

Town of Carlyle Zoning Bylaw

2010-06



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1.0 INTRODUCTION

Under the authority granted by *The Planning and Development Act, 2007* (the Act), the Council of the Town of Carlyle, in the Province of Saskatchewan, in open meeting hereby enacts as follows:

1.1 TITLE

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

1.2 PURPOSE

The purpose of this Bylaw is to regulate development in the Town of Carlyle to provide for the amenity of the area and for the health, safety and general welfare of the inhabitants of the Town.

1.3 SCOPE

Development shall hereafter be permitted within the limits of the Town of Carlyle only when in conformity with the provisions of this Bylaw.

1.4 SEVERABILITY

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



2.0 DEFINITIONS

Wherever the following words or terms are used in the Official Community Plan, Bylaw No.2010-04 and this Bylaw, unless the context provides otherwise, they shall have the following meaning:

Accessory: A building or use that:

- a) Is subordinate to and serves the principal building or principal use;
- b) Is subordinate in area, mass, extent, and purpose to the principal building or principal use served;
- c) Contributes to the comfort, convenience, or necessity of occupants of the principal building or assists the principal use;
- d) And Is located on the same site as the principal building or use

Accessory Building, Large: An accessory structure exceeding a height of 4.5 meters or having a floor area of greater than 92 m²

Accessory Dwelling Unit: see Secondary Suites

Act: *The Planning and Development Act 2007*, Province of Saskatchewan, as amended from time to time.

Adjacent: Contiguous or would be contiguous if not for a river, stream, railway, road or utility right-of-way or reserve land; and any other land identified in this Bylaw as adjacent land for the purpose of notification.

Agricultural: A use of land, buildings or structures for the purpose of animal husbandry, fallow, field crops, forestry, market gardening, pasturage, private greenhouses and includes the growing, packing, treating, storing and sale of produce produced on the premises and other similar uses customarily carried on in the field of general agriculture.

Alteration or Altered: With reference to a building, structure or site means a change from one major occupancy class or division to another, or a structural change such as an addition to the area or height, or the removal or part of a building, or any change to the structure such as the

construction of, cutting into or removal of any wall, partition, column, beam, joist, floor or other support, or a change to or closing of any required means of egress or a change to the fixtures, equipment, cladding, trim, or any other items regulated by this Bylaw such as parking and landscaping.

Ancillary Use – a secondary and subordinate use to the principal use, which is specifically allowed, and may include an associated building that is specifically allowed pursuant to this Bylaw.

Animal Clinic: A building or part thereof used by a qualified veterinarian for the treatment of animal health needs where animals are not kept on the premises for surgery or kept overnight.

Animal Hospital: The premises of a veterinary surgeon where small, large domestic animals and livestock are treated or kept involving surgery and the keeping of animals in outdoor or indoor pens.

Apartment – a building divided into three or more dwelling units, each of which is occupied or intended to be occupied as the permanent home or residence, not including a hotel or rooming house.

Applicant: A developer or person applying for a development permit under this Bylaw or for a subdivision approval to an approving authority under *The Planning and Development Act 2007*.

Approved – approved by the Council of the Town of Carlyle.

Attic: That portion of a building situated wholly or in part within the roof and which is less than one-half story.

Auto Wrecker: An area where motor vehicles as disassembled, dismantled or junked, or where vehicles not in



operable condition, or used parts of motor vehicles, are stored or sold to the general public.

Awning: A structure that is mechanical and fabricated from plastic, canvas or metal that is spread across a frame designed to be attached to a wall and hung above a doorway or window.

Bareland Condominium: a condominium in which the units are defined in relation to the land rather than in relation to a structure. A Bare Land condominium could be a duplex or a freestanding home with its own yard and shares all the other features of a conventional condominium except for the definition of the boundaries.

Basement: That portion of a building that is partly or wholly underground.

Bed and Breakfast: A dwelling unit, licensed as a tourist home under *The Tourist Accommodation Regulations, 1969*, in which overnight accommodation within the dwelling unit, along with one meal served before noon, is provided to the traveling public for a charge.

Beverage Room – an establishment, licensed by the Province of Saskatchewan, in which alcoholic beverages are served for a fee for consumption on the premises and may include a licensed lounge that is ancillary to a restaurant. Food preparation or serving of food may be an accessory use to the drinking establishment and is subject to all applicable provincial regulations.

Billboard: A private free standing sign, including supporting structure, which advertises goods, products, services, organizations, of facilities that are available from, located on, or refer to, a site other than the site on which the sign is located.

Buffer: A strip of land, vegetation or land use that physically separates two or more different land uses.

Building: A structure constructed on, in, or over land and used for the shelter or accommodation of persons, animals, goods, or chattels, and includes any structure covered by a roof supported by walls or columns.

Building, Accessory (see Accessory Building)

Building Bylaw: A bylaw of the Town of Carlyle to regulate the erection, alteration, repair, occupancy, or maintenance of buildings and structures.

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

Building Permit: A permit issued under The Building Bylaw of the Town of Carlyle, authorizing the construction of, or the addition to, any building but does not include a Development Permit.

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

Building Line, Established: The average distance from the street line to the main wall of existing buildings on any side of any block where more than half the frontage of the block has been built on.

Bulk Fuel Sales and Storage: includes land, buildings, and structure for the storage and distribution of fuels and oils including retail sales or key-lock operation.

Business Support Services: Activities intended to provide administrative, promotional or technical support for commercial and industrial activities.

Bylaw: The Town of Carlyle Zoning Bylaw.

Campground: An area used for a range of overnight camping experiences, from tenting to serviced trailer sites, including accessory facilities which support the use, such as administration offices and laundry facilities, but not including the use of mobile homes or trailers on a permanent year-round basis.

Canopy – a non-retractable, permanent roof-like structure constructed of durable material extending from part or all of a building.

Carport: A building or structure or part thereof, where at least 40% of the area of the perimeter is open and unobstructed by a



wall, door, post or pier and which is used for the parking or storage of motor vehicles.

Cemetery: A cemetery or columbarium within the meaning of *The Cemeteries Act* Chapter C-4, R.S.S. 1981, as amended from time to time.

Club – a service club or private club which involves recreational, social, cultural or athletic activities.

Commercial: The use of land, building(s), or structure(s) for the purpose of buying and selling commodities, and supplying professional and personal services for compensation.

Commercial Entertainment Establishment – a recreation or amusement facility operated as a business and open to the general public for a fee such as an amusement arcade, bowling alley, theatre, billiard parlour, and bingo hall (where licensed by the Saskatchewan Liquor and Gaming Authority).

Community Facilities: Buildings or facilities used for recreational, social, educational or cultural activities and that are owned by a municipal corporation, non-profit corporation or other non-profit organization.

Community Center – a facility operated by the municipality or a non-profit organization for meetings, recreational activities and similar uses and open to the general public.

Condominium: as defined by *The Condominium Property Act, 1993*, means the land included in a condominium plan together with the buildings and units and the common property and common facilities belonging to them.

Condominium, Townhouse: involves dividing a building into individually owned units with boundaries referenced to the walls, floors and ceilings. Each unit shall have its own entrance to the outside. Other parts of the building and the parcel containing the building are common property.

Condominium, Bare land (freehold): involves dividing a parcel of land into individually owned 'bare land units'. Each bare land unit is shown on a survey plan. The balance of the parcel around the units is common property.

Conservation: The planning, management and implementation of an activity with the objective of protecting the essential physical, chemical and biological characteristics of the environment.

Contractors Yard: The yard of a contractor or company, including landscaping materials used as a depot for the storage and maintenance of equipment used by the contractor or company, and includes facilities for the administration or management of the business and the stockpiling or storage of supplies used in the business.

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

Council: The Council of the Town of Carlyle.

Day Care Centre: An establishment providing for the care, supervision and protection of children (or adults) but does not include the provision or overnight supervision. This includes, but is not limited to

- a) a child care centre or day care centre which is required to be licensed by the Province of Saskatchewan pursuant to *The Child Care Act*; or
- b) a nursery school for pre-school children.

Deck: Any raised floor structure at least 0.3 meters above the average ground level upon which it is constructed, either adjacent to a building or free-standing with stairway, ramp, or similar access.

Demolition Permit: A permit issued for the removal or dismantling of a building or structure with the Town's boundaries as prescribed under Section 13 of *The Uniform Building and Accessibility Standards Act*.

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



Development Officer: An employee of The Town appointed by the Administrator pursuant to the Zoning bylaw to administer the zoning bylaw.

Development Permit: A document issued by the Development Officer of the Town of Carlyle that authorizes development pursuant to this Bylaw, but does not include a building permit.

Directional Signage: Signage located off-site providing direction to, and information about, a specific enterprise or activity which does not contain general advertising.

Discretionary Use: A use of land or buildings or form of development that is prescribed as a discretionary use in the zoning bylaw and requires the approval of Council.

Dwelling: A building or part of a building intended for residential occupancy.

Dwelling Unit: One or more habitable rooms used, or fully capable of being used as a residence, where each unit provides sleeping, cooking, and toilet facilities.

Dwelling, Duplex: A building that is divided into two (2) dwelling units with separate entrances and separated by a party wall.

Dwelling Group: A group of single-detached, semi-detached, or multiple unit dwellings clustered on one lot or site, built as one development.

Dwelling, Multiple Unit: A building containing three or more dwelling units and shall include condominiums, townhouses, row houses, and apartments as distinct from a rooming house, hotel, or motel.

Dwelling, Semi-Detached: A building divided vertically into two (2) dwelling units by a common wall extending from the base of the foundation to the roofline.

Dwelling, Single-Detached: A building containing only one dwelling unit, as herein defined, and occupied or intended to be occupied as a permanent residence, including and RTM

when attached to a foundation on the site, but not including a mobile or modular home as defined.

Dwelling, Town (Row) House: A dwelling, designed as one cohesive building in terms of architectural design, which contains three (3) or more similar attached dwelling units each of which fronts on a street, has direct access to the outside at grade and is not wholly or partly above another dwelling.

Educational Institution: An establishment dedicated for the purpose of providing education and instruction in any branch of knowledge.

Existing: In place, or taking place, or with all approvals and permits in place on the date of the adoption of this Bylaw.

Family Child Care Home – a child care facility located in a building where the principal use is a dwelling unit, and which is licensed by the Province of Saskatchewan pursuant to *The Child Care Act*.

Fill (Clean Fill): Soil, rock, rubble, or other Town-approved, non-regulated waste that is transported and placed on the existing, usually natural, ground surface.

Flanking: Means to the side of a lot, parcel or site

Flood: A temporary rise in the water level that results in the inundation of areas not ordinarily covered by water.

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

Free Standing Sign: A sign, except a billboard, independently supported and visibly separated from a building or other structure and permanently fixed to the ground.

Frontage (Lot Frontage): The distance across the street side of a lot (a lot must front on a street), between the points where the side lines of the lot meet the street right of way or boulevard; or, where a lot is irregular in shape and is narrowest at the front street end, the width of the lot shall be measured parallel to the street line at the centre of the front lot line, and



at a setback from the front lot line no greater than the minimum permitted building setback.

Garage, Private: A building or part of a building used for or intended to be used for the storage of motor vehicles and wherein neither servicing nor repairing of such vehicles are carried on for remuneration.

Garage, Public: A building or place where motor vehicles are stored or repaired for remuneration but does not include car washing establishments, an auto sales lot or an automobile service station.

Gas Bar: A building or place where fuel and automotive fluids are sold and may be added to a vehicle on the property, and which may have a convenience store and/or restaurant.

Grade: The average elevation of the natural ground level at the walls of a building or structure as determined by the elevation of the four outside corners of the building.

Greenhouse, Commercial: A building for the growing of flowers, plants, shrubs, trees and similar vegetation that are not necessarily transplanted outdoors on the same site, but are sold directly at wholesale or retail from the site.

Greenhouse, Private: A building for the growing of flowers, plant, shrubs, trees and similar vegetation that are transplanted outdoors on the same site containing such greenhouse(s), and where greenhouse products may not be offered for sale.

Greenways: A linear park which may accommodate pathways principally for foot traffic and/or bicycles. Typically, greenways are planned along creeks or streams and managed as natural environments, or bikeways along landscaped roads.

Gross Floor Area – the total floor area in a principal building or structure measured between the exterior faces of the exterior walls of the building or structure at the level of each story below, at, and above grade, excluding attics, balconies, boiler rooms, electrical or mechanical rooms, and basement areas used exclusively for parking or storage.

Group Care Facility – a supervised residential dwelling unit, licensed or approved under provincial statute, for the accommodation of persons, excluding staff, referred by

hospitals, courts, government agencies or recognized social service agencies or health care professionals (**see Special Needs Housing**)

Hazardous Industry/Substance: A substance that, because of its quality, concentration or physical, chemical or infectious characteristics, either individually or in combination with other substances on the site is an existing or potential threat to the physical environment, to human health or other living organisms.

Hazard(ous) Land: Land having inherent environmental hazards; land subject to flooding, earth movement, or slope instability, land with poor natural drainage, ground water seepage, erosion, steep slopes, rock formations, or other similar features.

Health Service Facility (Health Clinic): A building or part thereof used by qualified health service practitioners for the treatment of human health needs.

Height of the Sign: The vertical distance measured from the highest point of the sign to grade level at the centre of the sign.

Heritage Resource: The history, culture and historical resources of an area and its residents.

Highway Commercial: Commercial activities normally located along highways, major roadways and in other locations considered strategic by the type of business involved serving the needs of local residents and the traveling public.

Highway Sign Corridor: A strip of land parallel and adjacent to a provincial highway; where private signs may be permitted to advertise goods and services of local area businesses and attractions, as provided by regulations of the Department of Highways entitled "*The Erection of Signs Adjacent to Provincial Highway Regulations, 1986*", as may be amended from time to time.

Home Occupation (Home Based Business): An occupation, trade, profession, or craft customarily conducted for gain in a dwelling unit or accessory building by the resident or residents, which is clearly incidental and secondary to the principal use of the site and which does not create or become a public nuisance as a result of noise, traffic, pollution, or parking. Home occupations shall not occupy more than 25% of



the total finished floor area of a dwelling unit in a Residential District.

Hotel: A building or structure or part of a building or structure in which sleeping accommodation with or without meals is provided for tourists or travelers, and where a guest register or record is kept, but does not include a motel or rooming house.

Industrial Use: The use of land, buildings or structures for the manufacturing, assembling, processing, fabrication, warehousing or storage of goods and materials.

Industrial Park: An area of land set aside for industrial development, usually located close to transport facilities, especially where more than transport mode coincides, i.e. highways, railroads, airports.

Infill Development: Re-development within existing areas or neighborhoods.

Institutional Use: The use of land, buildings, or structures for religious, charitable, educational, health or welfare purposes and includes churches, public or private schools, nursery schools, hospitals, and special care

Kennel, Boarding: The temporary accommodation of more than four dogs, cats or other domestic animals for commercial purposes.

Kennel, Breeding: The keeping of domestic animals, male and female, and which are more than 12 months old, for breeding purposes.

Kennel, Enclosure: An accessory building or enclosure intended to house one of more domestic animals.

Landfill: A specially engineered site for disposing of solid waste on land, constructed so that it will reduce hazard to public health and safety.

Landscaped Area: An area not built upon and not used for any purpose other than as an open space that may include grass, shrubs, flowers, trees, and similar types of vegetation and may contain paths, walks, patios, fences and similar outdoor amenities, but does not include parking areas, parking lots, driveways or ramps.

Land Use Map: A comprehensive document compiled by a local government that identifies goals and strategies for future development or preservation of land. In its projections, the map specifies certain areas for residential growth and others for agriculture, industry, commercial and conservation.

Land Use Zoning District: Divisions identified in the Zoning Bylaw establishing permitted and discretionary uses of land or buildings with attendant regulations.

Lane: A secondary public thoroughfare intended primarily to give access to the rear or side of the abutting property.

Large Scale Commercial/Industrial: Commercial or Industrial land uses maintaining a lineal frontage in excess of 90 meters.

Livestock: Domesticated animals used primarily as beasts of burden or for the production of fur, hides, meat, milk, eggs or other product, or as breeding stock, but excluding companion animals.

Lot: An area of land with fixed boundaries on record with the Information Services Corporation (ISC) by Certificate of Title. For the purposes of this Bylaw the terms "lot" and "site" shall be deemed not to mean the same.

Lounge: A room or area adjoining a restaurant set aside for the sale of beverage alcohol for consumption on the premises, with or without food, and where no area has been set aside for dancing or entertainment, either in the lounge or in the adjoining restaurant. The area of a lounge may not exceed 50% or the public assembly area in the adjoining restaurant.

Manufacturing Establishment: A firm or business engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of components parts, the manufacturing of products and the blending of materials.

Mayor: The Mayor of the Town of Carlyle.

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



Mini Mall – a single story structure, including a strip mall, in which a minimum of two of the permitted or discretionary uses of the zoning district are located together, each use having a separate entrance to the outside, and having a gross floor area of less than 3,000m².

Mobile Home: A trailer coach that may be used as a dwelling all year round; has water faucets and shower or other bathing facilities that may be connected to a water distribution system; has facilities for washing and a water closet or other similar facility that may be connected to a sewage system; and that conforms to the Canadian Standards Association Standard No. Z240.

Mobile Home Park: A site under single management for the placement of two or more mobile homes and shall include all accessory buildings necessary to the operation but does not include an industrial or construction camp or tourist campsite. For the purpose of this Bylaw the terms mobile home park and mobile home court shall be deemed to mean the same.

Mobile Home Subdivision: Any subdivision of land and the development thereof for the purpose of accommodating mobile homes in such a manner that each home is situated on its own site, which shall contain a minimum site area of 465 m² and in which all such sites, public open spaces, internal streets and lanes, buffer zones and other amenity areas form a contiguous area of development.

Mobile Home Site: An area of land in a mobile home park that is intended to be occupied by one mobile home and for exclusive use of its occupants with access to a driveway or a public street.

Manufactured (Modular) Home: A residential dwelling that is constructed off site in a yard or factory, in one or more sections, transported to a site for permanent installation on a permanent foundation (may have a basement), having architectural features similar to permanent residential dwellings built on site in the Town, and conforming to Canadian Standards Association (CSA) *Standard A277*.

Modular Home, Single Wide – a modular home that is less than 5 meters (16.4 feet) in width.

Modular Home, Double Wide – a modular home that is greater than 8 meters (26.25 feet) in width.

Modular Unit – a factory built frame or shell which comprises supporting and non-supporting walls, siding, and other components of a prefabricated home representing only a section of a dwelling and has neither chassis, running-gear, nor its own wheels.

Manufactured Home Community (Subdivision): Any subdivision of land and the development thereof for the purpose of accommodating modular homes in such a manner that each home is situated on its own site, which shall contain a minimum site area of 465 m², and in which all sites, public open space, internal streets, buffer zones, and other amenity areas form a contiguous area of development.

Motel or Motor Hotel: A building or buildings consisting of a number of individual rental units, intended for the use of the traveling public, each containing at least a bedroom and bathroom, and each having convenient access to a parking space for the use of the occupants of the units and may or may not provide food service.

Municipality: The Town of Carlyle.

Municipal Reserve: Dedicated lands that are provided to a municipality for public use, or that were dedicated as public reserve and transferred to a municipality pursuant to Sections 181 to 193 inclusive of *The Planning and Development Act, 2007*.

Museum: An institution that is established for the purpose of acquiring, conserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment, a collection or artifacts of historical interest.

Natural Areas: An area relatively undisturbed by human activities and characterized by indigenous species including remnant or self-sustaining areas with native vegetation, water, or natural features.

Non-Conforming Use means a lawful specific use:

- a) Being made of land or a building or intended to be made of land or of a building lawfully under construction, or with respect to which all required permits have been issued, at the date a



zoning bylaw or any amendment to a zoning bylaw affecting the land or building becomes effective; and

- b) That on the date a zoning bylaw or any amendment to a zoning bylaw becomes effective does not, or in the case of a building under construction or with respect to which all required permits have been issued will not, comply with the zoning bylaw;

Noxious use or Condition: Any use or facility that causes or produces harmful or hazardous noise, vapours, smoke, dust (particles suspended in or transported by air), vibrations, electrical or electromagnetic fields, glare, or light.

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

Official Community Plan (OCP): The Town of Carlyle Official Community Plan, Bylaw No. 2010-04.

Open Space: Passive and structure leisure and recreation areas that enhance the aesthetic quality and conserve the environment of the community, including parks, recreation and tourism nodes, and natural areas.

Parking Lot: An open area, other than a street, used for the temporary parking of more than four vehicles and available for public or private use.

Parking Space: A space within a building or parking lot for the parking of one (1) motor vehicle including convenient access to a public lane or street and shall be not less than 3 meters wide and 5.5 meters in length.

Pasture: A site that is used for the raising and feeding of livestock by grazing.

Patio: Any hard surface or floor structure less than 0.3 meters above the average ground level upon which it is constructed.

Permitted Use: The use of land, buildings, or other structures that shall be permitted in a Zoning District where all requirements of this Zoning Bylaw are met.

Person: A "person" shall apply to an individual, association, firm, partnership, corporation, trust, or agent, and their heirs, executors, or other legal representatives of a person to whom the same can apply according to the law.

Personal Service Trades: A building or part of a building in which persons are employed in furnishing services and administering to customer's personal and or grooming needs, but does not include the provision of health related services.

Places of Worship: A building set aside by any religious organization for public worship. Typical uses include churches, chapels, mosques, temples, synagogues and parish halls.

Pond: Any constructed containment of water for the purpose of landscape enhancement, keeping ornamental fish or aquatic plants, or for other similar purposes, but not a swimming pool.

Principal Use: The main or primary activity, for which a site or its buildings are designed, arranged, developed or intended, or for which is occupied or maintained.

Public Utility: A system, work, plant, equipment, or service, whether owned or operated by the Municipality, or by a corporation under Federal or Provincial statute, that furnishes any of the following services and facilities to, or for the use of, the inhabitants of Carlyle:

- a) Communication by way of telephone lines, optical cable, microwave, and cable;
- b) Television services;
- c) Delivery of water, natural gas, and electricity;
- d) Public transportation by bus, rail, or other vehicle production, transmission;
- e) Collection and disposal of sewage, garbage, and other wastes; and
- f) Fire and Police Services.

Public Works: A facility as defined under *The Planning and Development Act, 2007*.

Real-Estate Signage: Signage directly associated with the sale of a property on which it is located and which maintains a gross surface area of less than 1m².



Ready to Move (RTM) Dwelling – a new single detached dwelling constructed off-site to National Building Code or CSA-A277 standards, to be moved onto a new permanent residential site building foundation.

Recreational Uses: The use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks and curling rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres and all similar uses, together with the necessary and accessory building and structures; but does not include the racing of animals or motorized vehicles.

Residential: The use of land, buildings, or structures for human habitation.

Retail Store: A building or part thereof, or a place, where goods, wares, merchandise, substances, or articles are offered or kept for sale or rent, and may include servicing and the manufacture of products on site for sale on the site so long as the gross floor area used for manufacturing does not exceed 25% of the gross floor area of the retail store.

Recycling and Collection Depot (Community): A building or structure intended to accommodate the collection, sorting, processing and temporary storage of recyclable household materials such as bottles, cans, plastic containers, paper and paint that would otherwise be considered waste. These types of uses do not include any outdoor processing or storage.

Redevelopment (see infill development)

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

Restaurant: A building or part of a building wherein food is prepared and offered for sale to the public primarily for consumption within the building. Limited facilities may be permitted to provide for a take-out food function provided such facility is clearly secondary to the primary restaurant use.

Right-Of-Way: The land set aside for use as a roadway or utility corridor. Rights of way are purchased prior to the construction of a new road or utility line, and usually enough extra land is purchased for the purpose of providing mitigative features. Sometimes road rights of way are left vacant after the initial roadway facility is constructed to allow for future expansion.

Rooming House: A building which contains a room or rooms for accommodation other than a dwelling unit or other form of accommodation defined elsewhere in this Bylaw, with sleeping facilities but without private toilet facilities.

Satellite Dish: A parabolic antenna utilized for the reception of satellite transmitted television or radio waves.

Salvage Yard (Wrecking): A parcel of land where second-hand, discarded or scrap materials are bought, sold, exchanged, stored, processed or handled. Materials include scrap iron, structural steel, rages, rubber tires, discarded goods, equipment, appliances or machinery.

School: An educational facility under the jurisdiction of a Board of Education, a college, university, or any other school established and maintained either wholly or partially at public expense, whether or not the same is a boarding school and includes any dormitory building accessory to such school.

Secondary Suites: means a self contained dwelling unit which is an accessory use to, and located within, a detached building in which the principal use is a one unit dwelling.

Service Station: A site used for the retail sale of lubricating oils and gasoline, automobile accessories, and for the servicing and repairing of motor vehicles essential to the operation of a motor vehicle; but does not include an auto body or painting shop, car sales lot, or a car washing establishment.

Setback: The distance required to obtain the front yard, rear yard, side yard, or distance from another building, required by the provisions of this Bylaw.

Should, Shall or May;

- Shall is an operative word which means the action is obligatory.



- Should is an operative word which means that in order to achieve plan objectives, it is strongly advised that the action be taken.
- May is an operative word meaning a choice is available, with no particular direction or guidance intended.

Sight Triangle, Driveway – the area contained in the triangle formed by the intersection of the edge of a driveway giving access to a street or lane and the property line and a straight line drawn from a point 3 meters from that intersection along the driveway within the property to a similar point along the property line 3 meters away from the driveway.

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

Sign, A-Board – an A-shaped portable sign that is used for temporary placement and has no external supporting structure.

Sign, Canopy – a sign attached to, or painted on, an awning, canopy or free-standing canopy.

Sign, Construction – a temporary sign erected by a person or company on the premises undergoing construction, identifying pending development and information relating to the construction process, labour services, materials or financing, name of building, as well as the owner and participants in the development project, but not including the advertisement of any products.

Sign, Converted Vehicle and Trailer – a vehicle or trailer not originally designed as a sign, but which has been converted or used for that purpose.

Sign, Directional – any sign which:

- a) displays safety or warning messages;
- b) directs traffic or provides parking directions;
- c) gives instructions, directions or orders to persons making use of premises.

Sign, Face – the entire area of a sign on which a copy could be placed. In the case of multi-faced signs, each facial side of the sign shall be included in determining the total sign surface area.

Sign, Facial Area – the entire surface area of a sign or, in the case of a painted wall sign, the smallest geometric figure which describes the area enclosed by the sign face.

Sign, Free-Standing – a sign structurally supported by one or more up-rights or braces placed in the ground and not attached to any building.

Sign, Identification – a sign which is limited to the name, address and number of a building, institution or person and to the activity carried on in the building or in the institution, or the occupation of the occupant.

Sign, Portable – a free-standing sign which is capable of being relocated and which may have lettering that can be changed manually, but does not include vehicles and trailers not originally designed as a sign, but which have been converted or used for that purpose.

Sign, Real Estate – a temporary sign that advertises for sale, rent, or lease, the land, property or premises on which the sign is displayed.

Sign, Temporary – a sign advertising a message applicable for a defined period of time and not exceeding six months.

Sign, Wall – a sign attached to or painted on the wall of a building or structure or its fascia in such a manner that the wall is the supporting structure for, or forms the background surface of, the sign and which does not project more than 0.5 meters (1.64 feet) from such building or structure.

Site: An area of land, consisting of one or more lots consolidated under a single certificate of title, considered as a unit devoted to a certain use or occupied by a building or a permitted group of buildings, and the customary accessories and open spaces belonging to the same.

Site Area: The total horizontal area within the site lines of a site.



Site, Corner: A site at the intersection of two or more public streets, or upon two parts of the same street, the adjacent sides of which street or streets (or, in the case of a curved corner, the tangents at the street extremities of the side site lines) contain an angle of not more than one hundred and thirty-five (135) degrees. In the case of a curved corner, the corner of the site shall be that point on the street at the point of intersection of the said tangents.

Site Coverage: The percentage of the site area covered by all the buildings above the ground level.

Site Depth: The horizontal distance between the front site and rear site lines, but where the front and rear site lines are not parallel the site depth is the length of a line joining the midpoint of such site lines.

Site Line: Any boundary of a site.

Site Line, Front: The line separating the site from the street; for a corner site, the shorter line abutting a street; but in the case of a corner site with two street lines of equal length, the front site line shall be designated by predetermined building lines.

Site Plan: A plan showing the location of existing and proposed buildings on a site in relationship to the site lines.

Site Line, Rear: The site line at the rear of the site, opposite the front site line.

Site Line, Side: A site line other than a front or rear site line.

Site, Through: A site other than a corner site, having separate frontages on two streets. The front site line of a through site shall be determined by predetermined building lines.

Site, Width: The horizontal distance between the side boundaries of the site measured at a distance from the front lot line equal to the minimum front yard required for the district in which the site is located.

Small Scale Commercial: Commercial or Industrial land uses maintaining a lineal frontage of less than 90 meters.

Special Care Facility (Home): An institutionalized nursing home, supervisory care home, sheltered care home or other facility used for the purpose of providing supervisory care, personal care, and nursing care.

Special Needs Housing: Multiple unit dwellings or dwelling groups operated by a non-profit corporation or public authority and used exclusively for the domestic habitation of senior citizens, disabled persons, occupants of subsidized housing, or the cohabitant spouse and children of persons noted above.

Storey: That portion of a building, other than an attic or basement, between the upper surface of any floor and the upper surface of the floor next above.

Storey, One-Half: That portion of a building situated wholly or in part within the roof and in which there is sufficient space to provide a height between finished floor and finished ceiling of between 1.5 meters and 2.3 meters over a floor area which is not less than one-third nor more than two-thirds of the floor area of the story next below.

Stakeholders: Individuals, groups or organizations who have a specific interest or "stake" in a particular need, issue situation or project and may include members of the local community residents, community groups or local, provincial and federal governments.

Street: The whole and entire width of every highway, public road, or road allowance vested in Her Majesty in the right of the Province of Saskatchewan and shown as such on a plan of survey registered in the Information's Services Corporation (ISC).

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

Structure, Temporary – anything that is built, constructed or erected, located on the ground or attached to something located on the ground but that may be relocated or moved and is not of a permanent nature.



Subdivision: A division of land, and includes a division of a quarter section into legal subdivision as described in the regulations made pursuant to *The Land Surveys Act, 2000*.

Swimming Pool: Any body of water permanently located outdoors or indoors, contained by artificial means and used and maintained for the purpose of swimming, wading, or diving and having a depth of 0.6 meters or more at any point.

Tavern: an establishment, or portion thereof, where the primary business is the sale of beverage alcohol for consumption on the premises, with or without food, and where no live entertainment or dance floor is permitted.

(Tele)communication Facility: A structure situated on a non-residential site that is intended for transmitting or receiving television, radio or cellular communications, excluding those used exclusively for dispatch communications.

Temporary Signage: A sign which is not permanently installed or affixed in position, advertising a product or activity on a limited basis.

Tourist Campground: An area of land, managed as a unit, providing short-term accommodation for tents, camping trailers, motor homes and campers, including accessory facilities such as administration offices and laundry facilities.

Tourist Home – a private home or dwelling other than a rooming house, hotel or motel in which rooms are offered for rent to the travelling public for sleeping accommodations.

Town: The Town of Carlyle.

Town Administrator: The Administrator of the Town of Carlyle.

Trailer (Camping), Motor Home: Any vehicle designed, constructed or reconstructed in such a manner as will permit occupancy as a dwelling or sleeping place for one or more persons, notwithstanding that its running gear is removed or jacked up, is used or constructed in such a way as to enable it to be used as a conveyance upon public streets or highways, and includes self-propelled and non-self-propelled vehicles.

Trucking Firm Establishment: The use of land, buildings or structures for the purpose of storing, servicing, repairing, or

loading trucks, transport trailers an/or buses, but does not include an automobile service station, transportation sales or rental outlets.

Units of measure – units of measure in this Bylaw are metric, abbreviated as follows:

- a) m - meter(s)
- b) m² - square meter(s)
- c) km - kilometer(s)
- d) ha - hectare(s)

Use: The activity or purpose for which any land, building, structure, or premises, or part thereof is arranged, designed, or intended, occupied, or maintained.

Used For: Includes “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.

Utility Shed: An accessory building or structure used for the storage of goods with a maximum floor area of 9.3m².

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

Warehouse: A building used for the storage and distribution of wholesale goods and materials.

Waste Disposal Facility, Liquid: A facility to accommodate any waste which contains animal, mineral or vegetable matter in solution or suspension, but does not include a septic system for a single residence or farmstead, or a manure storage area for an intensive livestock operation.

Waste Disposal Facility, Solid: A facility or a temporary storage facility, to accommodate discarded materials, substances or objects which originated from residential, commercial, institutional and industrial sources which are disposed of in municipal or private landfills, but not including dangerous goods, hazardous waste or biomedical waste.

Yard: Open, uncovered space open to the sky on the same site with a building or structure.



Yard, Front: The area between the side site lines and the front site line to the front building line.

Yard, Rear: The area between the side site lines and the front site line to the rear building line. (corner and interior)

Yard, Required: The minimum yard required by a provision of this Bylaw and within which, unless specifically permitted,

no building or structure, or part of a building or structure shall be erected.

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



3.0 ADMINISTRATION

3.1 DEVELOPMENT OFFICER

The Town Administrator of the Town of Carlyle, including any person acting under the authority, direction, and with the consent of the Administrator, shall be the Development Officer responsible for the administration of this Bylaw.

3.1.1 The Development Officer shall:

- a) Receive, record, and review development permit applications and issue decisions in consultation with Council, particularly those decisions involving subdivision, discretionary uses, development permit conditions, and development and servicing agreements;
- b) Maintain, for inspection by the public during office hours, a copy of this Bylaw, zoning maps and amendments, and ensure that copies are available to the public at a reasonable cost;
- c) Make available, for public inspection during office hours, a register of all development permits and subdivision applications and decisions;
- d) Collect development fees, according to the fee schedule established in this Bylaw;
- e) Perform other duties as determined by Council.

3.1.2 The Development Officer shall be empowered to make a decision, in consultation with Council, regarding a development permit application for a "Permitted use."

3.2 COUNCIL

3.2.1 Council shall make all decisions regarding Discretionary uses, Development and Servicing Agreements, and Zoning Bylaw amendments.

3.2.2 Council shall make a recommendation regarding all subdivision applications circulated to it by Saskatchewan Ministry of Municipal Affairs, prior to a decision being made by the Minister.

3.2.3 Council shall act on discretionary use, rezoning, and subdivision applications in accordance with the procedures established by *The Planning and Development Act, 2007* and in accordance with the Official Community Plan.

3.3 DEVELOPMENT PERMIT

3.3.1 No person shall undertake a development or commence a use unless a development permit has first been obtained, except as provided in Section 3.2.3.



3.3.2 A development permit cannot be issued in contravention of any of the provisions of this Bylaw except as provided in an appeal pursuant to the Act.

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

- a) the maintenance of a public utility by the Municipality or crown corporation;
- b) the construction of a public utility by the Municipality;
- c) the installation of public utility on any street or other public right-of-way by the Municipality;
- d) a municipal facility installed and operated by the Municipality;
- e) maintenance and repairs that do not include structural alterations;
- f) the installation of fences or accessory buildings under 9.29m² (100 ft²).

3.3.4 A building permit shall not be issued unless a development permit, where required, has also been issued.

3.3.5 If the development or use authorized by a development permit is not commenced within six months from the date of issue of the permit, and completed within eighteen months of its issue, the permit is deemed void unless an extension has been granted prior to its expiry.

3.4 APPLICATION FOR A DEVELOPMENT PERMIT

3.4.1 The application for a development permit shall be made to the Development Officer in "Appendix A" as adopted or amended by resolution of Council. The application shall be accompanied by two copies of a site or building plan showing dimensions and locations of existing and proposed buildings and structures as well as site lines. Where no new construction is proposed, the applicant shall supply a written description of the proposed development in place of such plans.

3.4.2 Where the application is for a discretionary use, the applicant shall, in addition, provide a written description of the proposed development, describing the intended use and operations, structures to be located on the site, required municipal services, and any other information that Council determines is necessary to fully review the proposed development.

3.5 REFERRAL TO COUNCIL

The Development Officer may submit any application to Council for a decision on the interpretation of the Bylaw, or upon special conditions provided for in the Bylaw, and shall inform the applicant of the date and time when Council will consider the matter. Council or the Development Office may require the applicant to provide further information necessary to render a decision.



3.6 ISSUE OF PERMITS

3.6.1 Upon completion of the review of an application for development, the Development Officer shall:

- a) for a permitted use, issue a development permit where the application conforms with the Zoning Bylaw, incorporating any special regulations, performance standards or development standards authorized by this Bylaw.
- b) for a permitted use, issue a refusal, where the application does not comply with a provision or regulation of this Bylaw, stating the reason for refusal.
- c) for a discretionary use, prepare a report for Council on the proposal respecting the criteria for consideration of that discretionary use and submit the application to Council for decision.
- d) where the application is for a use that is not provided for in the zoning district in which the property is located, issue a refusal.

3.6.2 Council shall make a decision on a discretionary use, by resolution, that approves or refuses the discretionary use on that site, and that instructs the Development Officer to:

- a) issue a development permit incorporating any specific development standards set forth by Council, where the development will comply with the standards of this Bylaw, subject to the limitations of *The Planning and Development Act, 2007*.
- b) issue a development permit incorporating any specific development standards set forth by Council, where the applicant submits an amended application so that development will comply with the standards of this Bylaw, subject to the limitations of the Act.
- c) issue a notice of refusal to the applicant, stating the reasons for the refusal, and advising the applicant of any right of appeal that he/she may have.

3.6.3 The permit or notice shall be made in accordance with "Appendix B" as adopted or amended by resolution of Council.

3.7 REVOCATION OF DECISION

Where an approved development is not being developed in accordance with the provisions of this Bylaw, or with the standards and conditions specified in the development permit, Council may revoke or suspend the development permit. The development permit shall not be reissued or reinstated until all deficiencies have been corrected.

3.8 DEVELOPMENT NOT REQUIRING A PERMIT

The following developments shall be exempt from development permit requirements, but shall conform to all other Bylaw requirements (e.g., building permits, setbacks, environmental and development standards):



3.8.1 Residential Zoning Districts

- a) Buildings and structures under 9 meters² in area, which are accessory to a principal, residential use except where such dwelling is a discretionary use.
- b) The erection of any fence, wall, gate, television antennae, or radio antennae.
- c) Relocation of any residential or accessory building provided development standards are still met on the site.

3.8.2 Commercial Zoning Districts

- a) Buildings and structures that are accessory to a permitted, principal, commercial use, except where such use is discretionary.
- b) The erection of any fence or gate.
- c) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building for which a building permit has been granted.

3.8.3 Accessory Uses

All accessory uses, unless otherwise specified in this Bylaw.

3.8.4 Official Uses

Uses and buildings undertaken, erected, or operated by the Town of Carlyle.

3.8.5 Internal Alterations

- a) Residential Buildings
Internal alterations to a residential building, provided that such alterations do not result in a change of use or an increase in the number of dwelling units within the building or on the site;
- b) All Other Buildings
Internal alterations and maintenance to other buildings, including mechanical or electrical work, provided that the use, or intensity of use of the building, does not change.

3.8.6 Landscaping

Landscaped areas, driveways and parking lots, provided the natural or designed drainage pattern of the site and adjacent sites are not adversely impacted.

3.9 LIMITATION ON DISCRETIONARY USE APPROVALS

3.9.1 Validity of Discretionary Use Approvals



A new discretionary use approval is required from Council where Council has previously approved a discretionary use, or a specific discretionary intensity of use, and:

- a) the use ceased and was replaced by another use;
- b) the use ceases for a twelve month period;
- c) a building required for the approved use is not started within six months or completed within eighteen months;
- d) the use is not started within six months of completion of the building;
- e) a use not requiring construction of a building is not started within twelve months;
- f) the applicant applies to increase the specifically approved intensity of use.

3.9.2 Time Limited Discretionary Uses

Where Council has approved a discretionary use for a limited time as provided in the Bylaw, and that time has expired, that use of land or use of buildings on that property shall cease until such time as Council gives a new discretionary use approval and a new development permit is issued.

3.10 SIGN PERMIT REQUIRED

3.10.1 Where required by Section 4.2, no person shall place, erect, enlarge, change or structurally alter a sign unless a sign permit has first been obtained.

3.10.2 A sign permit cannot be issued in contravention of any of the provisions of this Bylaw except as provided in an appeal pursuant to the Act. The permit shall cease to be valid if the sign has not been placed, erected, enlarged, changed or structurally altered within three months of the issuance of the permit.

3.10.3 A permit sticker issued by the Development Officer shall be placed on the face of the sign in a visible corner, upon erection of the sign.

3.11 DEVELOPMENT APPEALS

3.11.1 Appointment of Board

- a) Council shall appoint a Development Appeal Board in accordance with Sections 49 and 214 to 218 of *The Planning and Development Act. 2007*.
- b) Council shall, by resolution, adopt a policy specifying:
 - (i) The terms of office;
 - (ii) The manner of filling of vacancies to the board;
 - (iii) The remuneration and expenses for board members;
 - (iv) The provision for appointment of a secretary to the board;
 - (v) The duties of the secretary;



- (vi) The remuneration and expenses to be paid for the secretary.
- c) Council shall, by resolution, appoint a board and secretary to the board in accordance with the policy.
- d) Should Council enter into an agreement to appoint a District Development Appeal Board, in conjunction with one or more other municipalities, to be the Development Appeal Board for the Municipality, members shall be appointed in accordance with that agreement, and the Local Development Appeal Board shall cease to exist.

3.11.2 Notice

The Development Officer shall advise the applicant of the rights of appeal granted by *The Planning and Development Act 2007*, with respect to that application.

3.11.3 Filing an Appeal

A person who wishes to appeal to the Development Appeal Board shall, within thirty days of receiving the permit or notice, file a written notice of intention to appeal, and the appeal fee, with the secretary of the Board.

3.11.4 Development Appeal Board Authority

- a) The Development Appeal Board has the powers given by the Act to allow variances to the standards of this Bylaw, including standards and conditions as specified for a permitted use or a discretionary use.
- b) Nothing in this section allows a Development Appeal Board to vary a refusal to grant a use or an appeal for a use or intensity of use not permitted in a district.
- c) Nothing in this section allows a Development Appeal Board to vary a refusal by Council to approve a discretionary use or intensity of a discretionary use provided for in the Bylaw for a district.

3.11.5 Appeal from a Deemed Refusal

An application for a development permit for a permitted use shall be deemed to be refused when the Development Officer has not issued a decision more than forty days from the date the application was received by the Development Officer in its complete and final form. An appeal may then be made as though the application has been refused at the end of forty days.

3.12 FEES AND ADVERTISING

3.12.1 Amending Planning Bylaws

- a) Where a person requests Council to amend the Official Community Plan, Zoning Bylaw, or other planning bylaw, that person shall pay to the Municipality a fee equal to the costs associated with the public advertisement of the proposed amendment, pursuant to the requirements of the Act.



- b) Council may undertake any additional public consultations that it considers desirable respecting a proposed amendment to a planning bylaw, at its own cost.

3.12.2 Advertisement of a discretionary use application:

- a) The Development Officer shall direct the applicant for a discretionary use to advertise the proposed by posting a notice of the application conspicuously on the front of the property in question, and by mailing or delivering a copy of the notice to the assessed owner of each property within seventy-five meters of the subject property for the following:
 - i) any discretionary residence or any ancillary use to a residence;
 - ii) a home based business
- b) In addition to the requirements specified in subsection a), for an application for any discretionary use not listed in subsection a), the Development Officer shall publish a notice in a newspaper that is circulated in the Municipality.
- c) The notice shall:
 - i) describe the use applied for;
 - ii) describe the location of the use;
 - iii) specify the date, time, and location of the Council meeting at which the application will be considered.
- d) The notice shall be posted, delivered, and published at least seven days, and mailed at least twelve days, prior to the date of the meeting.
- e) The applicant shall pay a fee equal to the costs to the Municipality associated with the public advertisement.
- f) An applicant for a development permit shall pay an application processing fee in accordance with the following:
 - i) permitted principal use - \$ 50.00
 - ii) permitted accessory use - \$ 25.00
 - iii) ancillary use - \$ 50.00
 - iv) discretionary principal use - \$200.00
 - v) discretionary accessory use - \$100.00
 - vi) sign permit - \$ 50.00
 - vii) minor variance - \$ 75.00
 - viii) development appeal fee - up to \$ 50.00 as specified by the Board



- g) In addition, if a building permit is required, any fees associated with the issuance of a permit and inspection of construction related to a building permit, shall be in addition to any fee required by subsection 3.12.1 and 3.12.2.



3.13 CONTRACT ZONING

3.13.1 Council may enter into an agreement respecting the rezoning of land in accordance with the guidelines established by the Official Community Plan on contract zoning.

3.13.2 Council may include in the agreement:

- a) a description of the proposal;
- b) reasonable terms and conditions with respect to the uses of the land and buildings or forms of development;
- c) the site layout and external design including parking areas, landscaping, and access and egress;
- d) a time limit in which the development must occur in accordance with the agreement; otherwise the site will revert to the previous zoning classification;
- e) that on the rezoning of land, none of the land or buildings shall be developed or used except in accordance with the proposal, terms and conditions and time limit prescribed in the agreement.

3.13.3 Council may require the payment of a performance bond prior to execution of the agreement for rezoning to assure that the terms of the agreement are implemented.

3.13.4 The rezoning agreement will not be signed until the public has had an opportunity to examine the proposed rezoning through a public notice. Public notice and review will be in accordance with the procedure and public notification process provided in Part X of the Act. Final reading of the amending bylaw will be subject to the signing of the agreement. The amendment of the Zoning Bylaw shall take effect upon registration of the interest as contained in Subsection 3.13.5.

3.13.5 As required by the Act, an interest will be registered against the lands affected by the agreement binding the owner of the land and future landowners to the agreement.

3.13.6 The Council may, on application by the person who entered into an agreement pursuant to this Section or by any subsequent owner of land to which the agreement pertains:

- a) vary the agreement;
- b) enter into a new agreement; or
- c) extend any time limit prescribed in an agreement.

3.13.7 The Council may declare a rezoning agreement void where:

- a) any of the land or buildings are developed or used contrary to the provisions of the agreement; or
- b) the development fails to meet a time limit prescribed by an agreement.

3.13.8 Where Council voids a contract agreement, the Zoning District of land reverts to the District in which it was before rezoning by contract.

3.13.9 Where Council voids an agreement, Council will:



- a) give notice of the cancellation and the effect of the cancellation in one issue of a newspaper circulated in the Municipality; and
- b) withdraw the interests registered in connection with the agreement.

3.13.10 The symbol "C" will be attached to the appropriate Zoning District designation for the property in order to identify land that is zoned by an agreement.

3.14 MINOR VARIANCES TO THE ZONING BYLAW

3.14.1 An application for a minor variance shall be made to the Development Officer for a minor variance to the Zoning Bylaw in a form as prescribed by the Development Officer.

3.14.2 The Development Officer shall maintain a register as an appendix to the Zoning Bylaw of all minor variance applications.

3.14.3 The Development Officer may vary the requirements of the Zoning Bylaw subject to the following conditions:

- a) A minor variance may be granted for variation only of:
 - (i) the minimum required distance of a building from a site line;
 - (ii) the minimum required distance of a building to any other building on the site.
- b) The maximum amount of minor variance shall not exceed a 10% variation of the bylaw requirements of the Zoning Bylaw.
- c) The development shall conform to the Zoning Bylaw with respect to the use of the land.
- d) The relaxation of the Zoning Bylaw shall not injuriously affect neighbouring properties.

3.14.4 No minor variance is allowed in connection with an agreement on rezoning entered into pursuant to Section 3.13.

3.14.5 A minor variance must conform to any applicable provincial land use policies adopted pursuant to the Act.

3.14.6 On receipt of an application for a minor variance, the Development Officer may:

- a) approve the minor variance;
- b) approve the minor variance and impose terms and conditions on the approval; or
- c) refuse the minor variance.

3.14.7 Where the Development Officer imposes terms and conditions on an approval pursuant to Subsection 3.14.6, the terms and conditions shall be consistent with:



- a) minimizing adverse impacts on neighbouring properties, including any potential change in fire rating requirements;
- b) providing adequate separation between buildings for safety reasons;
- c) avoiding encroachment into adjoining property, by reduction of allowable projects or other potential encroachments.

3.14.8 Where an application for a minor variance is refused, the Development Officer shall notify the applicant in writing of the refusal and provide reasons for the refusal.

3.14.9 Where an application for a minor variance is approved, with or without terms and conditions being imposed, the Development Officer shall provide written notice to the applicant and to the assessed owners of property having common boundary with the land that is the subject of the application.

3.14.10 The written notice required pursuant to Subsection 3.14.9 shall:

- a) contain a summary of the application for minor variance;
- b) provide a reason for and an effective date of the decision;
- c) indicate that an adjoining assessed owner may within twenty (20) days, lodge a written objection with the Development Officer;
- d) where there is an objection as per Clause (c), advise the public that the applicant will be notified of the right of appeal to the Development Appeal Board.

3.14.11 The written notice required pursuant to Subsection 3.14.9 shall be delivered:

- a) by registered mail; or
- b) by personal service.

3.14.12 A decision approving a minor variance, with or without terms and conditions, does not take effect:

- a) in the case of a notice sent by registered mail, until twenty-three (23) days from the date the notice was mailed;
- b) in the case of a notice that is delivered by personal service, until twenty (20) days from the date the notice was served.

3.14.13 If an assessed owner of property having a common boundary with the land that is the subject of the application objects in writing to the Municipality respecting the approval of a minor variance within the time period prescribed in 3.14.9, the approval is deemed to be revoked and the Development Officer shall notify the applicant in writing:

- a) of the revocation of the approval;
- b) of the applicant's right to appeal the revocation to the Development Appeal Board within thirty (30) days of receiving the notice.

3.14.14 If an applicant for a minor variance is refused, or approved with terms and conditions, the applicant may appeal to the Development Appeal Board within thirty (30) days of the date of that decision.



3.15 NON-CONFORMING BUILDING USES AND SITES

3.15.1 Any use of land or any building or structure lawfully existing at the time of passing this Bylaw that is rendered non-conforming by the enactment of this Bylaw or any subsequent amendments, may be continued, transferred, or sold in accordance with provisions of Section 88 to 93 inclusive, of *The Planning and Development Act, 2007*.

3.15.2 No enlargement, additions, or reconstruction of a non-conforming use, building or structure shall be undertaken, except in conformance with these provisions.

3.15.3 No existing use, building or structure shall be deemed to be nonconforming by reason only of the conversion of this Bylaw from the Metric System of Measurement to the Imperial System of Measurement where such non-conformity is resultant solely from such change and is reasonably equivalent to the metric standard herein established.

3.15.4 No existing site shall be deemed to be non-conforming by reason only of its dimensions or area failing to at least equal the standards prescribed for proposed sites in the zoning district in which the site is located.

3.16 ENFORCEMENT, OFFENCES AND PENALTIES

3.16.1 Inspection

Where the Development Officer has reasonable grounds to believe that development of property contravenes any provision of the Zoning Bylaw, he/she may at a reasonable time, and with the consent of the owner, operator, or occupant, or having been refused consent, with a warrant, enter any land, building, or premises for the purposes of inspection.

3.16.2 Order by the Development Officer

- a) Where the Development Officer has determined that a violation of this Bylaw has occurred, the Development Officer may issue an order to correct the violation pursuant to Section 242 of *The Planning and Development Act, 2007*.
- b) The order shall specify the contravention, and may require the owner, operator, or occupant to do any or all of the following:
 - i) Discontinue the development;
 - ii) Alter the development so as to remove the contravention;
 - iii) Restore the land, building or premises to its condition immediately prior to the development or form of development; and
 - iv) Complete the work necessary to comply fully with the Zoning Bylaw.



- c) The order shall specify the time when the actions required by Subsection 3.13.2b are to be completed and shall advise of the rights of appeal.
- d) The Development Officer may register an interest against the title to the property, based on the order, and shall discharge the interest once the order is complied with.
- e) The Development Officer may apply to the Court of Queen's Bench to enforce the order, or the order as amended by the Development Appeal Board or the Saskatchewan Municipal Board on an appeal.

3.16.3 Any person who violates this Bylaw is guilty of an offence and liable on summary conviction to the penalties set forth in the Act.

3.17 DEVELOPMENT PERMIT - INVALID

A development permit shall be automatically invalid and development shall cease, as the case may be:

- a) If the proposed development is not commenced within the period for which the Permit is valid;
- b) If the proposed development is legally suspended, or discontinued, for a period of six or more months, unless otherwise indicated by Council or the Development Officer, or
- c) When development is undertaken in contravention of this bylaw, the development permit and specified development standards, and/or
- d) When a written appeal notice is received by the Development Appeals Board secretary regarding the development permit.

3.18 CANCELLATION

Council or the Development Officer may cancel a Development Permit, and when cancelled, development shall cease:

- a) Where the Development Officer or Council is satisfied that a development permit was issued based on false or mistaken information,
- b) Where new information is identified pertaining to environmental protection, flood potential, or slope instability, and/or
- c) When a developer requests a development permit modification.

3.19 STOP-WORK

The Development Officer may authorize action to stop any development which does not conform to this Bylaw, a development or servicing agreement, a development permit or condition, or a caveat under this Bylaw.



3.20 INTERPRETATION

- a) Where any provision of this Bylaw appears unclear, Council shall make the final Bylaw interpretation.
- b) All Bylaw requirements shall be based on the stated metric units. The imperial units shown in this Bylaw shall be approximate guidelines only.

3.21 OFFENCES AND PENALTIES

Any person who violates this Bylaw may be charged and liable on summary conviction to the penalties in *The Planning and Development Act, 2007*.

3.22 BYLAW COMPLIANCE

Errors and/or omissions by any person administering or required to comply with the provisions of this Bylaw do not relieve any person from liability for failure to comply with the provisions of this Bylaw.

3.23 REFERRAL UNDER THE PUBLIC HEALTH ACT

The Development Officer shall make available, in addition to plumbing permits and plan information, a copy of all approved Development Permit applications involving installation of water and sanitary services, should such information be requested by provincial officials under *The Public Health Act and Regulations*.

3.24 MOVING OF BUILDINGS

No building shall be moved within or into or out of the area covered by this Bylaw without obtaining a Development Permit from the Development Officer, unless such building is exempt under Section 3.4 of this Bylaw.

3.25 DEMOLITION OF BUILDINGS

No building shall be demolished without first obtaining a Development Permit from the Development Officer. Such Permit shall not be issued unless a proposal for the interim or long-term use or redevelopment of the site is also submitted, and the proposed use is in conformity with this Bylaw. A separate Development Permit is required for any redevelopment of the site.

3.26 TEMPORARY DEVELOPMENT PERMITS

3.26.1 The Development Officer may issue a temporary Development Permit, with specified conditions for a specified period of time, to accommodate developments incidental to approved construction, temporary accommodation, or temporary gravel operations or asphalt plants.



3.26.2 Nothing in this Bylaw shall prevent the use of land, or the erection or use of any building or structure for a construction camp, work camp, tool shed, scaffold, or other building or structure incidental to and necessary for construction work on the premises, but only for so long as such use, building, or structure is necessary for such construction work as has not been finished or abandoned.

3.27 DEVELOPMENT AGREEMENTS

3.27.1 Council may request a developer to enter into a development agreement to ensure development conformity with the Official Community Plan and this Bylaw, pursuant to Section 171 to 176 inclusive, The Planning and Development Act, 2007.

3.27.2 A development agreement is mandatory for approval of an accessory dwelling.

3.28 SERVICING AGREEMENTS

3.28.1 Where a development proposal involves subdivision, Council may require a developer to enter into a servicing agreement to ensure appropriate servicing pursuant to *The Planning and Development Act, 2007*. Council may direct the Administration to vary the agreement on a case-by-case basis, or not require it.

3.28.2 In accordance with Sections 172 to 176 inclusive, *The Planning and Development Act, 2007*, the agreement may provide for:

- a) The undertaking and installation of storm sewers, sanitary sewers, drains, water mains and laterals, hydrants, sidewalks, boulevards, curbs, gutters, street lights, graded, graveled or paved streets and lanes, connections to existing services, area grading and levelling of land, street name plates, connecting and boundary streets, landscaping of parks and boulevards, public recreation facilities, or other works that Council may require, including both on-site and off-site servicing;
- b) The payment of levies and charges, in whole or in part, for the capital cost of providing, altering, expanding or upgrading sewage, water, drainage and other utility services, public highway facilities or park and recreation space and facilities located within or outside the proposed subdivision and that directly or indirectly serve the proposed subdivision.

3.29 PERFORMANCE BONDS

Council may require a developer, including host owners of property where an accessory dwelling is located, to post and maintain a performance bond to ensure developer performance and to protect the public interest.



3.30 LIABILITY INSURANCE

Council may require developers to provide and maintain liability insurance to protect the municipality, developer and public.

3.31 CAVEATS

Council may require that development and servicing agreements and other documents may be caveated on affected lands, to protect municipal and public interests.



4.0 GENERAL REGULATIONS

4.1 ALL ZONING DISTRICTS

{ The following regulations shall apply to all Zoning Districts in this Bylaw }

4.1.1 Licenses, Permits, and Compliance with Other Bylaws

- a) Development must comply with the provisions of this Bylaw, whether or not a permit has been issued for the development.
- b) Nothing in this Bylaw shall exempt any person from complying with the requirements of a building bylaw or any other bylaw in force within the Town of Carlyle or from obtaining any license, permission, permit, authority or approval required by this or any other bylaw of the Town of Carlyle. Where provisions of this Bylaw conflict with those of any other municipal or provincial requirements, the higher or more stringent regulations shall prevail.

4.1.2 Multi Parcel Sites

- a) Where a multi parcel site is used for one development, a proposal to separate the parcels into two or more sites requires a development permit for each of the resulting sites.
- b) No development permit may be issued for a development creating more than one site as described in 4.1.2.a. unless each of the sites will comply with the Bylaw with respect to the requirements of the District in which it is located.

4.1.3 Non-conforming Buildings and Non-conforming Sites

Where a building has been erected on or before the effective date of this Bylaw on a site having less than the minimum dimensions or area, or having less than the minimum yards required by this Bylaw, the use may be continued and the building may be enlarged, reconstructed, repaired or renovated pursuant to the rights granted by Sections 91 to 93 of *The Planning and Development Act, 2007*. These rights are subject to the following:

- the enlargement, reconstruction, repair or renovation does not further reduce the required yards that do not conform to this Bylaw;
- all other applicable provisions of this Bylaw are satisfied;
- issuance of a development permit required by this Bylaw.

4.1.4 Non-conforming Uses

Where a use or intensity of use is being undertaken for part of a site or part of a building that conforms to the bylaws in effect before this Bylaw or before an amendment to this Bylaw, that use may be continued. The use



may not be enlarged nor relocated, or the part of the building housing the use may not undergo structural alteration as long as the use is continued, as provided for in Sections 89 and 90 of the Act. Any portion of the property or building may undergo development or reconstruction of the building for a use that does conform to the Bylaw.

4.1.5 Established Building Lines

Where a front building line in a residential district has been established by existing buildings in a block and is less than the specified front yard requirement, the required front yard is reduced for new construction according to the following principles:

- a) where the new building is to be constructed on a corner site, it shall not be located further into the required front yard than a legal principal building on the abutting interior site;
- b) where the building is to be constructed on an interior site it shall not be constructed further into the required front yard than the average of the encroachments of principal buildings into the required front yard on the two abutting sites;
- c) where the abutting site is vacant, or the building has more than the required front yard, the encroachment into the required front yard shall be considered to be zero;
- d) existing buildings where legally built are conforming with respect to the established building line.

4.1.6 Number of Principal Buildings Permitted on a Site

Not more than one principal use shall be established and not more than one principal building shall be placed on any one site, with the exception of schools, hospitals, curling and skating rinks, community centers, approved commercial building groups or shopping centers, nursing homes, senior citizen homes, and approved dwelling groups.

4.1.7 Uses Permitted in All Zoning Districts

- a) Nothing in this Bylaw shall prevent the use of any land as a public street or public park.
- b) Nothing in this Bylaw shall prevent the erection of any properly authorized traffic sign or signal, or any sign or notice of any local or other government department or authority.
- c) Nothing in this Bylaw shall prevent the use of any land for the erection of buildings or structures, or the installation of other facilities, essential to the operation of public works provided that such use, building, or structure shall be in substantial compliance with the relevant provisions of this Bylaw and shall not adversely affect the character or amenity of the neighbourhood in which the same is located.

4.1.8 Grading and Leveling of a Site

Any site proposed for development shall be graded and leveled at the owner's expense as is necessary to provide for adequate surface drainage. The drainage shall not adversely affect adjacent property, and shall comply with the requirements of the Town of Carlyle respecting design and location of flow from the property.



4.1.9 Water Supply and Waste Disposal

- a) Subject to the Acts and Regulations administered by the Ministries responsible for Health and Environment, no liquid, solid or gaseous wastes shall be allowed to be discharged into any stream, creek, river, lake, pond, slough, intermittent drainage channel or other body of water, onto any land, or into the air.
- b) Where available, every residence, and every building containing washroom facilities shall be connected to the municipal sewer and water supply system at the owner's expense.

4.1.10 Metric Conversion

Where a building was constructed or a site created under a bylaw using the Imperial System of Measurement, a standard under that bylaw that was converted and rounded to an approximate metric measure in a subsequent bylaw shall be deemed equivalent for the purpose of regulation of that site or building.

4.1.11 Geotechnical Analysis Required

If a proposed development is to be located on a site that may be subject to flooding, earth movement or instability, or is otherwise unsuitable for development or hazardous for the proposed use, council may require that a geotechnical report be completed and approved by a Professional Engineer in the Province of Saskatchewan, as a condition of the issuance of a development permit. The report shall indicate the suitability of the site, or ensure that the natural resource base is not irreparably altered. Remedial measures may be specified as conditions in the development permit.

4.1.12 Satellite Dish, Radio Tower or Television Antenna for Personal Use

The installation and operation of a free standing satellite dish, radio tower or television antenna and its supporting structure intended for personal use is permitted in all zoning districts provided that such structures are not located in any front yard or in the case of a corner site, in any portion of the side or rear yard which is within three (3) meters of the side site line adjacent to the street.

4.1.13 Signage on Natural and Human Heritage Sites

Small plaques, markers, and interpretation signs will be encouraged on properties that have significant natural or human heritage resources, with the approval of the owner, and where the signage is appropriate in scale, design, and placement with the site and surrounding area, and does not cause safety concerns or negatively impact the heritage value of the site.

4.1.14 Modular Homes

- a) All modular homes shall be placed on a permanent foundation at a standard comparable to a single detached dwelling.
 - i. All modular homes shall be multi-modular, with the width approximately equivalent to the length;



- ii. All modular homes shall have architectural features similar or complementary to adjacent and nearby homes;
- b) Modular homes shall be permanently connected to water and sewer services provided by the Municipality and permanently connected as available to other public utilities.
- c) All other requirements of this Bylaw apply.

4.1.15 Heritage Properties

Provincial and Municipal heritage properties subject to preservation agreements are subject to development review processes as defined by *The Heritage Property Act*, Sections 23, 24, and 25. Provincial designations are afforded special protection, and any alterations and development must be reviewed and approved by the Heritage Programs of the Province of Saskatchewan.

4.1.16 Fence and Hedge Heights

- a) Subject to traffic sight lines, the following height limitations shall apply to fences, walls, chain-link fences and hedges in all Residential Districts.
 - i. No hedge, fence or other structure shall be erected past any property line.
 - ii. In a required front yard, no fence or other structure shall have a height of more than 1.0 meter above grade level.
 - iii. In a required rear or side yard, no hedge, fence or other structure shall have a height of more than 3.0 meters above grade level.
 - iv. No fence, hedge, closed landscaping, sign, or other structure shall obstruct a sight triangle on a corner site between 0.7 m and 2.5 m above grade.
 - v. Except permitted accessory buildings, no fence or other structure, shall be erected to a height of more than 2.0 meters.
- b) Screen fences shall be consistent and complement the quality of building design and materials of the primary building.
- c) Handrails are permitted in all yards.
- d) No fence in a commercial or industrial zone shall exceed 2.4 meters.
- e) No barbed wire, or razor wire fences shall be allowed in any District.

4.1.17 Outside Storage

- a) No outdoor storage shall be permitted in the required front yard of any residential site.
- b) No yard shall be used for the storage or collection of hazardous material.
- c) Council may apply special standards as a condition or for a discretionary use approval regarding the location of areas used for storage for that use.



- d) No wrecked, partially dismantled or inoperable vehicle or machinery shall be stored or displayed in any required yard.
- e) Council may require special standards for the location setback or screening of any area devoted to the outdoor storage of vehicles in operating equipment and machinery normally used for the maintenance of the residential property, vehicles or vehicular parts.
- f) Provision shall be made for the owner of the property to temporarily display a maximum of either one (1) vehicle or recreational vehicle in operating condition that is for sale at any given point in time.

4.1.18 Landscape Buffers

- a) Landscape buffers are intended to improve land use compatibility and environmental quality by reducing noise, lighting glare and other nuisances, or facilitating natural drainage. Landscape buffers, where required to separate uses from adjacent properties may be required a minimum 1.0 meter vegetative landscape buffer, unless a fence is required for other reasons.
- b) Primary entrances into the Town and Parking lots abutting major roads will require a landscape buffer.
- c) Notwithstanding any other provisions in this Bylaw, where buffers are required for greenways trails, parks and landscaped areas, they shall be required to reflect the character and intent of the Official Community Plan.

4.1.19 Height of Buildings

Where a maximum height of buildings is specified in any District, the maximum height shall be measured from average grade level to the highest point on the building exclusive of any chimney or antenna.

4.1.20 Prohibited and Noxious Uses

- a) The keeping of livestock shall not be allowed except for permitted agricultural uses in the FUD - Future Urban Development District.
- b) Any use is prohibited which, by its nature or the materials used therein, is declared by *The Public Health Act and Regulations* to be a noxious trade, business, or manufacture.

4.1.21 Noxious Uses

Notwithstanding any use contained within a building, no land shall be used and no building or structure shall be erected, altered or used for any purpose that is noxious and, without limiting the generality of this subsection, for any purpose that creates or is likely to become a nuisance or offence, or both:

- a) By the creation of noise or vibration,
- b) By the emission of light and glare;



- c) By reason of the emission of gas, fumes, smoke, dust or objectionable odour, or
- d) By reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, motor vehicles, trailers or parts of vehicles or trailers, machinery, or other such material,
- e) By any combination of things in this subsection.

4.1.22 Closings

In the event a dedicated street or lane shown on the Zoning District Map forming part of this Bylaw is closed, the property formerly in such street or lane shall be included within the zoning district of the adjoining property on either side of such closed street or lane. If a closed street or lane is the boundary between two or more different zoning Districts, the new district boundaries shall be the former centre line of the closed street or lane.

4.1.23 Railway Crossings and Sight Distances

Notwithstanding anything contained in this Bylaw, where any public street crosses a railway at the same grade, no building or structure shall be erected within 46 meters of the point of intersection of the centre line of both the railway and the street.

4.1.24 Bareland Condominium Developments

- a) Bareland Condominium Developments shall comply with the minimum site area, coverage, width, height and yard setbacks as stated in the residential zones.
- b) One primary dwelling unit and one accessory are permitted per bareland condominium lot.
- c) Bareland condominium developments may include private open space and one accessory building for joint recreation use by residents of the development shall be permitted, subject to all yard setback requirements of the zone in which it is located.

4.1.25 Private Garages, Sunrooms, Solariums, and Greenhouses

Private garages, carports, sunrooms, solariums, and greenhouses attached to main buildings by a substantial roof structure shall be considered as part of the main building and shall be subject to the regulations for the main building.

4.1.26 Swimming Pools

- a) Notwithstanding anything contained in this Bylaw, a swimming pool is permitted as an accessory use to permitted uses in the residential districts or a motel (motor hotel) in a highway commercial district in the side yard or rear yard of any lot if:
 - i. No part of such pool is located closer to any lot or street line than the minimum distance required for the principal building located on such lot, and
 - ii. The maximum height of such pool is 1.2 meters above the average finished grade level of the ground adjoining the pool and to within 4.5 meters of such pool, and



- iii. Every swimming pool shall be enclosed by a non-climbable fence of at least 1.8 meters in height and not more than 10 cm from the ground, and located at a distance of not less than 1.5 meters from the pool.
 - iv. Any deck attached to or abutting a swimming pool shall be considered as part of the swimming pool.
- b) Any building or structure, other than a dwelling, required for changing clothing or for pumping or filtering facilities, or other similar accessory uses, complies with the provisions in the applicable Zoning Districts in Section 5 of this Bylaw, respecting accessory buildings.

4.1.27 Projections in Residential Yards

The following projections in required yards are permitted subject to the setback or construction requirements of the National Building Code.

In front yards:

- a) maximum of 0.6 m projection of cantilevered bay windows or bow windows, chimney chases, gutters, window sills, canopies, eaves, or fire escapes;
- b) maximum of 1.8 m projection of open cantilevered balconies, open porches, or open steps;
- c) wheelchair ramps to main floor level;
- d) fences less than 1.0 m in height unless provided otherwise in this Bylaw;
- e) light standards, flag poles and permitted signs.

In rear yards:

- a) cantilevered construction for bay windows, bow windows, chimney chases, bookcases, built in cabinets, gutters, window sills, canopies, eaves, and fire escapes to a maximum projection of 1.5 meters;
- b) unenclosed decks no higher than 0.6 m, balconies, porches, and steps to a maximum projection of 3.0 meters;
- c) a satellite dish, radio tower or television antenna where attached to a principal dwelling having a maximum projection of 0.6 m;
- d) wheelchair ramps to main floor level;
- e) fences less than 2.0 m in height unless provided otherwise in this Bylaw.

In side yards:

- a) fire escapes, chimney chases, sills, cornices, eaves, and gutters to a maximum projection of 0.6 m or half the required yard, whichever is less;
- b) walkways and steps less than 0.6 m in height;
- c) wheelchair ramps to main floor level;
- d) fences not more than 2 m in height unless provided otherwise in this Bylaw.



4.1.28 Projections in Commercial and Industrial Yards

- a) Projections into required minimum front, rear or side yards are permitted subject to the setback or construction requirements of the National Building Code where they consist of any of the following: eaves and gutters of 0.6 m or less projection into a required yard, or chimney chases, fire escapes, or steps, provided that any of the projections will not extend beyond the property line.
- b) Signs, as allowed pursuant to Section 6, are permitted in required yards.

4.2 SIGNAGE

4.2.1 Sign Permit

All signs, whether requiring a permit or not, are subject to the sign regulations and size limits of the district in which they are located. A sign permit, pursuant to Section 3.8, is required for any sign except as follows:

- a) official signs erected by a public agency for a public purpose;
- b) real estate signs advertising the sale, lease, or rental of the real property on which it is located and related information;
- c) temporary signs of less than 1 m² in surface area;
- d) directional or safety signs bearing no advertising information;
- e) address signs, name of building signs, and name of residential occupant signs all containing no advertising information;
- f) election signs during the period of an election campaign, and seven (7) days thereafter;
- g) temporary signs located inside a building window, exclusive of any electrified sign grater than 0.5 m² in area;
- h) signs visible only from the interior of a building;
- i) construction signs, located on the site of the construction to which they refer.

4.2.2 General Sign Regulations

- a) Official signs erected by a public agency for a public purpose shall be of a size and placed at a location appropriate to that public purpose and shall be exempt from any sign regulation of this bylaw.
- b) Except as specifically provided in a C1 District, all signs shall be located within the limits of the parcel on which they are located and shall not project over the site lines.
- c) Private signs shall not be placed on public rights of way, or attached to public utilities, or other public facilities, except where space is specifically rented by the Municipality for the purpose of advertising.
- d) A sign located in a street sight triangle or a driveway sight triangle shall be less than 0.75 m above grade at its top or shall be at least 2.5 m above grade at its lower edge, so as to not obstruct its view from and of a vehicle.



- e) No sign shall cover, obscure, or in any way detract from the visibility and function of an official sign or traffic control device.
- f) Real estate and construction signs shall be removed once the contract is completed and the property is occupied by the new owner, lessee or tenant.
- g) A permit for a temporary sign is valid for the period of the temporary event to which it refers or for a period of two (2) months, whichever comes first. The sign shall be removed once the permit expires, unless a new permit is first obtained.

4.2.3 Signs in Residential and Community Service Districts

The following signs are allowed in a Residential (R1, R2, RMH) and the Community Service (CS) District:

- a) One wall sign is permitted with a maximum surface area as follows:
 - i) multiple unit dwellings – 1 m²
 - ii) all other dwellings – 0.5 m² institutional uses, including schools, churches, and private clubs – 2 m²
 - iii) institutional uses, including schools, churches, and private clubs – 2m²
- b) One additional sign is permitted as above where it faces another street.
- c) One additional wall sign for an approved home based business – 1 m²
- d) One additional free standing sign with a maximum surface area as follows:
 - i) multiple unit dwellings – 2.5 m²
 - ii) for dwelling groups, one sign adjacent to each street from which the dwelling group achieves access – 2.5 m²
- e) Other uses in a Residential District shall be subject to sign regulations for multiple unit dwellings.
- f) One real estate sign for each site – 1.5 m² maximum surface area.
- g) For dwelling groups, one real estate sign may be placed on or attached to each building or unit to which it applies – 1.5 m² maximum surface area
- h) For any parcel, one temporary sign not exceeding 5 m² provided a valid sign permit exists while the temporary sign is on the parcel.
- i) Up to two construction signs on a construction site only during the period of construction and while the building is not occupied – not exceeding 7.5 m² each.
- j) Billboard signs are prohibited.

4.2.4 Signs for Commercial and Industrial Districts



The following regulations shall apply to signs in a Commercial District (C1, C2) or an Industrial District (IND):

- a) Signs for dwellings, dwelling groups, and institution uses shall comply with the regulations in Section 4.2.
- b) Illuminated signs shall have an internal light source or an external light source shielded so that the light is directed at the face of the sign.
- c) In a C1 District, one sign per property may project over the abutting sidewalk not closer in horizontal distance than 0.3 m to the edge of the curb. Such signs shall have a clearance of not less than 2.5 m above the sidewalk.
- d) One permanent free standing sign is permitted per 30.0 m or part thereof of property frontage.
- e) Two temporary signs may be located on site for the period of the temporary condition only. These signs are subject to the permit requirements of Section 4.2.

4.2.5 Billboard Signs

- a) Billboard signs are a discretionary use in an Industrial District and the Future Urban Development District.
- b) Billboards and signs advertising goods or services not related to the site parcel on which the sign is located are prohibited in C1 and C2 Districts.
- c) Council will apply the following criteria in considering a discretionary use application:
 - (i) The billboard will not obscure local business signs;
 - (ii) The billboard will have sufficient separation to Residential Districts; in general, this distance will be at least 200 m.
 - (iii) The billboard will be separated by at least 100 m from other billboards.
 - (iv) The billboard will not seriously detract from the appearance of any entry into Town
- d) For the purposes of regulation under this Bylaw, an unlicensed vehicle or trailer unit which, in the opinion of Council, is acting as a sign shall be considered a billboard sign.
- e) The billboard sign face and height regulations shall be as follows:
 - (i) maximum single face area – 20 m²
 - (ii) maximum total face area – 40 m²
 - (iii) maximum number of faces – 2.
 - (iv) double faced signs shall be constructed so one face is completely behind and parallel to the other face and facing the opposite direction.
 - (v) Maximum height above grade – 6 m.
- f) No billboard shall have flashing or intermittent lighting. All lighting shall be shielded from direct view from any roadway or site boundary.
- g) Billboards shall not be located in a required front yard.
- h) Council may place special conditions on the location of the billboard on a site to protect the clear view of an intersection or a highway approach, or other directional and informational signs.



4.3 OFF-STREET PARKING AND LOADING REGULATIONS GENERAL REGULATIONS

- a) No person within any District shall erect, enlarge, substantially alter, or extend any building permitted under this Bylaw, unless the required off-street parking and loading spaces are provided and maintained in connection with the development.
- b) When the intensity of use of any building or use is increased by the addition of dwelling units, floor area, seating capacity or other unit of measurement that specifically affects the requirements for parking and loading facilities, the number of parking and loading spaces shall be increased by the additional number of spaces required by this Bylaw.
- c) Whenever the use of a building is changed, the parking and loading spaces shall be provided as required for the new use. However, if the building was erected prior to the effective date of this Bylaw, additional parking and loading spaces are required only by the number of spaces that the requirements for the new use exceed those of the existing use.
- d) Any conforming or legal non-conforming building or use which is in existence on the effective date of this Bylaw, that is damaged by fire, collapse, explosion, or other cause to the extent of 75% or more of its value above the foundation to rebuild that is reconstructed, repaired or re-established, shall provide off-street parking and loading facilities in accordance with this Bylaw.

4.3.1 Off-Street Parking

- a) Off-street parking shall be provided in accordance with the following Parking Schedule, and associated regulations. Except where specifically noted, all floor areas represent gross floor areas. One space is required for each unit or part of a unit. For shopping centers, the number required applies to the entire shopping center, including restaurants or offices.
- b) Required off-street parking spaces in any Commercial or Industrial District may be located on a separate site that is within a convenient walking distance to a maximum of 150 m of the principle building or use, provide such spaces are located within a Commercial or Industrial District.
- c) In Residential Districts, off-street parking spaces shall be provided on the site on which the principle use to which the parking pertains is located.
- d) Where the necessary off-street parking space is provided on a parcel that is separate from the principle use, an agreement between the Municipality and the owner of the site on which the parking is to be located shall be recorded in the town office. The agreement shall bind the owner and his heirs and successors restricting the use of the site for the purposes of off-street parking so long as the main use or building for which the parking is provided exists; an interest based on the agreement shall be registered against the titles on behalf of the Municipality.



| PARKING SCHEDULE | |
|--|--|
| LAND USE | PARKING SPACES REQUIRED (Minimum) |
| Residential Single detached dwelling Semi detached dwelling; multiple dwelling unit, duplex Dwelling, mobile or modular home Multiple unit dwelling for senior citizens Bed and breakfast facility | 1 parking space 1 per dwelling unit 1 per dwelling unit 1 per 4 dwelling units 1 per dwelling unit, plus 1 per rented room |
| Institutional Personal care home Special care and nursing home Hospital Elementary school High school and collegiate Community center, auditorium, theatre, Private club, places of worship Library, cultural institution | 1 plus 1 per 5 client residents 1 per 4 client beds 1 per 2 beds 1 per classroom 4 per classroom 1 per 10 fixed seats or 1 per 25 m ² of space for movable seating 1 per 20 fixed seating or 1 per 50 m ² for movable seating |
| Commercial Retail stores Shopping centers Offices Café, restaurant, Lounge, beverage room, night club Hotel or motel Bingo hall Bowling alley Billiard hall Lumber yard, home improvement center | 1 per 40 m ² 1 per 30 m ² 1 per 50 m ² 1 per 4 patron seats, or 1 per 10 m ² patron space if seating not fixed 1 per guest room or motel unit 1 per 4 patron seats 2 per lane 1 per table plus 1 per 4 patron seats 1 per 50 m |
| Industrial Manufacturing and processing plants Warehouse (restricted access) | 1 per 60 m ² 1 per 100 m ² |



| | |
|----------------------------------|--|
| Recreational | |
| Ice rink, curling rink, arena | 2 per sheet of ice or playing field, plus 1 per 10 fixed seats |
| Gymnasium, tennis court (indoor) | 2 per court plus 1 per 10 fixed seats |
| Fitness center | 1 per 30 m ² |
| All others | 1 per 30 m ² |

4.3.2 Payment of Cash-in-Lieu of Required Off-Street Parking

- Pursuant to *The Planning and Development Act 2007*, the Development Officer may exempt any person who is required to provide off-street parking in a Commercial District from providing those spaces, where, instead, he pays or contracts to pay the Municipality the sum of money calculated by multiplying the number of off-street parking spaces that would otherwise be required to provide by the average current market value of 25 m² of land in the area and zone of the development as calculated by the Development Officer, or by an independent land appraiser if requested and paid for by the applicant.
- The Development Officer shall record the number of spaces paid for with the parcel records and shall consider those spaces as provided with respect to that parcel. Where a development on that parcel requires a greater number of spaces than provided on the site either by cash-in-lieu or by actual spaces on the site, only the additional spaces will be required.
- Cash-in-lieu received for off-street parking spaces will not be refunded where the intensity is decreased or the use is changed, requiring less off-street parking spaces. The spaces will continue to be considered as provided with respect to the parcel.
- A person who pays, or contracts in writing to pay, the required cash-in-lieu of providing off-street parking facilities associated with a development shall be deemed to have met the off-street parking regulations for that development.
- All such sums of monies shall be paid to the Municipality prior to the issuance of a development permit and any building permit.
- All such sums shall be placed in an account of the Municipality used to provide public parking spaces.

4.3.3 Off-Street Loading

In any Industrial or Commercial District, where the use of a building or site involves the receipt, distribution or dispatch of materials, goods or merchandise from vehicles, adequate space for such vehicles to stand during loading or unloading shall be provided on the site in conformity with the following schedule:



| OFF-STREET LOADING SPACE SCHEDULE | |
|--|--|
| GROSS FLOOR AREA | LOADING SPACES REQUIRED (Minimum) |
| 100 m ² to 1,500 m ² | 1 |
| 1,501 m ² to 3,000 m ² | 2 |
| Over 3,000 m ² | 2 plus 1 for each 6,000 m ² (or part thereof) over 3,000 m ² |

All off-street loading spaces shall be located on the site and be of sufficient size so that materials and commodities can be easily loaded or unloaded without creating interference to vehicular traffic on a public roadway.



4.4 DISCRETIONARY USES

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

In approving any discretionary use to minimize land use conflict, Council may prescribe specific development standards related to:

- site drainage of storm sewer;
- the location of buildings with respect to buildings on adjacent properties;
- access to, number and location of, parking and loading facilities;
- appropriate space for vehicle line ups for drive through commercial facilities in order to reduce disruption of traffic flows on adjacent roadways;
- control of noise, glare, dust and odour;
- landscaping, screening and fencing to buffer adjacent properties.

4.5 BED AND BREAKFAST HOMES

- Bed and breakfast homes shall be located in a single detached dwelling used as the operator's principal residence.
- Bed and breakfast homes shall be licensed by the Ministry of Health and shall have a fire safety inspection report issued prior to occupancy as a bed and breakfast home.
- In issuing discretionary use approval for a bed and breakfast home, Council may specify the maximum number and specific location in the dwelling of approved guest rooms. Any increase in number of guest rooms shall require a new discretionary use approval.
- One off street parking space shall be provided and available to the use of the guest for each guest bedroom in the bed and breakfast home, in addition to any off street parking used for the operator of the facility.
- One sign identifying the bed and breakfast home in accordance with the standards for a sign identifying a multiple unit dwelling is permitted.
- Council will consider applications with respect to the following criteria:
 - i. The proposed structure is suitable and comfortable for the proposed development;
 - ii. There is adequate space on the site for the proposed facility;
 - iii. There are appropriate levels of access to the site and off street parking is available for the users of the facility and for the operator;



- iv. The development will complement adjacent residential uses;
- v. Use as a bed and breakfast home will be considered an asset in the preservation of heritage buildings.

4.6 HOME BASED BUSINESSES

- Where allowed as a discretionary use, a home based business may be located in a dwelling used as the owner's residence, or in a building accessory to the dwelling.
- A home based business shall clearly be secondary and ancillary to the use of a dwelling unit as a private residence.
- A home based business shall not cause a variation in the residential character and appearance of the dwelling, accessory residential building, or property, except for permitted signs.
- A home based business shall be conducted entirely within the dwelling or accessory building. Client contact and services may only occur within the principle building.
- A home based business shall not create any conflict with the residential area in terms of emission of noise, glare, dust, odour, radio interference, or disturbance between the hours of 10:00 p.m. and 7:00 a.m. that would be disruptive to the surrounding residential uses.
- A home based business shall not require the parking of more than two client vehicles at any time. Off street parking shall be provided on site for any resident vehicles.
- The home occupation shall not have any exterior display, outdoor storage of materials, or exterior variation from the residential character of the residence or its accessory building.
- Persons employed within the dwelling in the home based business shall be full time residents of the dwelling.
- Council may, in its approval, provide for up to two other persons employed by the home based business where such persons are employed to work off-site.
- No more than 25% of the gross floor area of the principal building, and 50% of the gross floor area of an accessory building shall be used for the home based business.
- A permit issued for home based businesses shall be subject to the condition that the permit may be revoked at any time if, in the opinion of Council, the conditions under which the permit was originally issued are no longer met. Where a permit is revoked, the use shall cease immediately.
- The discretionary use approval for a home based business shall cease to be valid when the operation ceases in accordance with section 3.7.1 or where the operator relocates to another site. A new discretionary use approval is required before the home based business may restart operation.

4.7 SERVICE STATIONS AND GAS BARS

- Fuel pumps and accessory equipment including any fuel sales kiosk on a pump island shall be located at least 6 meters from any street or other property boundary.
- All automobile parts, dismantled vehicles and similar articles shall be stored within a building or screened to the satisfaction of Council.



- All business shall be conducted and all goods stored completely within an enclosed building except as required in the servicing of motor vehicles while under the care and control of the vehicle operator.
- The Development Officer may specify in the issuing of a development permit, as a special condition of the development permit, the location and design of access to the property and to the fuel pumps and service bays, to avoid conflict with traffic on abutting streets or lanes.

4.8 RESIDENTIAL CARE HOMES

- Where allowed as a discretionary use, a residential care home may be developed in a single detached dwelling building, subject to obtaining a provincial license, pursuant to the particular Act under which the home is proposed to operate.
- The residential care home shall maintain the single detached residential character of the property consistent with the neighbourhood.
- A residential care home shall meet all of the regulations for a single detached dwelling as prescribed for the district in which it is located.
- The operator of the residential care home shall be a permanent resident of the dwelling licensed as a residential care home.
- The operator shall ensure that adequate supervision and care is available at the home at all times.
- In approving a residential care home, Council may specify the maximum number of clients that may be cared for in a residential care home but in no case shall the number exceed five (5) persons.
- Council will consider applications with respect to the following criteria:
 - i. The structures are suitable and comfortable for the proposed development, and provide for the appropriate level of supervision;
 - ii. There is adequate space on the parcel for the proposed facility;
 - iii. There are appropriate levels of off-street parking for the residents of the facility and the operator;
 - iv. The concentration of residential care homes will not exceed two (2) facilities per residential block, and the home will complement adjacent residential uses.

4.9 DAY CARE CENTRES AND PRE-SCHOOLS

- Day care centres and pre-schools may be approved as an accessory use or as a principal use.
- In any residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building or property.
- Day care centres or pre-schools for children, which are located in residential districts shall provide at least 3.25 m² of fenced on-site outdoor play space for each child present in the facility at any one time.
- Required parking spaces may be located in a required front yard.



4.10 SECONDARY SUITES

- Secondary suites may be constructed within a principal, single detached dwelling in a residential zone. Only one secondary suite is permitted on each residential site.
- Secondary suites must be located within the principal dwelling and must have a separate entrance from the principal dwelling either from a common indoor landing or directly from the exterior of the building.
- Secondary suites must contain cooking, eating, living, sleeping, and sanitary facilities.
- Secondary suites may not exceed 60 m² or 35% of the total floor space, including basements, and may not have more than two bedrooms.

4.11 SOLID AND LIQUID WASTE DISPOSAL FACILITIES

Municipal and commercial solid or liquid waste disposal facilities are subject to the following conditions:

- The facility will be located as near as practical to the source of waste.
- The facility will have undergone satisfactory review as required by provincial authorities for environmental assessment and operational design.
- The facilities will be located at least 300 meters for liquid waste, and 457 meters for solid waste from any residence or recreational use.
- The development of any new disposal sites shall take into consideration seasonal winds.
- Adequate precautions shall be taken to prevent pollution of ground water by disposal operations.
- Solid waste disposal facilities shall be located in proximity to an all- weather road.
- Council may apply special standards for screening, fencing and reclamation of the site.

4.12 ANIMAL KENNELS

- The maximum number of animals not normally attributed to the host site to be kept on-site shall be at the discretion of Council.
- No building or exterior exercise area(s), to be used to accommodate the animals shall be allowed within 300 meters (about 1000 ft.) of any dwelling located on adjacent lots.
- All facilities, including buildings and exterior exercise areas, shall be sited behind the principal building unless otherwise approved by Council.
- Pens, rooms, exercise runs and holding stalls may be soundproofed to the satisfaction of Council.
- All dog facilities shall be visually screened from existing dwellings on adjoining lots.
- No animals shall be allowed outdoors between the hours of 9:00 p.m. to 7:00 a.m. daily. During this time period, all animals shall be kept indoors.
- A boarding use shall at no time unduly interfere with the character of the neighborhood or the general enjoyment of adjoining sites.



- There shall be no external advertising other than a sign of not more than 1.0 m² (10.75 ft²) erected in accordance with the Sign Regulations contained herein.
- Council shall place any additional conditions for approval deemed necessary based upon a specific application.
- Animal kennels shall be subject to relevant Bylaws and legislation governing noise and public health.
- All permits issued shall be valid for one year from the date of issuance and shall be subject to cancellation by the Town for due cause.
- Failure to comply with any of the above regulations or the conditions of a development permit may result in the revoking of the permit by the Town.

4.13 CAMPGROUNDS

- The operator of a campground shall provide the development officer with a plan of the campground, identifying any buildings, uses of land and the location of all roadways and trailer coach or tent campsites with dimensions. The addition or rearrangement of campsites, the construction or moving of buildings, and material change in use of portions of land, or the filling or clearing of land shall require a Development Permit, and the operator shall submit for approval an amended plan incorporating the development.
- A campground shall have within its boundaries a buffer area abutting the boundary of not less than 4.5 meters which shall contain no buildings.
- The operator of a campground shall designate a campsite for each trailer coach or tent party, which shall be less than 150 m² in area with its corners clearly marked.
- One permanent sign located on site advertising the campground is permitted per site;
- In the case of a home occupation, an additional permanent sign is permitted in a window of a dwelling:
 - (i) The facial area of a sign shall not exceed 0.5 m² ;
 - (ii) No sign shall be located in any manner that may obstruct or jeopardize the safety of the public;
 - (iii) Temporary signs not exceeding 1 m² advertising the sale or lease of the property or other information relating to a temporary condition affecting the property are permitted.
- No portion of any campsite shall be located within a roadway or required buffer area.
- Each campsite shall have direct and convenient access to a developed roadway, which is not located in any required buffer area.
- Each trailer coach shall be located at least 3 meters from any other trailer coach, and each campsite shall have dimensions sufficient to allow such location of trailer coaches.
- The space provided for roadways within a campground shall be at least 7.5 meters in width.
- No portion of any campsite, other use or structure shall be located in any roadway.



- A campground may include as ancillary uses a laundromat or a confectionery designed to meet the needs of the occupants of the campsites, and one single detached dwelling for the accommodation of the operator.
- *The Public Health Act* shall be complied with in respect to all operations and development of the campground.



5.0 ZONING DISTRICTS AND ZONING MAPS

5.1 CLASSIFICATION OF ZONING DISTRICTS

For the purposes of this Bylaw, the Town of Carlyle is divided into the following Zoning Districts, the boundaries of which are shown on the "Zoning District Map." Such Districts may be referred to by the appropriate symbol, as shown in Table 3. The uses or forms of development allowed with a Zoning District, along with regulations or standards which apply are contained in the Zoning District Schedules in Sections 5.4 to 5.12.

| Zoning Districts | | | |
|--------------------|-----|--------------------------|-----|
| Residential 1 | R1 | Community Service | CS |
| Residential 2 | R2 | Industrial | IND |
| Mobile Home | RMH | Airport District | AP |
| Commercial Core | C1 | Future Urban Development | FUD |
| Highway Commercial | C2 | | |

5.2 THE ZONING DISTRICT MAP

The Zoning District Map bears the statement: "This is the Zoning District Map which accompanies and forms part of Bylaw No. 2010-05, and is referred to in Section 5.1 adopted by the Town of Carlyle, signed by the Mayor and Town Administrator under the seal of the Town."

5.3 BOUNDARIES OF ZONING DISTRICTS

The boundaries of the Districts referred to in this Bylaw, together with an explanatory legend, notations and reference to this Bylaw, are shown on the map entitled "Zoning District Map".

Unless otherwise shown, the boundaries of zoning districts are site lines, center lines of streets, lanes, road allowances, or such lines extended and the boundaries of the municipality.

Where a boundary of a district crosses a parcel, the boundaries of the district shall be determined by the use of the scale shown on the map. Where the boundary of a district is also a parcel boundary and the parcel boundary moves by the



process of subdivision, the district boundary shall move with that parcel boundary, unless the boundary is otherwise located by amendment to the Bylaw.

**5.4 RESIDENTIAL DISTRICT (R1)**

R1

5.4.1 Permitted Uses

- a) one single detached dwelling
- b) modular home
- c) semi-detached or duplex dwelling
- d) family child care home where ancillary to a dwelling
- e) parks and playgrounds
- f) public utilities (excluding offices, warehouses and storage yards)
- g) municipal facilities; and
- h) Uses, buildings and structures accessory to the foregoing permitted uses and located on the same site with the main use;

5.4.2 Discretionary Uses

- a) residential care homes
- b) home based business where ancillary to a dwelling
- c) places of worship, religious institutions
- d) confectionaries
- e) drug stores
- f) personal service shops

5.4.3 Development Regulations**Site Requirements:**

| R1 SITE REQUIREMENTS (Minimum) | | | | |
|---|-----------------|-------------------|--------------------|--------------|
| USE | FRONTAGE | MEAN WIDTH | PARCEL AREA | DEPTH |
| Single detached dwellings; modular homes | 12 m | 15 m | 450 m ² | 30 m |
| Semi-detached or duplex dwelling (per dwelling) | 7.5 m | 7.5 m | 225 m ² | 30 m |
| Residential care home | 12 m | 15 m | 450 m ² | 30 m |
| Places of worship, religious institutions | 30 m | 30 m | 900 m ² | 30 m |
| Commercial uses (excluding home based business) | 30 m | 30 m | 900 m ² | 30 m |
| Recreational and public uses | No requirements | | | |



Required Yards:

| R1 REQUIRED YARDS (Minimum) | | | | | | |
|--|-----------------|---------------------------------|-----------------------|--------------|---------------|-------------------------------|
| USE | FRONT YARD | SIDE YARD ABUTTING STREET | SIDE YARD OTHER | REAR YARD | COVER- AGE | BUILDING FLOOR AREA |
| Residential (including home based business) | 6 m | 3 m | 1 m | 6 m | 30% | 100 m ² minimum |
| Places of Worship; religious institutions | 6 m | 3 m | 3 m | 6 m | | |
| Commercial Uses | 6 m | 6 m | 3 m | 6 m | | 300 m ² maximum |
| Recreational and public uses | No requirements | | | | | |

5.4.4 Accessory Uses, Buildings and Structures

- a) Except as specifically provided in this Bylaw, accessory buildings shall comply with the yard requirements for a principal building. Any building located less than 1.0 meter from a principal building shall comply with all the minimum yard requirements of the principal building.
- b) An accessory building shall not be located in a required front yard.
- c) No door that could give access for a vehicle to a private garage, whether attached to the principal building or not, shall be located in a required front yard less than 4.5 meters from a street to which it gives direct access, or less than 1.5 meters to a lane to which it gives direct access.
- d) Private garages and accessory buildings if less than 10 m², shall have a minimum side or rear yard of 0.75 m and a maximum projection of 0.5 m into the required yard for any eaves, gutters, or drain spouts into that yard.
- e) Uncovered outdoor swimming pools and other yard recreation equipment shall have a minimum side or rear yard of 0.75 m.
- f) Private garages, carports, and accessory buildings attached to a principal building by a substantial roof structure shall be considered as part of the principal building and subject to the regulations of the principal building.
- g) Private garages, carports, and accessory buildings shall not exceed the square footage of the main floor of the principle dwelling in size.
- h) In rear yards, laundry drying equipment and garbage stands are permitted.



5.4.5 Development Standards for Bed And Breakfast Homes

Development of a bed and breakfast home shall comply with the standards and criteria of Section 4.5.

5.4.6 Development Standards for Residential Care Homes

- a) The maximum number of client residents shall not exceed five (5).
- b) Council will apply the following criteria in considering a residential care home application:
 - (i) The development will comply with the standards and criteria of Section 4.8.
 - (ii) The development of the business will be entirely consistent with the residential development on adjacent parcels, except for approved signs.
 - (iii) The development will provide a comfortable home for the client residents.

5.4.7 Development Standards for Home Based Business

- a) Council will apply the following criteria in considering a home based business application:
 - (i) The development will comply with the standards and criteria of Section 4.6.
 - (ii) The development of the business will be entirely consistent with the residential development on adjacent parcels, except for approved signs.
 - (iii) The development does not have the potential to become too large or too intrusive for a residential neighbourhood.

5.4.8 Development Standards for Commercial or Community Service Uses

- a) Council will apply the following criteria in considering a Commercial or Institutional use in this District:
 - (i) Good access from major streets to the development will exist and the development will not cause excessive traffic through existing low density residential areas; locations on major streets, on corner parcels, and at the periphery of the neighbourhood are preferred.
 - (ii) The development will be of a size and operation intended to serve the neighbourhood in which it is located.
 - (iii) The developer of the business may be required to provide a fence or other buffer to an abutting residential use.
- b) Council will apply the following criteria in considering a Community Service use in this District:
 - (i) Locations on major streets, on corner parcels, and at the periphery of the neighbourhood are preferred. The degree to which the development will be considered



for internal areas to the neighbourhood will relate to the size of the development and to the degree to which it serves the local neighbourhood.

- (ii) Significant institutional uses will be encouraged to seek sites in or abutting CS – Community Service Districts.

5.4.9 Signs: Section 4.2 regulations shall apply in the R1 Residential District.

5.4.10 Outdoor Storage: No side or front yards shall be used for outdoor storage in the R1 Residential District.



5.5 RESIDENTIAL DISTRICT (R2)

R2

5.5.1 Permitted Uses

- a) single detached dwelling
- b) modular home
- c) semi-detached dwelling
- d) duplex dwellings
- e) row house dwellings and townhouse dwellings
- f) multiple unit dwellings
- g) condominium development
- h) family child care home where ancillary to a dwelling
- i) Recreational and Public Uses
- j) parks and playgrounds
- k) sports fields
- l) swimming pools
- m) community centers
- n) public utilities (excluding offices, warehouses and storage yards)
- o) municipal facilities
- p) places of worship, religious institutions
- q) lodges, fraternal organizations, clubs
- r) libraries and cultural institutions; and
- s) Uses, buildings and structures accessory to the foregoing permitted uses and located on the same site with the main use;

5.5.2 Discretionary Uses

- a) residential care home
- b) home based business where ancillary to a dwelling
- c) bed and breakfast homes where ancillary to a single detached dwelling
- d) group care facilities
- e) day care centers
- f) confectionaries
- g) gas bars where ancillary to a confectionary
- h) drug stores
- i) personal service shops
- j) mobile home



5.5.3 Development Regulations

Site Requirements:

| R2 SITE REQUIREMENTS (Minimum) | | | | |
|--|-----------------|-------------------|--------------------|--------------|
| USE | FRONTAGE | MEAN WIDTH | PARCEL AREA | DEPTH |
| Single detached dwellings, modular homes, mobile homes | 12 m | 15 m | 550 m ² | 30 m |
| Semi detached or duplex dwelling (per dwelling) | 7.5 m | 7.5 m | 225 m ² | 30 m |
| Attached and street townhouse dwellings (per dwelling) | 7.5 m | 7.5 m | 225 m ² | 30 m |
| Residential care home | 12 m | 15 m | 550 m ² | 30 m |
| Places of worship, religious institutions | 30 m | 30 m | 900 m ² | 30 m |
| Commercial uses (excluding home based businesses) | 30 m | 30 m | 900 m ² | 30 m |
| Other Uses | 15 m | 15 m | 550 m ² | 30 m |
| Recreational and public uses | No requirements | | | |

Required Yards:

| R2 REQUIRED YARDS (Minimum) | | | | | | |
|---|-------------------|----------------------------------|------------------------|------------------|------------------|----------------------------|
| USE | FRONT YARD | SIDE YARD ABUTTING STREET | SIDE YARD OTHER | REAR YARD | COVER-AGE | BUILDING FLOOR AREA |
| Residential (including home based business) | 6 m | 3 m | 1 m | 6 m | 50% | 70 m ² minimum |
| Places of worship, religious institutions, libraries, cultural institutions | 6 m | 3 m | 3 m | 6 m | | |
| Commercial Uses | 6 m | 6 m | 3 m | 6 m | | 300 m ² maximum |
| Other uses | 6 m | 3 m | 1.5 m | 6 m | | |



| | | |
|-------------------------------------|-----|-----------------|
| Recreational and public uses | 6 m | No requirements |
|-------------------------------------|-----|-----------------|

5.5.4 Subdivision of Semi Detached and Row House Dwellings

Where compliant with the site standards, a semi detached or row house dwelling site may be subdivided along the party walls to create a separate site for each dwelling, subject to compliance with building bylaw requirements.

5.5.5 Accessory Uses, Buildings and Structures

- a) Except as specifically provided in this Bylaw, accessory buildings shall comply with the yard requirements for a principal building. Any building located less than 1.0 meter from a principal building shall comply with all the minimum yard requirements of the principal building.
- b) An accessory building shall not be located in a required front yard.
- c) No door that could give access for a vehicle to a private garage, whether attached to the principal building or not, shall be located in a required front yard less than 4.5 meters from a street to which it gives direct access, or less than 1.5 meters to a lane to which it gives direct access.
- d) Private garages and accessory buildings if less than 10 m², shall have a minimum side or rear yard of 0.75 m and a maximum projection of 0.5 m into the required yard for any eaves, gutters, or drain spouts into that yard.
- e) Uncovered outdoor swimming pools and other yard recreation equipment shall have a minimum side or rear yard of 0.75 m.
- f) Private garages, carports, and accessory buildings attached to a principal building by a substantial roof structure shall be considered as part of the principal building and subject to the regulations of the principal building.
- g) Private garages, carports, and accessory buildings shall not exceed the square footage of the main floor of the principle dwelling in size.
- h) In rear yards, laundry drying equipment and garbage stands are permitted.

5.5.6 Development Standards for Dwelling Groups and Condominium Developments

- a) All parking areas, private garages, or vehicular access to units or sites within a dwelling group shall be from a roadway which is common property internal to the parcel.
- b) In the case of dwelling groups, all dwellings shall have vehicular access to a public street from at least two points which are sufficiently separated to provide separate access and egress in case of emergency.
- c) Building separations shall meet the standards for similar residential structures on separate parcels.
- d) Bare land condominium proposals for dwelling groups will not be considered unless there is a requirement for significant common property on the parcel.



5.5.7 Development Standards for Residential Care Homes

- a) The maximum number of client residents shall not exceed ten (10).
- b) Council will apply the following criteria in considering a residential care home application:
 - (i) The development will comply with the standards and criteria of Section 4.8.
 - (ii) The development of the business will be entirely consistent with the residential development on adjacent parcels, except for approved signs.
 - (iii) The development will provide a comfortable home for the client residents.
 - (iv) Adaptive re-use of large historic buildings is an asset.

5.5.8 Development Standards for Bed And Breakfast Homes

Development of a bed and breakfast home shall comply with the standards and criteria of Section 4.5.

5.5.9 Development Standards for Home Based Business

Council will apply the following criteria in considering a home based business application:

- a) The development will comply with the standards and criteria of Section 4.6.
- b) The development of the business will be entirely consistent with the residential development on adjacent parcels, except for approved signs.

5.5.10 Development Standards for Commercial or Institutional Uses

Council will apply the following criteria in considering a commercial use in this District:

- a) Good access from major streets to the development will exist and the development will not cause excessive traffic through existing low density residential areas.
- b) Locations on major streets, on corner parcels, and at the periphery of the neighbourhood are preferred.
- c) The development will be of a size and operation intended to serve the neighbourhood in which it is located.
- d) The developer of the business may be required to provide a fence or other buffer to an abutting residential use.

Council will apply the following criteria in considering an institutional use in this District:

- a) Locations on major streets, on corner parcels, and at the periphery of the neighbourhood are preferred; the degree to which the development will be considered for internal areas to the neighbourhood will relate to the size of the development and to the degree to which it serves the local neighbourhood.
- b) Large institutional uses will be encouraged to seek sites in or abutting CS Community Service Districts.



5.5.11 Signs: Section 4.2 regulations apply in the R2 Residential District.

5.5.12 Outdoor Storage: No side or front yards shall be used for outdoor storage in the R2 Residential District.



5.6 MOBILE HOME DISTRICT (RMH)

RMH

5.6.1 Permitted Uses

- a) mobile home
- b) modular home
- c) Uses, buildings and structures accessory to the foregoing permitted uses and located on the same site with the main use;

5.6.2 Discretionary Uses

- a) single detached dwelling
- b) home based business

5.6.3 Regulations

Site Requirements:

| RMH SITE REQUIREMENTS (Minimum) | | | | |
|---------------------------------|----------|------------|--------------------|-------|
| USE | FRONTAGE | MEAN WIDTH | PARCEL AREA | DEPTH |
| Mobile home, modular home | 12 m | 15 m | 550 m ² | 30 m |

Required Yards:

| RMH REQUIRED YARDS (Minimum) | | | | | | |
|------------------------------|------------|---------------------------|-----------------|-----------|-----------|---------------------|
| USE | FRONT YARD | SIDE YARD ABUTTING STREET | SIDE YARD OTHER | REAR YARD | COVER-AGE | BUILDING FLOOR AREA |
| Mobile home, modular home | 6 m | 3 m | 1 m | 3 m | 50 % | 78 m ² |
| Other Uses | 6 m | 3 m | 1 m | 6 m | 50% | 100 m ² |



5.6.4 Development Standards for Mobile Homes

- a) All mobile homes must meet the standards set out in CSA A277 Procedure for Certification of Factory Built Houses, and amendments thereto.
- b) All mobile homes must bear a label of a credible certification agency indicating that compliance with the National Building Codes has been certified using the A277 procedure.
- c) All mobile homes must be of a minimum size of:
 - (i) Single Wide: 4.27 m in width and 18.29 m in length;
 - (ii) Wide – 7.32 m in width and 12.19 m in length.
- d) All attached and accessory structures shall require a building permit and shall comply with the requirements of the National Building Code of Canada and the Building Bylaw of the Town of Carlyle.
- e) All attached or accessory structures such as porches, sun room additions, skirting and storage facilities must be factory prefabricated units, or of an equivalent quality, and shall be painted or prefinished so the design and construction will complement the main structure.
- f) In order to protect the residential character of the community, wheels, hitches, and running gear must be removed within thirty (30) days of arrival, and skirting must be installed in such a manner as to compensate for vertical movements and to prevent the entrance of rodents and other small animals.
- g) All mobile homes shall be connected to water and sewer services provided by the Municipality and connected as available to other public utilities.

5.6.5 Accessory Uses, Buildings and Structures

- a) Except as specifically provided in this Bylaw, accessory buildings shall comply with the yard requirements for a principal building. Any building located less than 1.0 meter from a principal building shall comply with all the minimum yard requirements of the principal building.
- b) An accessory building shall not be located in a required front yard.
- c) No door that could give access for a vehicle to a private garage, whether attached to the principal building or not, shall be located in a required front yard less than 4.5 meters from a street to which it gives direct access, or less than 1.5 meters to a lane to which it gives direct access.
- d) Private garages and accessory buildings if less than 10m², shall have a minimum side or rear yard of 0.75 m and a maximum projection of 0.5 m into the required yard for any eaves, gutters, or drain spouts into that yard.
- e) Uncovered outdoor swimming pools and other yard recreation equipment shall have a minimum side or rear yard of 0.75 m.
- f) Private garages, carports, and accessory buildings attached to a principal building by a substantial roof structure shall be considered as part of the principal building and subject to the regulations of the principal building.



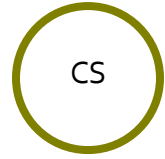
- g) Private garages, carports, and accessory buildings shall not exceed the square footage of the main floor of the principle dwelling in size.
- h) In rear yards, laundry drying equipment and garbage stands are permitted.

5.6.6 Signs: Section 4.2 regulations apply in the RMH District.

5.6.7 Storage: No side or front yards shall be used for outdoor storage in the RMH District.



5.7 COMMUNITY SERVICE DISTRICT (CS)



5.7.1 Permitted Uses

- a) community centers
- b) day care centers
- c) group care facilities
- d) hospitals, medical clinics
- e) libraries and cultural institutions
- f) lodges, fraternal organizations, clubs
- g) law enforcement facilities
- h) nursing homes
- i) places of worship, religious institutions
- j) schools, educational institutions
- k) recreational facilities
- l) curling and skating rinks
- m) parks
- n) sports fields
- o) swimming pools
- p) public utilities (excluding offices, warehouses and storage yards)
- t) municipal facilities
- u) Uses, buildings and structures accessory to the foregoing permitted uses and located on the same site with the main use;

5.7.2 Discretionary Uses

- a) single residential dwellings
- b) multiple unit dwellings developed as senior citizen housing
- c) confectionaries
- d) gift shops
- e) snack bars, restaurants
- f) personal service shops

5.7.3 Development Regulations

Site Requirements:

| CS SITE REQUIREMENTS (Minimum) | | | | |
|--------------------------------|----------|------------|-------------|-------|
| USE | FRONTAGE | MEAN WIDTH | PARCEL AREA | DEPTH |
| | | | | |



| | | | | |
|--|-----------------|------|--------------------|------|
| Day care centers, group care facilities, libraries, lodges, fraternal organizations, clubs | 15 m | 15 m | 550 m ² | 30 m |
| Other institutional uses | 30 m | 30 m | 900 m ² | 30 m |
| Multiple unit dwellings (senior's housing) | 30 m | 30 m | 900 m ² | 30 m |
| Recreational uses | No requirements | | | |
| Utilities and Municipal Facilities | No requirements | | | |

Required yards:

| CS REQUIRED YARDS (Minimum) | | | | | | |
|---|-----------------|---------------------------|-----------------|-----------|-----------|---------------------|
| USE | FRONT YARD | SIDE YARD ABUTTING STREET | SIDE YARD OTHER | REAR YARD | COVER AGE | BUILDING FLOOR AREA |
| Institutional Uses | 6 m | 3 m | 3 m | 3 m | n/a | n/a |
| Multiple Unit Dwellings (Seniors' Housing) | 6 m | 3 m | 3 m | 3 m | n/a | n/a |
| Recreational Uses (not including outdoor sports fields) | 6 m | 3 m | 3 m | 3 m | n/a | n/a |
| Recreational outdoor sports fields, public uses, and municipal facilities | No requirements | | | | | |

5.7.4 Joint Use Facilities

- a) Two or more institutional uses in a CS District may be developed and operated on a single parcel where owned and operated by public authorities.



- b) To create a joint use facility, public authorities may, by agreement, join two parcels together to be considered one parcel for the purpose of regulation under this Bylaw.

5.7.5 Development Standards and Criteria for Multiple Unit (Seniors) Housing

- a) Council must be satisfied that the development will be used for restricted or assisted housing for seniors to grant discretionary use approval and a reduced parking standards.
- b) Proposals must meet the requirements of Section 5.5.7 to be considered for rezoning to a Residential District if appropriate.

5.7.6 Accessory Buildings and Structures

- a) Accessory buildings shall comply with the yard requirements for a principle building.
- b) For gas bars and service stations, an open canopy may extend over a portion of required yards, provided the supports are not located in the required yards and the edge of the canopy is at least 0.6 m from any property line.
- c) Sale or demonstration goods, or signs, whether temporary, permanent, or mobile, shall not occupy a required parking stall, loading space or access aisle.

5.7.7 Development Standards and Criteria for Commercial Uses

- a) There will be no exterior signs or advertising of an ancillary commercial use located within an institutional use building.
- b) Council will consider discretionary use applications for ancillary commercial uses where it is satisfied that the development will support the basic function of the institutional use.

5.7.8 Signs: Section 4.2 regulations apply in the CS District.

5.7.9 Parking : Section 4.3 regulations shall apply.

5.7.10 Storage: No side or front yards shall be used for outdoor storage in the CS District.



5.8 COMMERCIAL CORE DISTRICT (C1)

C1

5.8.1 Permitted Uses

- a) Retail, commercial service and office uses
- b) banks, financial services, and business offices
- c) bakeries with retail sales
- d) broadcasting media and commercial communications studios and offices;
- e) bus terminals
- f) cafes, restaurants and lounges
- g) construction trades offices, artisans, and craft shops
- h) government and professional services offices
- i) licensed beverage rooms, restaurants and lounges
- j) medical, dental, and other health services offices and clinics
- k) personal service establishments
- l) printing and publishing offices, including related printing presses and equipment
- m) retail stores
- n) rental stores
- o) travel agents
- p) funeral establishments
- q) art galleries
- r) bed and breakfast homes subject to the requirements of Section 5.2
- s) commercial entertainment establishments
- t) libraries, cultural institutions
- u) hotels, motels
- v) museums
- w) service stations with or without car washes
- x) gas bars with or without confectionaries
- y) community centers
- z) day care centers
- aa) lodges, fraternal organizations, clubs
- bb) places of worship, religious institutions
- cc) public utilities
- dd) municipal facilities
- ee) uses, buildings and structures accessory to the foregoing permitted uses and located on the same site with the main use;

5.8.2 Discretionary Uses

- a) mini-malls, strip malls



- b) lumber yards
- c) wholesale trade stores and offices
- d) establishments for the sale, storage and servicing of motor vehicles, recreational vehicles or trailers, or farm machinery
- e) Residential dwellings accessory to a permitted or discretionary use
- f) multiple unit dwellings located above the ground floor

5.8.3 Development Regulations

Site Requirements:

| C1 SITE REQUIREMENTS (Minimum) | | | | |
|---|-----------------|-------------------|--------------------|--------------|
| USE | FRONTAGE | MEAN WIDTH | PARCEL AREA | DEPTH |
| Retail, commercial service, and office uses | 7.5 m | 7.5 m | 225 m ² | 30 m |
| Other permitted uses | 7.5 m | 7.5 m | 225 m ² | 30 m |
| 2 or more permitted uses operating in a single building | 15 m | 15 m | 550 m ² | 30 m |
| Mini malls, lumber yards, wholesale establishments | 30 m | 30 m | 900 m ² | 30 m |
| Tourism, recreational and cultural uses | 30m | 30 m | 900 m ² | 30m |
| Hotels, motels | 30 m | 30 m | 900 m ² | 30 m |
| Other discretionary uses | 15 m | 15 m | 550 m ² | 30 m |
| Residential uses | | | | |
| Multiple unit dwellings | 30 m | 30 m | 900 m ² | 30 m |
| Single detached dwellings | 15 m | 15 m | 550 m ² | 30 m |
| Transportation Services | 30 m | 30 m | 900 m ² | 30 m |
| Institutional and public uses | | | | |
| Day care centers, lodges, fraternal organizations, clubs | 7.5 m | 7.5 m | 225 m ² | 30 m |
| Community centers, places of worship, religious institutions | 30 m | 30 m | 900 m ² | 30 m |
| Utilities and municipal facilities | No requirements | | | |

**Required yards:**

| USE | FRONT YARD | SIDE YARD ABUTTING RES. DISTRICT | SIDE YARD OTHER | REAR YARD |
|---|-----------------------|---|--------------------------------|----------------------|
| Retail, commercial service, and office uses | Nil | 3 m | 3 m | 6 m |
| Other Permitted uses | Nil | 3 m | Nil | 6 m |
| Two or more permitted uses (operating in a single building) | Nil | 3 m | Nil | 6 m |
| Mini malls, lumber yards | 6 m | 3 m | 3 m | 3 m |
| Wholesale establishments | 6 m | 3 m | 3 m | 3 m |
| Residential uses | | | | |
| Multiple unit dwellings | Nil | 3 m | 3 m | 6 m |
| Single detached dwellings | 6 m | 1.5 m | 1.5 m | 6 m |
| Transportation and vehicle sales and services | 6 m | 3 m | 3 m | 3 m |
| Institutional and public uses | | | | |
| Day care centers, lodges, fraternal organizations, clubs | Nil | 3 m | Nil | 6 m |
| Community centers, places of worship, religious institutions | Nil | 3 m | 3 m | 6 m |
| Utilities and municipal facilities | No requirements | | | |

Wholesale trade and lumber yards are included to recognize existing development. Development of these uses on other than the existing sites will be encouraged to locate on vacant land in the C2 District or on IND District lands.

5.8.4 Accessory Buildings and Structures

- a) Accessory buildings shall comply with the yard requirements for a principle building.
- b) For gas bars and service stations, an open canopy may extend over a portion of required yards, provided the supports are not located in the required yards and the edge of the canopy is at least 0.6 m from any property line.



- c) Sale or demonstration goods, or signs, whether temporary, permanent, or mobile, shall not occupy a required parking stall, loading space or access aisle.

5.8.5 Mini Malls

- a) Council may consider a mini mall development where a major portion of an entire block is being proposed for redevelopment.
- b) Parking stalls for mini mall clients shall be accessible from the street by way of on site access lanes, and not directly from the street.

5.8.6 Drive-Through Restaurants

- a) Restaurants with drive through sales shall have room on site for at least 5 cars in the ordering line. This line of cars shall not block access to parking stalls.
- b) Access and egress lanes shall not be located so as to create congestion on the adjacent streets.

5.8.7 Construction Trades Offices, Artisans and Craft Shops

- a) All operations related to construction trades offices, artisans and craft shops shall be conducted within an enclosed building.
- b) No exterior storage of materials, goods, or waste products is permitted except within a waste disposal bin for collection.

5.8.8 Transportation and Vehicle Sales and Services

- a) Service stations and gas bars shall meet the requirements of Section 4.7.
- b) Only corner sites may be developed for service stations or gas bars.
- c) Establishments for the sale, storage and servicing of motor vehicles, recreational vehicles or trailers, or farm machinery will be encouraged to establish on sites in the C2 District or IND District. Council will consider development of C1 sites for these uses when replacing an existing use of a similar type.

5.8.9 Accessory Dwelling Units Attached to Commercial Establishments

- a) One accessory dwelling unit accessory to a retail or commercial use listed in Section 5.8.1 may be considered by Council.
- b) The accessory dwelling shall be located to the rear of principal building or on the second floor over office, retail, restaurant, café, and personal service uses on the main floor.
- c) The parking required for the Accessory dwelling is additional to parking for the commercial uses.
- d) Accessory dwelling units shall have an entrance separate from that of the store or commercial establishment, and provide a fire exit secondary to the required entrance.



- e) Accessory dwellings may be developed where located on Council will consider discretionary use applications with respect to the following criteria:
- i. Inclusion of ground level commercial development in the proposal;
 - ii. Convenience of parking;
 - iii. Appropriate size and quality of proposed dwelling units.

5.8.10 Parking: Section 4.3 regulations shall apply.

5.8.11 Signs: Section 4.2 regulations shall apply in the C1 District.



5.9 HIGHWAY COMMERCIAL DISTRICT (C2)

C2

5.9.1 Permitted Uses

- a) auto body shops, excluding works related to auto wrecking and salvage
- b) bus terminals
- c) cafes and restaurants
- d) car and truck washes
- e) commercial entertainment establishments
- f) construction trades
- g) equipment and tool rental establishments
- h) greenhouses, tree and plant nurseries
- i) gas bars with or without confectionaries
- j) hotels, motels
- k) licensed beverage rooms, restaurants and lounges
- l) lumber yards, building supply and home improvement stores
- m) mini malls – which may include retail stores, restaurants, cafes, personal service establishments, offices and small animal veterinary clinics
- n) motor vehicles, recreational vehicles or trailers, or farm machinery sales, storage and servicing
- o) service stations with or without car washes
- p) undertaking establishments
- q) veterinary clinics
- r) wholesale trade establishments
- s) community centers
- t) government offices
- u) tourist information centers
- v) public utilities
- w) municipal facilities; and
- x) Uses, buildings and structures accessory to the foregoing permitted uses and located on the same site with the main use.

5.9.2 Discretionary Uses

- a) bulk oil dealers and chemical supply dealers
- b) manufacturing and processing shops and associated storage facilities wherein applicable work activities are conducted wholly within enclosed buildings
- c) single detached dwellings

**5.9.3 Development Regulations****Site Requirements:**

| C2 SITE REQUIREMENTS (Minimum) | | | | |
|--|-----------------|-------------------|--------------------|--------------|
| USE | FRONTAGE | MEAN WIDTH | PARCEL AREA | DEPTH |
| Public Uses | No Requirements | | | |
| Tourist information centers | | | | |
| Public utilities Municipal facilities | | | | |
| Residential Uses | | | | |
| Single detached dwellings | 15 m | 15 m | 550 m ² | 30 m |
| All other uses | 30 m | 30 m | 900 m ² | 30 m |

Required Yards:

| USE | FRONT YARD | SIDE YARD ABUTTING R1/R2 DISTRICT | SIDE YARD OTHER | REAR YARD |
|--|-------------------|--|------------------------|------------------|
| Public Uses | No requirements | | | |
| Tourist information centers | | | | |
| Public utilities Municipal facilities | | | | |
| All other uses | 6 m | 3 m | 3 m | 6 m |

5.9.4 Accessory Buildings and Structures

- d) Accessory buildings shall comply with the yard requirements for a principle building.
- e) For gas bars and service stations, an open canopy may extend over a portion of required yards, provided the supports are not located in the required yards and the edge of the canopy is at least 0.6 m from any property line.
- f) Sale or demonstration goods, or signs, whether temporary, permanent, or mobile, shall not occupy a required parking stall, loading space or access aisle.

5.9.5 Transportation and Vehicle Sales and Services

- a) Service stations and gas bars shall be regulated by the criteria in Section 4.7.



- b) Establishments for the sale, storage and servicing of motor vehicles, recreational vehicles, trailers, or farm machinery may include service stations and gas bars.
- c) Required parking and access aisles to fuel dispensing equipment may not be used for the display of vehicles and goods for sale.

5.9.6 Drive Through Restaurants

- a) Restaurants with drive through sales shall have room on site for at least 5 cars in the ordering line. This line of cars shall not block access to parking stalls.
- b) Access and egress lanes shall not be located so as to create congestion on the adjacent streets.

5.9.7 Mini Malls

- a) Council will consider the appropriate separation to industrial and other uses that may be incompatible with restaurant and retail uses and access to the site when making a discretionary use decision on a proposed mini mall.
- b) Parking stalls for mini mall clients shall be accessible from the street by way of access lanes located on the site, and shall not be directly accessed from the street.

5.9.8 Processing and Manufacturing Operations

- a) All operations with respect to processing and manufacturing shall be conducted within an enclosed building.
- b) No exterior storage of materials, goods, or waste products is permitted except within a waste disposal bin for collection.
- c) The operation shall not emit levels of noise, odour, or dust not common to the other uses in the District.
- d) Council will consider appropriate separation to residences, tourist facilities, restaurants, and mini malls in making a discretionary use decision.

5.9.9 Bulk Oil Dealers and Chemical Supply Dealers

- a) Locations with direct access to a highway or highway frontage road are preferred.
- b) Council will consider appropriate separation to residences, tourist facilities, restaurants, and mini malls in making a discretionary use decision.

5.9.10 Signs: Section 4.2 regulations shall apply in the C2 District.



5.9.11 Parking: Section 4.3 regulations shall apply.



5.10 INDUSTRIAL DISTRICT (IND)



5.10.1 Permitted Uses

- a) auto body shops
- b) bulk oil dealers and chemical supply dealers
- c) custom meat cutting and packaging (excluding slaughtering)
- d) car and truck washes
- e) construction trades
- f) equipment and tool rental establishments
- g) gas bars
- h) grain elevators and related grain handling facilities
- i) lumber yards, building supply and home improvement stores
- j) machine shops
- k) manufacturing and processing plants and associated storage facilities
- l) industrial and oilfield services
- m) motor vehicle, recreational vehicle or trailer, or farm machinery sales, storage and servicing
- n) printers and publishers
- o) railway operations
- p) service stations with or without car washes
- q) truck, bus and other transport terminals and yards
- r) veterinary hospitals and clinics
- s) wholesale trade
- t) warehouses
- u) public utilities, including workshops, warehouses and storage yards
- v) municipal facilities
- w) uses, buildings and structures accessory to the foregoing permitted uses and located on the same site with the main use.

5.10.2 Discretionary Uses

- a) abattoirs and stock yards
- b) auto wrecking yards
- c) concrete manufacturing plants, and gravel yards
- d) equipment maintenance and storage yards
- e) feed mills and seed cleaning plants
- f) mining and petroleum industry service
- g) tanneries and hide storage establishments



h) billboard signs

5.10.3 Development Regulations

Site Requirements:

| IND SITE REQUIREMENTS (Minimum) | | | | |
|---|-----------------|------------|--------------------|-------|
| USE | FRONTAGE | MEAN WIDTH | PARCEL AREA | DEPTH |
| Public uses Public utilities Municipal facilities | No requirements | | | |
| All other uses | 30 m | 30 m | 900 m ² | 30 m |

Required Yards:

| USE | FRONT YARD | SIDE YARD ABUTTING R ₁ /R ₂ DISTRICT | SIDE YARD OTHER | REAR YARD |
|---|-----------------|--|-----------------|-----------|
| All other uses | 6 m | 3 m | 3 m | 3 m |
| Public Uses Public utilities Municipal facilities | No requirements | | | |
| Any use where yard abuts a rail line | No requirements | | | |

5.10.4 Accessory Buildings and Structures

- a) Accessory buildings shall comply with the yard requirements for a principle building.
- b) For gas bars and service stations, an open canopy may extend over a portion of required yards, provided the supports are not located in the required yards and the edge of the canopy is at least 0.6 m from any property line.
- c) Sale or demonstration goods, or signs, whether temporary, permanent, or mobile, shall not occupy a required parking stall, loading space or access aisle.

5.10.5 Accessory Cafes

- a) A café may be developed within a principal building and operated as accessory to another use in an IND District.
- b) There shall be no advertising signs for the café outside of the interior of the principal building.



5.10.6 Discretionary Uses

Council will consider the applications for discretionary use based on the following criteria:

- a) The sewer, water, and utility servicing capacity is available to service the development without excessive impact on other uses being served by the system;
- b) The potential for noise, dust, smoke and other emissions causing pollution has been effectively mitigated;
- c) Adequate separation exists from the development to residential and tourist service uses;
- d) Access to truck routes, major streets and railway transportation is appropriate to the type of development.

5.10.7 Signs

Section 4.2 regulations shall apply in the IND District.

Billboard signs will be considered pursuant to the standards and criteria of Section 4.2.

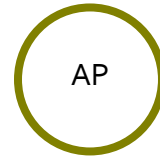
5.10.1 Parking: Section 4.3 regulations shall apply.

5.10.2 Performance Standards

- a) An industrial operation including production, processing, cleaning, testing, repairing, storage or distribution of any material shall conform to the following standards:
- b) Noise - emit no noise of industrial production audible beyond the boundary of the lot on which the operation takes place;
- c) Smoke - no process involving the use of solid fuel is permitted;
- d) Dust or ash - no process involving the emission of dust, fly ash or other particulate matter is permitted;
- e) Odor - the emission of any odorous gas or other odorous matter is prohibited;
- f) Toxic gases - the emission of any toxic gases or other toxic substances is prohibited;
- g) Glare or heat - no industrial operation shall be carried out that would produce glare or heat discernible beyond the property line of the lot;
- h) External storage - external storage of goods or material is permitted if kept in a neat and orderly manner or suitably enclosed by a fence or wall to the satisfaction of the authority having jurisdiction. No storage shall be permitted in the front yard;
- i) Industrial wastes - waste which does not conform to the standards established from time to time by Town Bylaws shall not be discharged into any municipal lagoons.
- j) The onus of proving to the authority having jurisdiction and Council's satisfaction that a proposed development does and will comply with these requirements rests with the developer.



5.11 AIRPORT DEVELOPMENT DISTRICT (AP)



5.11.1 Permitted Uses

- a) Aircraft runways
- b) uses, buildings and structures accessory to the foregoing permitted uses and located on the same site with the main use;
- c) Airport related uses, including workshops, warehouses and storage yards
- d) Crop farming on an existing parcel without any buildings
- e) Municipal facilities.

5.11.2 Prohibited Uses

The following uses or developments shall not be located within the approach and take off zones within 500 meters of the centre point of the airstrip:

- a) Residential dwellings
- b) Institutional uses
- c) Sod farms
- d) bird or game preserves
- e) animal keeping or raising operations
- f) fruit orchards
- g) solid waste disposal sites
- h) fairgrounds
- i) high voltage power lines
- j) communication antennas or towers

5.11.1 Height Restrictions

All Buildings or structures shall conform to the 1:40 ratio in the take-off and approach zone and 1:5 ratio in the transitional zone around the airstrip.

5.11.2 Development Regulations

Site Requirements:

| AP SITE REQUIREMENTS (Minimum) | | | | |
|--------------------------------|----------|------------|-------------|-------|
| USE | FRONTAGE | MEAN WIDTH | PARCEL AREA | DEPTH |
| | | | | |

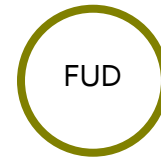


**Airport Related Uses
Municipal facilities**

All development standards, building setbacks, parking, signage and landscaping requirements shall be determined by the Airport Authority.



5.12 FUTURE URBAN DEVELOPMENT (FUD)



5.12.1 Permitted Uses

- a) Crop farming on an existing parcel without any buildings
- b) crop farming including a dwelling and farm buildings
- c) uses, buildings and structures accessory to the foregoing permitted uses and located on the same site with the main use;
- d) public utilities, including workshops, warehouses and storage yards
- e) sewage lagoons and sanitary landfills operated by a public authority
- f) cemeteries
- g) municipal facilities.

5.12.2 Discretionary Uses

- a) Single detached dwellings as a principal use
- b) Single detached dwellings accessory or ancillary to any other use
- c) green houses, market gardens, horticultural supply, tree and plant nurseries
- d) veterinary clinics
- e) private airports
- f) dog kennels ancillary to a dwelling
- g) golf courses
- h) sports fields
- i) sports arenas
- j) tourist campgrounds
- k) motor-cross raceways
- l) demolition derby grounds

5.12.3 Development Regulations

Site Requirements:

| FUD SITE REQUIREMENTS (Minimum) | | | | |
|---|-----------------|------------|-------------|-------|
| USE | FRONTAGE | MEAN WIDTH | PARCEL AREA | DEPTH |
| Public Uses Cemeteries Public utilities, Municipal facilities | No Requirements | | | |



| | | |
|---|------------|---------------------------|
| Agricultural Uses Including dwellings or farmstead Crop farming only | 30 m | 16 ha No Requirements |
| Discretionary Uses Golf courses All other discretionary uses | 30m 30m | 16 hectares 2 hectares |

Required Yards:

| USE | FRONT YARD | SIDE YARD | REAR YARD |
|--|------------------|-----------|-----------|
| Public Uses Cemeteries Public utilities Municipal facilities | No requirements. | | |
| All other uses | 15 m | 3 m | 3 m |

5.12.4 Single Detached Dwellings

- a) To recognize existing use, Council will consider building or expansion of single detached dwellings in a FUD District on a site that holds an existing single detached dwelling.
- b) The approval of development of a single detached dwelling on vacant or idle land, or in a new subdivision for large site residential use, will not be considered except in conjunction with the adoption of a concept plan to the Official Community Plan that designates the area for large site residential use.
- c) Council may consider approval of a single detached dwelling accessory or ancillary to another existing use, where the location will not interfere with future development pursuant to the Official Community Plan and any concept plan adopted under that plan. All single detached dwellings shall comply with the standards of an R2 District.



5.12.5 Discretionary Uses

Council will consider the applications for discretionary use with respect to the following criteria:

- a) The sewer, water, and utility servicing capacity is available to service the development without excessive impact on other uses being served by the system;
- b) The proposed development will be consistent with any concept plans in force in the area and will not be inconsistent with the future use and development plans of the Official Community Plan.
- c) The development will not require the development of new streets and utility lines except as may be provided for in existing plans under the Official Community Plan.
- d) The proposal is not premature.

5.12.6 Signs

- a) Billboard signs will be considered pursuant to the standards and criteria of Section 4.2.
- b) In approving a billboard sign for a vacant parcel of land, Council may limit the validity of the approval to a maximum of five years where the site is in the path of future development.

6.0 REPEAL AND ADOPTION

Bylaw No. 4/78 as amended shall be repealed upon Bylaw 2010-05, the Zoning Bylaw, coming into force and effect.

MINISTERIAL APPROVAL

This Bylaw is adopted pursuant to *The Planning and Development Act, 2007*, and shall come into force on the date of final approval by the Minister of Municipal Affairs.

SEAL

MAYOR

ADMINISTRATOR



APPENDIX "A"

DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

Every development permit application shall include:

1) Application Form

A completed application form.

2) Site Plan

Two copies of a proposed development site plan.

3) Building Plan

A plan showing, with labels, the elevations, floor plan, and a perspective drawing of the proposed development.

4) Landscape Plan

A landscape plan showing, with labels, the following:

- a) the existing topography,
- b) the vegetation to be retained and/or removed,
- c) the type and layout of:
 - i) hard (e.g., structures) and soft (e.g., vegetation) landscaping,
 - ii) the open space system, screening, berms, slopes
 - iii) other, as required, to effectively administer this Bylaw,
- d) the types, sizes and numbers of vegetation materials;
- e) areas to be damaged or altered by construction activities and proposed methods of restoration;
- f) a schedule of site stripping and grading, construction, and site restoration, including methods to be employed to reduce or eliminate erosion by wind, water, or by other means; and
- g) historical and archaeological heritage resources and management areas (a Heritage Resource Assessment as prescribed under *The Heritage Property Act* may be required).

5) Vicinity Map

A vicinity map showing, with labels, the location of the proposed development in relation to adjacent lands:

- a) Nearby municipal roads, highways and railways,
- b) Significant physical features, environmentally sensitive areas, and more or less pristine natural areas or features, especially undisturbed grassland, wooded ravines, and water feature or stream courses,
- c) Critical wildlife habitat and management areas,
- d) Mineral extraction resources and management areas, and
- e) Other as required, to effectively administer this Bylaw.



6) Certificate of Title

A copy of the Certificate of Title, indicating ownership and all encumbrances.

7) Valid Interest

Development permit applicants shall be required to provide information, to the Development Officer's or Council's satisfaction, that they have a current, valid interest in the land proposed for development.

a) Proof of current valid interest may include:

- i) proof of ownership
- ii) an agreement for sale
- iii) an offer or option to purchase
- iv) a letter of purchase
- v) a lease for a period of more than 10 years
- vi) other, as determined and accepted by Council, or the Development Officer.

8) Site Description for Subdivision Applications

- a) A proposed plan of subdivision prepared by a Saskatchewan Land Surveyor or Professional Community Planner and signed by the registered site owner or appointed agent;
- b) A metes and bounds description prepared by the Information Services Corporation, which is accompanied by an accurate sketch;
- c) Photographic Information
- d) Photographs showing the site in its existing state.



**Town of Carlyle
Application for a Development Permit**

1. Applicant:

a) Name: _____

b) Address: _____

Postal Code: _____

c) Telephone Number: _____ work/cell _____

2. Registered Owner: as above, or:

a) Name: _____

b) Address: _____

Postal Code: _____

c) Telephone Number: _____ work/cell _____

3. Property: Legal Description

Lot(s) _____ Block _____ Reg. Plan No. _____

4. Lot Size:

Dimensions _____ Area _____

5. Existing Land Use:

6. Proposed Land Use/description of Proposed Development:



7. Proposed date of Commencement: _____

Proposed date of Completion: _____

8. Other Information:

9. FOR NEW CONSTRUCTION PROVIDE A DETAILED SITE PLAN, IN ACCORDANCE WITH APPENDIX "A" DRAWN TO SCALE ON A SEPARATE SHEET SHOWING:

- a) a scale and north arrow,
- b) a legal description of the site,
- c) mailing address of owner or owner's representative,
- d) site lines,
- e) Bylaw site line setbacks,
- f) front, rear, and side yard requirements,
- g) site topography and special site conditions (which may require a contour map), including ponds, streams, other drainage runs, culverts, ditches, and any other drainage features,
- h) the location of any buildings, structures, easements, and dimensioned to the site lines,
- i) the location and size of trees and other vegetation, especially natural vegetation, street trees, and mature growth,
- j) proposed on-site and off-site services,
- k) landscaping and other physical site features,
- l) a dimensioned layout of parking areas, entrances, and exits,
- m) abutting roads and streets, including service roads and alleys,
- n) an outline, to scale, of adjacent buildings on adjoining sites,
- o) the use of adjacent buildings and any windows overlooking the new proposal,
- p) fencing or other suitable screening,
- q) garbage and outdoor storage areas,
- r) other, as required by the Development Officer or Council to effectively administer this Bylaw.

10. Mobile Homes: C.S.A.Z240 Approval Number (from Black and Silver Sticker)

Mobile Home date of Manufacture: _____



11. Declaration of Applicant:

I, _____ of the _____ of _____ in the Province of Saskatchewan, do Solemnly declare that the above statements contained within the application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of "The Canada Evidence Act."

I agree to indemnify and hold harmless the Town of Carlyle from and against any claims, demands, liabilities, costs and damages elated to the development undertaken pursuant to this application.

Date: _____ Signature: _____

APPENDIX "B"

**Town of Carlyle
Notice of Decision for a Development Permit or Zoning Bylaw Amendment**

To: _____
(Applicant) (Address)

This is to advise you that your application for a:

- ___ Permitted Use or Form of Development, or
- ___ Discretionary Use or Form of Development, or
- ___ Request for a Zoning Bylaw Amendment

Has Been:

- ___ Approved.
- ___ Approved subject to conditions or Development Standards, as listed in the attached schedule
- ___ Refused for the following reason:

If your application has been approved with or without conditions, this form is considered to be the Development Permit granted pursuant to the Zoning Bylaw.



Right of Appeal

Please be advised that under Section 59 of *The Planning and Development Act, 2007*:

___ **you may Not appeal the refusal** of your application for a use or form of development that is not permitted within the zoning district of the application.

___ **you may NOT appeal the refusal** of your application for a discretionary use or form of development

___ **you may NOT appeal the refusal** of your application for an amendment to the zoning Bylaw

___ **you MAY APPEAL those standards** that you consider excessive in the approval of the discretionary use of form of development, or

___ **you MAY APPEAL the refusal** of your application if you feel that the Development Officer has misapplied the Zoning Bylaws in the issuing of this permit.

Your Appeal must be submitted in writing within 30 days of the date of this notice to :

**Secretary, Development Appeals Board
Town of Carlyle
Carlyle, Sask.**

Date: _____

Development Officer

Note:

This Permit expires 12 months from the date of issue.

A Building Permit is also required for a building construction.