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Town of Beausejour Zoning By-law

By-law No.: 1753/18

The Town of Beausejour
BY-LAW No. 1753/18

BEING a By-law of the Town of Beausejour to regulate the use and development of land;

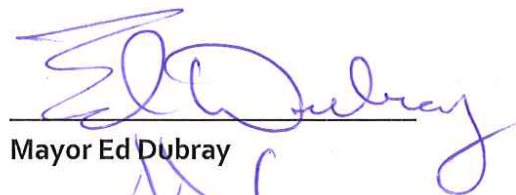
WHEREAS, Section 68 of *The Planning Act* requires a municipality to adopt a zoning by-law that is generally consistent with the development plan by-law in effect in the municipality;

AND WHEREAS, *The Planning Act* provides that the Council of a Municipality shall enact a Zoning By-law upon the adoption of a development plan;

NOW THEREFORE, the Council of the Town of Beausejour, in meeting duly assembled, enacts as follows:

1. The Town of Beausejour Zoning By-law No. , attached hereto is hereby adopted.
2. By-law No. 1070, as amended, is repealed.
3. This by-law shall take force and effect on the date of third reading.

DONE and PASSED in Council assembled at the Town of Beausejour, Manitoba, this 14th day of August A.D. 2018.



Mayor Ed Dubray



CAO Don Dowle

Received 1st reading this 12th day of June A.D. 2018.

Received 2nd reading this 14th day of August A.D. 2018.

Received 3rd reading this 14th day of August A.D. 2018.

Town of Beausejour

Amending the Town of Beausejour Zoning By-law (Adopting By-Law 1753/18)

ADOPTING BY-LAW	CHANGES & AMENDMENTS	CONTENT AFFECTED		REMARKS
		TEXT	MAP	
1758-18	<ul style="list-style-type: none"> Amendments to Part 2, Section 4.1 and Section 10.2, 	X		
1775-20	<ul style="list-style-type: none"> Rezoned Lots 3, Block 2 Plan 727 in SW ¼ 1-13-7 EPM from “R2” Two Family Residential Zone to “CC” Central Commercial Zone 		X	
1780-21	<ul style="list-style-type: none"> Rezoned Pt. Lot 6, Plan 48879 in SE ¼ 36-12-7 EPM from “R2” Two Family Residential Zone to “R3” Multi-Family Residential Zone 		X	
	<ul style="list-style-type: none"> 			

March 24, 2022

HOW TO USE THIS ZONING BY-LAW

This Zoning By-law regulates the use, size, height and location of buildings on properties within the Town of Beausejour. There is a simple four-step process to determine the uses and structures that are permitted on a specific piece of property.

Step One

What zone is your property located in?

- Use the **Zoning Maps** in Appendix A to determine the zoning for your property.
- Reference Parts 6 through 9 for a description of the intent of that particular zone.
- Look in the Development Plan and any Secondary Plan that applies to your property to confirm your proposal fits with the applicable policies in those documents.

Step Two

What uses are permitted in your zone?

- Find the **Bulk Table** for your zone (Parts 6-9).
- Uses marked with the letter [P] are permitted uses and may be developed once you have received a development permit.
- Uses marked with the letter [C] are conditional uses that may or may not be acceptable in a zone depending on the particular circumstances of a proposed development. Conditional uses require a public hearing process and may have extra conditions imposed on the use to make it acceptable for the location.
- Uses marked with a [*] have use-specific requirements that are provided in Part 4: Use-Specific Standards.

Step Three

How and where can you develop properties in your zone?

- Find the **Bulk Table** for your zone (Parts 6-9).
- The Bulk Table provides information on allowable height of buildings and structures, required yards, and other spatial requirements for a property.
- To understand the specific details of these requirements, you may need to reference the General Rules and Regulations [Part 3] and the Definitions [Part 2].

Step Four

What kind of permits do you need?

- In most cases, you will need a development permit before you start any change in land use or any development (including construction of a building) on a property.
- Check the Administration section [Part 1] to see if your planned development is exempt from needing a development permit. If so, you may proceed with development, as long as it meets the other requirements in this zoning by-law and other applicable by-laws.
- If you need a development permit, fill out a development permit application.
- You are responsible for finding out any other provincial or federal regulations applying to your development, as well as any other required local permits, including building permits [and plumbing permits, electrical permits, demolition permits, etc.].

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Part 1: Administration

1.1 Title

This by-law shall be known as “The Town of Beausejour Zoning By-law” (by-law).

1.2 Scope

This by-law applies to all lands in the Town of Beausejour as indicated on the Zoning Map.

1.3 Application

This by-law regulates:

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

1.4 Use and Development of Land and Buildings Must Comply

Within the Town of Beausejour, no land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged or placed, except in accordance with this by-law.

1.5 Restrictions in Other By-laws or Federal and Provincial Laws

Whenever a provision of another by-law or a law or regulation of the provincial or federal government contains a restriction governing the same subject matter contained in this by-law, or imposes inconsistent regulations with respect to uses, buildings, or structures, the most restrictive or highest standard shall prevail.

The Town of Beausejour may require proof of compliance with federal or provincial regulations prior to issuance of the applicable permit or certificate.

1.6 Does Not Promote Nuisance

Nothing in this by-law or in a development permit, approval of a conditional use, variance order or other approval issued under this by-law shall be construed as authorization for the carrying out of any activity which is a nuisance due to noise, odour, emission, vibration or other cause.

1.7 Administration and Enforcement

In the administration and enforcement of this by-law, the Town of Beausejour shall have all of the powers of inspection, remedy and enforcement provided under *The Planning Act* (the Act).

1.8 Development Permits and Other Permits

The issuance of a development permit in respect of a building or structure does not affect the obligation to obtain a building permit or other permit where required under the building by-law, or another law, by-law or regulation, for such a building or structure.

No person shall use or occupy any land, building or structure, or erect, construct, enlarge, alter or place any building or structure, except in accordance with an approved development permit (where required), and with this by-law.

A development permit may also include a building permit and occupancy permit.

1.9 When Development Permits Are Required

Except as otherwise provided for in this by-law, a development permit is required for any of the following:

- a) The erection, construction, enlargement, structural alteration or placing of a building or structure (including fences and decks), either permanent or temporary;
- b) The establishment of a use of land or a building or structure;
- c) The relocation or removal or demolition of any buildings or structures;
- d) The change of a use of land or a building or structure; and
- e) The alteration or enlargement of an approved conditional use.

1.10 Conditions Attached To a Development Permit

a) The Development Officer may impose, with respect to a permitted use, such conditions as are required to ensure compliance with this By-law.

b) The Town of Beausejour Council may, with respect to a conditional use, impose such conditions as deemed appropriate, having regard to the regulations of this By-law, other municipal, provincial and federal government regulations, and matters raised at the conditional use hearing.

c) The Town of Beausejour Council or Development Officer may, as a condition of issuing a development permit, require the applicant to make satisfactory arrangements for the supply of electric power, vehicular and pedestrian access, or any of the aforementioned, including payment of the costs of installation or constructing any such utility or facility by the applicant.

d) The Town of Beausejour Council or Development Officer may, as a condition of issuing a development permit require that an applicant enter into an agreement or an interim agreement, which shall be attached to and form part of such development permit, to do all or any of the following:

- i) to construct, or pay for the construction of, or improvement to, a public roadway required to give access to the development;
- ii) to specify the location and number of vehicular and pedestrian access points to sites from public roadways, including the construction, or payment for the construction thereof or improvements thereto;
- iii) to install, or pay for the installation of, utilities that are necessary to serve the development, or pay the recovery costs of services which have already been installed;
- iv) to repair, improve or reinstate, or to pay for the repair, improvement or reinstatement, of any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise harmed by the development or building operations upon the site; and
- v) to construct, or pay for the construction of, or improvement to, land drainage works that are necessary to serve the development.

e) The Town of Beausejour Council or Development Officer may require any agreement entered into pursuant to Section 1.91 (4) of this By-law to be caveated against the title to the site at the Land Titles Office.

1.11 When Development Permits Are Not Required

A development permit is not required for the following:

- a) Regular maintenance and repair, provided it does not include structural alterations;

- b) The erection, construction, enlargement, structural alteration or placing of the following as accessory structures:
 - i. Signs not requiring a permit as listed in Table 10-1,
 - ii. Outdoor lighting,
 - iii. Flagpoles,
 - iv. Sheds and buildings for the storage of domestic equipment and supplies with a floor area of less than 108 square feet (10.0 sq.m.),
 - v. Children’s playhouses,
 - vi. Private communications facilities (aerials, dishes or antennas),
 - vii. Private driveways and patios at grade level, or
 - viii. Landscaping where the existing grade and natural surface drainage pattern is not materially altered.
- c) Despite not requiring a development permit, all items in (b) shall be subject to the requirements of this by-law, including yard requirements, and of any government department, including the highway control areas adjacent to provincial trunk highways and provincial roads.

1.12 Applications for Development Permits

An application for a development permit:

- a) Shall be made by the owner or owners of the parcel in question, or by a person authorized in writing by them.
- b) Shall be accompanied by plans drawn to scale showing the following:
 - i. the shape and dimensions of the site to be used or built on;
 - ii. the location and dimensions of existing buildings and structures and their distances from site boundaries;
 - iii. the location and dimensions of any proposed building, structure, enlargement or alteration, including separation distances from site boundaries;
 - iv. the use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;
 - v. vehicular access and utility connections; and
 - vi. any other information required by the Development Officer to determine compliance with, and to provide enforcement of, this by-law.
- c) Shall be accompanied by the fee prescribed by the Brokenhead River Planning District Board or Town of Beausejour.

1.13 Existing Development Permits

Unless otherwise provided for herein, development 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.

1.14 Development Permit Expiry

A development permit shall expire and the right of an owner under that permit shall terminate if the work authorized by the permit is not commenced within six (6) months from the date of issuance of the permit, or within any extensions of that time period granted by the Development Officer, and is not reasonably continued without interruption after the end of such period.

1.15 The Development Officer

The Brokenhead River Planning District Board shall appoint a Development Officer, who on behalf of the Town of Beausejour may:

- a) Issue development permits and exercise the powers of administration, inspection, remedy and enforcement provided in Part 12 of *The Planning Act*.
- b) Refuse to issue a development permit where
 - i. The development permit application, or any information accompanying the development permit application, is incorrect or incomplete; or
 - ii. The proposed building, structure or use does not, to the Development Officer's knowledge, comply with the Brokenhead River Planning District Development Plan, this Zoning By-law, the Building By-law or with any other law.
- c) Revoke a development permit where the development permit was issued in error in accordance with *The Planning Act*.
- d) Receive and process applications for amendments to this by-law, conditional use orders and variances.
- e) Issue zoning memoranda, certificates of non-conformity, and any other documents as may be necessary for the administration and enforcement of this by-law.
- f) Make a minor variance order, without the need for a public hearing, for any proposed change that varies:
 - i. Any height, distance, size or intensity of use requirement in the zoning by-law by the amount permitted by *The Planning Act*; or
 - ii. The number of parking spaces required by the zoning by-law by no more than the amount permitted by *The Planning Act*.

1.16 Responsibilities of Council

Subject to the provisions of the *Act*, the Council is responsible for:

- a) Considering the adoption or rejection of proposed amendments or the repeal of this by-law;
- b) Acting as a Variance Board;
- c) Considering the approval or rejection of conditional use applications; and for revoking an authorized conditional use for violation of any additional conditions imposed by it; and
- d) Establishing a schedule of fees.

1.17 Application for Amendments, Variances and Conditional Uses

An application for a variance, conditional use, or an amendment to this by-law shall:

- a) Be accompanied by plans drawn to scale showing the following:
 - i. The shape and dimensions of the parcel to be used or built on;
 - ii. The location and dimensions of existing buildings and structures;
 - iii. The location and dimensions of the proposed building, structure, enlargement or alteration;
 - iv. The use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;
- b) Be accompanied by a fee prescribed by the Brokenhead River Planning District Board or Town of Beausejour; and
- c) Be processed and approved or rejected in accordance with the provisions of the *Act*.

1.18 Expiry of Approval

The approval of Council of a variance or conditional use shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of decision, unless it is renewed prior to the expiry date at the discretion of Council for an additional period of twelve (12) months.

1.19 Subdivisions

Approval of a subdivision of land is subject to the provisions contained in *The Planning Act* and to the policies contained within the Brokenhead River Planning District Development Plan and amendments thereto. Parcels or lots resulting from said subdivision must conform with the site area and site width requirements of the zone in which they are located as established herein.

Notwithstanding the fact that a parcel of land may exceed the minimum site area and site width requirements, the Council is not, in any manner, obligated to approve a subdivision of said parcel.

1.20 Development Agreement

Where an application is made for a subdivision, variance, conditional use or amendment to this by-law, Council may require the owner to enter into a development agreement in accordance with the *Act*.

1.21 Duties of the Owner

Subject to the provisions of *The Planning Act*, the Owner is responsible for:

- a) The preparation of all application forms and drawings which are required to be submitted to the Development Officer in accordance with the provisions of this by-law and *The Planning Act*;
- b) Obtaining all necessary permits and approvals which may be required by the Board, Council or any agencies or departments of the provincial or federal governments, prior to the commencement of construction, or the change of use of any land, building or structure;
- c) Ensuring that all work is completed in accordance with the approved application and development permit;
- d) Obtaining the written approval of the Development Officer before doing any work at variance with the approved development permit; and
- e) Permitting the Development Officer to enter any premises at any reasonable time for the purpose of administering or enforcing this by-law, and shall not molest, obstruct, or interfere with the Development Officer in the discharge of his/her duties under this by-law.

1.22 Existing Uses, Buildings and Structures

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

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

1.23 Previous Violations

Unless otherwise provided for herein, an existing building, structure or use that was illegal under the provisions of any planning scheme or zoning by-law in force on the effective date of this by-

law and amendments thereto shall not become or be made legal solely by reason of the adoption of this by-law; and to the extent that, and in any manner that, said illegal building, structure or use is in conflict with the requirements of this by-law, said building, structure or use shall remain illegal hereunder.

1.24 Site Reduced

A site area or site width or required yard reduced below the minimum requirements of this by-law by virtue of a public works or street shall be deemed to conform to the requirements of this by-law.

1.25 Non-Conformities

A non-conforming use and a non-conforming building, structure, parcel of land or sign shall be regulated in accordance with and subject to the provisions of the *Act*, unless otherwise provided for herein:

- 1) Any lawful building or structure which does not conform to one or more of the applicable yard requirements of the zone in which it is located, either on the effective date of this by-law or amendments thereto, shall be deemed to be a lawfully existing permitted building or structure and shall be used as if it conformed to all such requirements.
- 2) Any expansion, addition, relocation or reconstruction of a non-conforming use or a non-conforming building or structure shall conform to the site requirements and parking and loading requirements of the zoning district in which it is located unless varied by a variance order pursuant to the provisions of the *Act*.
- 3) Repairs or incidental alterations may be made to a non-conforming structure subject to approval and issuance of a development permit, where necessary.
- 4) The use of land or the use of a building is not affected by change of ownership, tenancy or occupancy of the land or building.
- 5) Any owner may apply to the Designated Officer for a Non-Conforming Certificate in accordance with the provisions of the *Act*.
- 6) Pursuant to the provisions of the *Act*, where Council determines that a building or structure is damaged or destroyed fifty percent (50%) or more of its replacement value above its foundation, the said building or structure may be replaced or rebuilt, but only in compliance with this by-law or its amendments, or where such requirements are varied by a variance order.
- 7) Pursuant to the provisions of the *Act*, a non-conforming parcel, meaning any lawful site existing at the adoption of this by-law which does not comply with the site area and/or site width herein, may be occupied by any building, structure or use provided:
 - a. That the building, structure or use is listed as a permitted or conditional use within the zone in which said use is located;
 - b. That all other requirements of the zone in which the parcel is located, such as yards, building height, and floor area, are met; and/or
 - c. Variance orders have been obtained to alter requirements within the particular zone.
- 8) Notwithstanding the provision of this subsection, a variance order shall not be required where a non-conforming use, building, structure, sign or parcel is being altered so that the non-conformity is not increased even though the resulting alteration does not fully comply with the requirements set forth herein.

- 9) A non-conforming use of a structure or of a parcel of land, or portion thereof, which is, or hereafter becomes, abandoned, vacant or unoccupied, and remains vacant and unoccupied for twelve (12) consecutive months must not be used after that time except in conformity with the Zoning By-law.
- 10) A use that is accessory to a non-conforming use may continue as long as the non-conforming use exists.

1.26 Public Works and Services

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

Nothing in this by-law shall be so interpreted as to interfere with the maintenance or erection of monuments, statuary, and similar structures.

1.27 Connecting to Municipal Services

All new principal buildings constructed on a site served by public sewer, water or hydro distribution must be connected to such services unless the specific use of such building does not require such services.

1.28 Rules of Construction

The following rules of construction apply to the text of this by-law:

- a) Words, phrases and terms are as defined within this by-law;
- b) Words, phrases and terms not defined within this by-law shall be as defined in *The Planning Act*, *The Municipal Act*, *The Buildings and Mobile Homes Act*, the Building or Plumbing By-laws of the Town of Beausejour or Brokenhead River Planning District (if any), and other appropriate provincial acts and regulations.
- c) Words, phrases and terms neither defined in this by-law nor in an applicable Building or Plumbing By-law or other appropriate provincial acts and regulations shall be given their usual and customary meaning except where Council determines the context clearly indicates a different meaning;
- d) 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 but not in combination; and
 - iii. "either-or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- e) The word "includes" or "including" shall not limit a term to the specified examples, but is intended to extend the meaning to all instances or circumstances of like kind or character; and

- f) The phrases "used for" includes "arranged for," "designed for," "maintained for" or "occupied for."

1.29 Interpretation

In their interpretation and application, the provisions of this Part and the provisions of all zones established herein shall be held to be the minimum requirements to satisfy the intent and purposes set forth in each zone.

The general provisions applying to all zones are contained within Part 1: Administration, Part 2: Definitions, Part 3: General Rules and Regulations, and the Zoning Map.

Drawings and illustrations form part of this by-law and are provided to assist in interpreting and understanding the by-law. Where any conflict or inconsistency arises between a drawing or illustration and the text of the by-law, the text shall govern.

Tables form part of this by-law and provide regulatory standards, either to supplement the text or in place of text. Table headings, including column headings, row headings, and groupings of columns and rows, form part of this by-law and have legal effect. Table notes, located within the tables, indicate special situations that affect the application of standards to specific zoning districts and are also part of this by-law. Where any conflict or inconsistency arises between a table and the text of the by-law, the text shall govern.

The provisions of this by-law shall be interpreted to be the minimum regulations except where the abbreviation for, or word, *maximum* is used, in which case the maximum regulation shall apply.

The abbreviations noted within the text or on the Zoning Maps mean the following:

- i. "Blk." means Block;
- ii. "Pcl." means Parcel;
- iii. "Pt." means Part;
- iv. "Rge." means Range;
- v. "R.M." means Rural Municipality;
- vi. "Sec." means Section;
- vii. "Twp." means Township;
- viii. "E.P.M." or "E" means East of the Principal Meridian;
- ix. "P.R." means Provincial Road;
- x. "P.T.H." means Provincial Trunk Highway;
- xi. "dist." means distance;
- xii. "incl." means including;
- xiii. "max" means maximum;
- xiv. "min" means minimum;
- xv. "ft." means feet;
- xvi. "sq.ft." means square feet;
- xvii. "sq.m." means square metres; and
- xviii. "lin.ft." means linear feet.

Part 2: Definitions

Abut or abutting means immediately continuous to or physically touching, and when used with respect to a lot or site, means that the lot or site physically touches upon another lot, site, or piece of land, and shares a property line or boundary with it.

Accessibility means the ability of persons with disabilities to enter and use facilities without having to avoid significant obstacles that are not inherent in the design of the facility.

ACCESSORY BUILDING OR STRUCTURE means a detached building or structure which is subordinate to or incidental to the principal building, structure or use on the same site. This excludes accessory off-street parking facilities as are permitted to locate elsewhere than on the same site with the principal building, structure or use served.

Accessory use means a use incidental to, subordinate to and exclusively devoted to the principal use and which operates together with the principal use on the same site.

Act, the means *The Planning Act*, being Chapter P80 of the Continuing Consolidation of the Statutes of Manitoba and amendments thereto.

Aggregate means a quarry mineral that is used solely for construction purposes or as a constituent of concrete other than in the manufacture of cement and includes sand, gravel, clay, crushed stone and crushed rock.

AGGREGATE EXTRACTION OPERATION means a zoning site, including accessory buildings and structures, used for the removal, refinement and/or processing of sand, gravel, stone or other aggregate resources, and may include borrow pits, gravel pits and stone quarries, but does not include an asphalt plant or a concrete plant.

AGRICULTURAL PROCESSING FACILITY means one or more facilities or operations that transform, package, sort or grade livestock or livestock products, agricultural commodities, or plant or plant products, excluding forest products, into goods that are used for intermediate or final consumption, including goods for non-food use.

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.

ANIMAL SHELTER AND VETERINARY SERVICE means a development used for the care and treatment of small animals where the veterinary services primarily involve out-patient care and minor medical procedures. All animal shall be kept in an enclosed building. This use class includes pet clinics and veterinary offices.

ASPHALT PLANT means a plan where aggregate materials and asphalt are heated and mixed to produce a paving mix and includes stockpiling and storage of bulk materials used in the process.

AUCTIONEERING ESTABLISHMENT means a development specifically intended for the auctioning of goods and equipment, including the temporary storage of such goods and equipment. This use class does not include flea markets or livestock auction marts.

AUTOMOBILE BODY SHOP means a building wherein the repair and painting of automobiles takes place.

AUTOMOBILE SERVICE STATION means a building or portion thereof and land used for the servicing, washing and repairing of vehicles; and the sale of gasoline, other petroleum products and a limited range of vehicle parts and accessories. Service Stations may include Eating and Drinking Establishments. Typical uses include truck stops and highway service stations.

AUTOMOBILE, RECREATIONAL VEHICLE OR FARM IMPLEMENT SALES/RENTALS means an open area, used for the display, sale or rental of new or used automobiles, trailers, recreation vehicles or farm implements, and where repairs are made they shall be done within a completely enclosed building, except minor incidental repairs for automobiles or trailers to be displayed, sold or rented on the premises.

Awning, Canopy or Marquee means any roof-like structure providing shelter or shade over an entranceway or window.

Basement or Cellar means a portion of a building between a floor and a ceiling that is located partly underground.

BED AND BREAKFAST means a home-based business operated within a principal dwelling where sleeping accommodation with or without light meals is provided to members of the travelling public for remuneration.

Blank Walls means exterior walls containing no windows, doors or other similar openings.

BROADCASTING AND MOTION PICTURE STUDIO means a development used for the production and/or broadcasting of audio and visual programming typically associated with radio, television and motion picture studios.

Buffer means an area of land that is intended to provide a means of separating two types of development that are generally incompatible. Typically buffers consist of tree-planted areas which provide a visual barrier between two types of development, and which also serve as a measure of controlling the movement of other nuisances, such as dust.

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

Building, Principal means a structure on a zoning site used to accommodate the main use.

BULK STORAGE means the storage of chemicals, petroleum products or other flammable liquids in above-ground containers for subsequent resale to distributors or retail dealers or outlets.

BUSINESS SUPPORT SERVICE means a development used to provide support services to businesses which are characterized by one or more of the following features: the use of mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance or custodial services; the provision of office security; and the sale, rental, repair or servicing of office equipment, furniture, computers, cellular phones and machines. Typical Uses include printing establishments, film processing establishments, janitorial firms and office equipment sales and repair establishments.

CANNABIS RETAIL STORE means the premises specified in a retail cannabis licence where the retail sale of cannabis is authorized.

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

Carport means an attached building open on two sides for the shelter of privately-owned automobiles.

CEMETERY means land used or intended to be used for the burial of the dead, and may include columbaria, crematoria, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.

CHILD CARE SERVICE 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 one day not exceeding fourteen (14) hours. This use includes an unlicensed home or group day care not exceeding four (4) children under age 12 (including the care provider's own children) and not exceeding an overall ratio of 4:1 children to caregivers; or a development licensed by the Province of Manitoba to provide daytime personal care and education to children, not including overnight accommodation. Typical uses include family and group child care homes, day care centres, nursery schools and play schools.

CLUB, PRIVATE, NON-PROFIT AND RECREATIONAL means a non-profit corporation chartered by *The Canadian Business Corporation Act* or *The Manitoba Corporation Act*, or an association consisting of persons who are bona fide members paying annual dues, which owns, or leases a building or portion thereof; and the use of such premises being restricted to members and their guests for fraternal, recreational, sport and similar activities.

Common Element means all property within a condominium except the condominium units.

COMMUNITY CENTRE means a building or structure that provides facilities for indoor recreational activities and other community facilities such as meeting rooms or a library for use by the general public.

CONCRETE BATCH PLANT means a facility where water, Portland cement, and fine and coarse aggregates are mixed to form wet concrete, either in a mixer truck or a central mix drum and transferred to a truck for transport.

Conditional Use means a usage of land or a building that may be permitted under a zoning by-law subject to approval of a conditional use order. Conditional uses are uses that may have unique or varying operating characteristics, may have potential operational or other impacts on adjacent properties, or may have unusual site development demands.

Condominium means a condominium as established under *The Condominium Act*.

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. A "bare land unit" shall be considered a "site" as defined in Part 2 of this by-law.

For the purposes of this by-law, those "common elements" in a bare land unit condominium plan, which are ordinarily used for the passage of vehicles or pedestrians, including roads, road allowances, streets, lanes, bridges, but not including walkways intended solely for pedestrian use not areas for parking of vehicles, shall be considered:

- a) a "street" as defined herein where such thoroughfare is over thirty-three (33) feet in width, and
- b) a "lane" as defined herein where such thoroughfare is not over thirty-three (33) feet in width.

For the purposes of determining front, rear and side yards and site lines for each respective site as shown a plan, the common element shall be considered a "street" as defined in this zoning by-law.

Condominium Unit means a part of the land or building designated as a unit by the condominium plan, and comprised of the space enclosed by its boundaries and all the material parts of the land within this space at the time the condominium declaration and plan are registered.

CONTRACTOR'S YARD means a yard of any building trade or contractor where equipment and material is stored or where a contractor performs shop or assembly work.

CONVENIENCE STORE means a retail establishment which deals primarily in goods required by the inhabitants of a residential area to meet their day-to-day needs.

Council means the elected council for the Town of Beausejour.

CUSTOM MANUFACTURING ESTABLISHMENTS means development used for small scale on-site production of goods by hand manufacturing. Typical uses include furniture, jewelry, toy, clothing/shoe and musical instrument manufacturing, gunsmiths, carpentry and upholstery shops, and pottery and sculpture studios.

Density means the total number of dwelling units divided by the total area of land to be developed, expressed in gross acres.

Derelict Vehicle means any object which is not a new or unused vehicle; is not in operating condition; is not registered for the current year under *The Highway Traffic Act*; is kept in the open and the owner thereof has abandoned it or is keeping it primarily for the purposes of salvaging or selling parts therefrom. A derelict vehicle also includes the body chassis or a used motor vehicle and/or removed parts.

Development means the construction of a building or the installation of services and utilities on, over or under land, a change in the use or intensity of use of a building or land, the removal of soil or vegetation from land, the deposit or stockpiling of material on land, and the excavation of land.

Development Officer means the officer appointed by the Board of The Brokenhead River Planning District in accordance with the provisions of the *Act*.

Development Plan means the Brokenhead River Planning District Development Plan adopted by By-law 138-09 and amendments thereto.

DRIVE-THROUGH FACILITY means any use designed or operated to allow patrons, while outside on the premises in motor vehicles, to order, request, exchange, donate, or receive goods, wares, merchandise, products, foods, beverages or services, including but not limited to a drive-through restaurant, coffee shop or Automated Teller Machine (ATM)/bank.

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.

DWELLING, MULTI-FAMILY means a building, located on a single site, containing three (3) or more dwelling units, each unit designed for and used by one (1) family, each having exclusive occupancy of a dwelling unit.

DWELLING, SINGLE-FAMILY means a detached building, located on a single site, designed for and used by one (1) family.

DWELLING, TWO-FAMILY means a detached or semi-detached building, located on a single site, designed for and used by two (2) families, each having exclusive occupancy of a dwelling unit.

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

EATING AND DRINKING ESTABLISHMENT means the sale to the public of prepared foods, for consumption within the premises or off the site. This includes licensed drinking establishments, restaurants, cafés, delicatessens, tea rooms, banquet catering, lunch rooms and take-out restaurants. This does not include drive-in services which provide services to customers who remain in their vehicles, refreshment stands, take-out windows where service is provided to customers on the outside, or mobile catering food services.

EDUCATION SERVICE means a development which is privately or publicly supported or subsidized involving public assembly for educational, training or instructing purposes, and includes administration offices required for the provision of such services on either the same site or elsewhere on the same zoning site. This use class includes public and private schools, community colleges, technical and vocational schools and associated administrative offices and dormitories, which may also be established as accessory uses.

EMERGENCY SERVICE means a development which is required for the public protection of persons and property from injury, harm, or damage together with the incidental storage of emergency equipment. Typical uses in this class include police stations, fire stations and ancillary training facilities.

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

EXTENDED MEDICAL TREATMENT SERVICE means a development providing room, board and surgical or other medical treatment for the sick, injured or infirm including outpatient services and accessory staff residences. Typical uses include hospitals, sanatoriums, nursing homes, convalescent homes and auxiliary hospitals.

Factory Built House means a manufactured dwelling, whether modular (built in two or more sections) or unitary construction, which complies with the National Building Code and which is built off-site by a manufacturer having CAN/CSA-A277 "Procedure for Certification of Factory Built Houses" accreditation, but does not include "mobile home."

Family means one person or two or more persons voluntarily associated, plus any dependents, living together as an independent, self-governing single-housekeeping unit.

Floor Area (as applied to bulk regulations) means the sum of the gross horizontal areas of the floors of all buildings and structures on the zoning site, measured from the exterior faces of the exterior walls or from the centreline of party walls. In particular, the floor area of a building or buildings shall include:

- (a) Basements when used for residential, commercial or industrial purposes, but not including spaces used for storage or the housing of mechanical or central heating equipment, and accessory off-street parking spaces;
- (b) Floor space used for mechanical equipment (with structural headroom of 6 feet (1.83 m) or more) except equipment, open or enclosed, located on the roof;
- (c) Elevator shafts and stairwells at each storey except shaft and stair bulkheads and exterior unroofed steps or stairs; and
- (d) Penthouses, mezzanines, attics where there is structural headroom of 7 feet (2.13 m) or more.

FUNERAL SERVICE means a development used for the preparation of the dead for burial or cremation, and the holding of funeral services. This use class includes funeral homes, undertaking establishments and includes cremation and interment services.

Garage, Private 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 and may also include the incidental storage of other personal property.

GARDEN CENTRE, FARMERS' MARKET AND PRODUCE STAND mean the outside display and sale of garden equipment and supplies, plants, seeds, vegetable and fruit produce, food items produced by vendors, and similar items.

GAS BAR means a development used for the retail sale of gasoline, other petroleum products and incidental auto accessories. This use class does not include service stations.

GENERAL CONTRACTOR SERVICE means a development used for the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal Contractor Service use only.

GENERAL STORAGE means a development used exclusively for temporary indoor or outdoor storage of goods, materials and merchandise. This use class does not include vehicle storage compounds, automobile wrecking yards, salvage yards, scrap metal yards or the storage of hazardous goods or waste.

GOVERNMENT SERVICE means a development providing municipal, provincial or federal government services directly to the public. Typical uses include government offices, taxation offices, courthouses, postal distribution offices, employment offices and social services offices.

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

GREENHOUSE, PLANT AND TREE NURSERY means a development used primarily for the raising, storage and sale of bedding, household and ornamental plants.

GROUP HOME means a residence that is licensed or funded under an Act of the Parliament of Canada or the Province of Manitoba for the accommodation of less than five (5) 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.

HEALTH SERVICE means a development used for the provision of physical and mental health services on an out-patient basis. Services may be preventative, diagnostic, treatment, therapeutic, rehabilitative or counselling in nature. Typical uses include medical and dental offices, health clinics, and counselling services.

Height means the total number of storeys in a building or the vertical distance measured from grade to the highest point of the roof structure if a flat roof, to the deck of a mansard roof, and to the mean height level between eaves and ridge for gable, hip or gambrel roof.

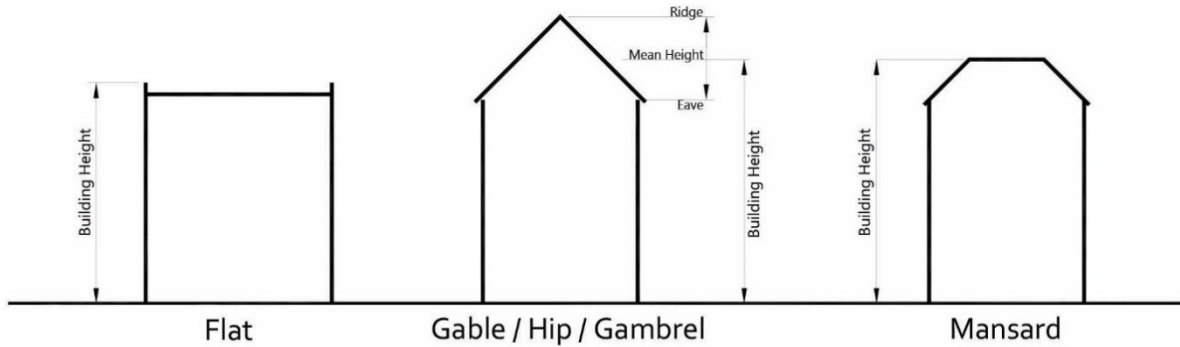


Figure 1: Measuring building height.

Heritage Resource means a heritage building, heritage site, heritage object, and any work or assembly of works of natural or human endeavour that is of value for its archaeological, paleontological, prehistoric, historic, cultural, natural, scientific or aesthetic features, and may be in the form of sites or objects or a combination of them.

HOME-BASED BUSINESS means any business activity, including manufacturing, sales, a commercial or professional operation, business service, trade, practice, office or use which is carried on in or from a dwelling unit and or its permitted accessory buildings; is intended as a profit making operation; and is clearly incidental to, accessory to, or secondary to the residential use of the dwelling unit.

HOTEL means a building or part thereof where accommodation is provided for transient lodgers, in an individual room or apartment, with or without cooking facilities. Permitted accessory uses may include, but are not limited to, restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

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.

HOUSEHOLD REPAIR SERVICE means a development used for the repair of goods, equipment and appliances normally found within the home. This use class includes radio, television and appliance repair shops, furniture refinishing and upholstery shops.

Incidental means a building, feature or use established or erected in conjunction with or subsequent to the establishment or erection of a principal building, structure, or use approved under this by-law, and is incidental to, and located on the same zoning site as a principal or accessory use, and that has fewer impacts than an accessory use.

INDOOR PARTICIPANT RECREATION SERVICE means a development providing facilities within an enclosed building for sports and active recreation where patrons are predominately participants. Typical uses include athletic clubs; health and fitness clubs; curling, roller skating and hockey rinks; swimming pools; archery or shooting ranges; bowling alleys and racquet clubs.

INFORMATION TECHNOLOGY USE means the development, design, manufacture, packaging, storage or shipping of computer software, web hosting and data processing services and the research or design of computer, electronic and communication equipment. Uses such as server farms and like uses are included in this definition.

Lane means a street 33 feet (10.06 m) or less in width.

LIGHT INDUSTRIAL USE means processing and manufacturing uses, provided that: they do not create unusual fire, explosion or safety hazards or noise in excess of average intensity of street and traffic noise in the area in question; they do not emit smoke, dust, dirt, toxic or offensive odours or gas; and there is no production of heat or glare perceptible from any adjacent residential property. Typical uses include automotive body repair and paint shops, commercial manufacturing establishments and research facilities. This use class does not include milling plants, concrete and asphalt plants, foundries, chemical plants and extractive uses.

LIMITED CONTRACTOR SERVICE means a development used for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households and the accessory sale of goods normally associated with the contractor services where all material are kept within an enclosed building, there are no accessory manufacturing activities and no more than two service vehicles.

Livestock means animals or poultry not kept exclusively as pets, excluding bees.

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 material and which has access to a street or lane or other appropriate means of access.

Manufactured Dwelling means a factory-built dwelling certified prior to the placement on the site as having been built as a modular home in accordance with CSA building regulations, being placed on a permanent foundation, having its chassis or frame permanently removed, and arriving at the site ready for occupancy apart from incidental operations and connections.

MANUFACTURING USE means a use of land that includes the assembly, fabrication, or processing of goods and materials that may have impacts in terms of noise, fumes, odours, or safety hazards outside of the structures in which the use takes place. This use class includes milling plants, concrete and asphalt plants, foundries, chemical plants and extractive uses.

Mineral means a non-living substance that is formed by natural processes and is found on or under the surface of the ground, irrespective of chemical or physical state and before or after extraction, and includes peat, peat moss, and mine tailings but does not include agricultural soil, oil, natural gas or any other gas, surface or ground water or other substance not prescribed to be a mineral pursuant to *The Mines and Minerals Act*.

MOBILE HOME means a dwelling unit designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, being on the site of wheels, jacks or similar supports, or on

a permanent foundation, and having been built in accordance with CSA building regulations and *The Buildings and Mobile Homes Act*.

Mobile Home Park means any premises which is designed for residential use and for the accommodation of two or more mobile homes as single-family dwellings, whether or not a charge is made for such accommodation.

Mobile Home Site means a zoning site within a residential mobile home park for the placement of a mobile home or factory built house.

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.

NEIGHBOURHOOD COMMERCIAL means a small-scale neighbourhood-oriented commercial use which may be allowed within a residential zone subject to Council approval. Uses include convenience retail stores, health services, personal service shops, or professional, financial or office support services which would not significantly alter the residential character of the surrounding neighbourhood. Specialty food services and eating establishments may also be allowed if less than 1,000 square feet (92.9 sq.m.). The establishment of a neighbourhood commercial use is listed as a conditional use in residential zones.

NON-ACCESSORY PARKING means development providing vehicular parking which is not primarily intended for the use of residents, employees or clients of a particular development. Typical uses include surface parking lots and parking structures located above or below grade.

Non-Conformity means a parcel of land, building, structure or use which lawfully existed prior to the effective date of this by-law or amendments thereto, but does not conform to the provisions contained within this by-law or amendments thereto.

Noxious or Offensive Use means a use which, from its nature or operation, creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.

Nuisance means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

Occupancy Permit means authorization issued in writing pursuant to the applicable zoning regulations, to occupy any building or part thereof in the Town.

Open Space means that required portion of a zoning site at ground level, unless otherwise stated, unoccupied by principal or accessory buildings and available to all occupants of the building. The open space shall be unobstructed to the sky and shall not be used for service driveways or accessory off-street parking or loading spaces, unless otherwise provided for herein, but shall be useable for

landscaping, recreational space and other leisure activities normally carried on outdoors. Balconies, roof and other like above-grade-level areas may also be considered as open space.

OUTDOOR AMUSEMENT ESTABLISHMENT means a commercial development providing facilities for entertainment and amusement activities which primarily takes place out of doors and where patrons are primarily participants. Typical uses include amusement parks, go-cart tracks, racetracks, moto-cross and all-terrain vehicle tracks, miniature golf, outdoor concert facilities and similar uses.

OUTDOOR PARTICIPANT RECREATION SERVICE means a development providing facilities which are available to the public at large for sports and active recreation conducted outdoors. Typical uses include golf courses, driving ranges, ski hills, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, outdoor swimming pools, bowling greens, riding stables and trails.

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

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

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

Parking Space means a space on a parking area or zoning site for the temporary parking or storage of a vehicle. A parking space shall be a minimum of 9 feet (2.74 m) in width and 18 feet (5.49 m) in length and shall have adequate provision for vehicular entry, exit and manoeuvrability.

Parking, Surface Lot means an unenclosed area where motor vehicles may be stored for purposes of temporary, daily or overnight off-street parking as a principal use.

Party Wall means a wall jointly owned and jointly used by two (2) parties under easement agreement or by right in law, and erected at or upon a line separating two (2) parcels of land each of which is, or is capable of being, a separate real-estate entity.

Performance Standards means a standard established to control noise, odour, smoke, toxic or noxious matter, vibration and explosive hazards or glare or heat generated by, or inherent in, uses of land or buildings.

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 the application having been made, if the use meets all the requirements of this by-law.

PERSONAL SERVICE SHOP means a building or part of a building in which persons are employed in furnishing services and otherwise administering to personal needs and the repair and maintenance of personal effects, including barber shops, beauty salons, shoe repair shops, tailor and dressmaking shops, pet grooming (not including kennels), dry cleaning establishments and laundromats.

PLACE OF ASSEMBLY means a public or privately owned auditorium, hall or similar facility developed for the purpose of accommodating groups of persons for meetings, exhibitions, shows, trade fairs, public meetings, banquets, conferences and similar activities.

PLANNED UNIT DEVELOPMENT means a land development project planned as an entity in accordance with a unitary site plan.

PORTABLE ASPHALT PLANT means a temporary facility with equipment designed to heat, dry and mix aggregate with asphalt to produce asphalt paving material and includes stockpiling and storage of bulk materials used in the process

Portable Garage means a temporary structure intended to store goods or materials that may consist of a metal or steel frame and is covered by such material as canvas, plastic, polyethylene, various types of fabric or similar materials.

Premises means an area of land with or without buildings.

Private Communications Facilities means outdoor equipment and structures required for the purposes of transmitting or receiving television, radio, microwave, radar, laser, or similar communications signals. These facilities may include, but are not limited to: antennae, aerials, receiving dishes, transmission beacons, masts and towers.

PROFESSIONAL, FINANCIAL AND OFFICE SUPPORT SERVICE means a development primarily used for the provision of professional, management, administrative, consulting and financial services. Typical uses include the offices of lawyers, accountants, engineers, and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial uses.

PUBLIC LIBRARY AND CULTURAL EXHIBIT means a development for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public use; or a development for the collection, preservation and public exhibition of works or objects of historical, scientific or artistic value. Typical uses include libraries, museums and art galleries.

PUBLIC PARK means a development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and man-made landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, amphitheatres and athletic fields.

PUBLIC UTILITY means any system, works, plant, pipeline, equipment, buildings or services and facilities available at approved rates to or for the use of the public, and includes all such carried on by or for the owner of a public utility or the Town or the Province of Manitoba. Typical uses include water, gas and hydro facilities and services, waste disposal sites, sewage treatment plants and lagoons,

composting sites, water treatment plants, lift stations, waste recycling plants, waste transfer stations, communication facilities including telephone, wireless, television and like uses.

Quarry means a mine that is an open excavation from which quarry mineral is removed.

RECYCLING DEPOT means a development used for the buying and temporary storage of bottles, cans, newspapers and similar household goods for reuse where all storage is contained within an enclosed building. This use does not include auto wreckers.

RELIGIOUS ASSEMBLY means a place of worship and related activities. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries. Accessory uses can include associated schools, day-care facilities, parish halls, cemeteries and like uses.

Repair means the renewal or reconstruction of any part of an existing building or structure for the purpose of its maintenance or restoration.

RESEARCH INSTITUTION means a facility established in accordance with government regulations and engaged in scientific research, product design, development and testing, and limited manufacturing necessary for the production of prototypes.

RESIDENTIAL CARE FACILITY means the use of any building or structure or part thereof, however named, which is advertised, announced or maintained for the express or implied purpose of providing lodging, meals, care and supervision to more than five (5) persons. This Use Class includes nursing homes, personal care homes, residential care homes, rehabilitation homes and similar uses.

RETAIL SALES AND SERVICES mean developments used for the retail sale of groceries, baked goods, meats, beverages, household goods, furniture and appliances, hardware, printed matter, confectionary, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, stationary and similar goods from within an enclosed building. Associated services and repair including postal services, film processing, movie rentals and similar uses are included. This use class does not include developments used for the sale of gasoline, heavy agricultural or industrial equipment, or cannabis, or pawn shops, adult entertainment establishments or adult sales stores.

SALVAGE OPERATION/YARD means an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to metals, paper, rags, rubber tires and bottles. This use class includes an automobile wrecking or dismantling yard and such uses established entirely within an enclosed building.

SECONDARY SUITE means a self-contained accessory dwelling unit located within a permanent single-family detached dwelling. 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 coach houses, duplex housing, semi-detached housing, or apartment housing.

SELF-SERVICE STORAGE FACILITY means a building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

Semi-Detached Housing means two dwellings, arranged side-by-side, contained in a single building with a single foundation, connected by a shared common wall. This type of development is designed and constructed as two dwelling units at initial construction. It does not include a secondary suite.

Separation Distance means a distance to be maintained between two buildings or structures, measured from the nearest points of any structure or areas in which the uses are carried on.

Separation Space means open space around dwellings separating them from adjacent buildings or activities, and providing daylight, ventilation and privacy.

SHOPPING CENTRE/STRIP MALL means **grocery stores and/or** a group of commercial establishments planned, developed and managed as an integrated unit. These can include, but are not limited to, groups of stores, **retail sales**, services, associated facilities, eating establishments, warehouse sales and similar commercial uses utilizing common facilities such as parking, landscaping, signage and loading areas. ~~Each business use must comply with Bulk Table requirements respecting permitted and conditional uses for the affected zone. (1758-18)~~

Sign means any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, logo, symbol or trademark), flag (including banner or 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 display windows as such.

Site means:

- a) a whole lot or block on a registered plan of subdivision; or
- b) the aggregate of all contiguous land described in a certificate of title or in more than one certificate of title provided they are in the same ownership.

Site, Corner means a site situated at the intersection of two (2) streets.

Site, Interior means a site other than a corner site or a through site.

Site, Through means a site having a pair of opposite site lines along two (2) more-or-less parallel streets.

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 provision of this by-law, has frontage on a street; and
- (b) in the case of a non-conforming site existing on the date of adoption of this by-law, has any lawful means of access satisfactory to 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.

Site Area means the computed area contained within the site lines.

Site Coverage means that part or percentage of the site occupied by buildings, including accessory buildings. Structures, which are below the finished site grade, including sewage lagoons, water reservoirs, parking structures below grade and similar structures, shall not be included in site coverage.

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

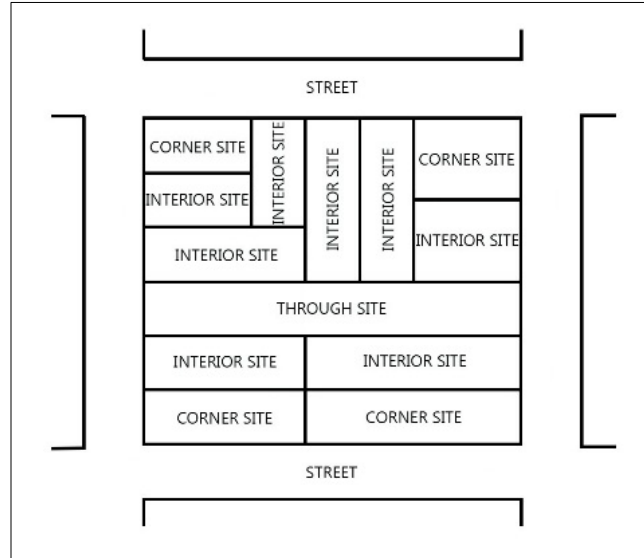


Figure 2: Site Types.

Site Frontage means all that portion of a zoning site on a street and measured between side site lines.

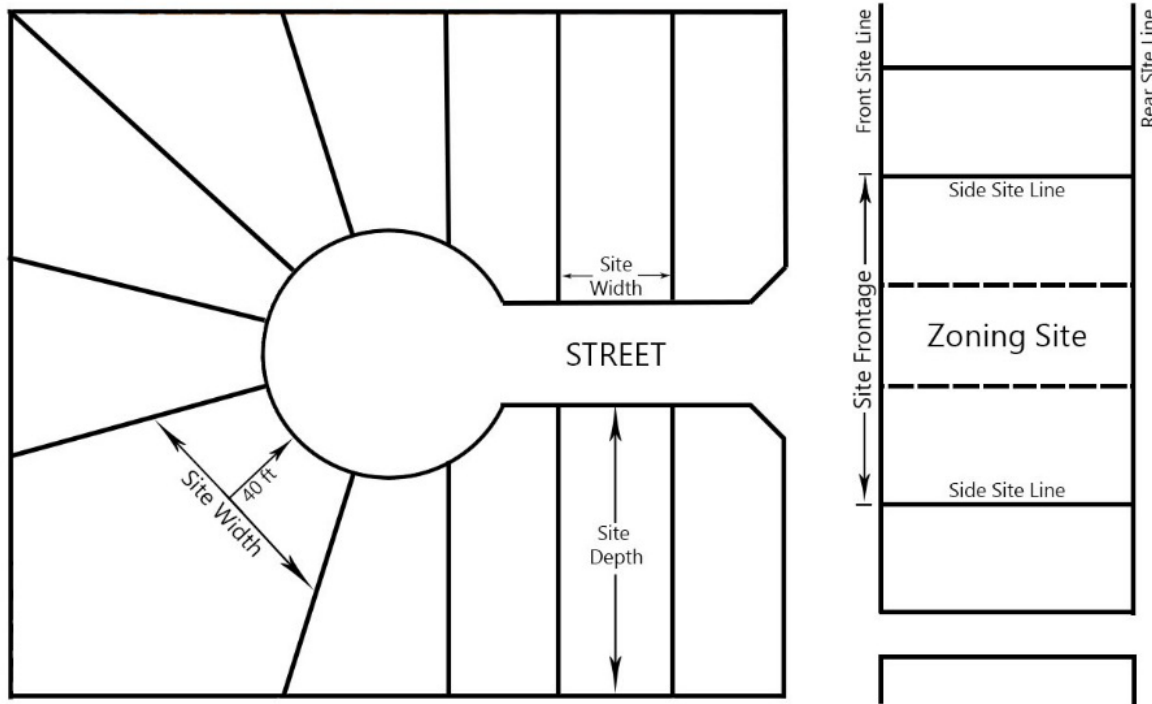


Figure 3: Site Frontage, Site Width and Site Lines.

Site Lines means as follows:

- (a) **FRONT SITE LINE** means that boundary of a site which is along an existing or designated street. For a corner site or through site, the Development Officer may select the front site line except where an interior site abuts the corner site, then the front site line shall be that line which is the continuation of the front site line of the interior site.
- (b) **REAR SITE LINE** means that boundary of a site which is most nearly parallel to the front site line. Where an irregular shaped site cannot have its site lines defined by this definition, the rear site line shall be determined by the Development Officer.
- (c) **SIDE SITE LINE** means any boundary of a site which is not a front or rear site line.

Site Width means the horizontal distance between the side 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.

SMALL ANIMAL BREEDING AND BOARDING ESTABLISHMENT means a development used for the breeding, boarding or training of small animals normally considered as household pets. Typical uses are kennels and pet boarding establishments.

SPECTATOR ENTERTAINMENT ESTABLISHMENT means a development providing facilities within an enclosed building specifically intended for live theatrical, musical or dance performances or the showing of motion pictures. Typical uses include auditoria, cinemas and theatres.

Storey means that portion of any building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of such floor and the ceiling above it, but does not include a basement.

Street means a public road, or highway having a minimum width of 33 feet (10.06 m) and intended for vehicular use. Parks, easements, rights-of-way, squares and walkways are not considered to be streets for purposes of interpreting this by-law.

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.

Surface Water means any body of flowing or standing water, whether naturally or artificially created, including, but not limited to, a lake, river, creek, spring, drainage ditch, roadside ditch, reservoir, swamp, wetland and marsh, including ice on any of them, but not including a dugout on the property of an agricultural operation.

Tot Lot means an area dedicated to public playground use for pre-school children.

TRUCKING OPERATION means the use of land, buildings or structures for the purpose of storing, repairing, servicing or loading trucks, transportation trailers and/or buses. The use class includes automotive repair, eating and drinking areas, gas bar, retail sales and service stations as accessory uses.

Use means:

- a) Any purpose for which a building or other structure or parcel of 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 other structure or on a parcel of land.

VARIANCE means an administrative exception to the by-law's land use regulations, by which a landowner who believes that the zoning by-law adversely affects his or her property rights may apply for an order varying specific provisions of the zoning by-law insofar as they apply to the affected property.

WAREHOUSE SALES means a development used for the wholesale or retail sale of bulky goods from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. This use class includes developments where principal goods being sold are such bulky items as furniture, carpet, major appliances and building materials.

WASTE DISPOSAL SITE means the land, structures, monitoring devices, and any other improvements on the land used for monitoring, treating, processing, storing, or disposing of solid waste, leachate or residuals from solid waste.

Watercourse means the channel 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 and that has no outflow going beyond the private land.

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

Yard, Corner Side means a side yard which adjoins a street.

Yard, Front means a yard extending along the full length of the front site line between the side site lines.

Yard, Rear means a yard extending along the full length of the rear site line between the side site lines.

Yard, Side means a yard extending along the side site line from the required front yard to the required rear yard.

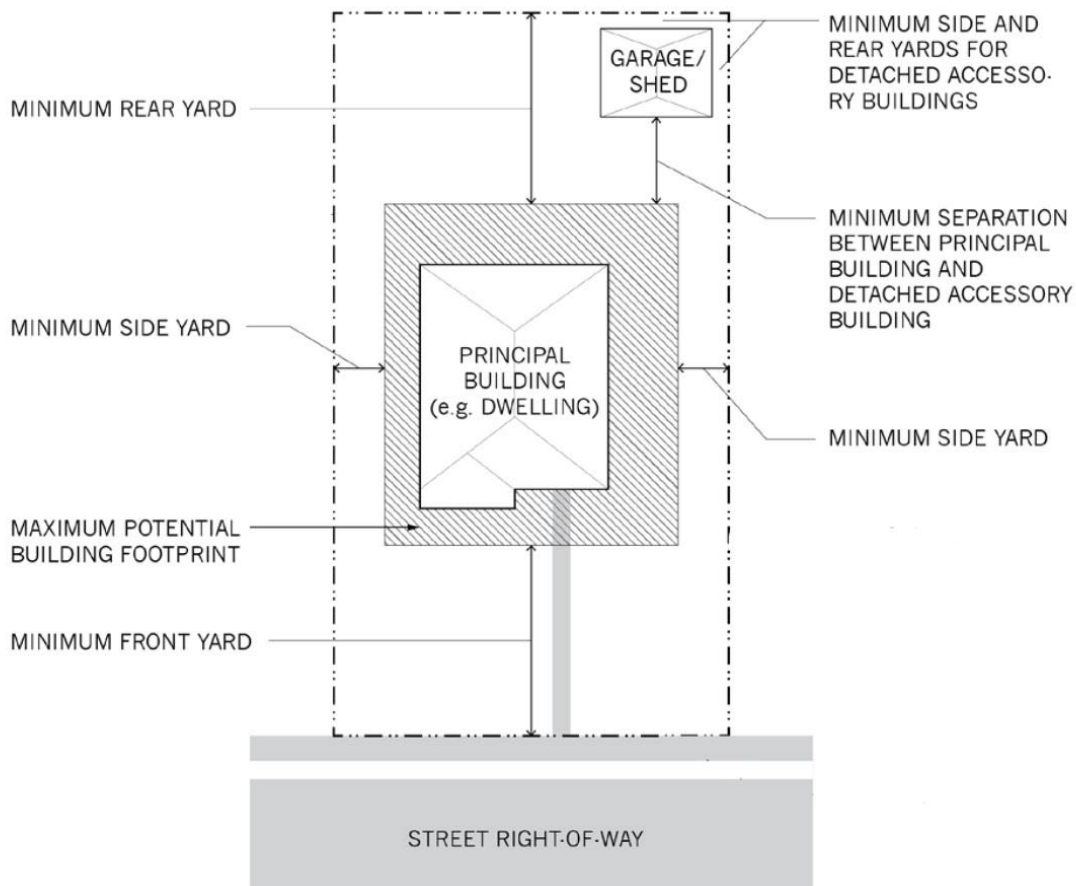


Figure 4: Yard requirements

Zoning District means a section contained in Part 5 of this by-law which regulates the use and development of land as depicted on the Zoning Map.

Part 3: General Rules and Regulations

The following regulations shall apply to all uses and development of land and buildings in the Town of Beausejour, except where otherwise noted in this by-law.

3.1 Regulation of Uses

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

- a) Is listed in the use tables as:
 - i. a permitted use; or
 - ii. a conditional use, subject to approval as such;
- b) is an accessory to a permitted or conditional use.

3.2 Multiple Uses or Provisions

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

A residential zoning site shall contain only one (1) single-family dwelling or one (1) two-family dwelling or one (1) multi-family dwelling and its accessory buildings as permitted in Part 6, except where otherwise allowed in this by-law.

3.3 Accessory Buildings and Structures

No accessory building or structure shall be constructed or erected, except in compliance with the following regulations:

- a) Where the accessory building or structure is attached to a principal building or structure, it shall be subject to, and shall conform to, all regulations of this by-law applicable to the principal building or structure.
- b) Where the accessory building or structure is detached from the principal building or structure, it shall be subject to, and shall conform to, all regulations of this by-law applicable to accessory buildings or structures.
- c) No accessory building or structure shall be constructed on any zoning site prior to the time of construction of the principal building to which it is accessory except where it is allowed by written agreement from the Town of Beausejour.
- d) Detached accessory buildings shall not be located in any required yard except a required rear yard or as provided for elsewhere herein.
- e) No detached accessory building shall be located closer than 10 feet (3.05 m) to any principal building.
- f) In no instance shall an accessory building be located within a dedicated easement or right-of-way except as provided for by said easement or right-of-way.
- g) Accessory buildings are permitted when accessory to a permitted use and conditional when accessory to a conditional use.
- h) An accessory building or structure shall not be used as a dwelling, except where otherwise permitted in this by-law.

3.4 Area and Yard Requirements

Except as herein provided, the following regulations shall apply in all zones to ensure adequate site and yard requirements:

- a) Where a use is established on a site and a site area or site width or required yard is reduced below the minimum requirements of this by-law by virtue of the development of a public work, street or public utility, the affected site area, site width and required yard shall be deemed to conform to the requirements of this by-law;
- b) For the purpose of side yard regulations, a semi-detached two-family dwelling, a row-house or a multi-family dwelling with common party walls shall be considered as one (1) building occupying one (1) site;
- c) A semi-detached two-family dwelling, a side-by-side or a row-house may be subdivided into two or more attached single-family dwellings, through the common party wall. Where this is done the side yard adjacent to the party wall is reduced to zero;
- d) Unless otherwise approved, the lots so created by subdividing the side-by-side or row-house may only be used for the purpose of single-family dwellings, and the resulting site area and site width shall become the minimum site area and site width required for said dwelling;
- e) Where a site is occupied for a use permitted in a zone and has no building or structures thereon, the required yards for the zone within which it is located shall be provided and maintained, except in the case of sites located in the Parks and Recreation Zone;
- f) Yards provided for a building or structure, existing on the effective date of this zoning by-law or amendments thereto, shall not be reduced if already less than the minimum requirements of this by-law;
- g) All yards and other open spaces required for any use shall be located on the same site as the use;
- h) A through site may be required to meet the front yard setback of the zone in which it is located on both property lines fronting onto a street at the discretion of the Development Officer;
- i) It shall be a continuing obligation of the owner to maintain the minimum site area, site width, yards and other open spaces required herein for any use as long as it remains in existence. Furthermore, the minimum site area, site width, yards and other open spaces allocated to a use as per requirements of 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, yard and other open space requirements for any other use on another site;
- j) Where sites comprising forty (40) percent or more of the entire frontage of the block 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 provided such average is less than the minimum front yard required in the zone in which the site is located; and
- k) No land shall hereafter be divided into sites, unless each site conforms to the requirements set forth in the bulk table of the zone in which the land is located.

3.5 Setback Standards

- a) No dwelling unit shall be located within 1,000 feet (304.8 m) of the boundary of a municipal sewage lagoon.
- b) No dwelling unit shall be located within 1,320 feet (402.3m) of a waste disposal site.
- c) No dwelling unit shall be located within 100 feet (30.48 m) from the edge of a railway right-of-way that is in active use.
- d) Notwithstanding the minimum yard requirements provided in the bulk tables, buildings, structures, fences and plantings proposed within the control area adjacent to a provincial highway will be subject to statutory requirements in accordance with *The Highways Protection Act* and *The Highways and Transportation Act*.

3.6 Projections into Required Yards (Principal Buildings Only)

Every part of a required yard shall be open and unobstructed from the ground level to the sky, save for trees, shrubs, gardens, fences, sidewalks and driveways, and as herein provided:

- a) Architectural features, such as chimneys, bay windows, alcoves, canopies and awnings, eaves and gutters may extend into a required front, side or rear yard a distance of not more than 3 feet (0.91 m), provided the width of such side yard is not reduced to less than 3 feet (0.91 m);
- b) Open, unenclosed and uncovered porches, decks or terraces may project into a required front or rear yard for a distance not exceeding 6 feet (1.83 m) at or below main floor level, and shall not project into a required side yard;
- c) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may project into a required rear yard or required front yard for a distance of not more than 4 feet (1.22 m);
- d) Name plates and signs shall be allowed in any required front, side or rear yard, provided they comply with the requirements and regulations of this by-law (See also Part 10, Table 10-1); and
- e) Fences, hedges, and landscape architectural features are permitted in all required yards if maintained at a height of not more than 3.5 feet (1.07 m) in the front yard and at a height of not more than 6 feet (1.83 m) in the rear and side yards.

3.7 Air Conditioning Units, Pool Equipment and Compressors

Air conditioning units, pool equipment and/or compressors shall be considered accessory structures in all zones and shall be subject to the following regulations:

- a) Shall be a minimum distance of 15 feet (4.57 m) to an openable window of a habitable room on an adjoining lot.
- b) If located in a front yard, it must be screened with compact hedges or shrubs or other landscaping.
- c) Should be no closer than 5 feet (1.52 m) to a side site line in all Residential Zones. In all other zones, it should be no closer than 10 feet (3.05 m) to a side site line.

3.8 Height Exceptions

The provisions of this by-law shall not apply to limit the height of any ornamental dome, chimney, tower, electrical or telephone transmission line, television or radio mast, steeple, water storage tank, electrical apparatus or the mechanical operations of the building provided that no roof structure or any space above the height limit shall be permitted for the purpose of providing usable floor space.

3.9 Future Road Allowance Deemed Existing

No building or structure shall be erected upon any land acquired by the Town of Beausejour or any other federal or provincial government agency and which has been designated for a future road allowance. Any development adjacent to said road allowance shall comply with the requirements of this by-law as if the said future road allowance was already in existence.

3.10 Road Access

No permanent building may be constructed or placed on a site which does not have legal access to a developed public road that meets current municipal road service standards, otherwise a development permit may be required.

3.11 Demolition and Removal of Buildings or Structures

Where a development permit has been obtained for the demolition or removal of a building or structure, all demolition, removal of debris, filling of excavations or basements and re-grading of the site shall be undertaken within 90 days from the date of issuance of said permit. This period may be extended at the discretion of Council, due to unusual circumstances such as weather conditions and road restrictions.

3.12 Temporary Buildings

Temporary buildings and structures used for office space or the storage of construction materials or equipment, both incidental and necessary to development on the same zoning site, may be permitted on a temporary basis subject to the issuance of a development permit under the following conditions:

- a) A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by Council; and
- b) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than two (2) successive six (6) month periods at the same location.

3.13 Outdoor Lighting

Outdoor lighting is only allowed if the following standards are met:

- a) Any outdoor lighting (other than those exempted in provision (c) below) must be located, arranged, or shielded so that no light is directed at any adjoining properties or interferes with the effectiveness of any traffic control device.
- b) The maximum permitted height of a light fixture is 30 feet (9.14 m).
- c) These standards do not apply to:

- i. Federally and provincially-regulated buildings or structures (including the lighting required for airports and towers);
- ii. Light sources used to illuminate architecture, landscape features, pedestrian pathways or public art; or
- iii. The temporary use of lighting (for seasonal decorations or carnivals, for example).

See also Part 10: Sign Regulations.

3.14 Landscaping

The following applies to developments in Commercial, Industrial, Community, Educational, Recreational and Multi-Family Residential Developments (excluding two-family dwellings):

- a) A landscaping plan is required and no landscaping work shall be commenced unless the landscaping plan is approved by the Development Officer.
- b) A landscaping plan shall contain the following information for the site:
 - i. All physical features, existing or proposed, including vegetation, berm contours, walls, fences, outdoor furniture and fixtures, surface utilities and paving; and
 - ii. All shrubs and trees, whether existing or proposed, labelled by their common name and size.
- c) Landscaping should be integrated with the building architectural style, parking and stormwater management areas proposed on the property.
- d) Species must be hardy, drought- and salt-tolerant, and resistant to the stresses of compacted soils and weather exposure.
- e) Snow storage areas must be located so that piled snow does not damage plant material.
- f) Plant materials should not obstruct views. Dense plant material between 3 feet (0.91 m) and 8 feet (2.44 m) from the ground must be avoided in critical areas for pedestrian and vehicular safety. Plant materials cannot obstruct views to the street at access drives.
- g) The applicant shall be responsible for landscaping and maintenance. Council may require landscaping be completed within two years after construction of the principal building or structure is completed. A letter of credit as insurance may be required to ensure landscaping is completed.
- h) A minimum of 100 square feet (9.29 sq.m.) per unit of open space must be provided for multi-family residential developments (excluding two-family dwellings).
- i) All side and rear yard site lines in the Industrial and Commercial zones which abut Residential or Parks and Open Space zones must be screened by a fence, hedge or evergreen trees which will extend a minimum of 6 feet (1.83 m) in height. Where chain link fencing is used, it shall be bordered by trees or hedges that, when planted, are expected to reach a height of not less than the height of the fence.

3.15 Visibility Clearance at Intersections

On a corner lot in any residential zone, or other zone directly adjacent to a residential zone, nothing shall be erected, placed, planted or allowed to grow in such a manner that would impede vision between a height of 3.5 feet (1.07 m) and 10 feet (3.05 m) above the curb level in the area bound by the lot lines of the corner lot and a line joining points along said lot lines 30 feet from the corner of the lot.



Figure 5: Visibility clearance at intersections

3.16 Public Reserve Land

Public reserve land shall only be used for:

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

3.17 Parking

When any new development is proposed, including a change of use of an existing development, or when any existing development is, in the opinion of the Development Officer, substantially enlarged or increased in capacity, then provision shall be made for off-street vehicular parking or garage spaces in accordance with the regulations and standards contained in this section as follows:

	Use Class*	Number of Parking Spaces Required
Residential	Single-Family Dwelling	1.0 / Dwelling Unit
	Two-Family or Multi-Family Dwelling	1.5 / Dwelling Unit
	Mobile Home Dwelling	1.0 / Dwelling Unit
	Bed and Breakfast Home	1.0 / Sleeping Accommodation
	Residential Care Facility	1.0 / each 2 dwelling or sleeping units
Industrial / Commercial	Hotel and Motel	1.0 / Guest Room or Sleeping Unit
	Eating and Drinking Establishment	1.0 / 4 seats or 1.0 per 100 sq.ft. (9.29 sq.m.) of floor area, whichever is greater
	Convenience and Retail Sales Stores All other Commercial Establishments	1.0 per 200 sq.ft. (18.6 sq.m.) of floor area 1.0 per 250 sq.ft. (23.2 sq.m.) of floor area
	Industrial Uses	1.0 per 1,000 sq.ft. (92.9 sq.m.) of floor area or 1.0 per 5 employees, whichever is greater
Other Uses	Indoor Participant Recreation Service, Religious Assembly, Outdoor Participant Recreation Service, Funeral Service, Private Club, Public Library and Cultural Exhibit, and Community Centre	1.0 per 5 seating spaces or 10 ft (3.05 m) of bench space. Where there are no fixed seats, 1.0 for each 100 sq.ft. (9.29 sq.m.) of floor area devoted to the assembly room floor area
	Extended Medical Treatment Service Education Service	2.0 per bed 1.5 per classroom, plus 1 for each 100 sq.ft. (9.29 sq.m.) of floor area devoted to public use
	Government Service Child Care Service	1.0 per 550 sq.ft. (51.1 sq.m.) of floor area 1.0 for every 2 employees, plus 1 for every 4 children in care

*Where a proposed use is not listed above, the parking requirement shall be determined by the Development Officer.

The following regulations shall apply to all parking areas as required by this by-law:

- a) In the case of a multiple use site, the Development Officer shall calculate the parking required for each individual use and the total shall be deemed to be the required parking for the site, unless the applicant can demonstrate to the satisfaction of Council that the complementary use of the parking facilities would warrant a reduction in the parking requirements;
- b) Parking areas shall be provided with at least one entrance and one exit for vehicles, and driveways and aisles for the removal of a vehicle without the necessity of moving any other vehicle;
- c) The area shall be drained and maintained with a stable surface which is treated so as to prevent the rising of dust or loose particles. It may be constructed of crushed stone, slag, gravel, concrete, asphalt or other approved material;
- c) Where parking areas are provided in any commercial, industrial or institutional zone and lighting facilities are provided, such lights shall be shielded and directed so as to reflect away from any adjoining residential area. Where parking areas are provided in any residential zone and lighting facilities are provided, such lights shall be so shielded and directed as to reflect away from any adjoining residential property;
- d) Where a parking area is situated along a site line which coincides with the boundary of a residential zone and is not separated therefrom by any street, lane or watercourse, a buffer of a design acceptable to the Council shall be provided;
- e) No sign shall be erected except:
 - (i) signs for the direction of traffic within the parking area, and
 - (ii) directional signs of not more than 5 square feet (0.46 sq.m.) in area at each point of entrance and exit.

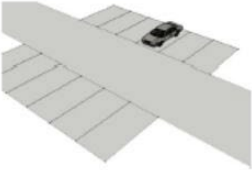
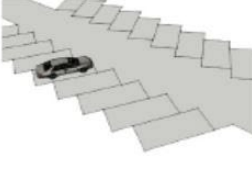



Such signs may bear the name of the business if the parking area is connected thereto.

The layout and design of the parking area shall be as follows:

- a) The layout and design of the parking area shall be in accordance with Table 3-1 "Minimum Parking Space Requirements" and Table 3-2 "Parking Area Layout";
- b) The length of each parking space shall be exclusive of access driveways, aisles, ramps and columns, and office or work areas;
- c) Where access to a parking space is directly from a lane, the width of the lane adjacent may be computed as part of the aisle width required for said parking space;
- d) The angle of parking shall be measured between the centerline of the parking space and the centerline of the aisle;
- e) The off-street parking area shall be provided with an access drive with a minimum width of 10 feet (3.05 m), to a street or lane;
- f) Except as provided for in paragraph (c), an aisle or driveway shall not mean a street or lane; and
- g) Design of parking areas and access drives need to address safe pedestrian circulation routes, efficiency in the parking layout, accessibility, lighting, aesthetic appearance, service vehicle access, and snow removal.

Table 3-2

Parking Area Layout

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

3.18 Accessible Parking Spaces

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

- a) Each accessible parking space:
 - i. must be at least 11.5 ft (3.5 m) wide;
 - ii. must be located within 200.0 ft (60.96 m) of major building entrances used by residents, employees, or the public; and
 - iii. must include signage reserving the space for use by persons with disabilities.
- b) At least one curb ramp must be located within 100.0 ft (30.48 m) of the auto parking space closest to each entrance to a principal or accessory building that is not a service entrance; and
- c) The accessible parking space requirements are as follows:

Table 3-3 Accessible Parking Space Requirements	
Total Number of Parking Spaces Required	Minimum Number of Accessible Parking Spaces Required
1-25	1
26-50	2
51-75	3
76-100	4
101+	4 plus 1 for every 50 additional spaces, to a maximum of 10 spaces

3.19 Loading Requirements

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

- a) Each loading or unloading space shall be at least 30 feet (9.14 m) long, 12 feet (3.66 m) wide and have a vertical clearance of at least 14 feet (4.27 m);
- b) Access to loading or unloading areas shall be by means of a driveway at least 20 feet (6.10 m) wide contained on site in which the spaces are located and leading to a street or lane located within the zone in which the use is located;
- c) Loading and unloading areas shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles;
- d) Off-street loading spaces shall not be permitted in a required corner side yard; and
- e) The number of loading spaces shall be provided in accordance with the following:

Table 3-4 Minimum Loading Spaces	
Area of Building	Minimum Loading Space
Less than 5,000 square feet	One (1) space
Exceeding 5,000 square feet but not more than 15,000 square feet	Two (2) spaces
Exceeding 15,000 square feet	Three (3) spaces

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

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

Table 3-5 Entrance and Exit Requirements	
Minimum width of an entrance or exit	20 ft. (6.10 m)
Minimum width of a combined entrance and exit	25 ft. (7.62 m)
Maximum width of an entrance or exit	40 ft. (12.19 m)
Maximum width of a combined entrance and exit	60 ft. (18.29 m)
Minimum distance between any part of an entrance, exit and the intersection of street site lines or the intersection of a street site line and a side site line on a public lane	30 ft. (9.14 m)
Minimum distance between entrances and exits	30 ft. (9.14 m)

3.21 Fences – Residential Uses

A fence on a residential property:

- a) shall not include electric fences or barbed wire fences;
- b) shall not be higher than:
 - i. 3.5 feet (1.07 m) in a required front yard, and
 - ii. 6.0 feet (1.83 m) in a required side or rear yard measured from the highest part of the fence to the point where the fence post enters grade; and
- c) are permitted in all required yards and can be placed up to the property line.

3.22 Fences – Commercial and Industrial Uses

A fence on all properties other than residential properties:

- a) shall not include electric fences or barbed wire fences except in the case of a Commercial or Industrial zone where the top 2.0 feet (0.6 m) of the fence can be barbed wire for security purposes;
- b) shall not be higher than:
 - i. 4.0 feet (1.22 m) in a required front yard; and
 - ii. 8.0 feet (2.44 m) in a required side or rear yard measured from the highest part of the fence to the point where the fence post enters grade;
- c) shall not obstruct traffic site lines;
- d) are permitted in all required yards and can be placed up to the property line; and
- e) outdoor storage shall not be allowed to project above the height of the fence.

Part 4.0 - Use-Specific Standards

4.1 Planned Unit Developments

Use	R1	R2	R3	R4	RMHP	CC	CH	M	PR	I
Planned Unit Development			C*			C*	C*			C*

P = Permitted | C = Conditional | Underline = Only as a Secondary Use

A Planned Unit Development is a land development project that, because of its size and/or complexity, density, mixture of land uses or other characteristics, is built as an entity in accordance with a comprehensive site plan that is presented by a developer to a board or council.

A Planned Unit Development:

- a) May only be established on a zoning site or proposed development area larger than 4 acres in size.
- b) The uses and standards of a Planned Unit Development shall be generally consistent with the uses and standards in the zones adjacent to the site. The design shall produce an environment of stable and desirable character and shall incorporate at least equivalent standards or amenity, accessory off-street parking areas, and other requirements and standards established in this by-law.
- c) An application for a Planned Unit Development shall be **made in two parts as follows:** considered as a conditional use application, subject to the conditional use provisions of this by law and the Act.
 - i. The applicant is required to submit a Sketch Plan Application (Part 1) in the format provided by the Town; and
 - ii. The applicant will submit a complete conditional use application (Part 2), including a community consultation summary and final submission drawings and illustrations, prior to the holding of a public hearing.

All costs related to the applications, studies, community consultation, and hearing(s) will be borne by the developer. (1758-18)

- d) In addition to the Development Permit and Conditional Use requirements of Sections 1.12 and 1.17 respectively, an application for the establishment of a planned unit development shall be accompanied by the following information prepared and submitted by the applicant: Council, in reviewing such applications, may require additional information from the applicant as may be necessary for review of the proposal including, but not limited to:
 - i. A concise statement as to the general benefits of the development to the community as a whole; Those requirements normally required for the issuance of a development permit under Part 1: Administration of this by law;
 - ii. Effect on neighbouring structures and the general residential character of any adjacent neighbourhood; The location and use of each existing and proposed building or structure and the use or uses to be contained therein;

- iii. ~~Effect on the skyline, views and vistas in all directions; The location of all exterior refuse storage facilities and the screening thereof;~~
 - iv. ~~Effect on the natural environment, such as surface and subsurface of the land, pollution of groundwater, increase in surface run-off and flooding, soil erosion and vegetation; The location of all exterior storage facilities and the screening thereof;~~
 - v. ~~The potential for the generation of nuisance emissions such as noise, odor and particulates and their effect on adjacent building occupants and how the potential nuisances will be mitigated; The location of all driveways, accessory parking areas, accessory loading areas and the illumination for same;~~
 - vi. ~~Impacts on safety and general welfare; The location of all pedestrian walks and open space areas;~~
 - vii. ~~Impacts on local sewer, wastewater treatment capacity and water systems; The location, type and height of all proposed walls, fences and landscaping;~~
 - viii. ~~Tax benefits to the community (tax base, assessments and land value); The types of surfacing, such as paving, turf, or gravel, to be used at various locations;~~
 - ix. ~~Cost-benefit analysis (where there is a monetary investment from the community); and Floor plans and elevations of all proposed buildings and structures;~~
 - x. ~~Traffic impact study and access management plan. A copy of the traffic impact study and/or access management plan will be submitted to Manitoba Infrastructure for review and approval for any Planned Unit Development that impacts a highway under the Department's jurisdiction. The total number of dwelling units and the gross floor area; and (1758-18)~~
 - xi. ~~Any other studies deemed necessary by Council.~~
- e) Council may waive any of the above requirements if deemed unwarranted.
- f) Council, in reviewing such applications, may require additional information from the applicant as may be necessary for review of the proposal. (1758-18)

4.2 Home-Based Businesses

Use	R1	R2	R3	R4	RMHP	CC	CH	M	PR	I
Home-Based Business	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>					

P = Permitted | C = Conditional | Underline = Only as a Secondary Use

Home-Based Businesses, including Home Day Cares, are governed by the conditions imposed by Council and the following:

- a) They shall be conducted by a person or persons residing in the dwelling;
- b) In the R1, R2, R3 and R4 zones there can be no processing or outside storage of goods or materials;
- c) Not have more than thirty (30) percent of the total floor area of buildings on the site devoted to the business;

- d) One business sign, either freestanding or affixed to the wall of a principal or accessory building, is permitted, not exceeding 10 square feet (0.93 sq.m.);
- e) The Home-Based Business shall not generate undue traffic or congestion, adversely affect the amenity and convenience of the neighbourhood, or create a nuisance, and if located in the vicinity of a provincial highway should not impair the safe and efficient operation of the highway; and
- f) A permit to establish a Home-Based Business is required. Application must be made to the Development Officer and include information detailing the proposed business and an indication of where any materials, equipment or vehicles associated with the office are to be stored.

4.3 Bed and Breakfast Facilities

Use	R1	R2	R3	R4	RMHP	CC	CH	M	PR	I
Bed & Breakfast	<u>C*</u>	<u>C*</u>	<u>C*</u>	<u>C*</u>						

P = Permitted | C = Conditional | Underline = Only as a Secondary Use

A Bed and Breakfast home shall comply with the following regulations:

- a) There will be no exterior display or advertisement larger than 4.0 sq.ft. (0.37 sq.m.) in area, no sign shall be illuminated and any sign must be compatible with the character of the area;
- b) The Bed and Breakfast home shall not generate vehicular traffic or parking in excess of what is normally characteristic of the area;
- c) The Bed and Breakfast home shall be operated by a live-in owner as a secondary use only, have a maximum of eight accommodation units, and shall not change the principal residential character or external appearance of the dwelling;
- d) Meals shall be limited to the occupants of the dwelling and resident guests with no cooking facilities allowed in the guest rooms;
- e) Catering to social functions is not permitted on site;
- f) In addition to the parking for the primary use, one additional on-site parking space shall be provided for each accommodation unit; and
- g) Approved smoke detectors shall be required:
 - i. in every sleeping room in the Bed and Breakfast home; and
 - ii. in the common corridor of every storey or floor level, even if no sleeping accommodation is provided on that storey or floor level. The smoke detectors are to be electronically hard-wired to each other in cases where major renovations are to take place.

4.4 Secondary Suites

Use	R1	R2	R3	R4	RMHP	CC	CH	M	PR	I
Secondary Suite		<u>C*</u>	<u>C*</u>							

P = Permitted | C = Conditional | Underline = Only as a Secondary Use

Secondary suites are only permitted if they comply with the following regulations:

- a) Not more than one (1) secondary suite shall be permitted on a single zoning site;
- b) The principal dwelling must be an existing permanent structure;
- c) The principal dwelling must be occupied by the owner of the property;
- d) A minimum of one (1) off-street parking space must be provided for the secondary suite, in addition to the parking required for the principal building;
- e) The maximum floor area of the secondary suite shall not exceed 860 square feet (80 sq.m.) or 40% of the total habitable floor space of the principal building (whichever is the lesser); and
- f) A building permit will be obtained for the development of a secondary suite, and the development must conform to the *Manitoba Building Code*.

4.5 Portable Garages

The installation of a portable garage shall be allowed as an accessory use only if the following standards are met:

- a) A portable garage is not allowed within the required front yard of a site;
- b) A portable garage must meet the accessory building requirements for side and rear yards;
- c) A portable garage must not exceed the height restrictions for accessory buildings in the zone in which it is located;
- d) A portable garage must be placed on a driveway or parking space;
- e) A portable garage must be kept in good condition. Any rip in the fabric must be repaired; and
- f) A maximum of one (1) portable garage is allowed on the site.

4.6 Swimming Pools and Hot Tubs

Swimming pools, hot tubs and similar structures with a water depth of greater than 2 feet (0.61 m), shall be allowed as a permitted accessory use to a residential, recreational or commercial use provided that:

- a) They meet the siting requirements of accessory structures for the zone in which they are located;
- b) The pool area is protected by a fence with lockable gates and a minimum height of five (5) feet (1.52m) to prevent unauthorized entry. The fence and gate must be constructed so as to prevent a child from climbing over or crawling underneath;
- c) Hot tubs shall have a lockable cover; and
- d) A Development Permit is issued under this by-law.

Nothing in this subsection shall relieve any such structure from complying with the requirements under the Building By-law or applicable provincial regulations including *The Buildings and Mobile Homes Act* and *The Public Health Act*.

4.7 Industrial Performance Standards

In the Industrial Zone, any operation producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to be perceptible at or beyond any site line. Exposed sources of light shall be shielded so as not to create a nuisance across any site line.

The storage, use or manufacture of flammable materials, solid or otherwise, shall be in accordance with the regulations of the National Fire Code.

Notwithstanding anything herein contained, no use that may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise shall be permitted in any zone unless the use is permitted in the subject zone or measures satisfactory to Council are undertaken to mitigate or eliminate such effects.

4.8 Aggregate Extraction Operations

A Conditional Use Order and Development Permit shall be required for any development or expansion of a commercial mining or extraction operation. In addition to the application requirements set out in sections 1.11 and 1.16, the applicant must also provide the Town of Beausejour with the following:

- a) In the case of Crown quarry minerals, proof of the issuance of a Provincial Lease or Casual Permit under Manitoba Quarrying Minerals Regulations;
- b) A plan showing areas and means of goods and waste transportation;
- c) A site plan showing the operation, the manner in which extraction or development will occur, the means of visual buffering, and noise and dust protection; and
- d) A plan for rehabilitation and intended use(s) of the site upon completion of the operation phase, subject to provincial regulations.

Council shall consult with the appropriate provincial departments prior to issuance of a permit.

As a condition of approving the conditional use order, Council may require that the applicant enter into a development agreement.

4.9 Dangerous Goods or Agrichemical Storage Facility

Dangerous Goods or Agrichemical Storage Facilities shall be located at a minimum distance of 328 feet (100.0 m) from the site lines of the following zones: R1, R2, R3, R4, RMHP, I, and CC, unless there is written consent from neighbouring property owners.

Part 5: Zoning Districts

5.1 Districts Established

The zoning districts, district names and abbreviation shown in Table 5-1, and the locations and boundaries of the zoning districts shown on the Zoning Map, are hereby established.

Table 5-1 Zoning Districts Established	
Abbreviation	Zones
R1	Single-Family Residential Zone
R2	Two-Family Residential Zone
R3	Multi-Family Residential Zone
R4	High-Density Residential Zone
RMHP	Mobile Home Park Zone
CC	Central Commercial Zone
CH	Highway Commercial Zone
M	Industrial Zone
PR	Parks and Recreation Zone
I	Institutional Zone

5.2 Zoning Boundaries

The zones established above in Table 5-1 shall apply within the boundaries of the zones shown on the Zoning Map following these rules of interpretation:

- a) Heavy lines represent zone boundaries. Where the zone boundary is broken by the name of a street it shall be construed that the boundary continues through the name of the street;
- b) Notwithstanding that streets, lanes, and public utility rights-of-way may be within the zone boundaries, the regulations contained in this by-law shall not be deemed to be applicable to said streets, lanes and public utility rights-of-way;
- c) Boundaries indicated as following the centrelines of streets, highways or lanes shall be construed as following such centrelines;
- d) Boundaries indicated as following lot, site or property holding lines on a registered plan shall be construed as following such lot, site or property holding lines;
- e) Boundaries indicated as following the limits of an incorporated municipality shall be construed as following the limits of said municipality;
- f) Boundaries indicated as following the centrelines of railway lines or railway rights-of-way or public utility rights-of-way shall be construed to be midway between the main tracks or the centre of the rights-of-way, as the case may be;
- g) If a street, lane or Government Road Allowance shown on the Zoning Map is lawfully closed, the land formerly comprising the street or lane or government road allowance shall be included within the zone of the adjoining land; however, if the said street or lane

or government road allowance was a zoning boundary between two or more different zones, the new zoning boundary shall be the former centreline of the closed street or lane or government road allowance, except where the closed road is being transferred to an adjoining owner, in which case the boundary shall follow the limit of the consolidated property;

- h) Where the zoning of a single site or lot is split into more than one zoning district, each portion of the site or lot shall be developed and used in accordance with the provisions of the applicable zoning district; and
- i) All plan references on the Zoning Maps pertain to registered plans filed in the Winnipeg Land Titles Office.

5.3 Permitted and Conditional Uses

The permitted and conditional uses prescribed for parcels within each zone are those set out in the Use Tables. In the Use Tables:

- a) Permitted uses are indicated with the letter [P].
- b) Conditional uses are indicated with the letter [C].
- c) An asterisk symbol (*) indicates that a use specific standard applies.
- d) An underline (e.g. P, C) indicates that the use may only be established as a secondary use. Where no minimum or maximum site requirements are provided in the bulk table for the proposed secondary use, the requirements are as per the principal use.

5.4 Bulk Regulations

No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged, or placed, except in accordance with the bulk requirements described in the bulk tables or elsewhere in this by-law.

5.5 Use-Specific Standards

Regardless of whether a use is allowed as a permitted or a conditional use, and regardless of the zoning district in which the use is located, the additional standards for specific uses [in Part 4 of this by-law] must be met, except as otherwise provided in this by-law or by a Conditional Use or Variance Order.

Part 6: Residential Zones

6.1 Residential Zones

The following residential zones are hereby established:

- a) **"R1" Single-Family Zone** provides for the development of single-family dwellings.
- b) **"R2" Two-Family Zone** provides for the development of two-family dwellings.
- c) **"R3" Multi-Family Zone** provides for the development of a range of dwellings.
- d) **"R4" High-Density Residential Zone** provides for single-family dwellings on smaller lots.
- e) **"RMHP" Residential Mobile Home Park Zone** provides for the development of a mobile home park.

6.2 General Provisions for Residential Zones

The following provisions apply to lands zoned R1, R2, R3, R4 and RMHP:

- a) All provisions pertaining to residential zones within this part;
- b) The provisions of Part 1: Administration, Part 2: Definitions; Part 3: General Rules and Regulations; and the Zoning Map; and
- c) Part 4: Use Specific Standards as applicable.

6.3 Exceptions for Residential Zones (R1, R2, R3 and R4)

For single-family and two-family dwellings, the following side yard exceptions apply:

- a) The minimum side yard on the street side of a corner site shall be 15 feet (4.57 m).
- b) Accessory buildings located to the rear of the main building shall have a minimum side yard of 2 feet (0.61 m) unless the site is a corner site, in which case the minimum side yard shall be 15 feet (4.57 m).
- c) Where there is no direct vehicular access to the rear yard or to an attached garage or carport, one side yard shall be at least 10 feet (3.05 m).
- d) Fences and hedges located on the street side of a corner site shall not exceed a height of 3.5 feet (1.07 m), unless set back a distance of 15 feet (4.57 m) in which case said height shall not exceed 6 feet (1.83 m).

6.4 Accessory Uses

In the Residential Zones, accessory uses, structures and buildings include the following:

- a) A children's playhouse, garden house, gazebo, private greenhouse, conservatory, swimming pool or hot tub,
- b) Decks, patios, wheelchair ramps, statuary, light fixtures, fences and walls,
- c) A private garage, carport, covered patio, shed or similar building,
- d) An accessory residential unit on the same site as a Neighbourhood Commercial use;
- e) Accessory off-street parking areas,
- f) Private communications facilities,
- g) Signs as permitted and regulated in Part 10 of this by-law,
- h) Refuse and garbage area separate from required parking areas, buffers and open spaces for multi-family dwellings and other permitted or approved uses. The location and size of the area within the zoning site shall be subject to the approval of Council, and
- i) Other accessory uses and structures consistent with those permitted in the residential zones at the discretion of the Development Officer.

Table 6-1

R1 Single-Family Residential Zone

The R1 zone provides for the development of single-family dwellings in an urban context.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use	Minimum Requirements					Max. Requirements		
	Site Area (sq.ft.)	Site Width (ft)	Front Yard (ft)	Side Yard ¹ (ft)	Rear Yard (ft)	Height (ft)	Site Coverage (%)	
Bed & Breakfast	<u>C*</u>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Child Care Services	<u>P</u>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Dwelling, Single-Family	P	5,000	50	30	5	25	30	40
Group Home	P	5,000	50	30	5	25	30	40
Home-Based Business	<u>P*</u>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Public Park	P	n/a	n/a	30	5	25	n/a	n/a
Public Utility	P	n/a	n/a	30	5	25	30	n/a
Accessory buildings and structures	P	n/a	n/a	30	5	2	15	15 ²

¹ See Section 6.3

² Site coverage is cumulative for all accessory buildings and structures.

Table 6-2

R2 Two-Family Residential Zone

The R2 zone provides for the development of two-family dwellings in an urban context.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use	Minimum Requirements					Max. Requirements		
	Site Area (sq.ft.)	Site Width (ft)	Front Yard (ft)	Side Yard ¹ (ft)	Rear Yard (ft)	Height (ft)	Site Coverage (%)	
Bed and Breakfast	<u>C*</u>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Child Care Services	<u>P</u>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Dwelling, Single-Family	P	5,000	50	30	5	25	30	40
Dwelling, Two-Family	P	7,500	75	30	5	25	30	60
Education Service	C	10,000	100	30	15	25	30	40
Group Home	P	5,000	50	30	5	25	30	40
Home-Based Business	<u>P*</u>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Neighbourhood Commercial	C	10,000	100	30	15	25	30	40
Public Park	P	n/a	n/a	30	5	25	n/a	n/a
Public Utility	P	n/a	n/a	30	5	25	30	n/a
Religious Assembly	C	40,000	200	30	15	25	30	40
Secondary Suite	<u>C*</u>	n/a	n/a	30	5	2	30	15
Accessory buildings and structures	P	n/a	n/a	30	5	2	15	15 ²

¹ See Section 6.3

² Site coverage is cumulative for all accessory buildings and structures.

Table 6-3

R3 Multi-Family Residential Zone

The R3 zone provides for the development of a range of residential dwellings.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use	Minimum Requirements						Max. Requirements	
	Site Area (sq.ft.)	Site Width (ft)	Front Yard (ft)	Side Yard ¹ (ft)	Rear Yard (ft)	Height (ft)	Site Coverage (%)	
Bed & Breakfast	<u>C</u> *	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Child Care Services	P	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Dwelling, Multi-Family	P	10,000 ²	100	30	15	25	40	60
Dwelling, Single-Family	P	5,000	50	30	5	25	30	40
Dwelling, Two-Family	P	7,500	75	30	5	25	30	60
Education Service	C	10,000	100	30	15	25	30	40
Group Home	P	5,000	50	30	5	25	30	40
Home-Based Business	<u>P</u> *	n/a	n/a	n/a	n/a	n/a	n/a	n/a
House, Boarding or Lodging	C	7,500	75	30	15	25	30	40
Neighbourhood Commercial	C	10,000	100	30	15	25	30	40
Planned Unit Development	<u>C</u> *	See section 4.1						
Public Park	P	n/a	n/a	30	5	25	n/a	n/a
Public Utility	P	n/a	n/a	30	5	25	30	n/a
Religious Assembly	C	40,000	200	30	15	25	30	40
Residential Care Facility	C	40,000	200	30	15	25	30	40
Secondary Suite	<u>C</u> *	n/a	n/a	30	5	2	30	15
Accessory buildings and structures	P	n/a	n/a	30	5	2	15	15 ³

¹ See Section 6.3² Multi-family dwellings require a minimum site area of 10,000 square feet plus 1,000 sq.ft. for each dwelling unit.³ Site coverage is cumulative for all accessory buildings and structures.

Table 6-4

R4 High-Density Residential Zone

The R4 zone provides for the development of single-family dwellings on smaller lots.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use	Minimum Requirements						Max. Requirements	
	Site Area (sq.ft.)	Site Width (ft)	Front Yard (ft)	Side Yard ¹ (ft)	Rear Yard (ft)	Height (ft)	Site Coverage (%)	
Bed & Breakfast	<u>C</u> *	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Child Care Services	P	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Dwelling, Single-Family	P	4,000	40	20	5	20	30	40
Group Home	P	4,000	40	20	5	20	30	40
Home-Based Business	<u>P</u> *	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Public Park	P	n/a	n/a	20	5	15	n/a	n/a
Public Utility	P	n/a	n/a	20	5	15	30	n/a
Accessory buildings and structures	P	n/a	n/a	30	2	n/a	15	15 ²

¹ See Section 6.3² Site coverage is cumulative for all accessory buildings and structures.

Table 6-5

RMHP Residential Mobile Home Park Zone

The RMHP zone provides for the development of a mobile home park.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies		Minimum Requirements					Max. Requirements	
		Site Area (sq.ft.)	Site Width (ft)	Front Yard (ft)	Side Yard ¹ (ft)	Rear Yard (ft)	Height (ft)	Site Coverage (%)
Child Care Services	C*	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Home-Based Business	P*	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Mobile Home Park	P	1 acre	200	20	5	10	n/a	8 units/acre
Public Park	P	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Public Utility	P	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Accessory buildings and structures	P	n/a	n/a	30	5	2	15	15 ²

¹ The minimum side yard on the street side of a corner site shall be fifteen (15) feet.

² Site coverage is cumulative for all accessory buildings and structures.

6.5 Additional Requirements for Mobile Home Parks

6.5.1 Development Permits

A Development Permit application for a residential mobile home park may be filed by the owner (or his agent) with the Development Officer and referred to Council for approval. The application and plans shall conform to all requirements of this by-law and the Town of Beausejour Mobile Home and Mobile Home Park By-law and include the following:

- a) The name and address of the applicant(s);
- b) The location, legal description of the property and the size of the proposed mobile home park;
- c) Detailed, scaled drawings of the proposed mobile home park, with appropriate measurements, numbers and annotations, depicting the following:
 - i. All mobile home spaces (appropriately numbered), playgrounds, open space, service and utility areas;
 - ii. All proposed roadways and/or driveways, including the type of road surface and the location and means of vehicular and pedestrian access;
 - iii. The size, shape, and number of mobile home sites;
 - iv. The type of pad and on-site parking surface;
 - v. The drainage facilities for surface water in the area;
 - vi. The location of all proposed sanitary facilities, garbage storage and service buildings;
 - vii. The proposed design and method for onsite water distribution and sewage collection and for connection to the municipal systems;
 - viii. The design and location of hydro, telephone and gas lines, and street lighting;
 - ix. The fire protection for the area;
 - x. The relationship of each mobile home site to adjoining buildings and to the limits of the property within which the mobile home site is located; and
 - xi. The intended use of each mobile home.

6.5.2 Mobile Home Requirements

Mobile homes require a Development Permit. No mobile home located in the Town of Beausejour shall receive a Development Permit unless it complies with the following regulations:

- a) Mobile Homes, as defined herein, are only permitted in the RMHP zone.
- b) No mobile home shall be placed in the Town of Beausejour and used as a dwelling unless it meets all structural standards as determined by the *Buildings and Mobile Homes Act*, Chapter B93, as amended, Manitoba Building Code and Canadian Standards Association (C.S.A.) Mobile Home Structural Standards contained within CAN/CSA-Z240 MH and revisions thereto. Temporary uses as provided for by Section 3.12 herein are excepted from this requirement.
- c) A mobile home, when located permanently within a mobile home park, shall;
 - i. Be connected to municipal sewer and water services when such services are available on the site;
 - ii. Be provided with skirting extending from the bottom of the mobile home to the ground having adequate ventilation and a readily accessible, removable panel giving access to service connections;
 - iii. Be connected to the hydro system with an approved electrical service outlet. All utilities shall be underground.
- d) All structures and/or buildings such as porches, additions, carports, private garages, skirting and storage facilities shall be painted or pre-finished and maintained, and in the opinion of Council, will complement the main structure.

6.5.3 Park Requirements

In addition to the requirements specified in Table 6-5, the following site requirements shall also apply within mobile home parks:

Table 6-6 Mobile Home Park Requirements	
Criteria	Minimum Requirements
Minimum site area of mobile home space	4,000 sq.ft. (371.6 sq.m.)
Minimum site width of mobile home space	40 ft (12.19 m)
Minimum side to side clearance between mobile homes (including additions and attachments) and between mobile homes and accessory buildings	10 ft (3.05 m)
Minimum end to end clearance between mobile homes	15 ft (4.57 m)
Minimum front yard setback for mobile home (measured from front site line)	10 ft (3.05 m)
Minimum mobile home dwelling unit area	600 sq.ft. (55.7 sq.m.)
Maximum number of accessory buildings	2
Maximum total size of all accessory buildings	600 sq.ft. (55.7 sq.m.)
Minimum width of road right-of-way	40 ft (12.19 m)
Minimum width of roadway surface	24 ft (7.32 m)
Maximum number of mobile homes per site	1
Minimum number of parking spaces per site	1

Design and maintenance of the mobile home park must also provide for the following:

- a) That portion of the mobile home park not occupied by mobile home pads, mobile home additions, common use and storage buildings, roads, walkways, driveways, car parking areas and any other developed facilities shall be sodded or seeded with grass and landscaped with suitable trees and shrubbery;
- b) Service buildings shall be centrally located, and not be further than 300 feet (91.44 m) from any dependent mobile home, and shall be provided with adequate light, heat and ventilation. All service buildings shall be approved prior to construction;
- c) All accessory structures such as patios, porches, additions and skirting shall meet the requirements of the Building By-law and shall be so designed and erected as to harmonize with the mobile homes;
- d) Each mobile home space shall be clearly marked by corner posts or other satisfactory means and identified by a numbered sign;
- e) Mobile home park management shall provide for the storage of refuse, garbage and debris in a sanitary manner in a location readily accessible to all mobile homes;
- f) Tanks for the storage of fuel oil and propane shall be concealed from view by screening or other appropriate measures;
- g) At least one (1) parking space shall be provided on each mobile home site. Only temporary parking is allowed on roadways;
- h) All roadways within the mobile home park shall be hard surfaced and properly maintained;
- i) All roadways within the mobile home park shall be property illuminated by lighting units approved by Council;
- j) A separate open area for a children's playground or sports field shall be provided on the basis of 200 square feet (18.6 sq.m.) per mobile home space or a minimum of 2,400 square feet (223.0 sq.m.), whichever is greater; and
- k) Identification names shall be given to the mobile home park and the internal roads within the mobile home park and be posted at suitable locations on the site.

6.5.4 Existing Mobile Home Park Developments

- a) Mobile home parks lawfully existing at the effective date of this by-law shall have non-conforming rights in accordance with *The Planning Act*.
- b) A mobile home park lawfully existing at the effective date of this by-law may be redesigned or altered without the necessity of a variance order, even though the full requirements of this by-law have not been complied with, provided that the non-conformity is being decreased and that the total number of mobile home spaces is not being increased;
- c) Where a lawfully existing mobile home park is being extended or expanded beyond the current boundaries of said park, the requirements of this by-law shall be adhered to insofar as it affects the expanded or newly extended area.

Part 7: Commercial Zones

7.1 Commercial Zones

The following commercial zones are hereby established:

- a) **"CH" Highway Commercial Zone** provides for appropriate commercial uses adjacent to the main highways for the purpose of servicing the travelling public and for providing commercial space for those businesses which, by their nature, require a highway location for access and/or display purposes.
- b) **"CC" Central Commercial Zone** provides land in the Town's central business district for the development of intensive retail, business, service and administrative uses.
- c) **"CCO" Commercial Core Overlay** provides additional requirements with respect to mixed-use development, site design and parking regulations along Park Avenue.

7.2 General Provisions for Commercial Zones

The following provisions apply to lands zoned CC and CH:

- a) Where any land or building is used for more than one purpose, 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;
- b) All provisions pertaining to commercial zones within this part;
- c) The provisions of Part 1: Administration, Part 2: Definitions; Part 3: General Rules and Regulations; and the Zoning Map;
- d) Parking requirements per Table 3-1; and
- e) Part 4: Use Specific Standards as applicable.

7.3 Accessory Uses

In the Commercial Zones, accessory uses, buildings and structures include the following:

- a) The production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise normally incidental to a business and personal service and mercantile occupancies if conducted by the same ownership as the principal use and contained within a completely enclosed building,
- b) A children's playhouse, garden house, gazebo, private greenhouse, conservatory, swimming pool or hot tub,
- c) Decks, patios, wheelchair ramps, statuary, light fixtures, fences and walls,
- d) A garage, carport, covered patio, shed or similar building,
- e) Accessory off-street parking areas,
- f) Private communications facilities,
- g) Signs as permitted and regulated in Part 10 of this by-law,
- h) Refuse and garbage area separate from required parking areas, buffers and open spaces. The location and size of the area within the zoning site shall be subject to the approval of Council, and
- i) Other accessory uses and structures consistent with those permitted in the commercial zones at the discretion of the Development Officer.

Table 7-1

CH Highway Commercial Zone

The CH zone provides for appropriate commercial uses adjacent to highways for the purposes of servicing the travelling public and for providing commercial space for those businesses which, by their nature, require a highway location for access and/or display purposes.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use		Minimum Requirements					Max. Requirements							
		Site Area (sq.ft.)	Site Width (ft)	Front Yard ¹ (ft)	Side Yard ¹ (ft)	Rear Yard ¹ (ft)	Height (ft)	Site Coverage (%)						
Animal Shelter & Veterinary Service	P	40,000	150	125	15	15	30	40						
Auctioneering Establishment	C													
Automobile Service Station and Gas Bar	P	40,000	300	45 ²	15	15	30	40						
Automobile, Recreational Vehicle or Farm Implement Sales/Rentals	P	40,000	150	125	15	15	30	40						
Bulk Storage	C													
Cannabis Retail Store	C													
Drive-Through Facility	P													
Eating & Drinking Establishment	P													
Emergency Service	P													
Funeral Service	P													
Garden Centre, Farmers' Market & Produce Stand	P													
Government Service	P													
Greenhouse, Plant & Tree Nursery	P													
Hotel / Motel	P													
Outdoor Amusement Establishment	C													
Outdoor Participant Recreation Service	C													
Planned Unit Development	C*								See Section 4.1					
Portable Asphalt Plant	C								40,000	150	125	25	25	30
Public Utility	P													
Recycling Depot	C													
Self-Service Storage Facility	P	40,000	150	45	25	25	30	40						
Shopping Centre/Strip Mall	C													
Small Animal Breeding & Boarding Est.	C	40,000	150	125	25	25	30	40						
Trucking Operation	P													
Warehouse Sales	P													
Accessory buildings and structures	P	n/a	n/a	125	15	15	30	15						

¹ The requirement for yards abutting a Provincial Trunk Highway (P.T.H.) or a Provincial Road (P.R.) is subject to approval by the Highway Traffic Board or appropriate government department when not meeting regulatory requirements.

² Fuel pumps shall have a minimum front yard setback of 25 feet.

Table 7-2

CC Central Commercial Zone

The CC zone provides for the development of retail, business, service and administrative uses in the Town's central business district.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use	Minimum Requirements					Max. Requirements		
	Site Area (sq.ft.)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Height (ft)	Site Coverage (%)	
Automobile Service Station	P	10,000	100	20	5	5	35	60
Broadcasting & Motion Picture Studio	C	5,000	50	20	5	20	35	40
Business Support Services	P	1,800	17	2	0 ¹	20	35	60
Cannabis Retail Store	C	1,800	17	2	0 ¹	20	35	60
Club, Private, Non-Profit & Recreational	P	5,000	50	20	5	20	35	60
Community Centre	P	40,000	150	20	15	20	35	60
Convenience Store	P	1,800	17	2	0 ¹	20	35	60
Custom Manufacturing Establishments	C	5,000	50	20	5	20	35	60
Drive-Through Facility	C	5,000	50	20	5	20	35	60
Dwelling, Multi-Family	C	10,000 ²	100	20	15	20	35	60
Dwelling, Single-Family	C							
Eating & Drinking Establishment	P	5,000	50	20	5	20	35	60
Education Service	P							
Emergency Service	P							
Funeral Service	P	40,000	150	20	5	20	35	60
Gas Bar	P	10,000	100	20	5	5	35	60
Government Service	P	5,000	50	20	5	20	35	60
Health Service	P							
Hotel / Motel	P	20,000	100	20	5	5	35	60
Household Repair Service	P	1,800	17	2	0 ¹	20	35	60
Indoor Participant Recreation Service	P	5,000	50	20	5	20	35	60
Information Technology Use	P	1,800	17	2	0 ¹	20	35	60
Non-Accessory Parking	C	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Personal Service Shop	P	1,800	17	2	0 ¹	20	35	60
Place of Assembly	P	5,000	50	20	5	20	35	60
Planned Unit Development	C*	See Section 4.1						
Professional, Financial & Office Support Service	P	1,800	17	2	0 ¹	20	35	60
Public Library & Cultural Exhibit	P	5,000	50	20	5	20	35	60
Public Park	P	n/a	n/a	20	5	20	35	60
Public Utility	P	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Research Institution	C	5,000	50	20	5	20	35	60
Residential Care Facility	C	20,000	100	20	15	20	35	60
Retail Sales & Service	P	1,800	17	2	0 ¹	20	35	60
Shopping Centre/Strip Mall	P	40,000	150	45	25	25	35	60
Spectator Entertainment Establishment	P	5,000	50	20	5	20	35	60
Accessory buildings and structures	P	n/a	n/a	30	5	5	15	10

¹ The minimum side yard on the street side of a corner site shall be two (2) feet.

² Multi-family dwellings require a minimum site area of 10,000 square feet plus 1,000 sq.ft. for each dwelling unit.

7.4 Commercial Core Overlay

The intent of the Commercial Core Overlay (CCO) is to reinforce the importance of the Park Avenue area as the regional centre for commercial activity, to ensure that new development is compatible with the character of the area, and to provide the opportunity for mixed-use development.

The Commercial Core Overlay shall apply to the lands fronting Park Avenue as shown on Figure 6 below and in the Commercial Core Overlay Map in Appendix A.

Figure 6: Commercial Core Overlay



7.4.1 Use Specific Standards

The following provisions shall apply for all sites located within the Commercial Core Overlay [Appendix A]. Where the general rules or bulk standards in this by-law appear to be in conflict with the rules for an overlay zone, the rules for the overlay zone shall prevail:

- a) A minimum of sixty (60) percent of the width of the front wall of a principal building on a site within the Commercial Core Overlay must be clear glass;
- b) Blank walls exceeding 20 feet in height are prohibited on all sides of a principal building adjacent to a sidewalk;
- c) The first storey of a principal building within the Commercial Core Overlay must contain retail or professional services uses. Offices, reception and public use areas shall be easily identifiable and visible from the public roadway;
- d) The largest entryway into a principal building within the Commercial Core Overlay must be located on the front site line. For corner sites, the largest entryway into a principal building may be located on the side site line adjacent to a street;
- e) Whenever possible, parking areas should be located behind the principal building;
- f) There are no required parking minimums for commercial uses within the Commercial Core Overlay. Multi-family residential developments are required to meet the parking requirements specified in Table 3-1;
- g) Garbage collection, loading, and storage areas shall be located behind the principal building or in a way that is not visible from adjacent sidewalks. Areas visible from residential zones or from a public roadway other than a lane, shall be fenced or have

screen planting. The location, length, thickness and height of such fence or screen planting shall be in accordance with the landscaping plan;

- h) All outdoor storage shall be related to the business on the site. Storage of goods must not obstruct sidewalks;
- i) Sidewalks at least 6 feet (2.0 m) in width must be provided unobstructed along the front site line of all sites and side site line of corner sites.
- j) Where a consistent building alignment exists along a block, buildings should provide a front yard setback consistent with the average setback on that block to respect this alignment (front and corner side yards).
- k) Deviating from the front yard alignment on a block may be considered to provide active use spaces, such as sidewalk cafés, patios, landscaped spaces or retailer displays.
- l) Landscaped spaces, streetscapes and architectural features should be retained and all commercial developments shall be designed to convey an image of cohesive appearance and architectural character. Design should be consistent with adjacent heritage buildings, where applicable and practical.
- m) Buildings shall be constructed and finished with durable materials to maintain the initial appearance of the development throughout the life of the project.
- n) The design of a structure and its massing on the site should enhance solar exposure for the project and minimize shadow impacts of a proposed development's height and location and the potential to create shadowing on neighbouring properties.
- o) Extensions and new development which significantly reduces the sunlight available to the main habitable rooms of an existing residential property or private garden area will not be permitted.
- p) The Development Officer or Council may require that the appearance of walls exposed to public view from beyond the site be improved where the appearance of such walls is inconsistent with the finishing standards of the surrounding development. On corner units, architectural materials should be consistent on both exposed elevations.

Part 8: Industrial Zones

8.1 Industrial Zones

The following industrial zone is hereby established:

- a) **"M" Industrial Zone** provides for construction, manufacturing, processing, distribution, transportation and warehouse uses.

8.2 General Provisions for Industrial Zones

The following provisions apply to lands zoned M:

- a) All provisions pertaining to commercial zones within this part;
- b) The provisions of Part 1: Administration, Part 2: Definitions; Part 3: General Rules and Regulations; and the Zoning Map; and
- c) Part 4: Use Specific Standards as applicable.

8.3 Accessory Uses

In the Industrial Zone, an accessory use, building or structure includes the following:

- a) The production, processing, cleaning, servicing, altering, testing, repair or storage of merchandise normally incidental to the principal use,
- b) Storage of goods used in or produced by manufacturing activities on the same zoning site with such activities unless such storage is excluded by the zoning regulations,
- c) A dwelling or mobile home for a watchman or caretaker if, in Council's opinion, it is deemed necessary and essential to be located on the same site as the principal use,
- d) Decks, patios, wheelchair ramps, statuary, light fixtures, fences and walls,
- e) A garage, shed, sea-can (shipping container) or storage building incidental to a permitted or conditional use,
- f) Off-street parking and loading spaces as required in Section 3.16-3.18,
- g) Private communications facilities,
- h) Signs as permitted and regulated in Part 10 of this by-law,
- i) Refuse and garbage area separate from required parking areas, buffers and open spaces. The location and size of the area within the zoning site shall be subject to the approval of Council, and
- j) Other accessory uses and structures consistent with those permitted in the industrial zones at the discretion of the Development Officer.

Table 8-1

M Industrial Zone

The M zone provides for construction, manufacturing, processing, distribution, transportation and warehouse uses.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies <u>Underline</u> = Only as a Secondary Use		Minimum Requirements					Max. Requirements	
		Site Area (sq.ft.)	Site Width (ft)	Front Yard (ft)	Side Yard ¹ (ft)	Rear Yard (ft)	Height (ft)	Site Coverage (%)
Aggregate Extraction Operation	C	40,000	150	20	15	15	30	60
Agrichemical Storage Facility	C	10,000	75	20	15	10	30	60
Agricultural Processing Facility	C							
Auctioneering Establishment	C							
Automobile Body Shop	P							
Billboard (Advertising Sign), off-site	C							
Broadcasting & Motion Picture Studio	P							
Bulk Storage	C							
Cannabis Standard Processing	C							
Concrete Batch Plant	C							
Contractor's Yard	P							
Custom Manufacturing Establishments	P	10,000	75	20	15	10	30	60
Emergency Service	P							
General Contractor Service	P							
General Storage	P							
Government Service	P							
Indoor Participant Recreation Service	P							
Information Technology Use	P							
Light Industrial Use	P							
Limited Contractor Service	P							
Manufacturing Use	C							
Portable Asphalt Plant	C							
Public Utility	P							
Recycling Depot	P							
Research Institution	P							
Salvage Operation / Yard	C							
Self-Service Storage Facility	P							
Sewage Treatment Site	P	40,000	150	20	15	15	30	60
Small Animal Breeding & Boarding Est.	P	10,000	75	20	15	10	30	60
Trucking Operation	P							
Warehouse Sales	P							
Waste Disposal Site	C	40,000	150	20	15	15	30	60
Any permitted or conditional use in the "CH" zone	C	See Table 7-1 for requirements						
Accessory buildings and structures	P	n/a	n/a	20	15	15	30	15

¹ Side and rear yards abutting a residential zone shall be a minimum of twenty (20) feet.

Part 9: Parks and Recreation and Institutional Zones

9.1 Parks and Recreation and Institutional Zones

The following zones are hereby established:

- a) **"PR" Parks and Recreation Zone** provides land to accommodate public recreational uses.
- b) **"I" Institutional Zone** provides land to accommodate governmental, educational, and institutional uses.

9.2 General Provisions

The following provisions apply to lands zoned PR and I:

- a) All provisions pertaining to Parks and Recreation and Institutional zones within this part;
- b) The provisions of Part 1: Administration, Part 2: Definitions; Part 3: General Rules and Regulations; and the Zoning Map; and
- c) Part 4: Use Specific Standards as applicable.

9.3 Accessory Uses

In the PR and I zones, an accessory use, building or structure includes the following:

- a) A dwelling or mobile home for a watchman or caretaker if, in Council's opinion, it is deemed necessary and essential to be located on the same site as the principal use,
- b) Decks, patios, wheelchair ramps, statuary, light fixtures, fences and walls,
- c) A garage, shed or storage building incidental to a permitted or conditional use,
- d) Off-street parking and loading spaces as required in Section 3.16-3.18,
- e) Private communications facilities,
- f) Signs as permitted and regulated in Part 10 of this by-law,
- g) Refuse and garbage area separate from required parking areas, buffers and open spaces. The location and size of the area within the zoning site shall be subject to the approval of Council, and
- h) Other accessory uses and structures consistent with those permitted in the Parks and Recreation and Institutional zones at the discretion of the Development Officer.

Table 9-1

Parks and Recreation Zone

The PR zone provides land to accommodate public recreational uses.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies	Minimum Requirements					Max. Requirements		
	Site Area (sq.ft.)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Height (ft)	Site Coverage (%)	
Cemetery	P	40,000	200	30	15	15	30	n/a
Club, Private, Non-Profit & Recreational	C	40,000	200	30	15	15	30	n/a
Community Centre	C	80,000	200	50	25	25	30	n/a
Indoor Participant Recreation Service	C							
Outdoor Amusement Establishment	C							
Outdoor Participant Recreation Service	C							
Public Park	P	n/a	n/a	30	15	15	30	n/a
Public Utility	P	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Accessory Buildings & Structures	P	n/a	n/a	30	5	5	15	10

Table 9-2

Institutional Zone

The I zone provides land to accommodate governmental, educational, and institutional uses.

Use Class P=Permitted C=Conditional *=Use-Specific Standard Applies	Minimum Requirements					Max. Requirements		
	Site Area (sq.ft.)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Height (ft)	Site Coverage (%)	
Cemetery	P	40,000	200	30	15	15	30	90
Child Care Services	P	10,000	100	30	15	15	30	40
Club, Private, Non-Profit & Recreational	P	40,000	200	30	15	15	30	40
Community Centre	P	80,000	200	30	15	15	30	40
Eating & Drinking Establishment, when accessory to a permitted use	C	See site requirements for permitted principal use						
Education Service	P	80,000	200	50	15	15	30	40
Emergency Service	P	40,000	200	30	15	15	30	40
Extended Medical Treatment Service	P	80,000	200	50	15	15	30	40
Funeral Service	P	40,000	200	30	15	15	30	40
Government Service	P							
Health Service	P	10,000	100	30	15	15	30	40
Planned Unit Development	C*	See Section 4.1						
Public Library & Cultural Service	P	10,000	100	30	15	15	30	40
Public Park	P	n/a	n/a	30	15	15	30	n/a
Public Utility	P	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Religious Assembly	P	40,000	200	30	15	15	30	40
Research Institution	C							
Residential Care Facility	P							
Accessory Buildings & Structures	P	n/a	n/a	30	5	5	15	10

Part 10: Signage Regulations

10.1 Definitions

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

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

Apex means the highest point of a sign as measured from the point on the ground where its structure is located, or, if no sign structure is present, from the point on the ground directly below the sign itself.

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

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

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

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

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

Fascia or Wall Sign means any sign attached against the surface of, or against or within a recess in the wall, a column or other perpendicular portion of a building, even if the surfaces are not contiguous. A fascia sign shall also mean any sign attached to the walls of two or more buildings and spanning the spaces between the said buildings.

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

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

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

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

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

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

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

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

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

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

Sign Surface Area means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, including any frame or other material or colour forming an integral part of the display or used to differentiate such sign from the background against which it is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than 2 feet (0.61 m) from one another, the sign surface area of the sign shall be taken as the surface areas of one face if the two faces are of equal area, or as the surface area of the larger face if the two faces are of unequal area.

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

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

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

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


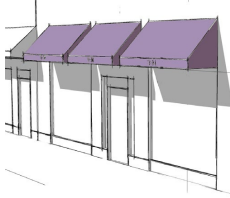





10.2 General Sign Regulations





The following provisions shall apply to all signs erected or maintained within the Town of Beausejour, except wherein otherwise stated:

- a) Signs and sign structures may be allowed as accessory uses in accordance with the Sign Requirements Table [Table 10-1], subject to the issuance of a Development Permit as required;
- b) All signs shall comply with the minimum yard requirements for accessory structures in the zone in which they are to be located or erected;
- c) Billboards and other signs directing attention to a business, commodity or message offered elsewhere than upon the same zoning site on which that sign is located may, **at the discretion of the Development Officer, require Council approval.** ~~only be allowed with Council approval.~~ These signs are also subject to the issuance of a Development Permit; **(1758-18)**
- d) 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;
- e) Any illuminated sign, including those with LED lights, flashing lights or digital images may, **at the discretion of the Development Officer, require Council approval.** ~~only be allowed with Council approval.~~ All signs with flashing lights or digital images are prohibited within 100 feet (30 m) of Residential Zones; **(1758-18)**
- f) No sign or structure shall be erected or maintained on, over or above any land or right-of-way belonging to the Town of Beausejour without a Development Permit;
- g) The placing of signs within the control area of a Provincial Road or Provincial Trunk Highway shall require a permit from the applicable provincial authority; and
- h) All signs and structures shall be kept in good repair and in a proper state of preservation. Signs which have become obsolete because of discontinuance of the operation or activity or are not maintained in good condition or repair shall be repaired, removed or relocated within 30 days following notice by the Development Officer.
- i) **Signs exceeding 10 sq. ft. (0.93 m²) (1758-18)**

The following signs shall not require a Development Permit. However, they must still comply with any applicable standards in this by-law:

- a) Signs posted by duly constituted public authorities in the performance of their public duties;
- b) Flags, banners or emblems of a political, civic, educational or religious organization;
- c) Commemorative or memorial signs or tablets;
- d) Temporary signs including real estate signs, construction signs, election signs, garage sale signs and similar;
- e) Awning signs with signage originally incorporated in the design or awning material;
- f) Residential on-site identification signs or warning signs (such as "Private Property" signs and similar) not exceeding 3 sq.ft. (0.28 sq.m.) in surface area; and
- g) Signs required for direction and convenience of the public, including signs identifying restrooms or parking entrances, not exceeding 5 sq.ft. (0.46 sq.m.) in sign surface area.

Table 10-1 Sign Regulations			Permit Required
Sign Type	Specifications	Allowed in Zones	
 <p>Address/Name</p>	Quantity 1 per address Area max 4.0 sq.ft. Width n/a Height n/a Depth max 3.0 inches Clearance n/a	R1, R2, R3, RMHP CC, CH M PR, I	No
 <p>Awning</p>	Quantity 1 per window Area n/a Width max equal to facade Depth min 4.0 feet Clearance min 8.0 feet Valance Height max 12.0 inches Dist. from Curb min 2.0 feet	CC, CH M PR, I R2, R3	Yes
 <p>Fascia/Wall</p>	Quantity 1 per business Area 25% of building face Width n/a Depth max 7.0 inches Clearance min 7.0 feet	CC, CH M PR, I R2, R3	Yes
 <p>Freestanding/Ground</p>	Quantity 1 per site Area single occupancy = max 100 sq.ft. multiple occupancy = max 300 sq.ft. Height ground = max 8.0 feet freestanding = max. 25.0 feet Width max 4.0 feet Depth max 12.0 inches Clearance ground = n/a freestanding = min 6.0 feet	CC, CH M PR, I	Yes
 <p>Marquee</p>	Quantity 1 per business Area n/a Width entrance plus 2 feet per side Depth min 4.0 feet; max 10 feet Clearance min 8.0 feet Dist. from Curb min 3.0 feet	CC, CH M PR, I	Yes
 <p>Outdoor Display Case</p>	Quantity 1 per business Area max 6.0 sq.ft. Width max 3.5 feet Height max 3.5 feet Depth max 5.0 inches Clearance min 4.0 feet	CC, CH M PR, I	No
 <p>Portable/Mobile</p>	Quantity 1 per site Area max 48.0 sq.ft. Width n/a Height max 10.0 feet Depth n/a Clearance n/a	CC, CH M PR, I	Yes

Sign Type	Specifications	Allowed in Zones	Permit Required
 <p>Projecting</p>	Quantity 1 per business Area max 4.0 sq.ft. Width max 4.0 feet Depth max 4.0 feet Clearance min 8.0 feet	CC, CH M PR, I R2, R3	Yes
 <p>Sidewalk/Sandwich</p>	Quantity 1 per business Area max 8.0 sq.ft. Width max 26 inches Height max 42 inches Depth n/a Clearance n/a	CC, CH M PR, I	Yes
 <p>Window</p>	Quantity 1 per window Area max 25% of glass Width n/a Height n/a Depth n/a Clearance min 3.0 feet	R1, R2, R3, R4, RMHP CC, CH M PR, I	No
 <p>Yard/Identification</p>	Quantity 1 per site Area identification = max 6 sq.ft. Width max 3.0 feet Height max 2.0 feet (not incl. post) Depth n/a Clearance min 3.0 feet to sign edge Apex max 6.0 feet to top of post	All zones	No

Appendix A: Zoning Maps