on the same lot.

- a) Landscaping shall be provided in accordance with Section 4.16
- b) Parking shall be provided in accordance with Section 4.12

(5) Discretionary Use Criteria

In addition to Section 3.3(3) for discretionary uses the following criteria will be applied:

- a) the development will not cause excessive traffic through existing residential areas;
- b) the site must be located on a street which is contiguous to a collector or arterial roadway;

- c) proposed buildings and structures will be designed to complement the existing development;
- d) outdoor storage and garbage areas must be suitably screened from public view;
- e) Council will apply the following criteria in considering dwelling groups:
 - the size and location of the development will be consistent with the capacity of the street system to handle the added development.
 - the development will not cause excessive traffic to pass through existing low density residential areas
 - the density of a dwelling group will not be significantly different from development with single principal buildings on subdivided sites
 - building separations shall meet the standards for similar residential structures on separate parcels
 - bareland condominium proposals for dwelling groups will not be considered unless there is a requirement for significant common property on the parcel.

5.4.3 R2 - Residential District

- (1) The purpose of this district is to establish and preserve single family residential areas which allow for mobile home development.
- (2) Permitted Uses - The following uses are permitted in the R2 - Residential District:
 - a) single detached dwelling
 - b) modular homes;
 - c) mobile home courts;
 - d) mobile homes;
 - e) parks and playgrounds;
 - f) home occupations subject to Section 4.8; and
 - g) accessory uses, buildings and structures subject to Section 4.6;
- (3) Discretionary Uses - The following are discretionary uses in the R2 – Residential District:
 - a) personal care homes subject to Section 4.9
 - b) bed and breakfast homes in single detached dwellings
 - c) day care centres subject to Section 4.15
 - d) public works
- (4) Development Standards
 - a) Development shall conform to the following:

Requirement*	Single Detached Dwellings, modular homes, mobile homes	Mobile Home Courts	Other Uses	Accessory Buildings
Site area, minimum	465 sq. m.;	2 hectares	465 sq. m	n/a
Site frontage, minimum	15 m	30 m	15 m	n/a
Front yard, minimum	7 m	7 m	7 m	n/a
Rear yard, minimum	9 m	9 m	9 m	1 m
Side yard, minimum	1.5 m ; 3m. abutting street	1.5 m ; 3m. abutting street	1.5 m.; 3 m. abutting a street	1 m.; 3 m. abutting street
Site coverage, maximum all buildings	45 %	45 %	45 %	10 % of site area
Principal Building area, minimum	50 sq. m.	50 sq. m. per unit	n/a	n/a
Building height, maximum	8.5 m.	8.5 m	12 m	5 m.

* No minimum requirement for parks, playgrounds and public works

The following section (4.6(4)) was added as per Bylaw 16-04 (October 11, 2016) regarding accessory building heights

(4.6(4)) An accessory building can be built to the same height as the principal building on the same lot.

- b) Landscaping shall be provided in accordance with Section 4.16.
- c) Parking shall be provided in accordance with Section 4.12.

(5) Discretionary Use Criteria

In addition to Section 3.3(3) for discretionary uses the following criteria will be applied:

- a) the development will not cause excessive traffic through existing residential areas;
- b) the site must be located on a street which is contiguous to a collector or arterial roadway;
- c) proposed buildings and structures will be designed to complement the existing development;
- d) outdoor storage and garbage areas must be suitably screened from public view;
- e) Council will apply the following criteria in considering dwelling groups:
 - the size and location of the development will be consistent with the capacity of the street system to handle the added development.
 - the development will not cause excessive traffic to pass through existing low density residential areas

- building separations shall meet the standards for similar residential structures on separate parcels.

5.4.4 R3 - Residential District

- (1) The purpose of this district is to establish and preserve quiet residential areas free from other non-compatible uses and allow development on medium to large lots.
- (2) Permitted Uses - The following uses are permitted in the R3 - Residential District:
 - a) single detached dwellings;
 - b) double wide modular homes;
 - c) parks and playgrounds;
 - d) accessory uses, buildings and structures subject to Section 4.6
- (3) Discretionary Uses - The following uses are discretionary uses in the R3 – Residential District:
 - a) home occupations subject to Section 4.8;
 - b) bed and breakfast homes subject to Section 4.7;
 - c) day care centres subject to Section 4.15;
 - d) dwelling groups of single, semi-detached or townhouse units;
 - e) personal care homes;
 - f) public works;
 - g) churches;
 - h) senior citizen’s homes;
 - i) townhouses.
- (4) Development Standards
 - a) Development shall conform to the following:

Requirement*	Single Detached Dwellings, and modular homes	Other Uses	Accessory Buildings
Site area, minimum	540 sq. m.	900 sq. m.	n/a
Site frontage, minimum	15 m	30 m	n/a
Front yard, minimum	7 m	7 m	n/a
Rear yard, minimum	9 m	9 m	1 m.; 9 m. if abutting PR District
Side yard, minimum	1.5 m	1.5 m	1 m.;
Side yard abutting a street, minimum	3 m	3 m	3 m.
Principal Building area, minimum	100 sq. m.	100 sq. m.	n/a
Site coverage, maximum all buildings	45 %	50 %	10% of lot area
Building height, maximum	8.5 m	12 m	5 m.

* No minimum requirement for parks, playgrounds and public works

Building height maximums changed as follows as per Bylaw 10-10 (October 14, 2010)

Requirement	Single Detached Dwellings, modular homes	Other Uses	Accessory Buildings
Building height, maximum	9 m	12 m	5 m

The following section (4.6(4)) was added as per Bylaw 16-04 (October 11, 2016) regarding accessory building heights

(4.6(4)) An accessory building can be built to the same height as the principal building on the same lot.

- b) Landscaping shall be provided in accordance with Section 4.16.
- c) Parking shall be provided in accordance with Section 4.12.
- (5) Discretionary Use Criteria

In addition to Section 3.3(3) for discretionary uses the following criteria will be applied:

- a) the development will not cause excessive traffic through existing residential areas;
- b) the site must be located on a street which is contiguous to a collector or arterial roadway;
- c) proposed buildings and structures will be designed to complement the existing development;
- d) outdoor storage and garbage areas must be suitably screened from

- public view;
- e) Council will apply the following criteria in considering dwelling groups:
- the size and location of the development will be consistent with the capacity of the street system to handle the added development.
 - the development will not cause excessive traffic to pass through existing low density residential areas
 - the density of a dwelling group will not be significantly different from development with single principal buildings on subdivided sites
 - building separations shall meet the standards for similar residential structures on separate parcels
 - bareland condominium proposals for dwelling groups will not be considered unless there is a requirement for significant common property on the parcel.

5.4.5 RR - Recreational Residential District

- (1) The purpose of this district is to establish and preserve quiet residential areas that allow limited development of seasonal and tourist accommodation facilities.

(2) Permitted Uses

The following are permitted uses in the RR - Recreational Residential District:

- a) single detached dwellings;
- b) double wide modular homes;
- c) duplex and semi detached dwellings;
- d) townhouses;
- e) parks and playgrounds;
- f) public works.

- (3) Discretionary Uses – The following uses are discretionary uses in the RR – Recreational Residential District:

- a) dwelling groups of single-detached, semi-detached, duplex, townhouse and fourplex units;
- b) home occupations subject to Section 4.8;
- c) bed and breakfast homes subject to Section 4.7.

(4) Development Standards

a) Development shall conform to the following:

Requirement*	Single Detached Dwellings	Semi-detached, townhouse & Duplex Dwellings	Dwelling groups and Fourplex dwellings	Other Uses	Accessory Buildings
Site area,	minimum 540 sq. m.; maximum 1500 sq.m.	minimum 400 sq. m. per unit	minimum 270 sq. m. per unit	minimum 900 sq. m	n/a
Site frontage, minimum	15 m	12 m per unit	30 m	30 m	n/a
Front yard, minimum	7 m	7 m	7 m	7 m	n/a
Rear yard, minimum	9 m	9 m	9 m	9 m	1 m.; 9 m. abutting PR District
Side yard, minimum	1.5 m ; 3m. abutting street	1.5 m ; 3m. abutting street	1.5 m ; 3m. abutting street; 3 m. between buildings	Greater of 3 m. or ½ abutting wall height	1 m.; 3 m. abutting street
Site coverage, maximum all buildings	45 %	45%	45 %	50 %	10 % of site area
Principal Building area, minimum	100 sq. m.	70 sq. m. per unit	70 sq. m. per unit	n/a	n/a
Building height, maximum	8.5 m	8.5 m	12 m	12 m	5 m.

* No minimum requirement for parks, playgrounds and public works

The following section (4.6(4)) was added as per Bylaw 16-04 (October 11, 2016) regarding accessory building heights

(4.6(4)) An accessory building can be built to the same height as the principal building on the same lot.

Building height maximums changed as follows as per Bylaw 20-05 (July 13, 2020)

Requirement*	Single Detached Dwellings
Building height, maximum	11 m

b) Landscaping shall be provided in accordance with Section 4.16

c) Parking shall be provided in accordance with Section 4.12.

(5) Discretionary Use Criteria

In addition to Section 3.3(3) for discretionary uses the following criteria will be applied:

- a) the development will not cause excessive traffic through existing residential areas;
- b) the site must be located on a street which is contiguous to a collector or arterial roadway;
- c) proposed buildings and structures will be designed to complement the existing development;
- d) outdoor storage and garbage areas must be suitably screened from public view;
- e) Council will apply the following criteria in considering dwelling groups:
 - the size and location of the development will be consistent with the capacity of the street system to handle the added development.
 - the development will not cause excessive traffic to pass through existing low density residential areas
 - the density of a dwelling group will not be significantly different from development with single principal buildings on subdivided sites
 - building separations shall meet the standards for similar residential structures on separate parcels
 - bareland condominium proposals for dwelling groups will not be considered unless there is a requirement for significant common property on the parcel.

5.4.6 RA - Residential Acreage District

(1) The purpose of this district is to establish and preserve quiet residential areas and allow development on large lots.

(2) Permitted Uses - The following are permitted uses in the RA - Residential District:

- a) single detached dwellings;
- b) double wide modular homes;
- c) accessory uses, buildings and structures

(3) Discretionary Uses - The following are discretionary in the RA - Residential Acreage District:

- a) greenhouses and tree nurseries;
- b) public works
- c) home occupations subject to Section 4.8;
- d) bed and breakfast homes subject to Section 4.7;

(4) Development Standards

a) Development shall conform to the following:

Requirement*	Single Detached Dwellings, modular homes	Other Uses	Accessory Buildings
Site area, minimum	3000 sq. m.	3000 sq. m	n/a
Site frontage, minimum	45 m	45 m	n/a
Front yard, minimum	7 m	7 m	n/a
Rear yard, minimum	9 m	9 m	1 m.; 9 m. abutting PR District
Side yard, minimum	1.5 m ; 3m. abutting street	1.5 m ; 3m. abutting street	1 m.; 3 m. abutting street
Site coverage, maximum all buildings	45 %	50 %	10 % of site area
Principal Building area, minimum	100 sq. m.	n/a	n/a
Building height, maximum	8.5 m	12 m	5 m.

Building height maximums changed as follows as per Bylaw 10-07 (May 31, 2010)

Requirement	Single Detached Dwellings, modular homes	Other Uses	Accessory Buildings
Building height, maximum	9 m	12 m	6 m

Site frontage, minimum changed as follows as per Bylaw No. 20-02 (July 13, 2020)

Requirement	Single Detached Dwellings, modular homes	Other Uses	Accessory Buildings
Site frontage, minimum	40m	40m	n/a

Building height maximum for single detached dwellings changed as follows as per Bylaw 16-04 (October 11, 2016)

Requirement*	Single Detached Dwellings
Building height, maximum	10 m

* No minimum requirement for parks, playgrounds and public works

The following section (4.6(4)) was added as per Bylaw 16-04 (October 11, 2016) regarding accessory building heights

(4.6(4)) An accessory building can be built to the same height as the principal building on the same lot.

b) Landscaping shall be provided in accordance with Section 4.16.

c) Parking shall be provided in accordance with Section 4.12.

(5) Discretionary Use Criteria

In addition to Section 3.3(3) for discretionary uses the following criteria will be applied:

- a) the development will not cause excessive traffic through existing residential areas;
- b) outdoor storage and garbage areas must be suitably screened from public view;
- c) storage facilities should incorporate screening, landscaping and be suitably set-back from existing residential principle buildings.

5.4.7 PR - Park and Recreational District

(1) The purpose of this district is to establish and preserve areas for public recreation and open space.

(2) Permitted Uses - The following are permitted uses in the PR - Park and Recreational District, subject to Reservoir Development Area Regulations where applicable:

- a) parks and playgrounds;
- b) day use picnic areas;
- c) public recreational facilities;
- d) recreational trails;
- e) public works, excluding offices, shops, warehouses, and storage yards; and
- f) camping areas.

The following sections (5.4.7(3) - (6)) were added as per Bylaw 14-07 (July 11, 2014)

(3) Discretionary Uses – the following use is a discretionary use in the PR – Park and Recreational District:

- a) Recreational Facilities, Commercial

(4) Accessory Uses – Buildings, structures, or uses secondary and subordinate to, and located on the same lot with the principal use shall be permitted subject to Reservoir Development Area Regulations where applicable.

- (5) Development Standard – no minimum requirements except that where applicable, the Reservoir Development Area Regulations shall apply.
- (6) Discretionary Use Criteria
In addition to Section 3.3(3) for discretionary uses the following criteria will be applied:
 - a) the development will be immediately adjacent to an existing recreation facility, public
 - b) the development will not cause excessive traffic through existing residential areas
 - c) the development will not adversely impact adjacent uses
 - d) vehicle parking, loading and circulation areas must have direct access to a street which is contiguous to a collector or arterial roadway
 - e) outdoor storage and garbage areas shall be suitably screened from public view

5.4.8 C1 - Commercial District

- (1) The purpose of this district is to establish and preserve the central business area as the primary business centre of the village.
- (2) Permitted Uses - The following uses are permitted in the C1 - Commercial District:
 - a) accessory uses, buildings and structures except dwelling units;
 - b) retail stores;
 - c) recreational facilities;
 - d) banks
 - e) offices
 - f) personal service shops;
 - g) bed and breakfast homes.
- (3) Discretionary Uses - The following are discretionary in the C1 - Commercial District:
 - a) A dwelling unit for the owner, secondary and subordinate to, and located on the same lot with the principal use.
 - b) Dwelling units existing as a principle use at time of passage of bylaw including any modifications, additions and replacement on site provided the existing principal building is removed following replacement;
 - c) bus depot;
 - d) fire halls;
 - e) ambulance services;
 - f) wholesale and warehouse
 - g) restaurants, lounges and fast food outlets;
 - h) public works;
 - i) construction trades;
 - j) halls and auditoriums;

The following sections (5.4.8(3)(k)&(l)) were added as per Bylaw 14-08 (August 14, 2014)

- k) car washes;
- l) laundromat

(4) Development Standards

Development shall conform to the following:

- a) no permitted or discretionary use shall cause noise, dust, gas, or odour sufficient to disturb the adjacent residential areas;
- b) all storage of equipment, supplies or materials must be stored wholly within a building or behind a solid fence two (2) metres in height and built in such a manner to totally screen the storage area from public view.
- (c) Lot Requirements for all uses:
 - i) the minimum lot area shall be 275 m²
 - ii) the minimum lot frontage shall be 7.5 metres
 - iii) there is no minimum front yard distance
 - iv) there is no minimum side yard distance, except where the side of a lot in the C1 - Commercial District abuts any Residential District, a side yard of at least 1.5 metres shall be provided.

(5) Discretionary Use Criteria

In addition to Section 3.3(3) for discretionary uses the following criteria will be applied:

- a) the development will not cause excessive traffic through existing residential areas;
- b) vehicle parking, loading and circulation areas must have direct access to a street which is contiguous to a collector or arterial roadway;
- c) proposed buildings and structures will be designed to complement abutting development;
 - outdoor storage and garbage areas must be suitably screened from public view;
- d) Dwelling units accessory to principal use shall:
 - be for the exclusive use of the property owner, business owner or proprietor;
 - be located within the building of the commercial establishment and shall be subordinate to the principal use;
 - have an entrance separate from that of the commercial establishment;
 - have a fire exit secondary to the required entrance
- e) Development standards for new dwelling units shall be in accordance with those specified in the R1 - Residential District.

5.4.9 C2 Commercial District

- (1) The purpose of this district is to establish areas along major travel routes for the development of commercial uses which serve the travelling public and which may require ease of accessibility and/or substantial parking or display areas.
- (2) Permitted Uses - The following are permitted uses in the C2 - Commercial District:
 - a) any permitted use in the C1 Commercial District
 - b) wholesale and warehouse
 - c) restaurants, lounges and fast food outlets;
 - d) public works;
 - e) halls and auditoriums
 - f) motels, hotels;
 - g) service stations;
 - h) car washes;
 - i) churches;
 - j) accessory uses, buildings or structures
- (3) Discretionary Uses The following are discretionary uses in the C.2 – Commercial District:
 - a) lumber yard;
 - b) automobile and recreational vehicle sales;
 - c) veterinary clinics;
 - d) construction trades;
 - e) A dwelling unit accessory to the principal use;
 - f) Fire halls;
 - g) Ambulance services
- (4) Development Standards
 - a) Lot Requirements

The minimum lot area shall be 600 m²;
The minimum lot frontage shall be 20 metres;
The minimum front yard distance shall be 5 metres;
The minimum rear yard distance shall be 7.5 metres;
The minimum side yard distance shall be 1.5 metres;
 - b) Fuel pumps and other accessory equipment shall be located at least 6 metres from any street or lot line.
 - c) All equipment, including, but not limited to automobile parts, dismantled or partially dismantled vehicles, storage, and unsightly materials shall be stored within a building or screened from public view.

- d) In addition to Section 4.16, landscaping shall be provided within the first 3 m of the site abutting the front street and flanking street with the exception of approved vehicle crossings.
 - e) Parking shall be provided in accordance with Section 4.12.
- (5) Discretionary Use Criteria
 In addition to Section 3.3(3) for discretionary uses the following criteria will be applied:
- a) the development will not cause excessive traffic through existing residential areas;
 - b) vehicle parking, loading and circulation areas must have direct access to a street which is contiguous to a collector or arterial roadway;
 - c) proposed buildings and structures will be designed to complement abutting development;
 - d) outdoor storage and garbage areas must be suitably screened from public view;
 - e) suitable landscaping shall be provided;
 - f) dwelling units accessory to principal use shall:
 - be for the exclusive use of the property owner, business owner or proprietor;
 - be located within the building of the commercial establishment and shall be subordinate to the principal use;
 - have an entrance separate from that of the commercial establishment;
 - have a fire exit secondary to the required entrance
 - g) restaurants, bars, lounges and fast food outlets should be suitably designed and located to limit potential disruption to adjacent residential areas due to noise, odour, glare, dust, or other similar disturbances.

5.4.10 M1 - Light Industrial District

- (1) The purpose of this district is to accommodate light industrial uses that are significantly confined to the interior of a building and will not create any conflict to residential uses in abutting districts.
- (2) Permitted Uses
 - a) accessory uses, structures and buildings subject to Section 4.6;
 - b) laboratories;
 - c) manufacturing, assembling or packaging facilities;
 - d) medical clinics;
 - e) offices;
 - f) personal service businesses.
- (3) Discretionary Uses
 - a) storage facilities;

b) warehouses.

(4) Development Standards

a) The following development standards shall apply:

Requirement*	All Uses	Accessory Buildings
Site area, minimum	1000 sq. m	n/a
Site frontage, minimum	45 m	n/a
Front yard, minimum	7 m	n/a
Rear yard, minimum	9 m	1 m.
Side yard, minimum	1.5 m ; 3m. abutting street or residential district	1 m.; 3 m. abutting street or residential district
Site coverage, maximum all buildings	75 %	10 % of site area
Building height, maximum	12 m	5 m.

The following section (4.6(4)) was added as per Bylaw 16-04 (October 11, 2016) regarding accessory building heights

(4.6(4)) An accessory building can be built to the same height as the principal building on the same lot.

b) Landscaping shall be provided in accordance with Section 4.16.

c) Parking shall be provided in accordance with Section 4.12.

(5) Discretionary Use Criteria

In addition to the criteria as contained in Section 3.3(3) for discretionary uses the following criteria shall apply:

- a) all vehicle circulation and parking areas shall be situated to minimize disruption to existing residential areas;
- b) outdoor storage and garbage areas shall be suitably screened from public view;
- c) the use shall not cause undue disruption to existing residential areas due to noise, smoke, dust or glare

5.4.11 M2 - Industrial District

- (1) The purpose of this district is to establish and preserve areas for industrial uses which because of the nature of the operation may create noise, dust, traffic odour or other negative impacts on adjoining land districts.
- (2) Permitted Uses - The following are permitted uses in the M2 - Industrial District:
 - a) grain elevators;
 - b) warehouses and storage yards;
 - c) service stations;
 - d) construction trades;
 - e) public works;
 - f) lumber yards and building supply establishments
 - g) greenhouses and tree nurseries;
 - h) motor vehicle, farm implement and industrial equipment, recreation equipment and vehicle sales, storage and servicing operations;
 - i) auto body shops;
 - j) car washes;
 - k) auction markets;
 - l) machine shops
 - m) wholesale establishments;
 - n) welding shops;
 - o) veterinary clinics; and
- (3) Discretionary Uses - The following are discretionary uses in the M2 - Industrial District:
 - a) seed cleaning plants and feed mills;
 - b) bulk petroleum dealerships and storage;
 - c) bulk fertilizer operations;
 - d) manufacturing or processing operations;
 - e) sand and gravel operations;

The following section (5.4.11(f)) was added as per Bylaw 19-03 (September 9, 2019)

- f) cannabis production operation

(4) Development Standards

a) Development shall conform to the following:

Requirement*	Other Uses	Accessory Buildings
Site area, minimum	1000 sq. m	n/a
Site frontage, minimum	30 m	n/a
Front yard, minimum	6 m	n/a
Rear yard, minimum	6 m	1 m.; 9 m. abutting PR District
Side yard, minimum	3 m. or ½ abutting wall height	3m
Site coverage, maximum all buildings	75 %	n/a
Principal Building area, minimum	n/a	n/a
Building height, maximum	12 m	5 m.

* No minimum requirement for parks, playgrounds and public works

The following section (4.6(4)) was added as per Bylaw 16-04 (October 11, 2016) regarding accessory building heights

(4.6(4)) An accessory building can be built to the same height as the principal building on the same lot.

- b) Access to lots shall be located to ensure that heavy truck traffic takes access to or from designated truck routes;
- c) All outside storage shall be fenced, and if in public view the storage area shall be screened with a solid fence or hedge of at least two (2) metres in height; and
- d) Any bulk petroleum tanks shall be located at least 90 metres from any residential area, school, hospital, motel, or restaurant.

(5) Discretionary Use Criteria

In addition to the criteria as contained in Section 3.3(3) for discretionary uses the following criteria shall apply:

- a) all vehicle circulation and parking areas shall be situated to minimize disruption to existing residential areas;
- b) the use shall not cause undue disruption to due to noise, smoke, dust or glare;
- c) adequate precautions provided to ensure there is no danger to the public due to handling of goods, chemicals, emissions, etc.
- d) outside storage shall be away from public view or screened by solid fence or hedge at least 2 metres in height.

The following section (5.4.11(5)(e)) was added as per Bylaw 19-03 (September 9, 2019)

- e) Cannabis production operations may be allowed in the M2 Industrial District if the activity and proposed location ensures that it will have minimal impact on surrounding adjacent areas and meets the following requirements:
- meet municipal servicing capacity;
 - mitigate anticipated levels of noise, odour, smoke, fumes, dust, lighting, glare, vibration, or other emissions emanating from the operation;
 - mitigate anticipated increased levels or types of vehicle traffic, unsafe conditions, or situations for vehicles, cyclists or pedestrians; and/or
 - ensure the safe handling and disposal of hazardous and dangerous substances and materials.
 - all cannabis production operations must have all approved business licenses (if applicable) and shall be approved by and comply with provincial and federal authorities and regulations.
 - all cannabis production operations must maintain a setback of 150 meters from schools and playgrounds
 - all materials and goods used in conjunction with cannabis production operations shall be stored within an enclosed building; no outside storage is permitted.
 - signage for cannabis production operations shall not contain any images, but may include the business name in alpha-numeric characters. Any sign would be subject to any other applicable regulations in Section 4.5 – Signs.

SECTION 6 - COMING INTO FORCE

(1) Coming into Force

This Bylaw shall come into force and take effect on the date of approval by the Minister of Government Relations.

(2) Repeal of Zoning Bylaw No. 7/94

Bylaw No. 7/94 is hereby repealed.

MAYOR

(SEAL)

ADMINISTRATOR

Certified a true copy of Bylaw No. 08-05
adopted by resolution of Council
on the 15th day of July, 2008.

Administrator

ZONING MAP CHANGES:

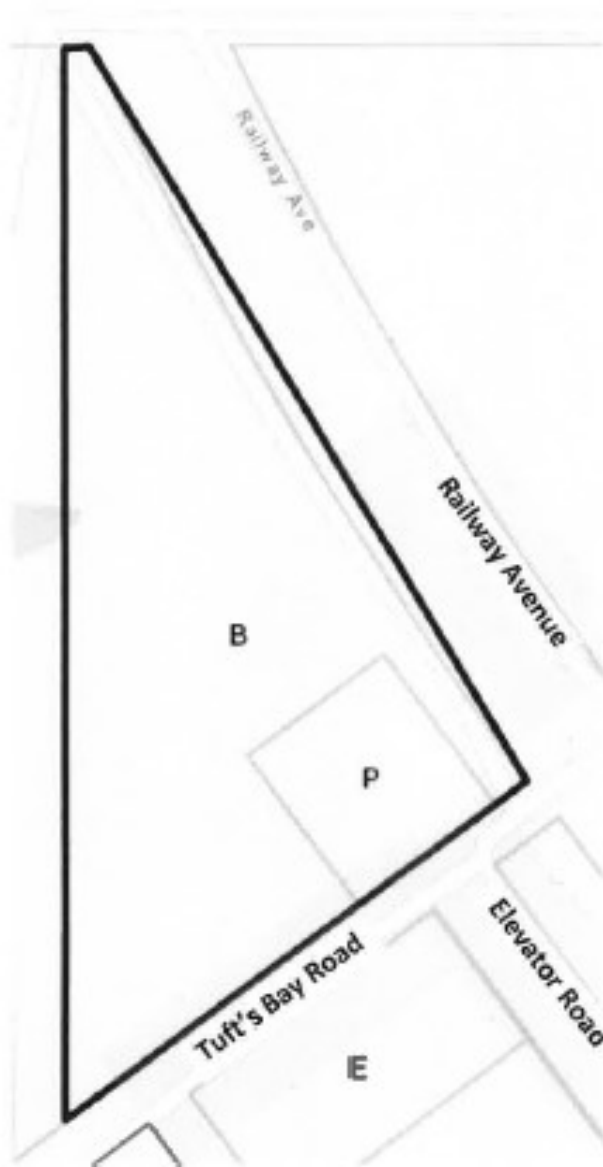


The affected land is legally described as:

- Blk/Par S – Plan 88MJ16836
- Blk/Par T – Plan 89MJ12722
- Blk/Par U – Plan 101966418
- Blk/Par V – Plan 101966418

which is an area bordered by Sarah Drive South, Elevator Road, South Elbow Drive, and Putters Lane, as outlined in the bold line on the above map.

This map forms part of Bylaw No. 14-07



Affected land:

The affected land is legally described as Parcel B, Plan 101302108, Title No. 146658785, and Parcel P, Plan 102188707, Title No. 146658752 which is located north of Tuft's Bay Road as outlined in the bold line on the above map.

This map forms part of Bylaw No. 20-02