

"SCHEDULE A" TO BY-LAW NO. 04/2014

CARMAN-DUFFERIN PLANNING DISTRICT
ZONING BY-LAW



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2014

Presented to:

CARMAN-DUFFERIN PLANNING DISTRICT



Presented by:

LOMBARD NORTH GROUP

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CARMAN-DUFFERIN PLANNING DISTRICT
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1 DEFINITIONS

1.1 RULES OF CONSTRUCTION

1. The following rules of construction apply to the text of this by-law.
 - a. Words, phrases and terms defined herein shall be given the defined meaning.
 - b. Words, phrases and terms not defined herein but defined in *The Act* and the Building, Electrical or Plumbing By-laws of the Rural Municipality (RM) of Dufferin and Town of Carman shall be construed as defined in such act and by-laws.
 - c. Words, phrases and terms neither defined herein nor in the Building, Electrical or Plumbing By-laws of the Rural of Municipality of Dufferin and Town of Carman shall be given their usual and customary meaning except where, in the opinion of The District, the context clearly indicates a different meaning.
 - d. The phrase "used for" includes "arranged for", "designed for", or "occupied for".
 - e. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and", "or" or "either-or", the conjunction shall be interpreted as follows:
 - i. "and" indicates that all the connected items, conditions, provisions or events shall apply in any combination;
 - ii. "or" indicates that the connected items, conditions, provisions or events may apply singly or in combination; and
 - iii. "either-or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
 - f. The word "includes" shall not limit a term to the specified examples, but is intended to extend the meaning of all instances or circumstances of like kind or character.

1.2 DEFINITIONS

1. “**Abattoir**”, means a building, structure, or part thereof, used for the slaughtering of animals and related activities.
2. “**Abut or Abutting**”, means a site or use that physically touches another site or use, and shares a site line or boundary with it.
3. **Accessory**" when it is used in this by-law, shall have the same meaning as accessory use.
4. "**Accessory building**", means a subordinate building located on the same zoning site as the principal building or use, the use of which is incidental and accessory to that of the principal building or use:

5. "**Accessory building, attached**", means an accessory building that is attached to this principal building and in determining the required yards; the attached accessory building shall be treated as being part of the main building;
6. "**Accessory building, detached**", means an accessory building that is not attached to the principal building and in determining the required yards, the requirements for accessory use, buildings and structures as shown in the Use and Site Requirements shall be used; and
7. "**Accessory building, semi-detached**", means an accessory building that is attached to the principal building by a structure such as, but not limited to, a breezeway. The required yards for a semi-detached accessory building shall be determined in the same manner as in Definition (5.) above.
8. "**Accessory use, building or structure**", means a use, building, or structure which:
 - a. is subordinate to, incidental to and serves the principal building, structure or use;
 - b. is subordinate in area, extent or purpose to the principal building, structure or use served;
 - c. contributes to the comfort, convenience or necessity of occupants of the principal building, structure or use served; and
 - d. is located on the same zoning site as the principal building, structure or use served.
9. "**Act, the**", means *The Planning Act*, being Chapter P80 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.
10. "**Agricultural activities**", means a use of land for agricultural purposes including cropping, grazing, apiculture, floriculture, horticulture, excepting livestock operations, including the necessary accessory uses for packing, storing or treating the produce. The operation of any such accessory uses shall be secondary to that of the general agricultural activities.
11. "**Agricultural Cropping**", means the use of land for farming agricultural crops including grain, specialty and berry crops, haying and forage production.
12. "**Agriculture crop protection warehouse**", means the facility used to store, blend and/or distribute chemicals used for crop protection and production. Products can include herbicides, insecticides, fungicides, rodenticides and fertilizers, but does not include anhydrous ammonia.
13. "**Agricultural implement sales and services**", means a building and open area, used for display, sale or rental of new or used farm implements and where repair work is done.
14. "**Agricultural product storage**", means the temporary storage of any agriculture product for future use, delivery or processing (does not include farm accessory bins).

15. "**Agriculture, specialized**", means the use of land for apiculture, floriculture, horticulture, including market gardening, orchards and tree farming, and similar agricultural activities for commercial production.
16. "**Aircraft landing field**", means an area of land utilized to accommodate landing and take-off movements of aircraft for personal use.
17. "**Airport**", means any area of land or water utilized for the landing or taking off of aircraft and any appurtenant areas which are used for airport buildings or other airport facilities or rights-of-way, including taxiways, aircraft storage and tie-down areas, hangars and other related buildings and open spaces.
18. "**Alter or Alteration**", means a change or modification to an existing building, structure or use which, unless otherwise provided for herein, does not increase the exterior dimensions with respect to height and area.
19. "**Alteration, incidental**", means:
 - a. Changes or replacements in the non-structural parts of a building or structure, including but not limited to the following:
 - i. an addition on the exterior of a building, such as an open porch;
 - ii. alteration of interior partitions in all types of buildings; or
 - iii. replacement of, or changes in, the capacity of utility pipes or ducts.
 - b. Changes or replacements in the structural parts of a building or structure, including but not limited to the following:
 - iv. adding or enlarging windows or doors in exterior walls;
 - v. replacement of building facades; or
 - vi. strengthening the load bearing capacity, in not more than ten percent (10%) of the total floor area, to permit accommodation of a specialized unit of machinery or equipment.
20. "**Alteration, structural**", means the construction or reconstruction of supporting elements of a building or other structure.
21. "**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 a grazing area.
22. "**Animal units or A.U.**", means the number of animals of a particular category of livestock that will excrete 73 kg of total nitrogen in a 12 month period as set out in Table 4.2-4.
23. "**Area, the**", means all that land within the boundaries of the Carman-Dufferin Planning District.

24. "**Aquifer**", means a permanent geological formation that can supply quantities of water sufficient for at least a single-family dwelling.
25. "**Automobile body shop**", means a building wherein the repair and painting of automobiles takes place.
26. "**Automobile service station**", means a building or portion thereof and land used for supplying fuel, oil and minor accessories for motor vehicles at retail direct to the customer, and for making repairs, maintenance and storage.
27. "**Automobile or trailer sales area**", means an area used for the display, sale or rental of new or used automobiles or trailers. Where repairs are made they shall be done within a completely enclosed building, except minor incidental repairs of automobiles or trailers to be displayed, sold or rented on the premises.
28. "**Automobile wrecking**", means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.
29. "**Basement**", means a portion of a building between a floor and ceiling that is located partly underground, but with more than half of the floor to ceiling height thereof above the average grade of the adjoining ground.
30. "**Bed and Breakfast**", means a building or portion thereof where lodging and/or meals are provided for compensation for person(s) exclusive of the proprietor and family.
31. "**Building**", means a well, pipeline, conduit, cut, excavation, fill, transmission line and any structure or erection, and any part 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.
32. "**Board**", means the Board of the Carman Dufferin Planning District as established under *the Act*.
33. "**Building, main or principal**", means a building in which is conducted the principal use of the site on which it is situated.
34. "**Buffer Strip**", means a strip of landscaping or vegetation used to provide a screen between sites in order to mitigate negative impacts from one to the other.
35. "**Building permit**", means a permit issued by a municipality, planning district, or other appropriate authority authorizing the construction or alteration of all or part of any building.

36. "**Bulk fuel and chemical storage**", means the use of land for the storage, sale or distribution of synthetic or petroleum based fluids or chemicals, fertilizers, and other potentially hazardous or noxious materials, primarily on a wholesale basis.
37. "**Camping and tenting grounds**", means a parcel of land planned and improved to accommodate travel trailers, camping trailers, pick-up coaches, motorized homes, tents, tent trailers or other camping accommodations used for travel, recreational and vacation uses.
38. "**Canada Land Inventory or CLI**", means a series of maps prepared by the governments of Canada and Manitoba showing an evaluation of the capability of the land to support agriculture, forestry wildlife and recreation.
39. "**Carport**", means a building, open on two sides, which is attached to the principle dwelling for the shelter of privately owned automobiles.
40. "**Cemetery**", means land for the burial of the human remains and dedicated for cemetery purposes, including crematoria, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of the cemetery.
41. "**Child Care Services**", means the provision of care for remuneration or reward to a child apart from his or her parents or guardians for a period in any day exceeding three (3) hours but not exceeding fourteen (14) hours; and includes the following:
 - a. "**Community day care**", means the provision of child care services for more than twelve (12) children in a provincially licensed facility with access to an outdoor recreation area.
 - b. "**Home day care**", means the provision of child care services in a dwelling unit to children, including the children of the owner or tenant, not over twelve (12) years of age. The number of children shall not exceed six (6), and the facility shall have access to an outdoor recreation area;
 - c. "**Group day care**", means the provision of child care services for more than six (6) but not more than twelve (12) children not over twelve (12) years of age in a provincially licensed facility with access to an outdoor recreation area.

42. **“Coach house”**, means a Secondary Suite located either above a detached private garage (above grade), or, in a single-storey accessory dwelling attached to the side or rear of a detached private garage (at grade). A Coach House is accessory to the principal use of a property, which must be a permanent single-family detached dwelling. A Coach House has an entrance separate from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the structure.
43. **“Condominium”**, means individual ownership of a unit in a multiple unit structure where expenses common to all parties are shared.
44. **“Condominium, Bare Land Unit”**, means a unit of land defined by delineation of its horizontal boundaries without reference to any buildings on a condominium plan.
45. **“Condominium Unit”**, means a part of the land or building that is designated as a unit by the condominium plan, and is comprised of the space enclosed by its boundaries and all material parts of the land within this space at the time the condominium declaration and plan are registered.
46. **“Collection basin”**, means a structure:
 - a. intended to collect runoff water contaminated with manure in an agricultural operation; and
 - b. constructed primarily from soil by excavating or forming dikes.
47. **“Church”**, means a building or premises dedicated to religious worship and may include a hall, auditorium, school or day care operated by the church.
48. **“Club, recreational”**, means a non-profit corporation or an association consisting of persons who are bona-fide members paying annual dues, which owns or leases land or buildings or portion thereof, the use of such premises being restricted to a principal leisure or recreational activity.
49. **“Community hall”**, means a meeting place for community activities, public organizations, private non-profit clubs or recreational groups.
50. **“Conditional use”**, means the conditional use of land or building as defined in *The Act* and as provided for in Section 2.6.
51. **“Contractors establishment”**, means land and/or buildings intended for the storage of equipment and materials and the performance of work related to the provision of contracting businesses such as road building, construction, plumbing, electrical and landscaping.

52. “**Control line**”, means a line running parallel to the centre line of a limited-access highway or freeway measured 125 feet from the edge of the right-of-way, as defined in the *Highways Protection Act*.
53. “**Convenience food store**”, means a food store intended to serve the day to day needs of the residents of the neighbourhood in which it is located.
54. “**Cottage**”, means a dwelling unit constructed and used as a place of residence for vacations and recreational purposes.
55. “**Density**”, means the total number of dwelling units divided by the total land area to be developed expressed in gross acres/hectares.
56. “**Designated employee or officer**”, means an employee or officer of a planning district or municipality who is designated to carry out a power or responsibility in accordance with *The Act*.
57. “**Development**”, means:
 - a. the construction of a building on, over or under land;
 - b. a change in 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 or the excavation of land.
58. “**Development permit**”, means a permit issued under the zoning by-law, authorizing development, and may include a building permit.
59. “**Development Plan**”, means *The Carman-Dufferin Planning District Development Plan* adopted by By-law No. 03/2014 and amendments thereto.
60. “**District, the**”, means the Rural Municipality of Dufferin and the Town of Carman.
61. “**Drive-in establishment**”, means an establishment with facilities for attracting and servicing prospective customers travelling in motor vehicles, which are driven onto the site where the customer may or may not receive service in the vehicle.
62. “**Duplex**”, means two dwellings, contained in a single building, vertically connected with one unit above the other. This type of development is designed and constructed as two dwelling units at initial construction. It does not include a secondary suite.
63. “**Dwelling**”, means a building, including a mobile home, or portion thereof designed for residential occupancy.

64. "**Dwelling, farmstead**", means any dwelling which is or has been accessory to a farm operation and is on a parcel which includes or has included associated agricultural buildings, normally in a single cluster enclosed by shelterbelts.
65. "**Dwelling, multiple-family**", means a building containing three (3) or more dwelling units, each unit designed for and used by one (1) family.
66. "**Dwelling, single-family**", means a detached building designed for use by one (1) family.
67. "**Dwelling, two-family**", means a detached or semi-detached building designed for and used by not more than two (2) families, each having exclusive occupancy of a dwelling unit.
68. "**Dwelling unit**", means one (1) or more rooms in a building designed for one (1) or more persons as a single housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.
69. "**Earthen manure storage facility**", means a structure built primarily from soil, constructed by excavating or forming dikes, and used for storing or treating livestock manure, but does not include:
 - a. a collection basin;
 - b. a field storage site; or
 - c. a temporary composting site for manure.
70. "**Enlargement**", means the addition to the floor area of an existing building or structure, or an increase in that portion of land occupied by an existing use.
71. "**Extension**", means an increase in the amount of floor area used for an existing use, within an existing building.
72. "**Exterior Storage**", means the storage of merchandise, goods, inventory, materials or equipment or other items that are not intended for immediate sale, by locating them outside.
73. "**Family**", means one or more persons related by blood or marriage or common-law marriage, or a group of not more than three (3) persons who may not be related by blood or marriage, living together as a single housekeeping unit. A single housekeeping unit shall be deemed to exist if all members thereof have access to all parts of the dwelling unit.
74. "**Farm buildings or structures**", means any buildings or structures existing or erected on land used principally for agricultural activities but not including dwellings.
75. "**Farmstead**", means that portion of the land of an agricultural operation on which is located the residence of the operator.

76. “**Farmstead site**”, means the area of land previously or presently used to accommodate a residence, animal shelters or other buildings associated with agriculture, normally in a single cluster enclosed by a shelterbelt, which has been subdivided from an agricultural operation and is now under separate title.
77. “**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.
78. “**Field storage site**” means an area where solid livestock manure is stored in the open air, but does not include an earthen manure storage facility or a non-earthen manure storage facility.
79. “**Floodplain**”, means all land that would be flooded by the 100-year flood or by a recorded flood exceeding the 100-year flood.
80. “**Garage, private or carport**”, means an accessory building or portion of a principal building, if attached, used by the occupants of the premises upon which it is located for the parking or temporary storage of private passenger motor vehicles may also include the incidental storage of other personal property.
81. “**Garden suite**”, means a single-storey Secondary Suite, contained in a separate building, positioned at grade and to the rear of an existing principal use on a single zoning site. The principal use must be a permanent single-family detached dwelling.
82. “**Grade**”, means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Development Officer
83. “**Grazing Area**” means an outdoor area where livestock are primarily sustained for part of the year by the direct consumption of feed grown on the area and manure does not accumulate such that mechanical removal or redistribution is required.
84. “**Groundwater**”, means water below the surface of the ground.
85. “**Group home**”, means a residence that is licensed for the accommodation of less than nine (9) persons, exclusive of staff or receiving family, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition, or legal status, require a group living arrangement for their well-being.
86. “**Gun range**”, means a specialized facility designed for firearms practice.

87. "**Height**", means the total number of storeys in a building or the vertical distance measured from grade to the highest point of the roof surface if a flat roof, to the deck of a mansard roof, and to the mean height level between eaves and ridge for gable, hip gambrel roof.
88. "**Home occupation**", means an occupation, trade, profession or craft that is carried on in a dwelling unit or its accessory building and which is clearly incidental or accessory to the residential use of the dwelling.
89. "**Home industry**", means non offensive light manufacturing activities and small businesses that may be permitted as a second use, in addition to the principal use.
90. "**Hotel**", means a building or part thereof wherein accommodation is provided for transient lodgers, in any individual room or apartment, with or without cooking facilities. Permitted accessory uses include, but are not limited to, restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms
91. "**House: boarding, lodging or rooming**", means a building or portion thereof, other than a hotel or motel, without cooking facilities, where lodging, or lodging and meals are provided for compensation exclusive of the proprietor and his family.
92. "**Junkyard**", means an area where waste or scrape materials are brought, stored, baled, disassembled or handled, sold, or exchanged and may include metals, paper, rubber and glass. A junkyard includes automobile wrecking but does not include such uses established entirely within an enclosed building.
93. "**Kennel**", means any premises on which more than two (2) animals are boarded, bred, trained or cared for, in return for remuneration or are kept for the purpose of sale. A kennel shall not include a veterinary clinic, animal hospital or animal pound.
94. "**Lane**", means a street not over thirty-three (33) feet in width.
95. "**Livestock**", means animals /poultry not kept exclusively as pets.
96. "**Livestock, confined area**", means an outdoor, non-grazing area where livestock are confined by fences or other structures, and includes a feedlot, paddock, corral, exercise yard, holding area and hoop structure.
97. "**Livestock operation**", means a permanent or semi-permanent facility or non-grazing area where livestock producing at least 10 animal units are kept or raised, either indoors or outdoors, and includes all associated manure collection facilities, but does not include an auction mart.

98. "**Loading space**", means an off-street space on the same zoning site with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which has access to a street, lane or other appropriate means of access.
99. "**Lockable bicycle space**", means a stationary rack where bicycles can be fastened or secured to prevent theft.
100. "**Manufacturing, heavy**", means processing and manufacturing uses that cannot be classified as light industrial uses, as defined herein.
101. "**Manufacturing, light**", means processing and manufacturing uses, provided that they do not create safety hazards or noise in excess of average intensity of street and traffic noise in the area in which they are located. The use should not emit smoke, dust, dirt, toxic or offensive odours or gas and the use should not produce heat or glare perceptible from any site line of the site on which the use is located. As a rule, in the agricultural zone, industries in this category should be secondary to the agricultural use, if not, they should be of such a size that they do not create traffic problems or impact negatively on the surrounding area.
102. "**Manure management plan**", means a plan prepared in accordance with the requirements under the Livestock Manure and Mortalities Management Regulation –42/98.
103. "**Manure storage facility, earthen**", means a structure built primarily from earth, constructed by excavating or forming dikes, and used to retain livestock manure.
104. "**Manure storage facility, non-earthen**", means a structure, molehill, tank or other facility not made out of earth for storing manure, and includes any permanent equipment or structures in or by which manure is moved to or from the storage facility, but does not include:
- a. a field storage site;
 - b. a vehicle or other mobile equipment used to transport or dispose of manure;
 - c. a gutter or concrete storage pit used to store liquid or semi-solid manure for less than 30 days;
 - d. a collection basin; or
 - e. a composting site for manure or mortalities.
105. "**Mobile home**", means a portable dwelling that is designed for residential occupancy, built upon or having a frame or chassis to which wheels may be attached, which may move it upon a highway. The structure may be jacked up and/or skirted and must conform to the structural standards of *The Building and Mobile Homes Act*, Chapter B93, S.M. 1977 and amendments thereto.

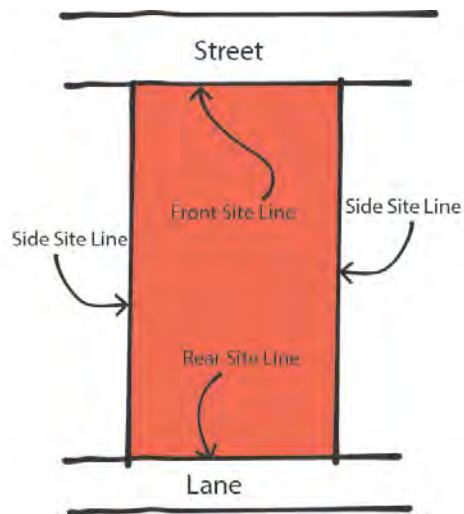
106. "**Mobile home park**", means an area of land with required improvements and utilities upon which three or more mobile home spaces are provided and have been approved by the Council.
107. "**Mobile home space**", means a space in a mobile home park for the placement of a mobile home.
108. "**Mobile home subdivision**", means an area of land subdivided in accordance with *The Act* to provide sites for mobile homes.
109. "**Molehill**", means a structure in which manure is mechanically forced through a pipe and becomes mounded.
110. "**Motel**", means a building or part thereof, not over two (2) storeys in height wherein sleeping accommodation is provided for transient lodgers and in which there is an exit from each room or suite of rooms directly to the outdoors with access to grade level. Permitted accessory uses include, but are not limited to restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.
111. "**Non-conformity**", means one, or a combination of one or more of the following:
- a. a site or an area of land;
 - b. a building or structure;
 - c. a use of a building or structure;
 - d. use of land; or
 - e. a sign;
- that lawfully existed prior to the effective date of this by-law or amendments hereto, but does not conform to the provisions of this by-law or amendments hereto.
112. "**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.
113. "**Normal water mark**", means the line where vegetation ceases or where the character of vegetation or soil changes.
114. "**Occupancy**", means the use or intended use of a building or structure or part thereof for the shelter or support of persons, animals or property.

115. "**Open space**", means that required portion of a zoning site at ground level, unless otherwise stated, unoccupied by principal or accessory buildings and structures and available to all the occupants of the premises and shall be useable for landscaping, recreational space and other leisure activities normally carried on outdoors.
116. "**Owner**", means a person, or agent of such person, who appears by the records of the proper land titles office to have any right, title, estate, or interest in land.
117. "**Parcel of land**", means the aggregate of all land described in any manner in a certificate of title.
118. "**Parking area**", means an open area of land, other than a street or lane, or an area within a building or structure used for the parking of vehicles.
119. "**Parking space**", means a space on a parking area or zoning site for the temporary parking or storage of a vehicle.
120. "**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.
121. "**Performance standard**", means a standard established to control noise, odour, smoke, toxic or noxious matter, vibration, fire and explosive hazards or glare or heat generated by, or inherent in, uses of land, buildings or structures.
122. "**Permitted use**", means the use of land, building or structure provided in this zoning by-law for which a development permit shall be issued upon an application having been made, if the use meets all the requirements of this by-law.
123. "**Planning commission**", means a planning commission established under Part 3 of *The Act*.
124. "**Planned unit development**", means a land development project planned as an entity in accordance with a unitary site plan that permits flexibility in siting of buildings, mixture of housing types and land uses, useable open spaces and the preservation of significant natural features.
125. "**Pollution**", in relation to surface water, groundwater or soil, means the presence in the water or soil of substances or contaminants that are foreign to or in excess of the natural constituents of the water or soil, or that that adversely affects the uses of the water or soil.
126. "**Premises**", means an area of land with or without buildings.

127. "**Public utility**", means any system, works, plant, equipment or services which furnishes services and facilities available at approved rates to the public, including but not limited to:
- a. communication, by way of telephone, wireless or television;
 - b. public transportation, by bus or other vehicle;
 - c. production, transmission, delivery or furnishing of water, gas or electricity to the public at large;
or
 - d. collection of sewage, garbage or other waste.
128. "**Ready to move dwelling (RTM)**", means a method of constructing a dwelling unit whereby all of its component parts have been assembled in an off-site manufacturing facility and transported to a site where it is anchored to a permanent foundation.
129. "**Rendering Plant**", means a facility for converting waste animal tissues into useable, value-added materials.
130. "**Repair**", means the renewal or reconstruction of any part of an existing building or structure for the purpose of its maintenance or restoration.
131. "**Residential care facility**", means the use of a building for the purpose of providing lodging, meals, care and supervision or transitional services to persons not related by blood, marriage or adoption to the operator or to each other.
132. "**Retail business/service**", means the use of a building, structure or site in which goods and/or personal services are sold directly to the public as opposed to the wholesale storage and disposal of such commodities and which does not have any potentially offensive or hazardous effects beyond its site or building limits. For the purpose of this By-law, a junk yard shall not be considered a retail business or service.
133. "**Riding academy**", means a commercial facility where horses are sheltered, fed, or kept for sale or hire to the public. Training of horses and riders may also be conducted.
134. "**Seasonal feeding area**" means an outdoor area, other than a feedlot or grazing area, where:
- a. livestock are given their supplemental or total feed requirements on a seasonal basis; and
 - b. because of its accumulation, manure must be removed from the area by mechanical means from time to time.

135. "**Secondary suite**", a self-contained accessory dwelling unit located either within a permanent single-family detached dwelling, or in an accessory building, on a single zoning site. A secondary suite contains a single housekeeping unit and has its own separate access, cooking, sleeping and sanitary facilities which are separate from and not shared with those of the principal dwelling. This use does not include duplex housing, semi-detached housing, or apartment housing.
136. "**Senior citizen home**", means a multiple unit dwelling or a building containing individual rooms where elderly people live independent of personal care.
137. "**Setback**", see "**required front yard**" and "**required rear yard.**"
138. "**Shopping centre**", means a building or group of buildings designed, developed, owned and managed as a unit by a single owner or tenant, or group of owners or tenants, containing three or more separated spaces for lease or occupancy of commercial uses or business or professional offices.
139. "**Sign**", means any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol or trademark), banner, pennant or any other figure of similar character which:
- a. is a structure or any part thereof, or is attached to, painted on or in any other manner represented on or in a building or other structure;
 - b. is used to identify, direct attention to, or advertise; and
 - c. is visible from outside a building but shall not include show windows as such.
140. "**Sign, advertising**", means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zoning site where the sign is maintained, including a billboard sign.
141. "**Site**", means a zoning site as defined herein unless indicated otherwise.
142. "**Site area**", means the computed land area contained within the site lines.
143. "**Site, corner**", means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.
144. "**Site coverage**", means the area, measured as a percentage of the total site area, which is occupied by a principal or accessory building, or structure.
145. "**Site depth**", means the horizontal distance between the centre points of the front and rear site lines.

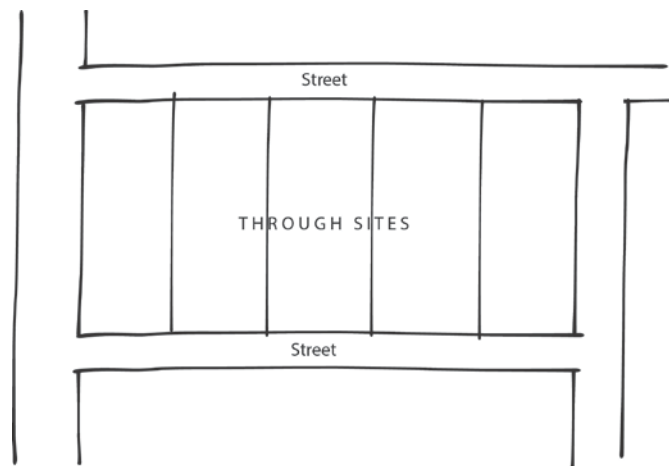
146. **"Site frontage"**, means all that portion of a zoning site fronting on a street and measured between side site lines.
147. **"Site, interior"**, means a site other than a corner site or a through site.
148. **"Site lines"**, means as follows:
- "Front site line"**, means that boundary of a site that is along an existing or designated street. For a corner site the designated employee or officer may determine the front site line.
 - "Rear site line"**, means that boundary of a site that is most nearly parallel to the front site line. In the case of a site in which the side site lines intersect, such as a triangular site, a line ten (10) feet in length within the site, parallel to and at the maximum distance from the front site line.
 - "Side site line"**, means a boundary of a site that is not a front or rear site line.
 - Where the front site line is a curve, as in a cul-de-sac or curved street, the front site line shall be deemed to be formed by a straight line joining the two points where the side site lines meet at the edge of the road allowance; and
 - Where an irregular shaped site cannot have its site lines identified by the foregoing definitions, the designated employee or officer shall determine the front, rear and side site lines.



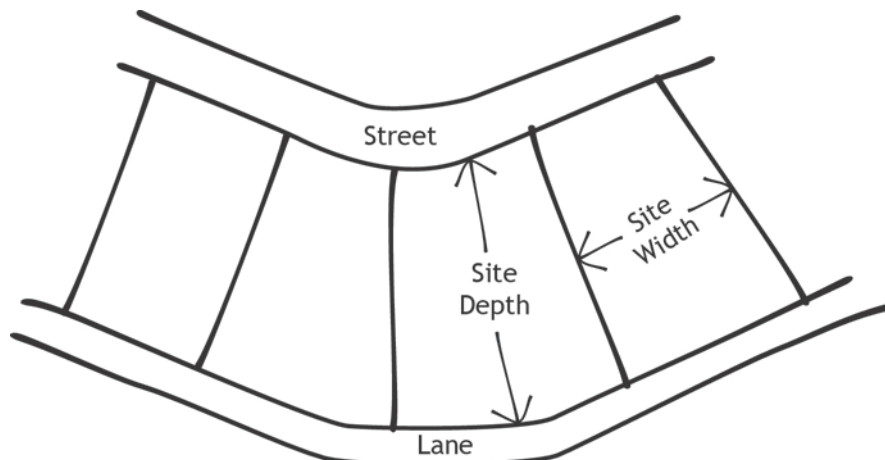
149. "Site requirements", means some or all of the following:

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

150. "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.

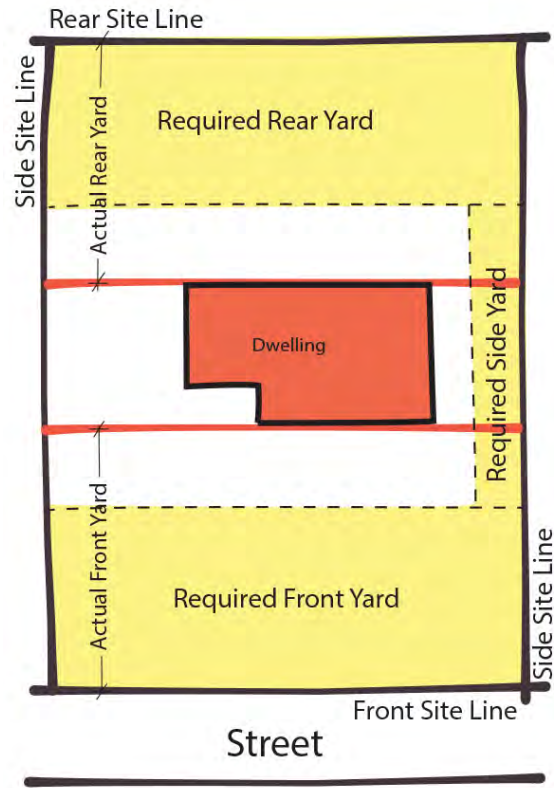


151. "Site width", means the horizontal distance between the side site lines, measured at right angles to the site depth at a point midway between the front and rear site lines, or forty (40) feet from the front site line, whichever is the lesser.



152. "**Site zoning**", means an area of land which:
- a. is occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use or uses thereto, together with such open spaces as are required under the provisions of this by-law;
 - b. has frontage on a street or has any lawful means of access satisfactory to the council; and
 - c. is of sufficient size to provide the minimum requirements of this by-law for a permitted or conditional use in a zone where the use is located.
153. "**Small Scale Industries**", means light manufacturing, assembly or distribution of ready-made products on a small scale. As a rule, industries in this category are secondary to the agricultural operation, if not, they should not be of such a size that they create traffic problems or impact negatively on the surrounding area.
154. "**Spread**", means the act or process of distributing something on or over a surface.
155. "**Stable**", means a private or public detached accessory building for the keeping of cattle, horses, or similar animals owned by the occupants of the premises and not kept for remuneration, hire, or sale.
156. "**Stockpile**", means the placement or storage in a specific location, in an unnatural manner, so as to create a gradually accumulated reserve of something.
157. "**Street**", for the purpose of this by-law means any public highway, road allowance, lane, bridge, thoroughfare or way or part thereof which serves to provide access to a site.
158. "**Structure**", means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground and includes buildings, walls, fences, signs, billboards, poster panels, light standards and similar items.
159. "**Surface water**", means anybody 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
160. "**Surface watercourse**", means the channel in or bed on which surface water flows or stands, whether continuously or intermittently, but does not include a dugout, 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.

161. “**Temporary Car Shelter**”, means a portable covering, usually purchased in a kit, which is used to protect an automobile or vehicle from the natural elements on a temporary basis.
162. “**Travel trailer**”, means a vehicle used or intended to be used as a transient living accommodation facility for travel, recreation, business, trade, vacation and construction work which is designed for frequent moves but not for long-term residential occupancy and which:
- a. is capable of being transported on its own chassis and running gear by towing or other means;
 - b. is placed on the chassis or body of a motor vehicle; or
 - c. forms part of a motor vehicle.
163. “**Village Centre**”, means any areas designated in the Development Plan.
164. “**Use**”, means:
- a. any purpose for which a building or structure or land may be designed, arranged, intended, maintained or occupied; or
 - b. any activity, occupation, business or operation carried on, or intended to be carried on, in a building or structure or on land.
165. “**Use, principal**”, means the initial or main use conducted on a zoning site or within a building or structure.
166. “**Wholesale**”, means a business establishment which sells more than fifty (50) percent of its goods and merchandise to retail and other businesses and not primarily to the public at large.
167. “**Yard**”, means an open area, on the same zoning site containing a building or structure which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted:
168. “**Required yard**”, means a yard extending along a site line to a depth or width (measured from the site line) specified in the yard requirements for the zone in which such zoning site is located;
169. “**Required front yard**”, means a yard extending along the full length of the front site line between the side site lines;
170. “**Required rear yard**”, means a yard extending along the full length of the rear site line between the side site lines; and
171. “**Required side yard**”, means a yard extending along the side site line from the front yard to the rear yard.



172. "**Zoning memorandum**", means a notice issued by the Planning District certifying that a building, structure, use or parcel of land complies with the provisions of this by-law.

2 ADMINISTRATION

2.1 SCOPE OF THE BY-LAW

TITLE

1. This by-law shall be known as "The Carman-Dufferin Planning District Zoning By-law".

THE AREA

2. The area to which this zoning by-law shall apply shall be the entire Carman-Dufferin Planning District, as illustrated and defined in Map 1.

2.2 INTENT AND PURPOSE

1. The regulations and provisions established by this by-law are deemed necessary in order to:
 - a. Implement the objectives and policies of The Carman-Dufferin Planning District Development Plan (By-law 03/2014);
 - b. Define and limit the powers and duties of the Planning District Board and the designated employee or officer; and
 - c. Regulate the use and development of land and buildings by:
 - i. dividing the municipality into zones;
 - ii. prescribing permitted and conditional uses for land and buildings in each zone; and
 - iii. setting out the procedure for applying for and issuing development permits, non-conforming certificates, zoning memoranda and other similar documents; including the classes of minor development, if any, that does not require a development permit.

2.3 RESPONSIBILITIES THE PLANNING DISTRICT BOARD

1. The Planning District Board shall be the authority responsible for the enactment of this by-law and, subject to the provisions of *The Act*, is responsible for:
 - a. the enactment, repeal and amendment of this by-law;
 - b. administering and enforcing the provisions of this by-law and the provisions of *The Act*, where applicable;
 - c. considering the adoption of amendments to or the repeal of this by-law;

- d. consider and issue variance orders;
- e. approving or rejecting conditional use applications; and
- f. establishing a schedule of fees.

2.4 AMENDMENTS

PROCEDURE

1. Subject to Section 80 of *The Act*, an amendment to this zoning by-law might be initiated by the Planning District Board or by the owners of the affected property, or their agents. An application to amend this zoning by-law and all required information and fees, shall be made to the Planning District Board and processed in accordance with Sections 74 to 79 of *The Act*.

DECISION BY THE PLANNING DISTRICT BOARD

2. After giving the by-law amendment first reading, the Planning District Board shall give notice and hold a public meeting according to Sections 74 to 79 of *The Act*, at which time it shall review all of the facts presented and any representation made. It shall make its findings and determination in writing and shall transmit a copy thereof to the applicant. If the Planning District Board approves the application, it shall proceed with the adoption of the amendment in accordance with the provisions of *The Act*.

OBJECTIONS

3. Subject to the procedures required under *The Act*, anyone objecting to any amendment which has been given second reading by the Planning District Board may file that objection with the Board and the Board shall hold a hearing according to the provisions of *The Act*.

2.5 DEVELOPMENT AGREEMENTS

1. Where an application is made for the amendment of this by-law, the Planning District Board may require the owner to enter into an agreement pursuant to Section 150 of *The Act*. The development agreement may be registered in the Land Titles Office in the form of a caveat and shall be discharged when the requirements and conditions of the agreement have been met.

2.6 CONDITIONAL USES

INTENT

1. The development and execution of this by-law is based upon the division of The Area into zones, within each zone the use of land, buildings and structures in relation to the land are substantially compatible. There are certain uses deemed conditional uses which, because of their unique characteristics, cannot properly be classified in any particular zone or zones without consideration of the impact of those uses upon neighbouring land and of the public need for the particular use at that particular location.

APPLICATION

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

FILING AN APPLICATION

3. The application shall be made to the Planning District Board or the designated employee or officer and must be in the form and accompanied by a site plan and any supporting material, including engineering reports or studies, and such fees as required by the Planning District Board.

EXPIRY OF APPROVAL

4. The approval of the Planning District Board in accordance with the provisions of *The Act* shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of the decision. The conditional use order may be extended for an additional period not longer than twelve (12) months, if an application is received before the initial deadline

EXISTING CONDITIONAL USE

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

CHANGES TO AN EXISTING CONDITIONAL USE

6. Any change in a conditional use shall be subject to the provisions of this section and the appropriate provisions of *The Act*.

REVOKING A CONDITIONAL USE ORDER

7. The Planning District Board may revoke an approved conditional use order for a violation of any conditions imposed by it.

CONDITIONS OF APPROVAL

8. Planning District Board may impose conditions on a conditional use which serve to secure the objectives of the District Zoning By-law and more specifically meet the general development standards of the subject zone. Such conditions may include, but are not limited to:
 - a. Safeguards to control potentially dangerous, noxious or offensive effects such as:
 - i. noise or vibration
 - ii. odour, smoke, dust or other airborne particles;
 - iii. radiation, fire or explosive materials;
 - iv. heat, humidity or glare; and
 - v. toxic and noxious matters including waste.
 - vi. Hours of operation and other performance standards as required;

- b. Design and siting requirements including:
 - i. the provision of open space, landscaping, planting, screening and buffering including fences;
 - ii. off-street parking and loading areas; outdoor storage and display areas; grading and surface drainage;
 - iii. lot surfacing;
 - iv. pedestrian and vehicular circulation systems including entrances and exits;
 - v. outdoor lighting;
 - vi. signs
 - vii. refuse and garbage storage;
 - viii. location of buildings, structures within the site; and
 - ix. building design and architectural appearances.
- c. Upgrading of municipal services including sewer, water, drainage, transportation and other services and systems as required or for the provision of individual on-site servicing; and/or
- d. Other matters deemed necessary by Council to ensure a desirable and compatible development.

2.7 VARIANCES

1. Any person may apply for an order varying specific provisions of the by-law in accordance with the provisions of Sections 94 to 102 of *The Act*.
2. An application for a variance order shall be made to the Planning District Board or the designated employee or officer and must be in the form and accompanied by any supporting material and fees required by the Planning District Board.
3. An application for a variance order shall be processed and approved or rejected in accordance with the provisions of *The Act*.
4. The designated employee or officer may, in accordance with the provisions of subsection 102(1) of *The Act*, make an order that varies the height, distance, area, size or intensity of use requirements and the number of parking spaces, by no more than ten (10) percent. The applicant may appeal the order of the designated employee or officer to the Planning District Board.

2.8 DESIGNATED EMPLOYEE OR OFFICER

DUTIES OF THE DESIGNATED EMPLOYEE OR OFFICER

1. In accordance with the provisions of Section 184 of *The Act*, the Planning District Board may designate an employee or officer, by by-law, who on behalf of the Carman-Dufferin Planning District:
 - a. may issue a development permit where the proposed development generally conforms with the applicable provisions of the Development Plan, the zoning by-law and any secondary plan by-law;
 - b. may enter any buildings or premises at all reasonable hours in the performance of his duties with respect to this by-law;
 - c. may issue development permits for the temporary use of building, structures, or land pursuant to the provisions of this by-law;
 - d. may issue zoning memoranda or such other documents necessary for the administration and enforcement of this by-law;
 - e. may allow or refuse such minor variances to the requirements of this by-law as authorized by subsection 2.7.4 and in accordance with the provisions of *The Act*; and
 - f. shall refer, with his/her recommendations, to the Planning District Board all applications for:
 - i. amendments to this by-law;
 - ii. a new conditional uses and changes to an existing conditional uses;
 - iii. variances from zone requirements in excess of that authorized by subsection 2.7.4;
 - iv. matters requiring the specific approval of the Planning District Board pursuant to this by-law; and
 - v. any other items which may require the Planning District Board's attention.

2.9 DUTIES OF THE OWNER

1. Neither the granting of a development permit nor the approval of the drawings and specifications nor the inspection made by a designated employee or officer shall in any way relieve the owner of the responsibility of complying with the requirements of this by-law or of any relevant by-laws of the Town of Carman or RM of Dufferin.
2. Every owner shall:
 - a. in accordance with subsection 175(1) of *The Act*, permit a designated employee or officer to enter any building or premises at any reasonable time for the purpose of administering or enforcing this by-law and shall not molest, obstruct or interfere with the designated employee or officer in the discharge of his duties under this by-law;

- b. after the development application has been approved and the permit issued, obtain the written approval of the designated employee or officer before doing the work at variance with the approved documents filed; and
- c. be responsible for obtaining where applicable, from the appropriate authorities, permits or licenses relating to the buildings, grades, sewers or water supply systems, plumbing, signs, blasting, street, occupancy, electrical, highways, and all other permits required in connection with the proposed work.

2.10 PERMITS

PERMITS REQUIRED

1. The owner or his/her agent shall obtain all necessary permits as required by the Planning District Board and other government agencies.

DEVELOPMENT PERMIT

2. An application for a development permit is required for the following:
 - a. the erection or construction or placement of any permanent building, structure, dwelling, or mobile home, except fences or light standards;
 - b. the addition, extension, structural alteration or conversion of any building or structure;
 - c. the relocation or removal or demolition of any building or structure;
 - d. the increase or decrease of the average grade of a yard by six (6) or more inches in height, within a Village Centre.
 - e. the use of vacant land, buildings or structures; and
 - f. the change in use of land, buildings, or structure.

DEVELOPMENT PERMIT NOT REQUIRED

3. The following developments shall not require a development permit however such developments must comply with all provisions of this by-law, any other applicable by-laws of the municipality and all required provincial setbacks and/or permits:
 - a. the carrying out of work or maintenance or repair to any building or structure, provided that such works do not include structural alterations or major renovations;
 - b. the erection, construction or the maintenance of gates, fences, walls or other means of enclosures less than 6 feet in height;
 - c. the temporary uses of a site or the erection or construction of temporary buildings or structures excepted under Section 3.10;

- d. the construction or maintenance of that part of a public utility placed in or upon a public utility easement;
- e. the carrying out by the RM of Dufferin or the Town of Carman, any operation for the maintenance or improvement of a public utility, including the inspection, repair or renewal thereof;
- f. the erection, placement, enlargement, non-structural alteration, relocation or use of any building or structure not exceeding 120 square feet that is normally incidental or accessory to a dwelling as the principal building or use;
- g. general landscaping and the planting or removal of trees and hedges intended as a shelterbelt or buffer, except where said landscaping results in a change in the average grade of the site by six (6) inches or more in height;
- h. the construction or erection of permitted non-illuminated signs; and
- i. the operation of a home occupation/industry in accordance with Section 3.3 of this by-law.

DEVELOPMENT PERMIT REQUIREMENTS

- 4. In addition to the requirements of any applicable by-law of the RM of Dufferin, the Town of Carman, or any other Provincial regulations, all applications for a development permit shall be in the form and accompanied by any supporting material and fees required by the Planning District Board. No person shall erect, locate, relocate, use, or occupy any building, land or structure contrary to any development permit or the material furnished in the support of the application.

WITHHOLDING DEVELOPMENT PERMIT

- 5. The Planning District Board or the designated employee or officer may withhold issuing a development permit:
 - a. as provided for in *The Act*;
 - b. that would result in a violation of this by-law or any by-law of the RM of Dufferin or the Town of Carman; or
 - c. when any fees are due and owing to the RM of Dufferin or the Town of Carman under this by-law.

DWELLING UNITS PERMITTED ON A PARCEL

- 6. No person shall be issued a development permit to construct more than one dwelling unit or mobile home on a parcel of land, except as follows:
 - a. dwellings used in connection with or ancillary to an agricultural operation;
 - b. a mobile home when part of a mobile home park;
 - c. dwellings forming part of a bare land unit condominium development, as defined in *The Condominium Act*, or a planned unit development.

BUILDING PERMITS REQUIRED

7. In addition to a development permit; the owner or his/her agent shall obtain any building permits required by Municipal Building By-law prior to any construction.

EXISTING BUILDING PERMITS

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

2.11 NON-CONFORMITIES

NON-CONFORMING USES AND BUILDINGS

1. A non-conforming use and a non-conforming building or structure shall be regulated in accordance with and subject to the provisions of Sections 86 to 93 of *The Act*, unless otherwise provided for herein.

CONTINUANCE OF LAWFULLY EXISTING NON-CONFORMITIES

2. All buildings and structures, parcels of land, and uses of land that lawfully existed before the enactment of this zoning by-law are deemed to conform to the site and use requirements of the zone in which the buildings and structures, parcel of land or use of land are situated. Any expansion, addition, relocation or reconstruction of the said buildings and structures or change in use shall conform to the site and use requirements of the zone in which they are located unless varied by a variance order.

INCIDENTAL ALTERATIONS

3. Incidental alterations that do not increase the non-conformity and otherwise conforms to this by-law may be made to an existing building that does not conform to the zoning by-law, pursuant to *The Act*.

REPAIR OR REBUILDING

4. Pursuant to the provisions of *The Act*, where a building that does not conform to the provisions of the zoning by-law, is damaged or destroyed to an extent of fifty (50) percent or more of the replacement value of the building above its foundation, said building must not be repaired or rebuilt except in conformity with this by-law and any approved variance.

NON-CONFORMING PARCEL

5. If the size or dimensions of an existing parcel of land do not conform to the zoning by-law, the owner of the land may:
 - a. use the land for any use permitted under the by-law; and
 - b. construct or alter a building on the land if all requirements of the by-law, such as yards, building height and floor area, are met.

SITE REDUCED

6. Wherever a requirement of site area, width, frontage, depth of required yard is reduced below the minimum requirements of this by-law by virtue of a highway, road allowance, drain, right-of-way or the section survey, such site shall be deemed to conform to the requirements of this by-law. Site reductions resulting from subdivisions made by any owner shall not qualify for this exception.

DISCONTINUANCE OF NON-CONFORMING USE

7. If the use of land or the intensity of the use of land does not conform to the zoning by-law and the non-conformity has been discontinued for more than 12 consecutive months, the land must not be used after that time except in conformity with the zoning by-law.

NON-CONFORMITY MAY BE ALTERED BY VARIANCE

8. The Planning District Board may permit the following alterations to an existing non-conformity by variance order as per *The Act*:
 - a. construction on a non-conforming building beyond that permitted under subsection 2.11.3;
 - b. an increase in the intensity of an existing non-conforming use, other than a variance to increase the number of animal units in a non-conforming livestock operation;
 - c. the repair or rebuilding of a non-conforming building that has sustained more damage than permitted under subsection 2.11.4 above; or
 - d. the extension of the 12-month time limit under subsection 2.11.6 above for not more than 12 additional months.
9. Where any of the above variances do not result in the elimination of the non-conformity, the subject building, structure, use or parcel shall retain its non-conforming status as per subsection 2.11.1 above.

ZONING MEMORANDUM

10. Upon request, the Planning District Board will issue a zoning memorandum that states whether or not a building, parcel, or use appears to conform to the zoning by-law. Application for a zoning memorandum must be in the form and be accompanied by any supporting material and fees, required by the Planning District Board.

2.12 INTERPRETATION AND APPLICATION

MINIMUM REQUIREMENTS

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

RELATION TO OTHER BY-LAWS AND REGULATIONS

2. Developments approved under this by-law are subject to applicable Provincial or Federal approvals. Whenever provisions of any by-law of the RM of Dufferin, the Town of Carman, or any other requirements of the Provincial or Federal Governments impose overlapping regulations on the use of land or buildings or site regulations or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest requirement shall govern.

COMPLIANCE WITH OTHER REQUIREMENTS

3. The granting of a development permit in compliance with the provisions of this By-law shall not in any way relieve the person obtaining such permit from full responsibility of complying with the requirements of any other Municipal, Provincial or Federal statutes, by-laws, regulations or orders or those of any of their agencies.

PREVIOUS VIOLATIONS

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

2.13 DEVELOPMENT AGREEMENTS

NEED FOR DEVELOPMENT AGREEMENT

1. As a condition of amending a zoning by-law, making a variance order or approving a conditional use, the Planning District Board may enter into a development agreement in respect of the affected property dealing with one or more of the following matters:
 - a. the use of the land and any proposed building;
 - b. the timing of construction;
 - c. the siting and design of any proposed building;
 - d. the provision of parking, landscaping, open space, grading of land and fencing;
 - e. the construction or maintenance of works, such as sewer and water, waste removal, drainage, public roads, street lighting, and sidewalks;
 - f. the payment of a sum of money to the municipality in lieu of requirements under clause (e) to be used for any of the purposes referred to in that clause; and
 - g. the dedication of land or payment of money where the amendment is for a residential use, a mobile home park or an increase in residential density, as per *The Act*.

REGISTRATION

2. The development agreement pursuant to Section 2.5 may be registered in the Land Titles Office in the form of a caveat against the certificate of title for the land that is the subject of the development agreement.

DISCHARGE

3. The Planning District Board shall discharge a caveat registered pursuant to subsection 2.13.2 when the requirements and conditions of the agreement have been met.

2.14 OTHER PROVISIONS

PLANNING COMMISSION

1. A planning commission may be established in accordance with the provisions of *The Act*.

ENFORCEMENT

2. The enforcement of this by-law, any resolution, or order enacted by the Planning District Board under *The Act* or any regulation made thereunder shall be in accordance with the provisions of *The Act*.

APPLICATION FEES

3. An application for an amendment to this by-law, a variance, a conditional use, or a zoning memorandum shall:
 - a. be in the form and accompanied by any supporting material required by the Planning District Board; and
 - b. be accompanied by the appropriate application fee, established by the Planning District Board pursuant to *The Act* and adopted under a separate by-law.

3 LAND USE AND DEVELOPMENT PROVISIONS

INTENT AND PURPOSE

1. The provisions of this Part are intended to apply to all zones within the District except- wherein otherwise stated.

3.1 GENERAL SITE PROVISIONS

ZONING SITE

1. No development shall take place and no development permit shall be issued by the designated employee or officer, unless the development occurs on a zoning site as defined in this By-law.

BUILDING GRADE

2. No building or structure shall be erected without first obtaining written instructions from the designated employee or officer as to grade for the building or structure to be erected.

Within the Village Centres and the Town of Carman the average grade of any site shall not be raised or lowered by six (6) inches or more without the approval of the designated employee or officer. When allowing the raising or lowering of grade by six (6) inches or more, the designated employee or officer shall take into consideration available flood level information, street elevation, installation of services, elevation of adjacent sites, drainage, appearance and other pertinent factors.

BUILDINGS PER SITE

3. There shall be only one main building or one main use on a zoning site, except where otherwise provided. For example, a residential zoning site shall contain only one (1) single-family dwelling or one (1) two-family dwelling and their accessory buildings, structures and uses.

SUBDIVIDING LAND

4. Except as otherwise provided for in the By-law, no parcel of land shall hereafter be divided into sites unless each resultant site conforms to the requirements of this By-law.

SITE REQUIREMENTS

5. Except as otherwise provided herein, the owner shall maintain the minimum site area, site width, site depth, yards and other open spaces required for any use in any zone. Furthermore, the minimum site area, site width, site depth, yard and open space allocated to a use as required by this By-law shall not by virtue of change of ownership, or for any other reason, be used to satisfy the minimum site area, site width, site depth, yards or other open space requirements for any other use.

VIOLATION OF PROVISIONS

6. No building or structure shall be added to, altered, enlarged, or reconstructed, and no site shall be reduced in area or yard requirements if such addition, reconstruction, enlargement, reduction or alteration will cause violation of any provisions of this By-law.

MUNICIPAL SERVICES

7. All principal buildings or structures constructed on a site within the Town of Carman or within Village Centres served by public/private sewer or water distribution shall be connected to such services. Any connection to a municipal service must be done in accordance with applicable regulations.

BUILDING RELOCATION

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

MULTIPLE USES

9. There may be more than one principal use, building or structure on a single site where it is reasonable to conduct such additional uses on the same site without requiring subdivision or rezoning of the subject parcel (e.g. shopping centre, strip mall). Where any land or building is used for more than one principal use, all provisions of this by-law relating to each use shall be satisfied. Where there is conflict such as in the case of site area and frontage, the higher or more stringent requirement shall prevail.

3.2 ACCESSORY BUILDINGS, STRUCTURES AND USES

GENERAL

1. Accessory buildings, structures and uses shall be permitted on the same zoning site as the main building, structure or use subject to the provisions of this Section 3.2 and the Use Table and Dimensional Standards Table of the zone in which the accessory buildings, structures and uses are to be located.

LOCATION AND USE

2. Accessory buildings and structures, except as otherwise regulated in this By-law, shall be subject to the following regulations:
 - a. Where the accessory building or structure is attached to a main building or structure, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building or structure;
 - b. Detached accessory buildings or structures shall not be located in any required front yard, or closer to a public roadway than the front wall of the principal building, except in the “AG” and “AR” Zones, at the discretion of the Designated Employee or Officer;

- c. Detached accessory buildings or structures shall not be located closer than ten (10) feet to any main building or structure;
- d. In no instance shall an accessory building or structure be located within a dedicated easement or right-of-way;
- e. No accessory building or structure shall be erected prior to the erection of the main building or structure except where it is necessary for the storage of the tools and materials for use during construction of the main building or structure or is essential to the construction of the main building or structure; and
- f. Accessory buildings or structures shall not be used for human habitation except in the case of a permitted accessory dwelling, mobile home or dwelling unit, or in the case of temporary accommodation for a caretaker, watchman and other workers employed on the same construction site.

TYPES PERMITTED

- 3. Accessory buildings, structures and uses shall be limited to those listed on Use Tables for each respective zone, except where the Planning District Board approves a variance because the accessory building, structure or use would be compatible with the character and use of the subject zone.

TABLE 3.2-1: ACCESSORY USE TABLE

USE, BUILDING OR STRUCTURE	ZONE									
	All R (town)	RR	All C (town)	CA	All M	I	OR	PR	All AGRI	GD
A WHEN INCIDENTAL TO AN AGRICULTURAL OPERATION										
1 Aircraft landing field	-	-	-	-	-	-	-	-	P	-
2 Dwelling or mobile home ancillary to agricultural use	-	-	-	-	-	-	-	-	P	-
3 Farm buildings including barns, grain bins etc.	-	-	-	-	-	-	-	-	P	-
B WHEN INCIDENTAL OR ACCESSORY TO A DWELLING, MOBILE HOME, OR DWELLING UNIT										
1 Children's playhouse, private greenhouse, summerhouse or conservatory, private swimming pool (See Subsection 3.16)	P	P	P	-	-	-	-	P	P	P
2 Home Occupations (See Section 3.3)	P	P	P	-	-	-	-	-	P	P
3 Permanent outdoor barbeques and similar cooking facilities	P	P	P	-	-	-	-	-	P	-
4 The keeping of domestic animals, exclusively as pets, (not including any listed on Table 4.2-4 and similar) in accordance with municipal by-laws with associated buildings and structures.	P	P	P	P	-	-	-	P	P	P
5 The keeping of livestock for personal use, up to 0.5 AU per acre, and associated buildings and structures	-	-	-	-	-	-	-	-	P	-
6 Private garage, carport, covered patio, tool house, shed or similar building for storage of domestic equipment and supplies	p	P	P	-	-	-	-	P	P	P

USE, BUILDING OR STRUCTURE		ZONE									
		All R (town)	RR	All C (town)	CA	All M	I	OR	PR	All AGRI	GD
7	Gardens and incidental outdoor storage or materials associated with a residential use	P	P	P	-	-	-	-	P	P	P
8	Miscellaneous domestic structures such as sports equipment, laundry poles and platforms, flagpoles and birdhouses, pads for mechanical or electrical equipment and similar uses	P	P	P	-	-	-	-	P	P	P
C WHEN INCIDENTAL OR ACCESSORY TO ALL USES, EXCEPT AS OTHERWISE NOTED											
1	Shelterbelts, fences, hedges, lighting fixtures and similar landscape architectural features	P	P	P	P	P	P	P	P	P	P
2	Refuse/garbage storage areas and structures	P	P	P	P	P	P	P	P	P	P
3	On-site signs (see section 3.5)	P	P	P	P	P	P	P	P	P	P
4	Off-street parking and loading areas	P	P	P	P	P	P	P	P	P	P
5	Private reception equipment such as satellite dishes, television and radio antennae, aerials and similar	P	P	P	P	P	P	P	P	P	P
6	Storage compounds, storage of goods used in or produced by activities on site unless excluded by other provisions herein	P (a)	-	p	P	p	p	p	-	P	P
7	Open space, including athletic fields, park areas, play areas and similar	P	P	P	-	P	P	P	P	P	P
D WHEN INCIDENTAL OR ACCESSORY TO SPECIFIC USES OR IN CERTAIN ZONES AS NOTED											
1	Where municipal services are not available or feasible, private sewage disposal and water supply systems, subject to all necessary approvals	-	P	P	P	P	-	P	P	P	P
2	Any building or structure, excluding dwellings and mobile homes, necessary for the operation, maintenance and administration of a permitted or conditional use	P	P	P	P	P	P	P	P	P	P
3	Production, processing, cleaning, servicing, altering, testing, repair or storage of goods normally incidental to an operation conducted by the owners	-	-	P	P	P	-	-	P	P	P
4	Retail business/service and other permitted/conditional commercial uses when incidental to the main commercial or industrial use	-	-	P	P	P	-	-	-	P	P
5	Administrative and business offices	-	-	P	P	P	P	P	P	P	P
6	Fuel pumps and associated structures when incidental to a service station	-	-	P	P	P	-	-	-	P	P
7	Sales and service areas associated with a retail business/service	-	-	P	P	P	P	P	-	P	-
8	Off-site signs (see Section 3.5) subject to necessary approvals	-	-	C	P	C	-	-	P	P	P
9	Except when a dwelling is the main use, a single-family dwelling, mobile home or dwelling unit for the owner/operator or for an institution/industrial site watchman or caretaker if necessary (b)	-	-	P	P	P	P	-	-	P	P

EXCEPTIONS TO REQUIREMENTS

- a) Outdoor storage compounds permitted for residential mobile home parks only
- b) An accessory dwelling unit for the owner/operator is permitted only when contained within the same building as the main use provided that:
 - i. no more than fifty (50) percent of the total building floor area is occupied by the dwelling unit; and
 - ii. the dwelling unit is not located in the front half of the main floor area facing the street.

3.3 HOME OCCUPATIONS AND INDUSTRIES

HOME OCCUPATIONS

1. Home occupations shall be allowed in the Residential Zones and Agriculture Zones as described in Section 4.1, subject to the following conditions:
 - a. The principal use on the site shall be established as residential and be the permanent residence of the owner operator of the proposed use. The activity is to be conducted entirely within the dwelling unit or accessory building;
 - b. signs are to be limited to one: maximum size of two (2) ft. x three (3) ft., non-illuminated, and attached to the building face;
 - c. has no exterior display; no exterior storage of products or materials, and no other exterior indication of the home occupation or variation of the residential character;
 - d. no generation of obnoxious or offensive noise or smell beyond the subject property boundaries; the principal or accessory buildings except as provided for hereon;
 - e. home occupations involving the use of toxic materials (e.g. silk screening processes) shall require a conditional use permit from the Planning District Board;
 - f. no generation of undue traffic and congestion in the neighbourhood;
 - g. off-street parking to be provided;
 - h. operation to be limited to a maximum to two (2) work vehicles on premises; and
 - i. applicant to successfully obtain a Development Permit from the Planning District Board.
2. Home occupations may include the following:
 - a. **Building trades:** cabinetry, carpentry, electrical, flooring, foundation, plumbing, roofing, stucco, tiling and masonry, overhead door installation.
 - b. **Crafts:** small scale production and sale, dried and silk flower arrangements, handicrafts, jewelry, wooden crafts.

- c. **Food Services:** small scale production, Watkins sales and the like, vegetable, prepared food and produce sales, catering.
- d. **Professional:** employment agency, engineering consultant, income tax service, insurance brokerage, investment planning/marketing/sales, nutritional consultant, travel agency.
- e. **Sales:** small scale inventory.
- f. **Services:** janitorial services, therapeutic massage, carpet cleaning, office equipment repair, dental equipment repair.

HOME INDUSTRY

- 3. In order that the business initiatives of the residents are not unreasonably discouraged, non-offensive light manufacturing activities and small businesses may be permitted as a second use, in addition to the principal use in the “AG”, “AR” and “RR” Zones. In order to accommodate the limited demand for such uses, these shall be subject to the following criteria:
 - a. The principal use on the site shall be established as residential and be the permanent residence of the owner operator of the proposed use;
 - b. The second use will not generate unacceptable amounts of noise, odour or traffic, create unsightly appearances or other disturbances that may be deemed unsuitable;
 - c. The proposed use will not create a potential for conflict with activities that would normally occur in the specific zone;
 - d. Exterior storage of products or materials to be limited to the rear yard and shielded from public view so as not to be visible from the road by a structure high enough to afford adequate screening, being a minimum of six (6) feet in height; and
 - e. The applicant obtains a Development Permit from the Planning District Board.

PRIMARY BUSINESS

- 4. If a Home Occupation or Home Industry creates a situation where, in the opinion of the Planning District Board:
 - a. materials and commodities are delivered to or from the residence which are of such bulk or quantity as to require regular or frequent delivery by commercial vehicle or trailer; or
 - b. customers' or clients' vehicles are parked in such a manner or of such frequency as may be considered incompatible in the subject zone; or
 - c. it contravenes any of the other requirements outlined in Section 3.3.

It shall be considered evidence that the Home Occupation or Home Industry has become a primary business and such business shall cease in the subject zone.

3.4 YARDS

GENERAL REQUIREMENTS

1. Except as herein provided, the following provision shall apply in all zones to ensure adequate yards and setbacks:
 - a. The yard requirements shall be as set forth in the Use Table and Dimensional Standards Table of each zone;
 - b. Yards provided for a building or structure, existing on the effective date of this By-law or amendments thereto, shall not be further reduced if already less than the minimum requirements of the zone;
 - c. All yards and other open space required for any use shall be located on the same site as the use;
 - d. Where a site is occupied for a use and has no buildings or structures thereon, the required yards for the zone shall be provided and maintained;
 - e. Where permitted in this By-law, a building containing more than one unit with common party walls, such as a semi-detached two-family dwelling, row housing or businesses shall be considered as one (1) building occupying one (1) site for the purpose of side yard regulations;
 - f. Minimum required yards contained in this By-law do not relieve the owner from compliance with applicable provincial requirements where said requirements demand greater setbacks;
 - g. On a corner site, no fence, wall, hedge, shrubs or other landscape features shall be placed in such a manner as to produce a fence effect or visual barrier hazardous to vehicle and pedestrian traffic; and
 - h. Plantings proposed within the “control line” of a declared provincial trunk highway right-of-way and/or provincial road requires a permit from the applicable provincial authority.

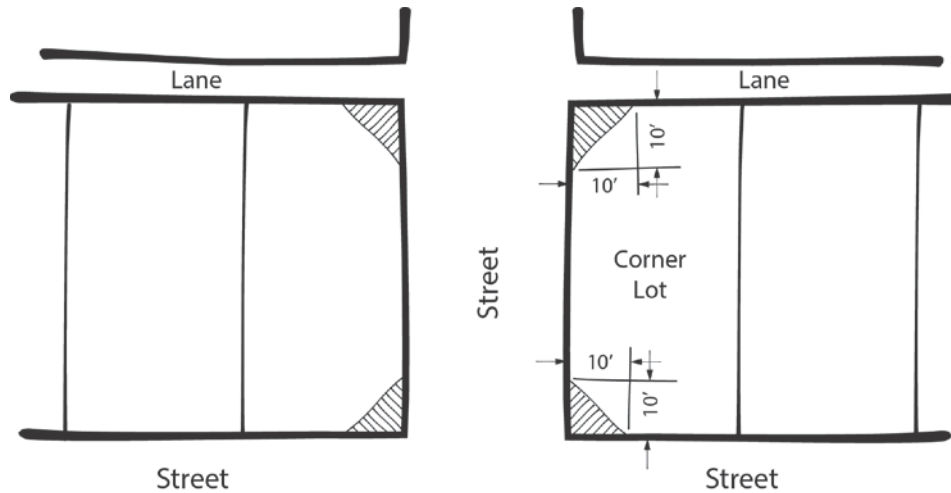
YARD EXCEPTIONS

2. Where sites comprising forty (40) percent or more of the entire frontage of the block (excluding reversed corner sites) are developed with buildings, the average front yard depths established by such buildings shall establish the minimum front yard depths for the entire frontage of the block.
3. The following features and accessory buildings, structures and uses may be permitted to project into or locate in required yards:
 - a. Agricultural crops including haying and grazing fields may be permitted into required yard;
 - b. Architectural features such as eaves, gutters, chimneys, bay windows, alcoves, awnings and canopies, fire escapes may project five (5) feet into any yard provided said features project no closer than two (2) feet to any side site line, except in “CC” Zones where they may project to the site line;
 - c. Architectural features of an accessory building or structure located to the main building may project no closer than two (2) feet to the side or rear site line;

- d. Fences and Hedges except as provided in 3.6 2 (h) and 3.4 5(e), may be located in any front yard to a maximum height of two and one-half (2 1/2) feet and in any side or rear yard to a maximum height of six (6) feet. The foregoing height restrictions do not apply in all "ML", "MH", "OR" and "AR" Zones;
- e. Incidental storage of materials shall be permitted in any required rear or side yard;
- f. Landscape features such as trees, shrubs, flowers or plants shall be permitted in any required yard provided they do not produce a hedge effect contrary to Clause 3.4 3(d) (fences and hedges);
- g. Open, unenclosed and uncovered stairways, balconies and porches attached to the main building with a maximum three and one-half (3 1/2) feet high railings may project up to (10) feet into any required front or rear yard;
- h. Parking spaces and off-street parking and loading – as regulated in Section 3.6, may be located in any required yard, except in the case of sites in "CL" Zones, where there shall be no parking in the required front yard;
- i. Public recreation areas may be located in any required front yard where a permitted use;
- j. Public utility equipment, cables, and lines necessary for the provision of services may be located in required yard;
- k. Refuse/garbage storage bins and structures may be required in any required rear or side yard;
- l. Signs – as regulated in Section 3.5;
- m. Temporary buildings, structures and uses may be permitted in a required yard as regulated in Section 3.10;
- n. Uncovered walks, driveways, fixtures and other landscape architectural features, guardrails for safety purposes around ramps and ramps for the handicapped may be located in required yard;
- o. Unenclosed outdoor display of commodities and products normally sold on the site (i.e. vehicles, machinery etc.) may be located in any required yard in all Commercial and Industrial Zones; and
- p. A shelterbelt is an accessory use that may be placed in any required yard. However, since shelterbelts can create snow-drifting problems on roads or highways, new plantings shall be placed fifty feet (15.2 m) off all municipal road allowances and obtain the necessary permits if proposed within the control line of a declared provincial road and/or provincial trunk highway right-of-way.

CORNER ALIGNMENTS

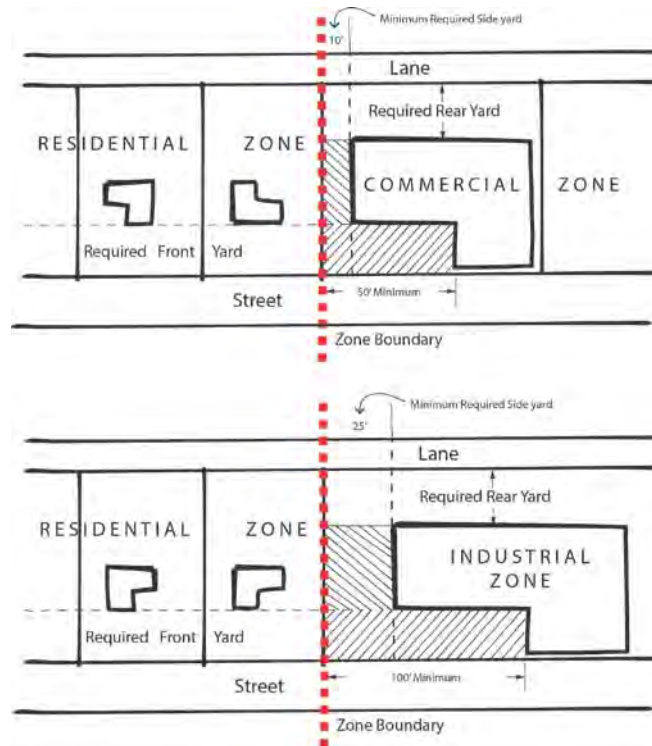
- 4. Notwithstanding any provision contained in this Part, on corner sites within the "CC" Commercial Centre Zones, the following shall apply:
 - a. Within the hatched triangular shaped areas of corner sites as shown below, no fence, wall structure, hedge, shrubs, or other horticultural landscape features shall be placed in such a manner as to produce a fence effect or visual barrier greater than two and one half (2 1/2) feet above the average level of the ground.



YARDS ABUTTING RESIDENTIAL ZONE LIMITS

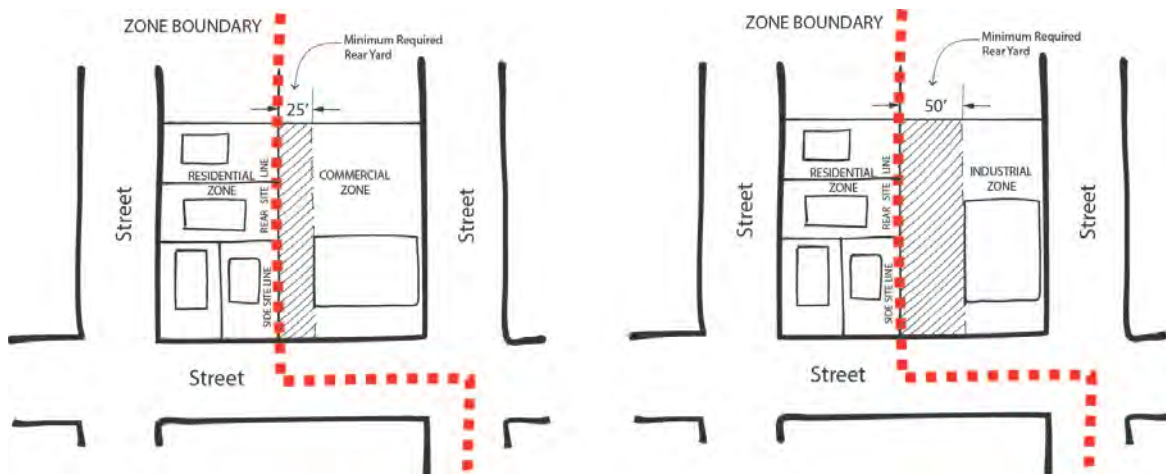
5. Notwithstanding any provision of this By-law, the following special yard requirements shall apply along with all Residential Zone limits:
 - a. where a side site line in a Commercial or Industrial Zone abuts a side site line in an adjacent Residential Zone, the required front yard in the Residential Zone shall extend for a distance of fifty (50) feet in the case of a Commercial Zone, and one hundred (100) feet in the case of an Industrial Zone from the zone limit;
 - b. a side yard of ten (10) feet in the case of a Commercial Zone and twenty-five (25) feet in the case of an Industrial Zone shall be provided along the side site line which abuts the Residential Zone;

The following diagram illustrates the requirements under (a) and (b):



- c. where a rear site line in a Commercial or Industrial Zone abuts a side or rear site line in an adjacent Residential Zone, a rear yard or twenty-five (25) feet in the case of a Commercial Zone, and fifty (50) feet in the case of an Industrial Zone shall be provided along the rear site line.

The following diagram illustrates the requirements of this clause:



- d. where a yard as described in clauses (a), (b) or (c) is provided in a Commercial or Industrial Zone, a compact hedge, row of shrubbery or a solid fence six (6) feet in height shall be provided and maintained along the site line abutting the Residential Zone limit.

3.5 SIGN REGULATIONS

GENERAL

1. The regulations herein are designed to establish a minimum control of signs as accessory structures. Such control is deemed essential to promote the health, safety, and general welfare by reducing hazards to pedestrian and vehicular traffic, and by preventing unsightly and detrimental development having a blighting influence upon residential, commercial, industrial and other uses.
2. The following provisions shall apply to all signs erected or maintained within the Planning District, except wherein otherwise stated:
 - a. No 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;
 - b. No sign or sign structure shall be erected or maintained on, over or above any land or right-of-way belonging to the either municipality within the Planning District unless such right is established by agreement with the Planning District;
 - c. In areas adjacent to Residential Zones, freestanding signs shall not obstruct the light to or view from a window of a habitable room;
 - d. The placing of signs within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the applicable provincial authority;
 - e. All signs and sign 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 thirty (30) days following notice by the designated employee or officer; and
 - f. Flashing signs are not permitted within 100 feet of the boundaries of Residential Zones.
3. No sign shall be erected or placed in such a manner as to prevent the normal maintenance or interfere with the public safety.
4. Signs erected or maintained within the Town of Carman are subject to the following:
 - a. Except for freestanding signs and those signs listed in subsection 3.5.6, all signs, as accessory structures, shall comply with the minimum yard requirements for accessory buildings, structures and uses in the zone in which they are to be located or erected; and
 - b. Signs and sign structures shall be permitted in accordance with Section 3.5, subject to the issuance of a development permit, except as provided in subsection 3.5.6.

SIGN TYPES

5. For the purpose of this By-law, signs are further categorized and defined as follows:

- a. "**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 portion. A fascia sign shall also mean any sign attached to the walls of two or more buildings and spanning the space between said buildings.
- b. "**Flashing sign**", means an illuminated sign on which artificial light is not maintained constant in intensity and colour at all times when such sign is in use.
- c. "**Freestanding sign**", means a sign supported by a vertical column or columns placed in the ground with the sign surface area above ground level.
- d. "**Illuminated sign**", means a sign designed to give forth an artificial light or reflect light from an artificial source.
- e. "**Off-site sign**", means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zoning site where the sign is maintained, including a billboard sign.
- f. "**On-site sign**", means a sign that identifies the business owner, resident or the street address or directs attention to a business, commodity, service or entertainment conducted, sold or offered upon the same zoning site where the sign is maintained.
- g. "**Sign surface area**", means the entire area within a single continuous perimeter enclosing the extreme limits of the display excluding the necessary supports or uprights on which it is placed. Where a sign has two or more faces, the areas of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than three (3) feet from one another.

PERMIT NOT REQUIRED

6. The following types of non-illuminated, signs may be constructed without a permit, however, this shall not relieve the owner or person in control of such signs from erecting and maintaining the signs in a safe condition:
 - a. Signs posted by duly constituted public authorities in the performance of their public duties;
 - b. Flags or emblems of a political, civic, educational or religious organization;
 - c. Commemorative or memorial signs or tablets;
 - d. Signs required by law, governmental order or regulation;
 - e. A residential on-site sign for identification and/or home occupation purposes not exceeding three (3) square feet each in sign surface area;
 - f. Temporary signs including real estate signs, construction signs, election signs, and garage sale signs and similar;
 - g. Private signs required for direction and convenience of the public, including signs identifying restrooms or parking entrances or exits, not exceeding five (5) square feet in sign surface area; and

- h. “No Trespassing” or “Private Property” and similar warning signs not exceeding three (3) square feet in surface area.

TABLE 3.5-1: SIGN TABLE

ZONES	TYPE OF SIGN		STYLE OF SIGN PERMITTED	ON-SITE SIGNS		FREESTANDING SIGNS	
	Off-Site	On-Site		Max. Sign Surface Area	Max. No. of Signs	Max. Height Requirements (ft.)	Min. Distance to All Site Lines (ft.)
All residential uses in "RS", "RS-15", "RT" and "RMH"	-	P	Non-illuminated, non flashing fascia/wall or freestanding	3 sq. ft.	1 (a)	3	5
All uses in "RM" and assembly uses, convenience food stores and day care in "RS" and "RT"	-	P	Non-illuminated or illuminated, non flashing fascia/wall or freestanding	32 sq. ft.	1 (b)	5	5
All "C" zones	C	P	Non-illuminated or illuminated, all types, non-flashing or flashing (c)	20% of area of building face	-	30	5
All "M" zones	C	P	Same as all "C" zones	20% of area of building face	-	30	5
I (d)	-	P	Non-illuminated or illuminated, non flashing, freestanding or fascia/wall	20% of area of building face	1 (b)	30	5
O/PR	-	P	Same as "I" zone	32 sq. ft. or 20% of building face	1 (b)	30	5

EXCEPTIONS TO REQUIREMENTS

- a) One additional sign is permitted for an approved home occupation to a maximum three (3) square feet in sign surface.
- b) In the case of a corner site, two (2) such signs, one facing each street, may be permitted.
- c) Flashing signs are not permitted within one hundred (100) feet of a residential zone boundary.
- d) Hospitals may have such signs as necessary to properly identify emergency entrances.

3.6 PARKING AND LOADING

GENERAL

1. In the RM of Dufferin, parking requirements are dealt with via a Development Agreement, if required, as per Section 2.5. The Town of Carman has established standards intended to promote traffic safety, avoid improper entranceways and prevent traffic congestion caused by parking and loading on the streets. Developments within the Town of Carman as subject to the following:

PROVISIONS FOR OFF-STREET PARKING

2. Off-street parking spaces shall be provided and maintained in accordance with the specific requirements of the particular zone where the use is located and the following provisions:
 - a. All accessory off-street parking spaces shall be located on the same zoning site as the use served, unless permitted by a variation order to locate elsewhere. When located on a different site, the parking lot site shall be located no further than 300 feet from the zoning site it serves. As a condition of variation, an agreement shall be entered into ensuring that the subject sites remain together for the purpose of satisfying parking requirements;
 - b. The off-street parking spaces may be open to the sky or enclosed within a structure;
 - c. The surface of an accessory off-street parking area and its access driveways shall be surfaced and designed in such a manner that there will be no free flow of water onto either adjacent properties or along public sidewalks. They may be paved with either asphalt, concrete or paving bricks, or suitably surfaced with gravel, crushed rock or other aggregate material;
 - d. Lighting used to illuminate an accessory off-street parking area shall be arranged so that it does not illuminate directly onto the adjoining sites, streets or lanes;
 - e. An accessory open off-street parking area associated with commercial, industrial, institutional, educational or major recreational uses shall be provided with bumper guards, wheel stops, masonry walls or ornamental fences in order to prevent a vehicle from encroaching onto public or private property. Said bumper guards, wheel stops, masonry walls or ornamental fences shall be maintained in good condition at all times;
 - f. When a building is enlarged or a use is extended or changed, the accessory off-street parking spaces shall be provided for the enlargement, extension, or new use in accordance with the specific requirements of the particular zone in which the use is located;
 - g. The accessory off-street parking spaces provided for a use shall be solely for the parking of automobiles of employees, occupants, patrons or visitors of such use; and shall not be used for major motor vehicle repair work; and
 - h. Where a common parking area abuts an “RS” Residential - Single Family Zone or “RT” Residential – Two Family Zone, the owner of developer of the parking area shall construct a maintain a solid fence or hedge not less than four (4) or more than six (6) feet in height along any portion of the parking area boundary which abuts the said “RS” or “RT” Zones.

BICYCLE PARKING REQUIREMENTS

3. All developments within the “RM”, “CC”, “CH”, “CL”, and “CN” zones may be required to provide bicycle parking as follows, at the discretion of the Planning District Board:
 - a. one lockable bicycle space per 20 (twenty) required automobile spaces shall be provided;
 - b. a minimum of 2 (two) lockable bicycle space shall be provided; and
 - c. bicycle parking must be provided with safe and convenient access to building entrances.

NUMBER OF PARKING SPACES REQUIRED

4. Accessory off-street parking for all uses shall be provided according to Table 3.6-1: PARKING GROUP TABLE. The parking group for each use shall be identified on the Use and Site Tables in each zone. For the purpose of computing the off-street spaces, the following shall apply:
 - a. In cases where floor area is the unit for determining the required number of accessory off-street parking spaces, said unit shall not include any area used for parking or loading within the principal building or structure and shall not include any area used for incidental service storage, mechanical equipment, heating systems and similar uses;
 - b. In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating, each two (2) feet of such seating facilities shall be counted as one (1) seat for the purpose of determining the accessory off-street parking;
 - c. In cases where a place of public assembly has both fixed seats and open assembly area, the requirements shall be computed separately for each type and added together;
 - d. In the “CC” Commercial – Central Zone, the accessory off-street parking requirements, as provided for herein, for new or expanding permitted or conditional uses may be waived by Council provided a levy in lieu of required parking is paid to a Parking Reserve Fund; and
 - e. When the computation of the number of accessory off-street parking spaces required by the By-law results in a requirement of a fractional parking space, any fraction less than one-half (1/2) of a parking space may be disregarded, whereas a fraction of one-half (1/2) or more of a parking space shall be counted as one (1) parking space.

PARKING AREA DESIGN

5. The layout and design of accessory off-street parking areas shall be as follows:
 - a. The minimum dimensions for off-street accessory parking areas shall be in accordance with Table 3.6-2;
 - b. 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;
 - c. Each parking area shall have a vertical clearance of at least seven and a half (7.5) feet from floor to grade; and

- d. The angle of parking shall be measured between the centreline of the parking space and the centreline of the aisle. Where the angle of parking varies from that set forth in Table 3.6-2 the designated employee or officer shall determine which set of requirements shall apply.

PROVISIONS FOR OFF-STREET LOADING

6. All accessory off-street loading spaces shall be located within the same zoning site and shall be maintained in accordance with the following provisions:
 - a. Each off-street loading space shall have access to a public street or lane;
 - b. Each off-street loading space shall be not less than twelve (12) feet in width nor have less than twelve (12) feet overhead clearance. In no case shall the length of the loading space be such that a vehicle in the process of loading or unloading shall project into any street or lane;
 - c. The accessory off-street loading spaces provided for a use shall be solely for the loading and unloading of vehicles; and, except as provided in 3.6 (6) below, shall not be used to satisfy any accessory off- street parking requirements or portion thereof;
 - d. When a building or structure is enlarged, or a use is extended or changed, the accessory off-street loading spaces shall be provided for the enlargement, extension or new use; and
 - e. When the computation of the number of accessory off-street loading spaces required by this By-law results in a requirement of a fractional loading space, any fraction less than one-half (1/2) of a loading space may be disregarded, whereas a fraction of one-half (1/2) or more of a loading space shall be counted as one (1) loading space.

LOADING REQUIREMENTS

7. Accessory off-street loading spaces shall be provided as follows:
 - a. No separate off-street loading space is required for any building having a gross floor area of less than ten thousand (10,000) square feet, however one of the required off-street parking spaces shall also serve as an off- street loading space;
 - b. Commercial and Industrial Uses which occupy a floor area larger than ten thousand (10,000) square feet shall provide one (1) loading space for each twenty thousand (20,000) square feet of gross floor area or part thereof; and
 - c. Institutional and public uses including hospitals, assembly halls, clubs, lodges, government, schools and office buildings which occupy a floor area larger than ten thousand (10,000) square feet shall provide one (1) loading space for each thirty thousand (30,000) square feet of gross floor area or part thereof.

ENTRANCES AND EXITS

8. The following regulations shall apply to all off-street public parking areas, automobile service stations, drive-in establishments, shopping areas and other such commercial uses requiring the provision of vehicular entrances and exits to the site:

- a. Access to the site for vehicles shall be only by way of entrances and exits provided in accordance with the following:

Minimum width of an entrance or exit 15 feet

Minimum width of a combined entrance and exit 25 feet

Maximum width of an entrance or exit 25 feet

Maximum width of a combined entrance and exit 35 feet

Minimum distance between any part of an entrance, exit or combined entrance and 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 15 feet

9. The owner shall provide and maintain a barrier on or near all street site lines to prevent vehicles entering or exiting the site other than by the entrances and exits permitted in this by-law.

TABLE 3.6-1: PARKING GROUP TABLE

PARKING GROUP TABLE	
Parking Use No.	Number of Parking Spaces Required
1	1 space per dwelling unit
2	1.5 spaces per dwelling unit
3	1 space per 4 dwelling units
4	1 space per bed
5	1 space per 3 beds
6	1 space per 1000 sq. ft. of retail floor area
7	1 space per 200 sq. ft. of gross floor area
8	1 space per 500 sq. ft. of gross floor area
9	1 space per 800 sq. ft. of gross floor area
10	1 space per 4 seats for public use
11	1 space per 3 washing machines
12	1 space per 40 sq. ft. of water surface area
13	4 spaces per dentist, doctor or veterinarian
14	3 spaces per service bay
15	5 spaces per sheet of ice or alley
16	1 space per employee
17	2 spaces per classroom
18	5 spaces per classroom
19	10 spaces per classroom
20	To be determined by council

TABLE 3.6-2: PARKING DIMENSIONS

MINIMUM REQUIREMENTS					
Angle of Parking (degrees)	Width of Stall (feet)	Width of Aisle (feet)	Width Perpendicular to Aisle (feet)	Width Parallel to Aisle (feet)	Area per Car (sq. ft.)
A	B	C	D	E	
30	9	12	15	17	363
45	9	12	18	12	292
60	9	20	20	10	292
90	9	24	20	9	274

3.7 DEVELOPMENT RESTRICTED

LANDS UNSUITABLE FOR DEVELOPMENT INCLUDING LANDS PRONE TO FLOODING

1. Any area which has been identified either by the Planning District Board or upon recommendation by the applicable provincial authority as subject to erosion, bank instability, landslide, flooding or subsidence shall only be used for open space or agricultural cropping. Any other type of development shall not be permitted until it is proven, to the satisfaction of the Planning District Board that the use is compatible with the risk or the hazard has been eliminated. The Planning District Board may require an impact study before making a decision.
2. In areas where the specific hazard has not been defined, permanent buildings or structures, including accessory buildings, shall be set back from all waterways a distance of at least ten (10) times the height of the bank above channel grade or one hundred (100) feet from the high water mark, whichever is the greater, unless an engineering investigation shows that these limits may be reduced.
3. No building or structure shall be erected after the effective date of this By-Law, or amendments thereto, on any land which may be subject to flooding unless the following can be provided:
 - a. Evidence satisfactory to the Planning District Board that the land is not subject to flooding;
 - b. Approval from the Planning District Board that public facilities and services can be provided and landfill may be carried on if required for development; and
 - c. Recommendations from the applicable provincial authority.
4. In no case shall a dwelling, mobile home or other habitable building be permitted in an area subject to flooding, unless some special provisions or arrangements with regard to the site or the type or design of building to be erected are made and then only if, in the opinion of the Planning District Board, if it is suitable to the circumstances.

5. No dwelling or mobile home or other habitable building shall be constructed or located within 1,500 feet of the site of any municipal sewage lagoon or solid waste disposal site.

NOXIOUS OR OFFENSIVE USES

6. Notwithstanding anything herein contained, no use shall be permitted in any zone which may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise unless the use is permitted in the subject zone, satisfactory measures are undertaken to mitigate or eliminate such effects and necessary licensing has been obtained from the applicable provincial authority, as required.

ANHYDROUS AMMONIA FACILITIES

7. Anhydrous ammonia storage facilities shall be set back 330 feet from any public roadway, and shall be separated by a distance of 2,640 feet from any individual residence or any residential area. Any residential development within this buffer area requires a conditional use.

3.8 PUBLIC SERVICES

PUBLIC MONUMENTS

1. Nothing in this By-law shall be so interpreted as to interfere with the maintenance and erection of public monuments, statuary and similar historic or memorial markers.

PUBLIC UTILITIES

2. Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of any public utilities, as defined by this By-law, or public service such as police and fire protection provided that the requirements of such utilities or public services is of a standard compatible with the adjacent area and that any building or structure erected in any zone complies with the yard and area requirements applicable to the zone.

3.9 ALTERNATE FORMS OF DEVELOPMENT

GENERAL

1. The intent of this section is to provide for alternate forms of land development within the Planning District including multiple uses of a site, multiple buildings or structures on a single site, bare land unit condominiums and similar which may not comply with the specific provisions of the Site Requirements Tables of this By-law. The design of such developments shall, however, produce an environment of stable and desirable character and shall incorporate at least the equivalent standards of amenity, parking and loading and other requirements and standards as applicable in this By-law.

CONDOMINIUMS

2. Condominium developments are characterized by individual ownership of dwelling or land units and common ownership of all other property including buildings and structures or parts thereof, open space, roadways, pathways and equipment held by the condominium corporation. Such development shall be conditional uses and shall be regulated by the following provisions:

For New Condominium Developments:

3. In new bare land unit condominium developments:
 - a. each "bare land unit" as defined in *The Condominium Act*, which is delineated by horizontal land boundaries, shall be considered a "site" as defined herein for the purposes of determining site area and width, yards and other requirements;
 - b. those "common elements" as defined in the said Act, which will be ordinarily used for the passage of vehicles or pedestrians including roads, road allowances, streets and lanes but not including pedestrian walkways or off-street vehicle parking areas, shall be considered:
 - i. a "street" as defined herein where such thoroughfare is over thirty-three (33) feet in width; and
 - ii. a "lane" as defined herein where such thoroughfare is not over thirty-three (33) feet in width; and
 - c. the provisions of the Use Table and Site Requirement Table for the zone in which the development is to be located and all other regulations and requirements of this By-law shall apply.
4. In condominium developments where the individual dwelling units within a building form the condominium units, the development shall be considered as a multiple-family dwelling. That is, the individual condominium units within the building shall be considered as dwelling units within a multi-family dwelling (apartment block or townhouse) for the purposes of this By-law, and the building containing the condominium units shall be considered as a multi-family dwelling for the purposes of site, yard, height, etc. requirements.
5. Condominium Development which propose a mixture of different land uses, or which do not conform to the requirements of this By-law may be deemed by Council, a Planned Unit Development and shall be subject to Section 3.9.7.

PLANNED UNIT DEVELOPMENTS

7. A Planned Unit Development is primarily a major land development project which, because of its size or complexity, high density, mixture of land uses or other unusual characteristics, is planned as a single entity in accordance with an overall site plan. There are many possible innovative, projects with Planned Unit Development, including but not limited to the following:
 - a. Comprehensive development mixed use projects in downtown areas;

- b. Higher quality townhouse and apartment projects characterized by diverse designs and more public and private amenity space;
 - c. more interesting subdivision layouts characterized by an open space nature, clustered developments, preservation of natural features, separation of pedestrian and vehicular systems, staggered setbacks, diverse housing types and models and reduced amount of land devoted to streets and public utilities; and
 - d. shopping centres and industrial developments with a greater amount of landscaping and parking, less open storage and building designs which are more compatible with adjacent uses and more visually pleasing .
8. Planned Unit Developments are listed as conditional uses in appropriate zones and shall be subject to the following requirements:
- a. The Use Table and Site Requirement Table of each specific zone shall not directly apply to Planned Unit Developments. The design, however, shall produce an environment of stable and desirable character and shall incorporate at least equivalent standards of amenity, open spaces, building separation, parking and other requirements and provisions of this By-law;
 - b. An application for the establishment of a Planned Unit Development shall be accompanied by the following information:
 - i. those requirements normally required for the issuance of a development permit as outlined in Section 2.10; and
 - ii. such additional information, including engineering reports and studies, as Council may consider necessary for the review of the proposal.
9. A residential Planned Unit Development may contain two or more principal buildings subject to the following criteria:
- a. The minimum site area for a Planned Unit Development shall be one (1) acre;
 - b. Side, front and rear yards equal to the requirements of the zone in which the Planned Unit Development is located, shall be maintained.
 - c. In no case shall buildings be closer to each other than the sum of the required rear yards for adjoining walls; and
 - d. The density of the development shall not be increased by greater than ten (10) percent of the normal density permitted in that zone.

3.10 TEMPORARY BUILDINGS, STRUCTURES AND USES

PERMIT REQUIRED

1. Buildings, structures and uses may be permitted on a temporary basis, subject to the issuance of a development permit from the Planning District Board, or applicable provincial authority.
2. A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by the Planning District Board or the designated employee or officer.
3. Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than six (6) months and may not be renewed for more than two (2) successive periods at the same location.

TEMPORARY CAR SHELTERS

Temporary car shelters are intended to be used for sheltering vehicles from snow and ice during the winter months and sunlight during the summer months. Each zoning site is permitted to have 1 (one) temporary car shelter. Additional shelters may be permitted at the District Board's discretion through a development permit.

4. All Temporary Car Shelters require a development permit.
5. General Guidelines:
 - a. must be kept in good condition at all times;
 - b. are authorized only for residential sites;
 - c. must be located on the same piece of land as the main building that they serve; and
 - d. must be installed solely in a driveway leading to a parking space or at the location of the parking space itself and cannot be located in a front yard (can be beside the house).

EXCEPTIONS

6. Notwithstanding the above provisions a development permit shall not be required for:
 - a. the use, erection or construction of temporary buildings or structures associated with a development authorized by a separate development permit for the period of construction;
 - b. temporary signs located for a period not exceeding two (2) months unless otherwise approved by the Planning District Board;
 - c. temporary buildings, structures and uses associated with fairs, events, games, exhibitions, public markets, sales in public places, transient traders and similar provided the necessary licenses under *The Municipal Act* are obtained as required;
 - d. temporary concrete batch and asphalt plants necessary for highway construction and maintenance;

- e. the placement of temporary structures accessory to a dwelling or mobile home, such as playground and sports equipment; and
- f. temporary use of a residential site for purposes of a garage or yard sale.

CONSTRUCTION

- 7. Temporary buildings, structures and uses to be used in conjunction with a construction site:
 - a. Shall not exceed one thousand (1,000) square feet in floor area nor fifteen (15) feet in height;
 - b. May be used for storage of construction materials and equipment incidental to and necessary for construction;
 - c. May be used for office space for contractor or developer;
 - d. Shall not be used for human habitation, except as temporary accommodation for a caretaker, watchman or other staff; and
 - e. Shall not be detrimental to the public health, safety, convenience and general welfare.

3.11 MOBILE HOME REGULATIONS

- 1. All mobile homes to be located within the Planning District shall meet all structural standards as determined by *The Buildings and Mobile Homes Act* and regulations therein.
- 2. Additionally, within the Town of Carman Mobile Homes shall:
 - a. Be connected to the Town sewer and water system;
 - b. Be placed on a permanent foundation and anchored to said foundation in accordance with Mobile Home Structural Permits Regulation 96/87 R and amendments thereto; and
 - c. Have painted, durable skirting to screen the view of the foundation supports and under the carriage of the mobile home within sixty (60) days of location on the site.

3.12 MOBILE HOME PARKS

- 1. Within The Planning District the following shall apply:
 - a. All proposals to establish or expand a mobile home park shall require the approval of the Planning District Board. Scaled and dimensioned plans of the mobile home park shall be submitted to the Planning District Board for approval and shall show mobile home spaces, internal roads and walkways, buffers, storage and recreation areas, drainage, sewer and water services as required.

- b. Within the Town of Carman, Mobile Home Parks are additionally subject to the dimensional requirements of Table 3.13.1:
- c. All mobile home parks shall provide:
 - i. A central open space area equivalent to two hundred (200) square feet per mobile home space or twenty-four hundred (2400) square feet, whichever is greater;
 - ii. An all-weather surface internal roadway to serve all mobile homes with a minimum twenty-four (24) foot wide driving surface and forty (40) foot total width;
 - iii. One (1) parking space on each mobile home space;
 - iv. Storage of refuse and garbage in a sanitary manner at a location readily accessible to all mobile homes but not more than five hundred (500) feet from any mobile home;
 - v. Illumination of all roadways and walkways to standards approved by the Planning District Board; and
 - vi. Clear marking of the boundaries of each mobile home space and identification of each space by a numbered sign.

ACCESSORY BUILDINGS AND USES

- 2. The types of accessory uses, buildings and structures permitted in mobile home parks shall be as set forth in Section 3.2.
- 3. The site and other requirements for accessory uses, buildings and structures in the “RMH” Zone, as outlined in Table 3.2-1 shall apply in mobile home parks except that the requirements shall be interpreted as applying to a “mobile home space” rather than the a “site.”

TABLE 3.13-1: MOBILE HOME PARK REQUIREMENTS

DESCRIPTION	DIMENSIONAL REQUIREMENTS
Site area, minimum for mobile home park	1 acre
Maximum density	6 mobile homes per acre
Minimum area of each mobile home space	4500 sq. ft.
Minimum width of each mobile home space	45 ft.
Minimum depth of each mobile home space	100 ft.
Minimum side to side clearance between mobile homes (porches, carports, additions and projections are considered part of the mobile home)	10 ft.
Minimum end-to-end clearance between mobile homes	30 ft.
Minimum distance from mobile home to roadway	10 ft.
Minimum distance from mobile home to public street or mobile home park boundary	30 ft. (a)
Dwelling unit area, minimum	400 sq. ft.

EXCEPTION TO REQUIREMENTS

- a) In the case of PTH and Provincial Roads, greater setbacks may be required

3.13 SECONDARY SUITES

GENERAL

1. Secondary Suites are permitted in Agriculture Zones and Residential Zones, as detailed in Table 4.2-1 and Table 4.3-1. Secondary Suites may be located within the principle dwelling or detached from the principle dwelling and must comply with the following regulations:
 - a. Secondary suites shall comply with requirements of the National Building Code and Manitoba Amendments;
 - b. Secondary suites are not permitted in a duplex;
 - c. A minimum of one off-street parking space must be provided for each secondary suite.

For Secondary Suites within a principle dwelling:

- d. Not more than 1 Secondary Suite shall be permitted within a principal dwelling.
- e. Not more than 1 Secondary Suite shall be permitted on a single zoning site.
- f. The property containing a Secondary Suite shall be zoned for residential use and contain a permanent habitable single-family (detached) dwelling.
- g. The principal dwelling must be an existing permanent structure.
- h. The principal dwelling is to be occupied by the owner of the property.
- i. Maximum Floor Area Shall not exceed 40% of the total habitable floor space of the principal dwelling or 80m² (861.1 sq. ft.), whichever is the lesser.
- j. An exterior, private amenity space such as a deck or patio should be provided for the Secondary Suite.

For Detached Secondary Suites:

- k. Not more than 1 Secondary Suite shall be permitted on an established zoning site.
- l. The exterior of the secondary suites should incorporate building materials, textures, and colours that are similar to those found on the principal dwelling.
- m. The zoning site containing the Secondary Suite shall be zoned for residential use and contain a permanent habitable single-family (detached) dwelling.
- n. The principal dwelling is to be occupied by the owner of the property.
- o. Maximum Floor Area Shall Be:

- i. No greater than 80m² (861.1 sq. ft.), and shall not exceed the maximum lot coverage for ancillary structures as permitted within the zoning by-law.
- p. Building Height (Maximum):
 - i. Coach House (above Grade): 8m (26.2 ft.)
 - ii. Garden Suite and Coach House (at Grade): 5m (16.4 ft.)
- q. Setbacks (Minimum):
 - i. From Front Lot Line: must be equal to or greater than the minimum setback from the front property line for a principal dwelling within the same zone.
 - ii. From Rear Lot Line: must be equal to or greater than the minimum setback from the rear property line for a principal dwelling within the same zone.
- r. Where a property backs onto a public lane, public right-of-way, public park, or a property zoned for commercial or industrial uses, the setback from the Rear Lot Line may be equal to or greater than 3m (9.8 ft.).
- s. From Side Lot Line:
 - i. Must be equal to or greater than the minimum setback from the side property line for a principal dwelling within the same zone.
- t. From Exterior Side Lot Line:
 - i. Must be equal to or greater than the minimum setback from the exterior side property line for a principal dwelling within the same zone.
- u. Separation from the Principal Dwelling (Minimum): 3m (9.8 ft.)
- v. An exterior, private amenity space such as a deck or patio should be provided for the Secondary Suite.

3.14 SUBDIVISION OF EXISTING ATTACHED DWELLINGS

1. A site with a two-family attached dwelling or row type dwelling located thereon may be subdivided into two or more sites provided that:
 - a. any new site line shall, where possible, be a straight line between the front and rear site lines, locate in such a manner that the party wall of two adjacent units shall form part of the new site line;
 - b. each site created shall have frontage on a street other than a lane;
 - c. each site created shall provide not less than one (1) on-site parking space having access directly to either a public lane or street;
 - d. the permitted use for each site shall be for one attached single-family dwelling unit only

- e. all applicable provision of the applicable Building By-law shall be complied with; and
- f. notwithstanding the minimum requirements of Table 4.3-2, any new site created pursuant to this subsection shall have a minimum site area of 2,000 square feet and a minimum frontage of 20 feet. No side yard is required along a party wall.

3.15 PRIVATE SWIMMING POOLS AND HOT TUBS

GENERAL

1. This section applies to private and semi-private swimming pools, hot tubs, and similar structures when accessory to a residential use.
2. Outdoor pools and hot tubs shall comply with yard requirements for accessory buildings, structures and uses as set forth in the relevant Site Requirement Table. In no case, however, shall an outdoor pool or hot tub be located closer than five (5) feet to any side or rear site line.
3. All outdoor pools and hot tubs shall be completely enclosed with a fence or other suitable barrier constructed or erected in accordance with the following:
 - a. it shall have a minimum height of six (6) feet including gates, which shall be self-closing and equipped with a lockable latch to prevent unauthorized entry;
 - b. there shall be no openings other than an entry to a building or a gate and it shall be constructed so as to prevent a child from crawling under either the fence or gate;
 - c. where other than chain link is used, the outside surface of the enclosure shall be relatively smooth so as not to provide foot or toe holds; and
 - d. the enclosure surrounding an outdoor pool shall be maintained in good repair.
4. Notwithstanding the provisions of Section 3.4, open decks and open stairways associated with outdoor pools or hot tubs may project to any side or rear site line.
5. Semi-private pools, when not located on a single-family dwelling site nor used solely by the occupants of the dwelling or their guests, are subject to the regulations governing pools in the *Public Health Act*.
6. Nothing in this subsection shall relieve any such structure from complying with spatial, structural, electrical, plumbing, health and safety or operational requirements contained in regulations under *The Buildings and Mobile Homes Act*, *Public Health Act* or other applicable statutes.

3.16 HEIGHT EXCEPTIONS

1. The maximum height requirements contained in the Dimensional Standard Tables of this By-law shall not apply to limit the height of:

- a. chimneys and flues;
- b. elevators and bulkheads;
- c. flagpoles, communication towers, aerials, lines, and wind turbine generator towers;
- d. roof-mounted satellite dishes;
- e. steeples and spires
- f. water storage tanks, electrical apparatus or mechanical rooms, without habitable space, associated with the operation of a building or structure; and
- g. grain elevators and grain or other agricultural product handling structures

3.17 SATELLITE DISHES

1. Satellite dish antennae and related equipment shall be subject to the following regulations:
 - a. Satellite dish antennae located at ground level or above ground on a freestanding structure shall be located to the rear of the rear wall of the main building or structure;
 - b. Satellite dish antennae are permitted on the roof of either the main building or the roof of a suitable accessory building such as a garage;
 - c. Except in all Commercial and Industrial Zones, satellite dish antennae and related equipment shall not contain any advertising signs or devices nor shall they be illuminated; and
 - d. Where a person can demonstrate to the satisfaction of the Planning District Board that a satellite dish antenna complying with these regulations is unable to receive proper reception, the above requirements may be waived.

3.18 SAND, GRAVEL OR MINERAL EXTRACTION OPERATIONS

1. Establishment of new or expansion of existing sand, gravel or mineral operations are subject to a development agreement with the Planning District Board.

3.19 FUTURE ROAD ALLOWANCE

1. No building or structure shall be erected upon any land designated for a future road allowance. Any development adjacent to said future road allowance shall comply with the requirements of the By-law as if the said future road allowance was already in existence.

3.20 AIRFIELDS AND ASSOCIATED FACILITIES

1. All approved aircraft landing fields when being located in close proximity to buildings or structures in the Town of Carman, rural residential, parks/recreational/institutional or general development lands shall be governed by the recommended Transport Canada regulations or recommended guidelines. This requirement is reciprocal when locating buildings or structures and these designated area zones with respect to aircraft landing fields.
2. Any proposal to establish any building, dwelling, mobile or modular home or farm building or structure which exceeds a building height of ten (20) feet, or to establish a shelterbelt or similar obstruction within the flight approaches of any aircraft landing fields for a distance of 500 metres, shall be deemed to be a conditional use, and shall be subject to the approval of the Planning District Board.

4 LAND USE ZONES

4.1 ZONING

ESTABLISHMENT OF ZONES

1. In order to carry out the intent and purposes set forth in Section 2.2 of PART 2: ADMINISTRATION, the following zones are hereby established:

AGRICULTURAL ZONES (SEE TABLE 4.2-1 & TABLE 4.2-2)

"AG" Agriculture General Zone: this zone provides for general agricultural activities, including grain production, pasturage and specialized agriculture, apiculture, market gardening, horticulture, silviculture and livestock operations on a commercial scale. The General Agriculture Zone also provides flexibility to accommodate a variety of agriculture related and resource based uses through the conditional use process.

"AR" Agriculture Restricted Zone: this zone provides for agricultural uses similar to the Agriculture General Zone however, due to the proximity to Village Centres, rural residential development areas and environmentally sensitive areas, certain uses that may conflict with these areas, such as livestock operations (LO), are more restricted.

RESIDENTIAL ZONES (SEE TABLE 4.3-1 & TABLE 4.3-2)

"RS" Residential – Single Family Zone: this zone provides for the development of single-family dwellings and associate or compatible uses.

"RT" Residential – Two Family Zone: this zone provides for the development of low and medium density single and two family dwellings as well as associated and compatible uses.

"RM" Residential – Multiple Family Zone: this zone provides for the development of medium and high density two and multiple family dwellings and associated or compatible uses.

"RMH" Residential – Mobile Home Zone: this zone provides for the development of mobile home parks and subdivisions for mobile homes and associated or compatible uses.

"RR" Residential - Rural Zone: this zone provides for the development of low density single-family dwellings and/or mobile homes utilizing on-site sewer and water services within the rural areas. It may also include other uses that are compatible with the residential character of this zone.

COMMERCIAL ZONES (SEE TABLE 4.4-1 & TABLE 4.4-2)

"CC" Commercial – Central Zone: this zone provides land in the Town of Carman's central commercial area to be developed as multi-functional in nature and support a diverse variety of appropriate uses.

“CH” Commercial – Highway Zone: this zone provides for the development of commercial and some light industrial uses adjacent to major transportation routes within the Planning District.

“CL” Commercial – Linear Zone: this zone provides for the development of commercial uses along Main Street in the Town of Carman in a manner which does not create a traffic hazard on adjacent major streets or conflict with adjacent residential areas.

“CN” Commercial – Neighbourhood Zone: this zone provides for the development of neighbourhood commercial uses that are compatible in scale and character with surrounding residential uses, and to service the convenience needs of those residing in the adjacent neighbourhood.

“CA” Commercial – Agriculture Zone: this zone provides for agricultural related retail and commercial services and manufacturing outside of the Village Centres. These agro-related services and manufacturing are generally unsafe or unsuitable within a Village Centre and do not require the level of services typically provided in urban commercial or industrial areas. This zone is primarily intended for areas designated as an agro-related commercial/industrial parks in the Development Plan.

INDUSTRIAL ZONES (SEE TABLE 4.5-1 & TABLE 4.5-2)

“ML” Industrial – Light Zone: This zone provides for light manufacturing, assembling, processing, distribution, wholesaling and warehousing uses. Excluded are uses which have the potential to create a serious nuisance factor. This zone should function as a buffer or transition between heavy industrial and other uses.

“MH” Industrial – Heavy Zone: This zone provides for a wide range of industrial uses including intensive industrial uses or those that require very large buildings, frequent heavy truck traffic for supplies or shipments, or that may require substantial mitigation to avoid sound, noise, and odour impacts to neighbouring properties.

“ICA” Industrial Zone: This zone encompasses the RM of Dufferin Industrial Park and provides for a wide range of industrial and commercial uses. Industrial uses as identified under Policy 3.6.9.3 of the Development Plan are encouraged to locate in this zone.

PARKS, RECREATION & INSTITUTIONAL ZONES (SEE TABLE 4.6-1 & TABLE 4.6-2)

“O” Open Space Zone: this zone provides areas used to buffer and separate different types of land uses or areas that have been deemed unsuitable for development.

“I” Institutional Zone: this zone provides areas for institutional uses that are public, semi-public or private and of a non-commercial character. Typical uses may include places of worship, schools, colleges, universities, libraries, cultural facilities, and hospitals.

“PR” Parks & Recreation Zone: this zone provides for public and private recreational uses such as arenas, sports fields, golf courses, skating rinks and similar facilities and open spaces as well as seasonal recreational resorts and campgrounds.

GENERAL DEVELOPMENT ZONE (SEE TABLE 4.7-1 & TABLE 4.7-2)

"GD" **General - Development Zone:** this zone includes residential, commercial and industrial development under one zone to provide maximum flexibility in the small Village Centres. To minimize land use conflict, the Village Centre policies of the Development Plan will be used when making a decision on all development proposals.

4.1.1 ZONING MAPS

1. The location and the boundaries of the zones listed in Section 4.1 are shown upon zoning maps attached hereto, marked as SCHEDULE "A" to this by-law. Said zoning maps form part of this by-law. All notations, references and other information shown thereon, together with any amendments made by amending by-laws from time to time and shown thereon, together with any amendments to boundaries in the case of any street, lane or public utility right-of-way closing, as provided in this section, shall be as much a part of the by-law as if the matters and information set forth by the said zoning maps were full described herein.

DIMENSIONS AND SCALE

2. The scale and all dimensions of the zoning maps are in feet.

REGISTERED PLANS

3. All plan references on zoning maps pertain to plans filed in the Morden Land Titles Office.

ABBREVIATIONS

4. The abbreviations noted on the Zoning Map mean the following:
 - a) "PR" means Provincial Road;
 - b) "PTH" means Provincial Trunk Highway;

INTERPRETATION OF ZONE BOUNDARIES

5. In the interpretation of the boundaries of the zones as shown on the zoning maps, the following rules shall apply:
 - a. A heavy broken line delineates political boundaries including the Town of Carman, Carman-Dufferin Planning District and Stephenfield Provincial Park limits;
 - b. A dashed line delineates the limits of each Zone;
 - c. Notwithstanding that streets, lanes and public utility rights-of-way may be within zones boundaries, the regulations contained in this by-law shall not be deemed to be applicable to said street, lanes and public utility rights-of-way;
 - d. Boundaries indicated as following the centrelines of streets, highways or lanes should be construed to follow such centrelines;

- e. Boundaries indicated as following lot, site or property holding lines on a registered plan shall be construed as following such lots, site and property holding lines;
- f. Boundaries indicated as following the municipal limits shall be construed as following the municipal limits;
- g. Boundaries indicated as following the centrelines of railway lines or railway rights-of-way or public utility lines or rights-of-way shall be construed to be midway between the main tracks or the centre of the right-of-way, as the case may be;
- h. If a street, lane or government road allowance shown on the zoning map is lawfully closed, the land formerly comprising the street, lane or government road allowance shall be included within the zone of the adjoining land provided that if the said street, lane or government road allowance was a zone boundary between two or more different zones, the new zone boundary shall be the former centreline of the closed street, lane or government road allowance; and
- i. Boundaries indicated as going through the middle of a section shall be construed as following the quarter section limits.

4.1.2 INTERPRETATION OF ZONE REQUIREMENTS

INTERPRETATION

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

USES

2. The Permitted Use Tables for each zone list all uses that are:

"P" - Permitted; or

"C" - Conditional;

in their respective zones. All listed uses shall be interpreted in accordance with PART 1: DEFINITIONS; shall be dealt with in accordance with procedures outlined in PART 2: ADMINISTRATION and shall be subject to the provisions contained in PART 3: LAND USE AND DEVELOPMENT PROVISIONS.

3. No land shall be used or occupied and no building or structure shall be erected, altered, used, relocated or occupied hereafter for any use in any zone in which such land, building or structure is located other than a use listed in the Permitted Use Table for the subject zone.

USES NOT LISTED

4. Uses of land, buildings, or structures not listed in a Permitted Use Table may be allowed if:
 - a. the use was lawfully established prior to the effective date of this by-law in which case the use shall be dealt with as a non-conforming use, structure or building in accordance with PART 2: ADMINISTRATION; or

- b. the use, receives a variance order from Council, because the use is substantially similar to a use listed in the Permitted Use Table in that zone. Such uses shall be permitted uses where the substantially similar use is "Permitted" and shall be conditional uses where the substantially similar use is "Conditional" in that zone.

DIMENSIONAL STANDARDS

5. Site and other requirements shall be as set forth in the BULK USE REQUIREMENTS TABLE for each zone. The requirements set forth therein shall apply to all uses, structures or buildings.
6. All dimensional requirement table references are in feet (ft.), square feet (sf) and acres (ac) unless otherwise noted.

4.1.3 SPECIAL USE PROVISIONS

1. PART 3 of this By-law contains special provisions, exceptions and requirements for special uses applicable in all zones, except where otherwise noted. The following should be referred to when dealing with application of or interpretation of:
 - a. Accessory Buildings and Structures including:
 - i. Home occupations;
 - ii. Parking, entrance and loading requirements;
 - iii. Sign regulations; and
 - iv. Height Exceptions and Loading Requirements.
 - b. Alternate Forms of Development including:
 - i. Condominiums;
 - ii. Planned unit development;
 - iii. Multiple uses;
 - iv. Subdivision of attached dwellings;
 - v. Yards and Special Yards; and
 - vi. Temporary Uses, Buildings and Structures.

4.1.4 MEASUREMENTS

1. If the conversion between metric and imperial measurements pertaining to a development permit application is not exact as prescribed in this by-law, the designated employee or officer may apply metric or imperial measurement to the development permit application.

4.2 AGRICULTURAL ZONES

4.2.1 AGRICULTURAL TABLES

- The following use requirements apply to the Agricultural Zones as referenced in Table 4.2-1:

TABLE 4.2-1: AGRICULTURAL USE TABLE

AGRICULTURAL ZONES		ZONE	
		AR	AG
<i>Accessory Uses as per Section 3.2</i>			
	Agricultural		
a)	Livestock operations (LO) producing less than 300 animal units (AU)	P	P
b)	LO'S producing 300 OR MORE AU'S	-	C
c)	Agricultural activities (with the exception of livestock operations)	P	P
d)	Specialized agriculture including nurseries, greenhouses, landscape gardeners including top soil and sod on parcels less than 80 acres in size	C	C
e)	Storage, handling and/or processing facilities for grains, vegetables and pulse crops including elevators and terminals	C	C
f)	Small-scale agro industry (welding and assembly)	C	C
g)	Stables and riding academies	C	C
h)	Abattoirs/meat packing/processing	C	C
i)	Agricultural auction marts	C	C
j)	Agricultural crop protection warehouse	C	C
k)	Agricultural exhibition grounds	C	C
l)	Agricultural related commercial (e.g. implement sales and service	C	C
m)	Anhydrous ammonia facilities	C	C
n)	Feed mill/seed cleaning	C	P
o)	Hay and straw storage and processing sites	C	C
p)	Irrigation dugouts and water ponds	C	C
	Animals		
a)	Kennels, hospitals, vet clinics, pounds and shelters	C	C
	Assembly		
a)	Community halls, libraries, museums, churches, and similar uses (expansion and/or renovation to existing only)	C	C
	Mineral Extraction		
a)	Operations for clay, gravel or sand including crushing, screening, washing, and processing	C	C
	Dwellings		
a)	Farmstead dwelling	P	P
b)	Single-family home created under Policy 3.1.23 of the District Development Plan	P	C
c)	Residential care facilities, senior citizen homes and similar	C	

AGRICULTURAL ZONES		ZONE	
		AR	AG
	USE		
d)	Secondary Suite	C	C
	Government and Offices		
a)	Sewage treatment plants, lagoons and public works yards	C	C
b)	Solid waste disposal facilities	C	C
	Public Works and utilities		
a)	Wind generating systems	C	C
	Radio and Television Towers		
		C	C
	Recreation		
a)	Horticultural and zoological gardens, artificial lakes	P	-
b)	Gun ranges, riding academies and stables	C	C
	Religious		
	Cemeteries, crematoria	P	-
	Building Materials and Contractors		
a)	Asphalt plants/concrete plants	C	C
b)	Contractors establishments	C	C
	Transportation		
a)	School bus storage and maintenance	C	-
b)	Travel trailer sales and service	C	-
c)	Trucking terminals and freight services	C	-
d)	Airfields/airports	C	C
e)	Bulk fuel storage/sales	-	C
f)	Automobile/farm equipment repair, wrecking/body shops	C	C
	Open Space		
a)	Buffer strips, public reserves, walkways and similar	P	-
	Public Areas		
a)	Including athletic fields, picnic areas, tot lots, playgrounds	P	-
	Temporary Buildings and Uses/Structures		
	(see Section 3.10)	P	P

2. The following Bulk Use Requirements apply to the Agricultural Zones as referenced in Table 4.2-2.

TABLE 4.2-2: AGRICULTURAL BULK USE REQUIREMENTS

Agriculture			Minimum Requirements						Maximum Requirements
			Site	Yard					Building Height (feet)
				Site Area (acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)		
	Interior	Corner							
Zone	Category	Use							
AG	Agricultural Activities/Residential Uses	Primary	80	660	125	25	25 (a)	25	-
		Accessory	-	-	125	25	25 (a)	25	-
	Other Uses	Primary	2	200	125	25	25 (a)	25	-
		Accessory	-	-	125	25	25 (a)	25	-
AR	Agricultural Activities/Residential Uses	Primary	80	660	125	25	25 (a)	25	-
		Accessory	-	-	125	25	25 (a)	25	-
	Other Uses	Primary	2	200	125	25	25 (a)	25	-
		Accessory	-	-	125	25	25 (a)	25	-

EXCEPTION TO BULK REQUIREMENTS

- a) When adjacent to a municipal road allowance, the side yard shall be increased to 125 feet. (to be added above)

ADDITIONAL REQUIREMENTS

- Accessory Uses shall be developed in accordance with Section 3.2 of this By-law.
- Buildings, structures, shelterbelts and hedges adjacent to Provincial Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with *The Highways Protection Act* and *The Highways and Transportation Act*. Required Provincial permit(s) shall establish required yards and may affect all yard requirements.
- Water supply and sewage disposal shall be provided in accordance with *The Environment Act*, *The Public Health Act*, and *The Drinking Water Safety Act*.
- Livestock Operations shall be developed in accordance with subsection 4.2.2 of this By-law.
- A single-family dwelling on a lot created under Policy 3.1.23 (1)(2)(3)(4)(5) or (6) of the Development Plan shall be subject to the Minimum Requirements of the “Other Uses” Category for both AG and AR Zones in Table 4.2-2. The residual parcel must be 40 acres or 90% of the original parcel size, whichever is larger. Provided no new titles result, this residual parcel can be achieved by consolidation with an adjacent parcel.

6. Specialized agricultural uses on a lot created under Policy 3.1.25 (1) of the Development Plan shall be subject to the Minimum Requirements of the “Other Uses” Category for both AG and AR Zones as shown in Table 4.2-2. The residual parcel must be 40 acres or 90% of the original parcel size, whichever is larger. Provided no new titles result, this residual parcel can be achieved by consolidation with an adjacent parcel.
7. Commercial or industrial uses on a lot created under Policy 3.1.26 (1) or (2) of the Development Plan shall be subject to the Minimum Requirements of the “Other Uses” Category for both AG and AR Zones in Table 4.2-2. The residual parcel must be 40 acres or 90% of the original parcel size, whichever is larger. Provided no new titles result, this residual parcel can be achieved by consolidation with an adjacent parcel.

4.2.2 REGULATION OF LIVESTOCK OPERATIONS

LIVESTOCK ANIMAL UNIT TABLE

1. Any reference in this By-law to animal units (a.u.) shall use Table 4.2-4 to determine the number of animals permitted. For the purposes of this By-law, all categories of livestock will be included in the calculation of animal units for any given site or livestock operation.

LIVESTOCK OPERATIONS IN AGRICULTURAL GENERAL ZONE

2. Livestock operations (LO) in the "AG" Agriculture General Zone shall be regulated as follows:
 - a. New and expanding livestock operations shall be allowed in the “AG” Agriculture General Zone;
 - b. Any new or expanding livestock operation on 80 acres of land and producing less than three hundred (300) animal units (a.u.) is a permitted use, subject to compliance with all siting and mutual separation requirements;
 - c. Any new or expanding livestock operation on 80 acres of land and producing three hundred (300) or more animal units (a.u.) is a conditional use, subject to compliance with all siting and mutual separation requirements; and
 - d. Any livestock operation legally established on less than 80 acres of land, at the time of the adoption of this By-law, may be allowed to expand provided it can comply with all environmental regulations, site requirements and mutual separation distances. An expansion that makes the total animal units exceed 300, shall be a conditional use.

LIVESTOCK OPERATIONS IN AGRICULTURAL RESTRICTED ZONE

3. Livestock operations (LO) in the "AR" Agriculture Restricted Zone shall be regulated as follows:
 - a. New and expanding livestock operations shall not exceed a maximum size of three hundred (300) animal units in the “AR” Agriculture Restricted Zone;
 - b. Any new and expanding livestock operation on 80 acres of land and producing less than three hundred (300) animal units (a.u.) is a permitted use, subject to compliance with all siting and mutual separation requirements and having adequate spreadable acreage;

- c. Any livestock operation legally established on less than 80 acres of land, at the time of the adoption of this By-law, may be allowed to expand to a maximum of three hundred (300) animal units provided it can comply with all environmental regulations, site requirements and mutual separation distances.

NO LIVESTOCK AREAS

4. New or expanding livestock operations will not be allowed within the following areas:
 - a. within the Village Centre of Homewood;
 - b. within the Village Centre of Graysville;
 - c. within the Village Centre of Roseisle;
 - d. within the areas designated as Recreational Policy Area, Rural Residential Policy Area and Agro-Commercial Development Area in the Development Plan; and
 - e. on soils determined by detailed soil survey, in consultation with the Province, to be Agricultural Capability Class 6, 7, or unimproved organic soils as defined under the Canada Land Inventory.

CONDITIONAL LIVESTOCK OPERATIONS

5. Any new or expanding livestock operation producing three hundred (300) or more animal units must make application for a conditional use approval and be dealt with in accordance with *The Act*.
6. Based on the information provided by the Technical Review Committee and compliance with the applicable provisions of the development plan, the zoning by-law and any secondary plan, the District Board must make an order either:
 - a. rejecting the application; or
 - b. approving the application.
7. If the application is approved, the District Board may impose the following conditions:
 - a. measures to ensure conformity to the Development Plan, the zoning by-law and any secondary plan;
 - b. measures to implement recommendations made by the Technical Review Committee;
 - c. require covers on manure storage facilities and/or the establishment of shelterbelts as odour reducing measures; and
 - d. require the owner to enter into a development agreement to deal with construction of buildings and construction and maintenance of works required to service the livestock operation.

REPLACEMENT AND EXPANSION OF EXISTING LIVESTOCK OPERATIONS

8. The modernization (environmental or economical) or the replacement (destroyed or damaged) of a livestock operation, which exceeds the maximum size for livestock operations but lawfully existed prior to the adoption of this by-law, shall be a conditional use in the “AR” Restricted Agricultural Zone.
9. A one-time expansion (up to 20%) of a livestock operation, which exceeds the maximum size for livestock operations but lawfully existed prior to the adoption of this by-law, shall be a conditional use in the “AR” Zone, provided the livestock operation complies with the separation distances outlined in this zoning by-law.

SITING AND SETBACK OF LIVESTOCK OPERATIONS

10. The mutual separation distances, as set out in Table 4.2-3, apply to the establishment of new dwellings, new designated areas, and the establishment of new or the expansion of existing livestock operations, but do not otherwise affect existing dwellings, designated areas, or livestock operations.
11. An existing livestock operation is a livestock operation that has been approved by the District Board, has a valid development permit, or is lawfully under construction or operating at the time this by-law is adopted.
12. Table 4.2-4 (Animal Unit Table) shall be used to calculate the number of animal units by categories of livestock. The total number of animal units in a livestock operation is to be calculated by adding together the number of animal units produced by each category of livestock in the operation.
13. If two or more existing or proposed livestock operations involving the same category of livestock are (a) located within 800 metres of one another; and (b) owned by (i) the same individual, corporation, partnership or other entity, or (ii) individuals, corporations, partnerships or other entities that are interrelated to the degree prescribed by regulation; they are deemed to be a single livestock operation, and the number of existing or proposed animal units in each operation must be added together.

SETBACKS

14. A new or expanding livestock operation must meet the minimum setback requirements from property lines and surface watercourses set out in the Livestock Manure and Mortalities Management Regulation of *The Environment Act*.
15. In general, for both permitted and conditional livestock operations:
 - a. no manure storage facility shall be located within 328' (100M) of any property line of the land affected by a livestock operation;
 - b. no barn shall be located within 164' (50M) of any property line of the land affected by a livestock operation;
 - c. no manure shall be stored and no confined livestock area shall be located within 328' (100M) of any surface watercourse, sinkhole, spring or well; and

- d. no manure storage facility shall be located within the boundaries of the 100-year flood plain elevation unless satisfactory flood protection is provided in accordance with the Livestock Manure and Mortalities Management Regulation of *The Environment Act*.

MUTUAL SEPARATION OF DWELLINGS AND LIVESTOCK OPERATIONS

16. A mutual separation distance shall be maintained between a proposed livestock operation and any existing dwelling or a proposed dwelling and any existing livestock operation.
17. The mutual separation distances between any dwelling (except that of the operator) or designated area and the livestock operation shall be as set out in Table 4.2-3.
18. The separation distances set out in Table 4.2-3 are to be calculated based on the residences and the designated areas in existence on the date the municipality receives an application to expand or establish the livestock operation or establish a dwelling.
19. This separation distance is deemed to be a required yard for the purposes of this by-law and variances may be considered by the District Board. Any proposal, dwelling or livestock operation, to locate within the mutual separation distance must apply for a variance order. In the case of existing operations, which do not comply with the separations, any change or expansion to the operation must receive the necessary variance order.

EXCEPTIONS

20. The following are not subject to the requirements for livestock operations unless, in the opinion of the District Board, they may create a potential pollution problem:
 - a. livestock auction markets and livestock transportation operations;
 - b. livestock as an accessory use;
 - c. agricultural fairs; or
 - d. livestock sale yards, in which livestock may be kept for a period not exceeding ten (10) days.

LIVESTOCK AS AN ACCESSORY USE

21. The keeping and raising of a few animals for personal use is not considered a livestock operation under this by-law; it is considered an accessory use and is regulated under the USE TABLES AND BULK USE REQUIREMENTS TABLES for the subject zones.

NOTICE OF PUBLIC HEARING FOR LIVESTOCK OPERATIONS

22. An application to approve a conditional use for a livestock operation involving three hundred (300) or more animal units must fix a date and hold a public hearing in accordance with *The Act*.

TABLE 4.2-3: LIVESTOCK SEPARATION DISTANCES

Size of Livestock Operation in Animal Units	Separation Distance in Meters (Feet) From Single Residence		Separation Distance in Meters (Feet) From Designated Areas	
	To Earthen Manure Storage Facility or Feedlot	To Animal Confinement Facility and Non-earthen Manure Storage Facility	To Earthen Manure Storage Facility or Feedlot	To Animal Confinement Facility and Non-earthen Manure Storage Facility
10 – 100	400 (1,312)	200 (656)	800 (2,625)	530 (1,739)
101 – 200	600 (1,968)	300 (984)	1200 (3,937)	800 (2,625)
201 – 300	800 (2,624)	400 (1,312)	1600 (5,249)	1070 (3,511)
301 – 400	900 (2,952)	450 (1,476)	1800 (5,906)	1200 (3,937)
401 – 800	1000 (3,280)	500 (1,640)	2000 (6,561)	1330 (4,364)
801 – 1,600	1200 (3,936)	600 (1,968)	2400 (7,874)	1600 (5,249)
1,601 – 3,200	1400 (4,594)	700 (2,296)	2800 (9,186)	1870 (6,135)
3,201 – 6,400	1600 (5,250)	800 (2,624)	3200 (10,499)	2130 (6,988)
6,401 – 12,800	1800 (5,906)	900 (2,952)	3600 (11,811)	2400 (7,874)
>12,800	2000 (6,562)	1000 (3,280)	4000 (13,123)	2670 (8,760)

TABLE 4.2-4: ANIMAL UNIT TABLE

ANIMAL UNIT TABLE		AU Produced by One Livestock	Livestock Producing One AU
Dairy			
	Milking cows, including associated livestock	2	0.5
Beef			
	Beef cows, including associated livestock	1.25	0.8
	Backgrounder	0.5	2
	Summer pasture/replacement heifers	0.625	1.6
	Feeder cattle	0.769	1.3
Pigs			
	Sows, farrow to finish (110-115 kg)	1.25	0.8
	Sows, farrow to weanling (up to 5 kg)	0.25	4
	Sows, farrow to nursery (23 kg)	0.313	3.2
	Weanlings (5-23 kg)	0.033	30
	Growers/finishers (23-113 kg)	0.143	7
	Boars (artificial insemination operations)	0.2	5
Chickens			
	Broilers	0.005	200
	Roasters	0.01	100
	Layers	0.0083	120
	Pullets	0.0033	300
	Broiler breeder pullets	0.0033	300
	Broiler breeder hens	0.01	100
Turkeys			
	Broilers	0.01	100
	Heavy toms	0.02	50
	Heavy hens	0.01	100
Horses			
	Mares, including associated livestock	1.333	0.75
Sheep			
	Ewes, including associated livestock	0.2	5
	Feeder lambs	0.063	16
Other livestock or operation type			
Please inquire with your regional agricultural engineer or livestock specialist Source: Farm Practices Guidelines			

4.3 RESIDENTIAL ZONES

4.3.1 RESIDENTIAL TABLES

- The following use requirements apply to the Residential Zones as referenced in Table 4.3-1.

TABLE 4.3-1: RESIDENTIAL USE TABLE

RESIDENTIAL ZONES		ZONE					MINIMUM PARKING REQUIREMENTS (a) Paring Group No. (see Table 3.6-1)
		RS/RS15	RT	RM	RMH	RR	
Accessory Uses as per Section 3.2							
Assembly							
	including churches & religious institutions, community halls and recreation clubs	C	C	C	-	-	7/10
Child care services							
a)	Community or group day care	C	C	P	-	-	7
b)	Home day care	P	P	P	C	-	7
Dwellings							
a)	Single family	P	P	-	-	P	1
b)	Single family without piped services	-	-	-	-	P	-
c)	Two family	-	P	P	-	-	1
d)	Ready to move (RTM) homes	C	C	C	C	C	1
e)	Multiple family	-	-	P	-	-	2/3 Seniors homes
f)	Boarding, rooming and lodging houses	-	-	P	-	-	4
g)	Group homes	C	C	P	-	-	5
h)	Residential care facilities	-	-	C	-	-	5
i)	Secondary Suite	C	C	C	C	C	20
Mobile homes							
a)	Parks and subdivisions (see Section 3.12)	-	-	-	P	-	1
b)	Single, with piped services	-	-	-	-	P	-
c)	Single, without piped services	-	-	-	-	P	-
Open space							
a)	Playgrounds, tot lots and similar uses	P	P	P	P	-	20
b)	Buffer strips, public reserves and walkways	P	P	P	P	-	20
Planned unit development and bare land condominiums (see Section 3.9)							
		C	C	C	C	-	20
Public works and Utilities (see Section 3.8)							
		P	P	P	P	-	20
Temporary uses, buildings and structures (see Section 3.10)							
		P	P	P	P	-	20

EXCEPTION TO REQUIREMENTS

- a) Parking Tables only apply within the Town of Carman. Parking minimums are at the discretion of the Planning District Board in the RM of Dufferin

2. The following Bulk Use Requirements apply to the Residential Zones as referenced in Table 4.3-2.

TABLE 4.3-2: RESIDENTIAL BULK USE REQUIREMENTS

Residential			Minimum Requirements							Maximum Requirements	
			Site Area (feet ² /acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)		Rear Yard (feet)	Dwelling Unit Area (feet ²)	Site Coverage (%)	Building Height (feet / stories)
						Interior	Corner				
Zone	Category	Use									
RS		Primary	6,000	50	25	5 (a)	12	25	800	40	30
		Accessory	-	-	25	5 (c)	12	2(d)	-	10	15
RS-15		Primary	15,000	100	50	10	25	25	800	25	30
		Accessory	-	-	50	10	25	10	-	10	15
RT		Primary	7,500	75	25	5 (a)	12	25	600	50	30
		Accessory	-	-	25	5 (c)	12	2(d)	-	10	15
RM		Primary	10,000 (b)	75	25	15	15	25	400	60	3 stories
		Accessory	-	-	25	15 (c)	15	2(d)	-	10	15
RMH		Primary	4,500	50	10	5	10	15	400	50	15
		Accessory	-	-	10	5	12	2(d)	-	10	15
RR	Serviced	Primary	1 acre	150	50 (e)	25	25 (f)	25	-	30	30
		Accessory	-	-	50 (e)	25	25 (f)	25	-	10	20
	Unserviced	Primary	2 acre	200	50 (e)	25	25 (f)	25	-	30	30
		Accessory	-	-	50 (e)	25	25 (f)	25	-	10	20

EXCEPTIONS TO BULK REQUIREMENTS

- a) When no public lane is located at the rear of a site and no garage is attached to the side of the house, one side yard shall be a minimum of twelve feet.
- b) Plus one thousand (1000) square feet for each dwelling unit in excess of four (4).
- c) Where an accessory building is to the rear of the main building the side yard may be reduced to two (2) feet, provided that it does not abut a front yard.

- d) Except for outdoor pools and hot tubs which shall be located a minimum of five (5) feet from any site line.
- e) When fronting on a municipal road allowance, the front yard shall be increased to 125 feet. See Section 3.4.
- f) When adjacent to a municipal road allowance, the side yard shall be increased to 125 feet.

ADDITIONAL REQUIREMENTS

- 1. Accessory Uses shall be developed in accordance with Section 3.2 of this by-law.
- 2. Outdoor pools and hot tubs shall be located a minimum of five (5) feet from any site line and shall be developed in accordance with Section 3.15 of this By-law
- 3. Planned Unit Development and Bare Land Condominiums shall be developed in accordance with Section 3.9 of this by-law.
- 4. Mobile Home Parks shall be developed in accordance with Section 3.12 of this by-law.
- 5. Buildings, structures, shelterbelts and hedges adjacent to Provincial Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with *The Highways Protection Act* and *The Highways and Transportation Act*. Required Provincial permit(s) shall establish required yards and may affect all yard requirements.
- 6. Water supply and sewage disposal shall be provided in accordance with *The Environment Act*, *The Public Health Act*, and *The Drinking Water Safety Act*.
- 7. When a single family dwelling is proposed in the RT Zone, the minimum requirements of the RS Zone are applied.

4.4 COMMERCIAL ZONES

4.4.1 COMMERCIAL TABLES

- The following use requirements apply to the Commercial Zones as referenced in Table 4.4-1.

TABLE 4.4-1: COMMERCIAL USE TABLE

COMMERCIAL ZONES USE		ZONE					MINIMUM PARKING REQUIREMENTS (a) Paring Group No. (see Table 3.6-1)
		CN	CC	CH	CL	CA	
Accessory Uses as per Section 3.2							
Accommodation							
a)	Hotels, Motels	-	P	P	C	C	4 + 10
b)	Camping & Tenting Grounds	-	-	C	-	-	20
Agricultural Products And Activities							
a)	Agricultural activities	-	-	-	-	P	n/a
b)	Farm implement sales and service with incidental assembly	-	-	C	-	P	9
c)	Garden supply sales, greenhouses and nurseries	-	-	P	C	P	6
d)	Storage, handling, cleaning and processing of agricultural products	-	C	C	-	P	6
e)	Feed mill and seed cleaning operations	-	-	-	-	C	-
f)	Rendering plants and abattoirs	-	-	-	-	C	-
g)	Anhydrous ammonia facilities	-	-	-	-	C	-
h)	Agricultural crop protection warehouse	-	-	-	-	C	-
Animals							
a)	Hospitals and veterinary clinics	-	C	P	C	P	13
b)	Kennels	-	-	C	-	P	16
Auction Marts							
a)	Excluding livestock	-	-	P	-	P	8
b)	Including Livestock	-	-	-	-	C	-
Assembly							
a)	Community halls, libraries, museums, churches, and similar uses	-	P	P	P	-	8/10
b)	Business colleges, trade or vocational training centres	-	P	C	C	-	8/10
Business and Government Offices and Banks							
a)	Municipal and post office, police and fire stations and similar	-	P	C	C	C	8
b)	Business and professional offices, medical and dental offices, banks and similar	-	P	C	C	-	8
Group and Community Day Care & Group Homes							
		-	C	-	C	-	7

COMMERCIAL ZONES		ZONE					MINIMUM PARKING REQUIREMENTS (a) Parking Group No. (see Table 3.6-1)
		CN	CC	CH	CL	CA	
USE							
Accessory Uses as per Section 3.2							
Other Retail Business/Services							
a)	Those retail not listed elsewhere on this table (excluding b-h below)	-	P	C	C	C	8
b)	Exterminators and machine shops	-	C	C	-	C	8
c)	Newspaper publishing, funeral homes, radio and TV stations, studios and towers	-	P	P	-	C	8/10
d)	Mobile homes, and travel trailer, sales, rental and service	-	-	P	-	C	6
e)	Convenience store under 1200 sf in area	P	P	P	P	C	7
f)	Laundries, dry cleaning	C	P	C	-	-	11
g)	Ceramic shops with associated production	-	C	-	C	C	8
h)	Funeral homes	-	C	-	C	-	8
Eating and Drinking Places							
a)	All except drive-in establishments	-	P	P	P	-	10
b)	Drive-in establishments	-	C	P	C	-	20
Recreation							
a)	Bowling alleys, recreational clubs and cinemas	-	P	C	P	C	10/15
b)	Amusement centres, including billiards and video games	-	C	C	C	-	8
c)	Miniature golf, driving ranges & pitch & putt	-	-	C	-	-	20
Transportation							
a)	Bicycle, motorcycle, cart etc. sales, rental and service	-	P	C	C	C	6/9
b)	Bus terminals, taxi & courier services	-	P	P	C	C	7/16
c)	Automotive businesses including compounds, tire and parts, sales and service, sales areas and showrooms, service stations, travel trailer sales and service	-	P	P	C	C	6/9/14
d)	Car washes	-	P	P	C	C	6/9/14
e)	Automotive body shops	-	C	C	-	C	14
f)	Truck and rail terminals and public works yards	-	-	C	-	C	16
Building Materials and Contractors							
a)	Building supply stores, contractors establishments, lumber yard	-	P	P	C	P	8
b)	Asphalt and concrete batching plants	-	-	-	-	C	n/a
Industrial							
a)	Light industrial including warehousing, storage, and assembly when totally enclosed with limited outdoor display	-	C	C	-	P	8
b)	Heavy manufacturing including machine shops,	-	-	-	-	C	-

COMMERCIAL ZONES		ZONE					MINIMUM PARKING REQUIREMENTS (a) Parking Group No. (see Table 3.6-1)
		CN	CC	CH	CL	CA	
USE							
Accessory Uses as per Section 3.2							
	maintenance yards, and welding operations						
Wholesale							
	Wholesale business including sales and storage	-	P	P	C	C	9
Warehousing							
a)	Storage and distribution facilities for non-explosive, non-toxic and non-flammable goods excluding junk yards and automobile wrecking	-	C	C	-	C	8
b)	Bulk fuel storage and sales	-	-	-	-	C	-
Dwellings							
a)	Single-family (only as an accessory use to a commercial business) (b)	-	-	-	-	C	
b)	Multi-family dwellings with or without associated commercial uses	-	C	C	C	C	2/3 Seniors home
Open Space							
	Including athletic fields, parks, playgrounds, public reserves, and similar	P	P	P	P	-	20
Public Works and utilities							
	(see Section 3.8)	P	P	P	P	P	-
Off-street Parking Areas							
		P	P	P	P	P	-
Planned Unit Development & bare land condominiums							
	(See Section 3.9)	-	C	C	C	-	20
Temporary Buildings and Uses/Structures							
	(see Section 3.10)	P	P	P	P	P	-

EXCEPTIONS TO REQUIREMENTS

- a) Parking Tables only apply within the Town of Carman. Parking minimums are at the discretion of the Planning District Board in the RM of Dufferin.
- b) Both dwelling and business unit are stand-alone buildings on the same development site.

2. The following Bulk Use Requirements apply to the Commercial Zones as referenced in Table 4.4-2.

TABLE 4.4-2: COMMERCIAL BULK USE REQUIREMENTS

Commercial			Minimum Requirements							Maximum Requirements	
			Site Area (feet ² /acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)		Rear Yard (feet)	Dwelling Unit Area (feet ²)	Site Coverage (%)	Building Height (feet / stories)
						Interior	Corner				
Zone	Category	Use									
CN		Primary	5,000	50	25	5	15	25	-	50	30
		Accessory	-	-	25	2	5	5	-	10	15
CC		Primary	15,000	150	0	0	0	20	-	-	30
		Accessory (a)			0	0	0	5	-	10	15
CH		Primary	30,000	150	20	5	15	15	-	60	30
		Accessory (a)	-	-	20 (b)	5	15	15	-	10	15
CL		Primary	10,000	100	15 (e)	5	15	25	-	50	30
		Accessory (a)	-	-	15 (e)	5	10	10	-	10	15
CA	Serviced	Primary	1 acre	150	125 (d)	25	25 (c)	50	-	-	-
		Accessory	-	-	125 (d)	25	25 (c)	25	-	-	-
	Unserviced	Primary	2 acre	200	125 (d)	25	25 (c)	25	-	-	-
		Accessory	-	-	125 (d)	25	25 (c)	25	-	-	-

EXCEPTIONS TO BULK REQUIREMENTS

- a) Except that service station fuel pumps shall be located a minimum of fifteen (15) feet from any site line.
- b) Except that service station fuel pumps may be located thirty (30) feet from the front site line.
- c) When adjacent to a municipal road allowance, the side yard shall be increased to 125 feet.
- d) When located on internal road system the front yard may be reduced to 50 feet.
- e) When a new structure is established adjacent to existing structures within the CL Zone, the new structure must be developed with a required front yard consistent with the average of the existing adjacent front yards. Measurements shall be based on the neighbouring three properties on each side of the subject site. For a corner lot, the average setback for the three nearest properties on the same block will be used for calculating the required front yard.

ADDITIONAL REQUIREMENTS

1. Accessory Uses shall be developed in accordance with Section 3.2 of this by-law.
2. Notwithstanding Table 4.4-2 above, Multi-Family Dwellings with or without Commercial Uses shall be subject to the following requirements in the “CC” Zone:

Commercial			Minimum Requirements							Maximum Requirements	
			Site Area (feet²/acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)		Rear Yard (feet)	Dwelling Unit Area (feet²)	Site Coverage (%)	Building Height (feet / stories)
						Interior	Corner				
Zone	Category	Use									
CC	Multi-Family Dwelling with or without Commercial Uses	Primary	10,000 (a)	150	20	15	20	25	400	50	4 stories
		Accessory	-	-	0	0	0	5	-	10	15

a) Plus one thousand (1,000) square feet for each dwelling unit in excess of 4.

3. Planned Unit Development and Bare Land Condominiums shall be developed in accordance with Section 3.9 of this by-law.
4. Yard requirements for Commercial Uses adjacent to Residential Zones shall be in accordance with Section 3.4 of this by-law.
5. Buildings, structures, shelterbelts and hedges adjacent to Provincial Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with *The Highways Protection Act* and *The Highways and Transportation Act*. Required Provincial permit(s) shall establish required yards and may affect all yard requirements.
6. Water supply and sewage disposal shall be provided in accordance with *The Environment Act*, *The Public Health Act*, and *The Drinking Water Safety Act*.

4.5 INDUSTRIAL ZONES

4.5.1 INDUSTRIAL TABLES

- The following use requirements apply to the Industrial Zones as referenced in Table 4.5-1.

TABLE 4.5-1: INDUSTRIAL USE TABLE

INDUSTRIAL ZONES		ZONE			MINIMUM PARKING REQUIREMENTS (a) Paring Group No. (see Table 3.6-1)
		ML	MH	ICA	
USE					
Accessory Uses as per Section 3.2					
Agriculture					
a)	Feed, seed, grain and vegetable:				
	Sales, storage and distribution	C	P	P	8/20
	Manufacturing and processing	-	P	P	8/20
b)	Bulk fuel and chemical:				
	Anhydrous Ammonia (see Section 3.7.7)	-	-	C	8/20
	Sales, storage and distribution excluding Anhydrous Ammonia	C	P	P	8/20
	Manufacturing	-	C	C	8/20
c)	Garden supply sales, nurseries and greenhouses	P	P	-	8/20
d)	Livestock processing and production:				
	Abattoirs, rendering plants, dead stock removal, and stock yards	-	C	C	8/20
	Dairy products and meat packaging and processing, including poultry and slaughtering	C	P	P	8/20
	Poultry hatcheries	P	P	P	8/20
Animals					
	Kennels, hospitals, vet clinics, pounds and shelters	P	P	-	8
Auction Marts					
		C	P	P	8
Building Materials and Contractors					
a)	Building supply and material sales and storage, prefabricated building assembly and manufacturing	P	P	P	8/20
b)	Contractor's establishments	C	P	P	8/20
c)	Concrete plants, cement batching and product manufacturing	C	P	P	8/20
d)	Asphalt and asphalt product, brick and tile manufacturing	-	C	C	8/20
Other manufacturing and assembly					
a)	Other light industry, not listed elsewhere in this Table, including warehousing and storage facilities	P	P	P	9

INDUSTRIAL ZONES		ZONE			MINIMUM PARKING REQUIREMENTS (a) Paring Group No. (see Table 3.6-1)
		ML	MH	ICA	
USE					
Accessory Uses as per Section 3.2					
	for non-flammable, non-toxic or non-explosive goods				
b)	Other heavy industry, not listed elsewhere in this Table, including scrap metal & Junk yards	-	C	C	9
Government and Offices					
	Including laboratories, medical and dental research or testing facilities and government	C	C	C	8/13
Transportation					
a)	Automotive & travel trailer assembly, parts and manufacturing, including farm implements and mobile homes	C	P	P	8/14
b)	Sales, service and rental, including automotive body shops	P	P	P	8/14
c)	Automobile service stations	P	P	C	8/14
d)	Truck terminals and freight stations	P	P	P	8/14
e)	Public works yards	P	P	P	8/14
f)	Automobile wrecking	-	C	C	16
Public works and Utilities					
	(see Section 3.8)	P	P	P	20
Planned unit development and bare land condominiums					
	(see Section 3.9)	C	C	C	20
Temporary Buildings and Uses/Structures					
	(see Section 3.10)	P	P	P	-

EXCEPTION TO REQUIREMENTS

- a) Parking Tables only apply within the Town of Carman. Parking minimums are at the discretion of the Planning District Board in the RM of Dufferin.

2. The following Bulk Use Requirements apply to the Industrial Zones as referenced in Table 4.5-2.

TABLE 4.5-2: INDUSTRIAL BULK USE REQUIREMENTS

Industrial			Minimum Requirements					Maximum Requirements		
			Site Area (feet ² / acres)	Site Width (feet)	Front Yard (feet)	Yard		Rear Yard (feet)	Site Coverage (%)	Building Height (feet / stories)
						Side Yard (feet) (a)				
Zone	Category	Use				Interior	Corner			
ML		Primary	15,000	100	25	10	15	25	70	45
		Accessory	-	-	25	10	15	10	10	30
MH		Primary	20,000	150	25	10	15	25	80	45
		Accessory	-	-	25	10	15	10	10	30
ICA		Primary	2	200	50	25	25	25	-	-
		Accessory	-	-	50	25	25	25	-	-

EXCEPTION TO BULK REQUIREMENTS

- a) Except that service station pumps shall be located a minimum of fifteen (15) feet from any site line.

ADDITIONAL REQUIREMENTS

- Accessory Uses shall be developed in accordance with Section 3.2 of this by-law.
- Planned Unit Development and Bare Land Condominiums shall be developed in accordance with Section 3.9 of this by-law.
- Yard requirements for Industrial Uses adjacent to Residential Zones shall be in accordance with Section 3.4 of this by-law.
- Buildings, structures, shelterbelts and hedges adjacent to Provincial Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with *The Highways Protection Act* and *The Highways and Transportation Act*. Required Provincial permit(s) shall establish required yards and may affect all yard requirements.
- Water supply and sewage disposal shall be provided in accordance with *The Environment Act*, *The Public Health Act*, and *The Drinking Water Safety Act*.

4.6 PARKS, RECREATION & INSTITUTIONAL ZONES

4.6.1 PARKS, RECREATION & INSTITUTIONAL TABLES

- The following use requirements apply to the Parks, Recreation & Institutional Zones as referenced in Table 4.6-1.

TABLE 4.6-1: PARKS, RECREATION & INSTITUTIONAL USE TABLE

PARKS, RECREATION & INSTITUTIONAL ZONES		ZONE			MINIMUM PARKING REQUIREMENTS (a) Parking Group No. (see Table 3.6-1)
		I	O	PR	
USE					
Accessory Uses as per Section 3.2					
Assembly					
a)	Art centres, galleries, concert halls, libraries and museums	P	-	C	8/10/20
b)	Auditoriums, grandstands, sports complexes, race tracks, stadiums and community hall	-	-	C	8/10/20
c)	Agricultural exhibition grounds, and buildings	-	-	C	8/10/20
Government and Offices					
a)	Court houses, administration buildings, and offices, including Municipal, Police and similar	P	-	-	8/16
b)	Sewage treatment plants, lagoons and public works yards	-	C	C	8/16
Hospitals					
	Including clinics, dormitories, and residences for staff	P	-	-	4
Radio and Television Towers					
		-	C	-	20
Recreation					
a)	Sports fields	P	-	P	20
b)	Athletic camps and recreational clubs; public swimming and wading pools; golf courses. Driving ranges & miniature golf; curling, indoor skating and hockey rinks; and amphitheatres	-	-	P	20
c)	Tennis and similar courts, outdoor/indoor	P	-	P	20
d)	Horticultural and zoological gardens, artificial lakes	-	-	P	20
e)	Gun ranges, riding academies and stables	-	-	C	20
f)	Camping and tenting grounds, concession stands and amusement parks, public boat docks, launches and marinas	-	-	P	20
g)	Recreational resorts (incl. motels, cabins and associated activities)	-	-	C	20

PARKS, RECREATION & INSTITUTIONAL ZONES		ZONE			MINIMUM PARKING REQUIREMENTS (a) Parking Group No. (see Table 3.6-1)
		I	O	PR	
USE					
Accessory Uses as per Section 3.2					
Religious					
a)	Institutions, churches and associated boarding schools	P	-	-	10/20
b)	Cemeteries, crematoria	P	-	-	10/20
Schools					
a)	Colleges, professional schools including associated staff and student dormitories	P	-	-	19
b)	Elementary, junior high and high schools	P	-	-	Elementary- 17 Jr. High/High- 18
c)	Group day care, nursery schools	P	-	-	7
Dwellings					
a)	Residential care facilities, senior citizen homes and similar	P	-	-	5
b)	Group homes	P	-	-	5
Open Space					
	Buffer strips, public reserves, walkways and similar	P	P	P	20
Public Areas					
	Including athletic fields, picnic areas, tot lots, playgrounds	P	-	P	20

EXCEPTION TO REQUIREMENTS

- a) Parking Tables only apply within the Town of Carman. Parking minimums are at the discretion of the Planning District Board in the RM of Dufferin.

- The following Bulk Use Requirements apply to the Parks, Recreation & Institutional Zones as referenced in Table 4.6-2.

TABLE 4.6-2: PARKS, RECREATION & INSTITUTIONAL BULK USE REQUIREMENTS

Parks, Recreation and Institutional			Minimum Requirements						Maximum Requirements	
			Site Area (feet ² /acres)	Site Width (feet)	Front Yard (feet)	Yard		Rear Yard (feet)	Site Coverage (%)	Building Height (feet / stories)
						Interior	Corner			
Zone	Category	Use								
O		Primary	40,000	200	25	15	15	25	50	35
		Accessory	-	-	25	5	15	25	50	35
I		Primary	20,000	200	25	15	15	25	60	45
		Accessory	-	-	25	2	12	2	10	15
PR	Serviced	Primary	40,000	100	25 (a)	25	25 (a)	25	50	35
		Accessory	-	-	25 (a)	25	25 (a)	50	50	35
	Unserviced	Primary	2 acre	200	125	25	25 (a)	50	-	35
		Accessory	-	-	125	25	25 (a)	50	-	35

EXCEPTION TO BULK REQUIREMENTS

- When adjacent to a municipal road allowance, the side yard shall be increased to 125 feet.

ADDITIONAL REQUIREMENTS

- Accessory Uses shall be developed in accordance with Section 3.2 of this by-law.
- Buildings, structures, shelterbelts and hedges adjacent to Provincial Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with *The Highways Protection Act* and *The Highways and Transportation Act*. Required Provincial permit(s) shall establish required yards and may affect all yard requirements.
- Water supply and sewage disposal shall be provided in accordance with *The Environment Act*, *The Public Health Act*, and *The Drinking Water Safety Act*.

4.7 GENERAL DEVELOPMENT ZONE

4.7.1 GENERAL DEVELOPMENT TABLES

- The following use requirements apply to the General Development Zone as referenced in Table 4.7-1.

TABLE 4.7-1: GENERAL DEVELOPMENT USE TABLE

GENERAL DEVELOPMENT ZONE		
	USE	GD (b)
	Accessory Uses as per Section 3.2	
1	Agriculture	
	Agriculture produce storage and processing	C
2	Assembly	
	Cemeteries	C
	Churches, halls, cultural facilities, public buildings	C
	Commercial Services	
	Retail Stores	C
3	Dwellings	
	Single-family and two-family dwellings, mobile homes (serviced and unserviced) (a)	P
	Multifamily dwellings	C
	Child care services	
		P
	Industrial	
	Light manufacturing (including welding shops)	C
	Institutional	
	Public and institutional buildings including hospitals, schools, personal care homes and senior housing	C
	Public Works and Utilities	
		C
	Recreation	
	Parks, playgrounds & recreation areas	P
	Recreation facilities/buildings (rinks, pools)	C
	Transportation	
	Automobile and farm machinery repair shop	C
	Truck terminals and freight services	C

EXCEPTIONS TO REQUIREMENTS

- a) Mobile homes must be located in a mobile home park or designated lot.
 - b) Parking Tables only apply within the Town of Carman. Parking minimums are at the discretion of the Planning District Board in the RM of Dufferin.
2. The following Bulk Use Requirements apply to the General Development Zone as referenced in Table 4.7-2.

TABLE 4.7-2: GENERAL DEVELOPMENT BULK USE REQUIREMENTS

General Development			Minimum Requirements							Maximum Requirements	
			Site Area (feet ² /acres) (b)	Site Width (feet)	Front Yard (feet)	Yard		Rear Yard (feet)	Dwelling Unit Area (feet ²)	Site Coverage (%)	Building Height (feet)
						Side Yard (feet) (a)					
Zone	Category	Use				Interior	Corner				
GD	Serviced	Primary	7200	60	25	5	12	25	800	-	30
		Accessory			25	2	12	10	-	-	20
	Unserviced	Primary	2 acres	200	25	25	25	25	800	-	30
		Accessory			25	25	25	25	-	-	20

EXCEPTIONS TO BULK REQUIREMENTS

- a) When located in the central business area of the community, the minimum required side yard can be reduced to 0 feet to allow for common walls and strip mall type development and the required front yard could be reduced to 0 to provide direct access to buildings from public sidewalks.
- b) Site area may be reduced subject to environmental review and approval for onsite wastewater management system.

ADDITIONAL REQUIREMENTS

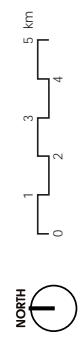
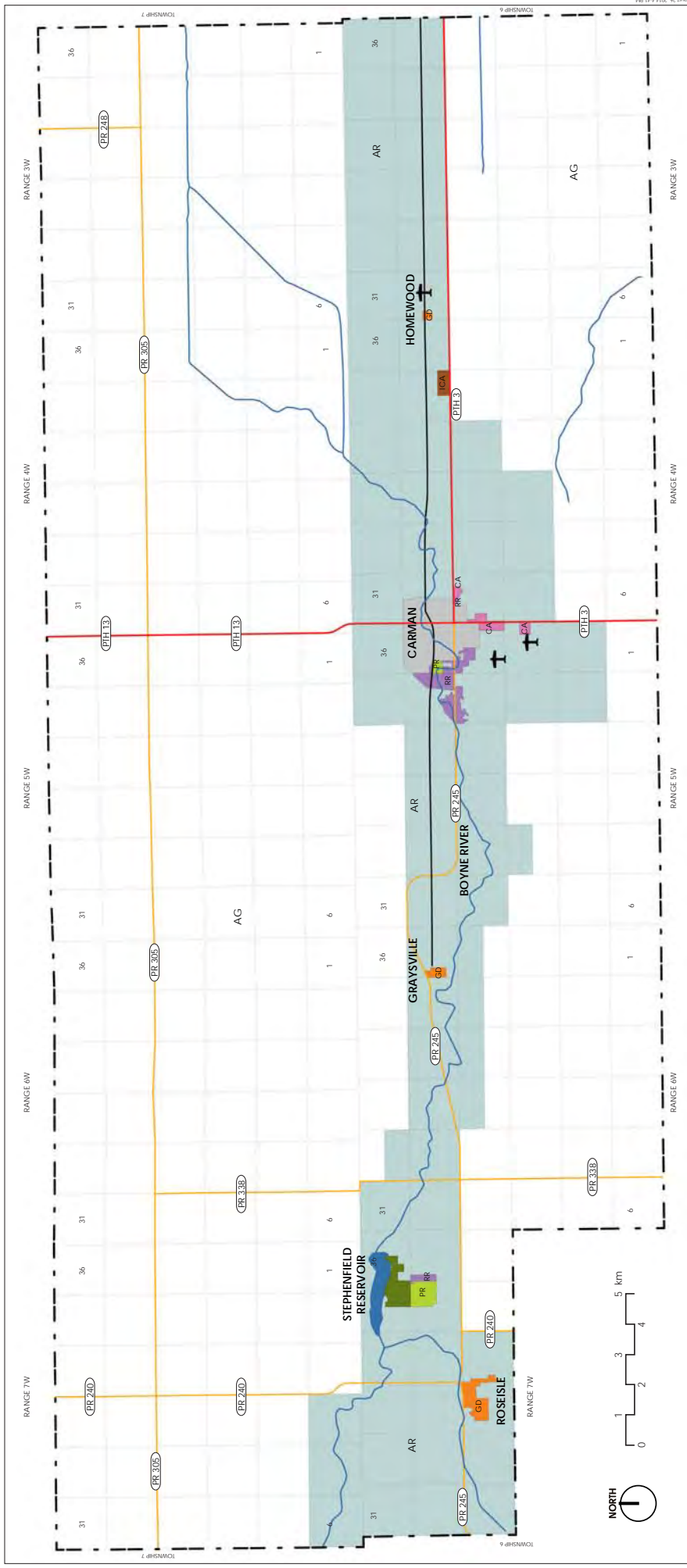
1. Accessory Uses shall be developed in accordance with Section 3.2 of this by-law.
2. Mobile Homes shall be developed in accordance with Section 3.11 of this by-law. (Mobile homes must be located in a mobile home park, subdivision or specifically designated lots, if available)
3. Buildings, structures, shelterbelts and hedges adjacent to Provincial Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with *The Highways Protection Act* and *The Highways and Transportation Act*. Required Provincial permit(s) shall establish required yards and may affect all yard requirements.

4. Water supply and sewage disposal shall be provided in accordance with *The Environment Act*, *The Public Health Act*, and *The Drinking Water Safety Act*.

5 SCHEDULE A – ZONING MAPS

MAP 1. RURAL MUNICIPALITY OF DUFFERIN

CARMAN-DUFFERIN PLANNING DISTRICT
ZONING BY-LAW



- LEGEND**
- PROVINCIAL TRUNK HIGHWAY
 - PROVINCIAL ROAD
 - RAIL LINE
 - AIRFIELD
 - STEPHENFIELD PROVINCIAL PARK
 - AGRICULTURAL GENERAL (AG) ZONE
 - AGRICULTURAL RESTRICTED (AR) ZONE
 - INDUSTRIAL COMMERCIAL AGRICULTURE (ICA) ZONE
 - PARKS AND RECREATION (PR) ZONE
 - GENERAL DEVELOPMENT (GD) ZONE
 - RURAL RESIDENTIAL (RR) ZONE
 - COMMERCIAL AGRICULTURE (CA) ZONE

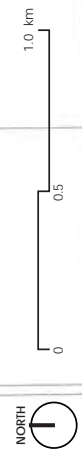
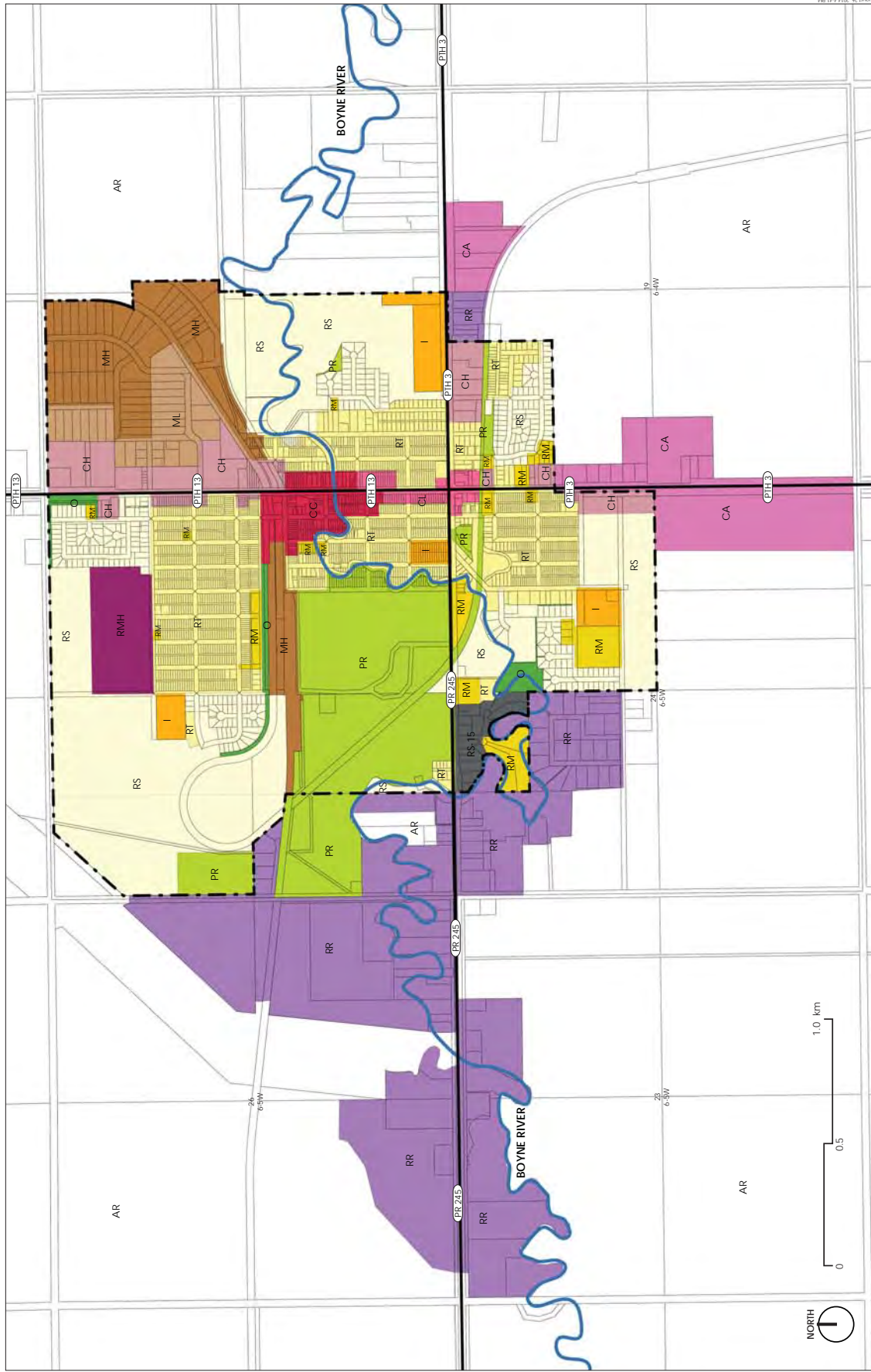
FOR ENLARGEMENTS OF THE FOLLOWING AREAS SEE:

- CARMAN MAP 2
- ROSEISLE MAP 3
- GRAYSVILLE MAP 4
- HOMEWOOD MAP 5
- STEPHENFIELD RESERVOIR MAP 6



MAP 2. TOWN OF CARMAN AND NEIGHBOURING AREAS

CARMAN-DUFFERIN PLANNING DISTRICT
ZONING BY-LAW

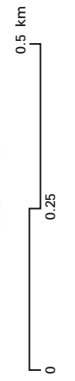
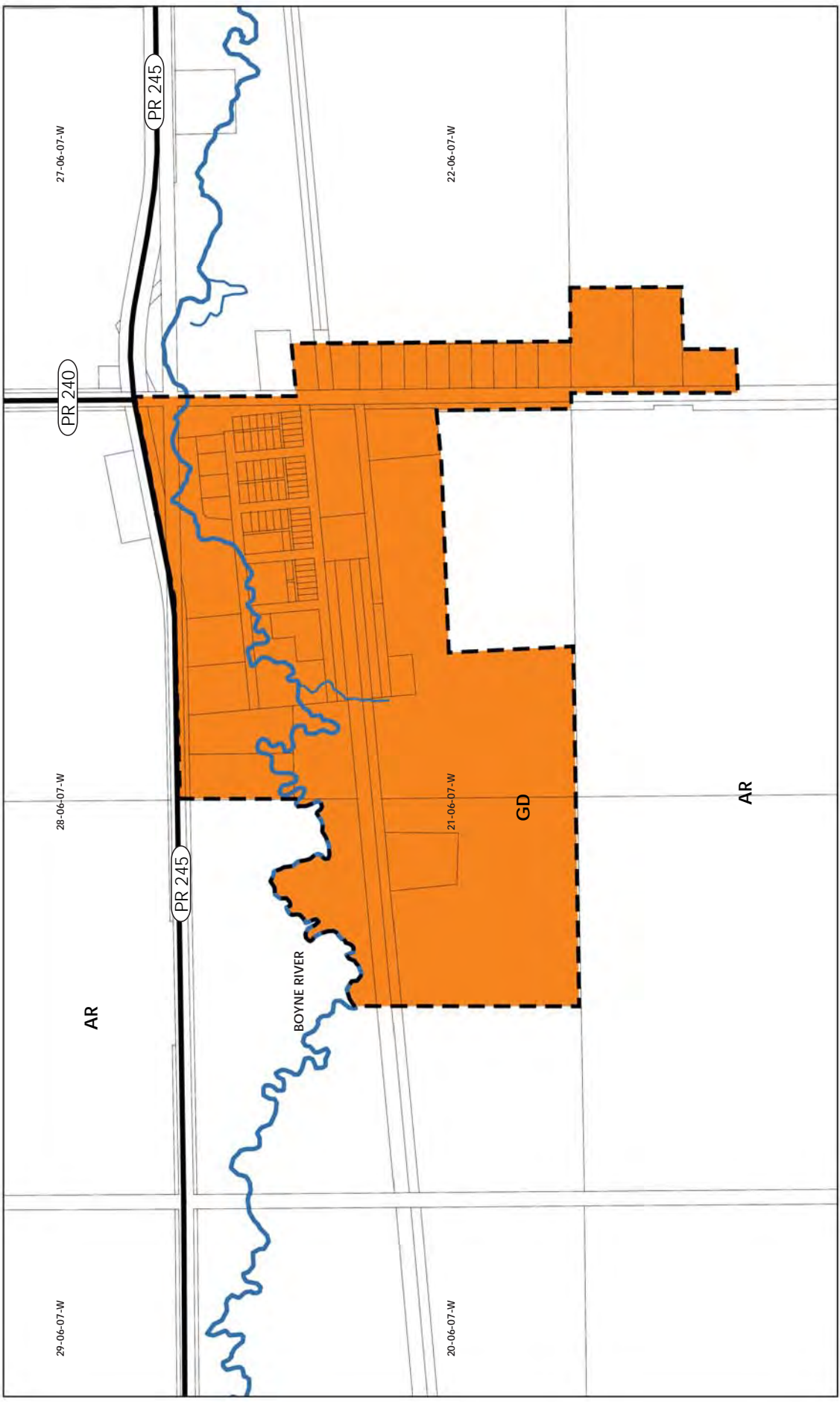


- LEGEND**
- INDUSTRIAL HEAVY (MH) ZONE
 - INDUSTRIAL LIGHT (ML) ZONE
 - INSTITUTIONAL (I) ZONE
 - RESIDENTIAL MULTIPLE FAMILY (RM) ZONE
 - RESIDENTIAL TWO FAMILY (RT) ZONE
 - RESIDENTIAL SINGLE FAMILY (RS) ZONE
 - RESIDENTIAL MOBILE HOME (RMH) ZONE
 - RESIDENTIAL SUBURBAN (RS-15) ZONE
 - RURAL RESIDENTIAL (RR) ZONE
 - COMMERCIAL CENTRAL (CC) ZONE
 - COMMERCIAL LINEAR (CL) ZONE
 - COMMERCIAL HIGHWAY (CH) ZONE
 - COMMERCIAL AGRICULTURAL (CA) ZONE
 - OPEN SPACE BUFFER (O) ZONE
 - PARKS AND RECREATION (PR) ZONE
 - AGRICULTURAL RESTRICTED (AR) ZONE
- TOWN OF CARMAN LIMITS



MAP 3. ROSEISLE

CARMAN-DUFFERIN PLANNING DISTRICT
ZONING BY-LAW



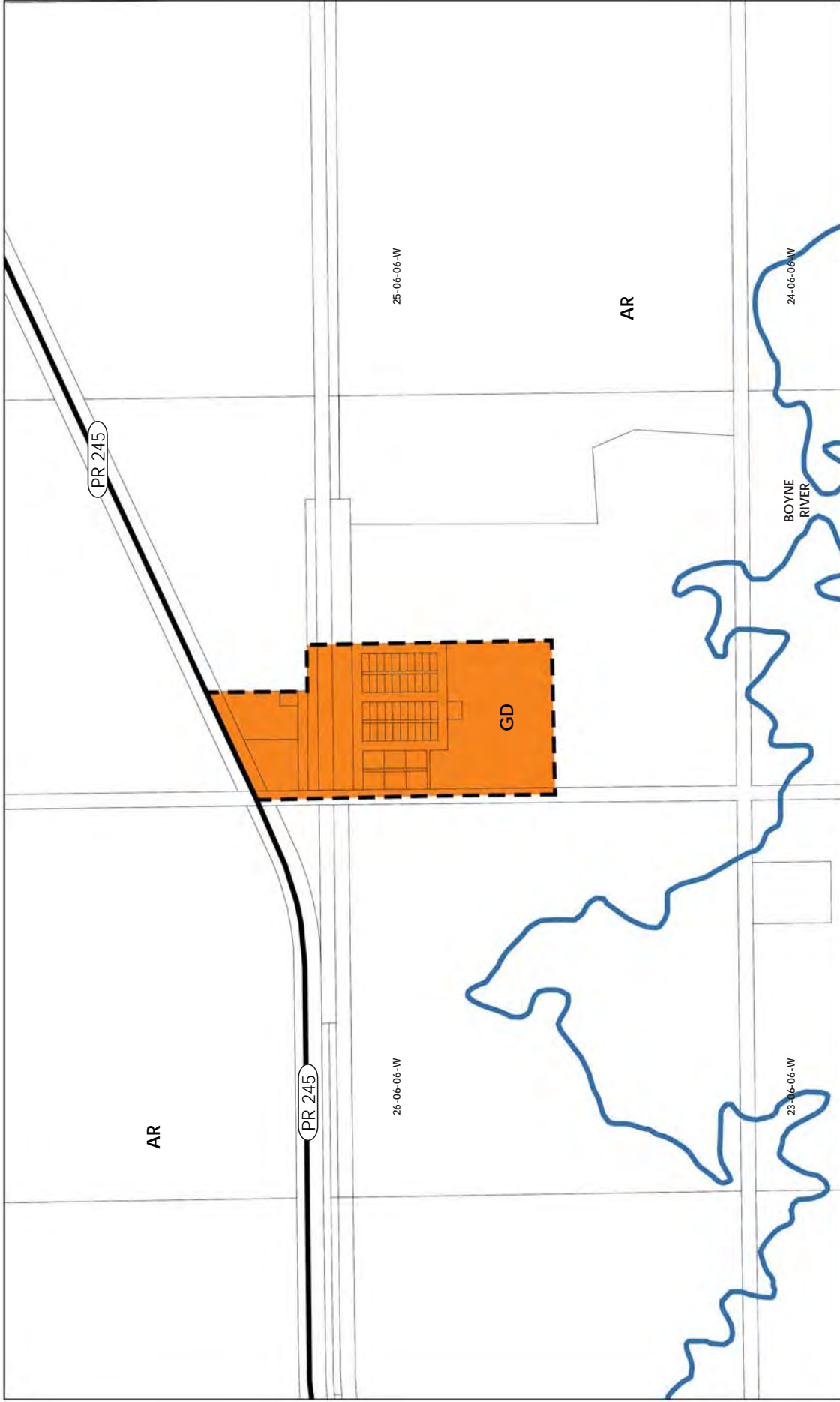
LEGEND

- 'GD' GENERAL DEVELOPMENT ZONE
- 'AR' AGRICULTURAL RESTRICTED ZONE

— ROADS

MAP 4. GRAYSVILLE

CARMAN-DUFFERIN PLANNING DISTRICT
ZONING BY-LAW



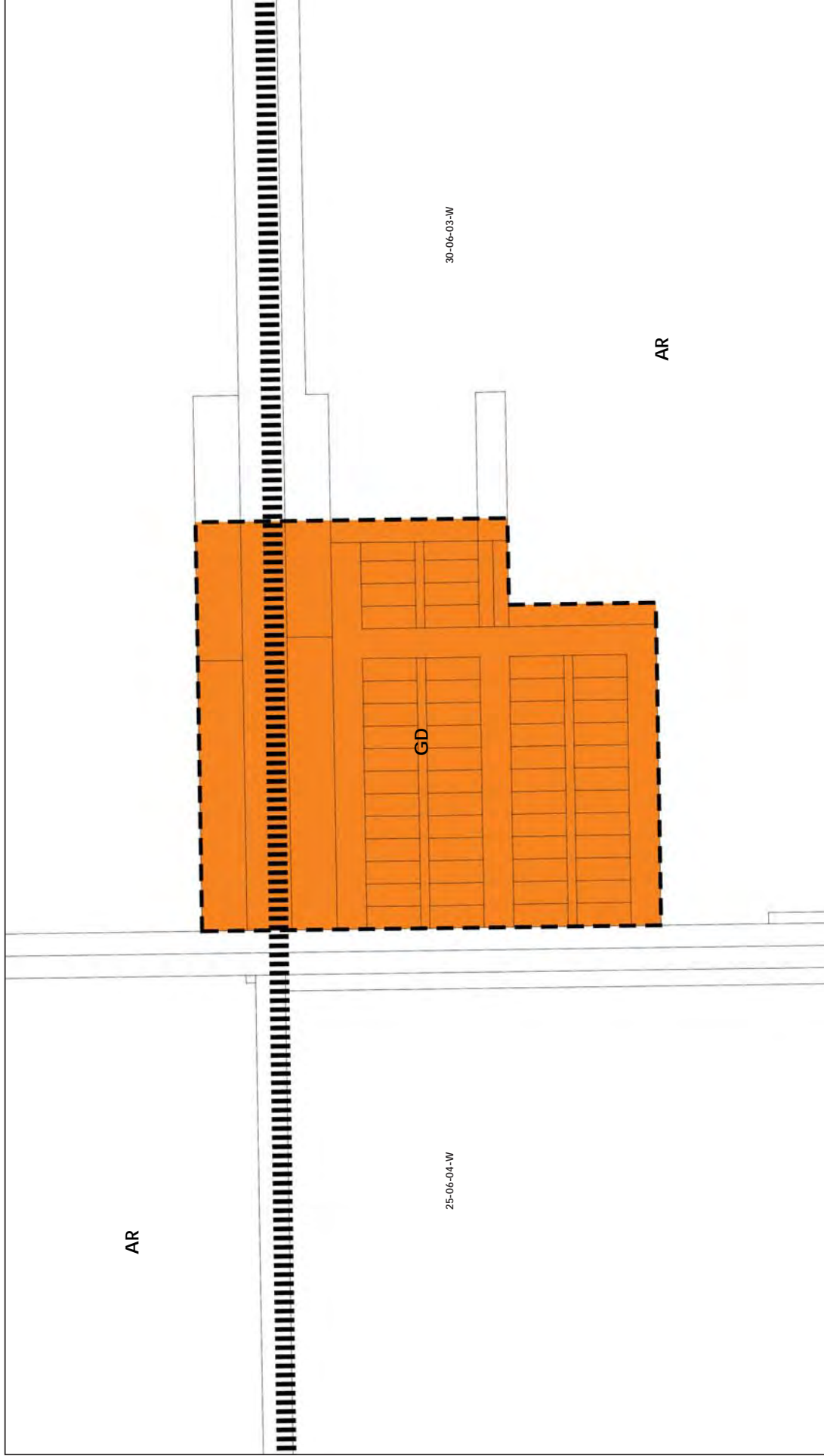
LEGEND

- 'GD' GENERAL DEVELOPMENT ZONE
- 'AR' AGRICULTURAL RESTRICTED ZONE
- ROADS



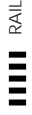
MAP 5. HOMEWOOD

CARMAN-DUFFERIN PLANNING DISTRICT
ZONING BY-LAW



LEGEND

-  'GD' GENERAL DEVELOPMENT ZONE
-  'AR' AGRICULTURAL RESTRICTED ZONE

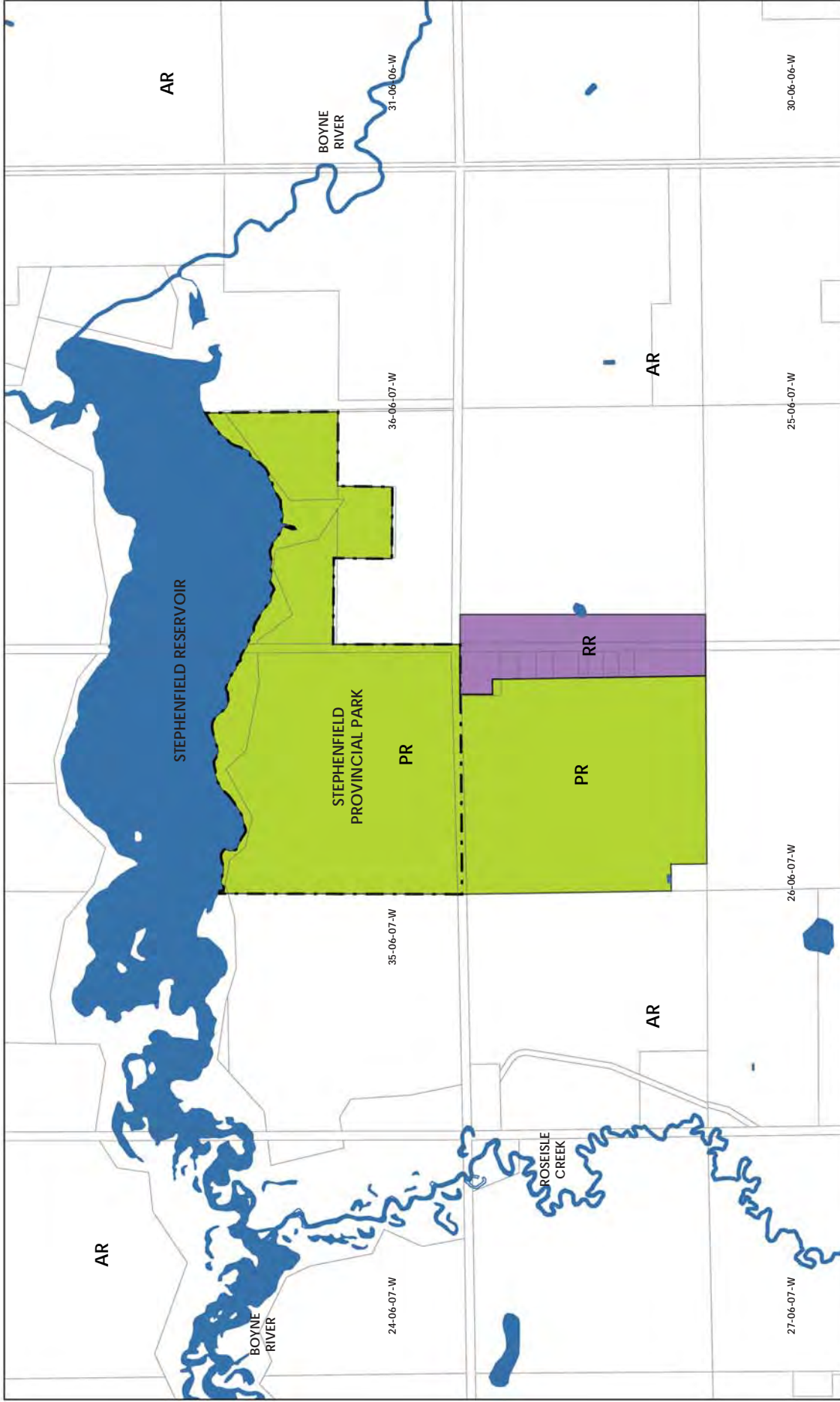


RAIL



MAP 6. STEPHENFIELD RESERVOIR

CARMAN-DUFFERIN PLANNING DISTRICT
ZONING BY-LAW



0 0.25 0.5 km

LEGEND
PR PARKS AND RECREATION ZONE
RR RURAL RESIDENTIAL ZONE

AR AGRICULTURAL RESTRICTED ZONE

AR AGRICULTURAL RESTRICTED ZONE



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