

# TOWN OF SOUTHEY

## Saskatchewan



Zoning Bylaw  
Bylaw No. 01-2019  
Adopted April 23<sup>rd</sup>, 2019



**THE TOWN OF SOUTHEY**  
**ZONING BYLAW NO. 01-2019**

1. Pursuant to Section 45 of *The Planning and Development Act, 2007*, the Council of the Town of Southey hereby adopts the Zoning Bylaw, identified as Schedule A to this bylaw.
2. The Mayor and Town Administrator are hereby authorized to sign and seal Schedule A which is attached to and forms part of this bylaw.
3. That Bylaw No. 17-1983, known as the Zoning Bylaw and all amendments thereto, is hereby repealed.
4. This bylaw shall come into force on the date of final approval by the Minister of Government Relations.

Read a first time this 12<sup>th</sup> day of March, 2019.

Read a second time this 23<sup>rd</sup> day of April, 2019.

Read a third time and passed this 23<sup>rd</sup> day of April, 2019.

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MAYOR

SEAL

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TOWN ADMINISTRATOR

CERTIFIED a true copy of Bylaw No. 01-2019

adopted by Resolution of Council on the

\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Town Administrator/Manager

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**Schedule A**

Town of Southey

Bylaw No. 01-2019

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# 1 INTRODUCTION

## 1.1 AUTHORITY

- 1.1.1 Under the authority of *The Planning and Development Act, 2007* (the Act), as amended, and Bylaw No.02-2019, known as the Official Community Plan, the Mayor and Council of the Town of Southey (hereinafter referred to as the Town) in the Province of Saskatchewan, in open meeting, hereby enact as follows:

## 1.2 TITLE

- 1.2.1 This bylaw shall be known and may be cited as the Zoning Bylaw of the Town of Southey.

## 1.3 PURPOSE

- 1.3.1 The purpose of this bylaw is to regulate development and to control the use of land in the Town of Southey, in accordance with the Town of Southey Official Community Plan (Bylaw No. 02-2019).
- 1.3.2 The intent of this zoning bylaw is to provide for the amenity of the area within the Town of Southey, and for the health, safety, and general welfare of the inhabitants of Southey and the surrounding area:
- a) To minimize land use conflicts;
  - b) To establish minimum standards to maintain the amenity of Southey;
  - c) To ensure development is consistent with the physical limitations of the land;
  - d) To restrict development that would place undue demand on Southey for services; and
  - e) To provide for land-use and development that is consistent with the goals and objectives of the Town.

## 1.4 SCOPE

- 1.4.1 This bylaw applies to all land included within the town boundaries. Development shall be permitted within the limits of the town only when in conformity with the provisions of this bylaw.

## 1.5 SEVERABILITY

- 1.5.1 A decision of a court that any section, clause or provision of this bylaw are invalid in whole or in part does not affect the validity or enforceability of the other parts or provisions of this bylaw.



## 2 ADMINISTRATION

### 2.1 DEVELOPMENT OFFICER

- 2.1.1 The Town Administrator shall be the Development Officer responsible for the administration of this bylaw. In his/her absence, an employee of the Town, appointed by the Administrator or Council shall act as Development Officer and administer this bylaw.
- 2.1.2 The Development Officer shall:
- a) Maintain for inspection by the public and during office hours, a copy of this bylaw, zoning map(s) and amendments, and ensure copies of the bylaw are available to the public at a reasonable cost.
  - b) Make available, for public inspection during office hours, a register of all development permits, minor variances, and subdivision applications and decisions.
  - c) Collect development fees, according to the fee section of this bylaw or the fee schedule established by a separate municipal fee bylaw.
  - d) Be authorized to finalize and issue decisions on development permits for permitted uses.
  - e) Perform other duties as determined by Council.
- 2.1.3 The Development Officer shall receive, review and forward to Council:
- a) Development permit applications for discretionary uses.
  - b) Applications to amend the Official Community Plan or the Zoning Bylaw.
  - c) Subdivision applications.
  - d) Development levy and servicing agreements.
  - e) Applications for minor variances.

### 2.2 COUNCIL

- 2.2.1 Council shall make all decisions regarding discretionary uses, development levy agreements, servicing agreements and bylaw amendments.
- 2.2.2 Council shall review all subdivision applications circulated to it by the Ministry of Government Relations. Council shall endeavour to submit, to the Ministry, a recommendation regarding the subdivision within the prescribed time period.
- 2.2.3 Council shall act on discretionary uses, and subdivision applications, and bylaw amendments in accordance with the procedures established by *The Planning and Development Act, 2007* and in accordance with the Official Community Plan.

### 2.3 INTERPRETATION

- 2.3.1 Where any provision of the bylaw appears unclear, Council shall make the final bylaw interpretation.
- 2.3.2 All measurements in this bylaw shall be based on the stated metric units. The imperial units shown in this bylaw shall be approximate guidelines for reference.
- 2.3.3 No existing development or site shall be deemed non-conforming due to non-compliance with the metric units used in the Zoning Bylaw.

## **2.4 BYLAW COMPLIANCE**

- 2.4.1 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.

## **2.5 DEVELOPMENT NOT REQUIRING A PERMIT**

- 2.5.1 Any use, building, or structure owned and operated by the Municipality.
- 2.5.2 Any public work or public utility.
- 2.5.3 Any fence or gate measuring less than 1.0 metre in height.
- 2.5.4 Landscaping or driveways on private property, provided the natural or designed drainage pattern of the site and adjacent properties is not impacted. Major excavations, filling or drainage alteration requires a permit.

## **2.6 APPLICATION FOR A DEVELOPMENT PERMIT**

- 2.6.1 Except where a particular development or use is specifically exempted from development permit requirements, no person shall undertake a development or commence a use without first obtaining a development permit.
- 2.6.2 A development permit shall not be issued in contravention to any provision of this bylaw.
- 2.6.3 A development permit application shall be made, in writing, to the Development Officer, in the form prescribed by resolution of Council.
- 2.6.4 The completed development permit application shall include:
- a) A description of the intended use or proposed development including any change in building use or land use;
  - b) Legal land description of the proposed site;
  - c) The signature of the applicant and the registered landowner(s);
  - d) A copy of the Certificate of Title;
  - e) Estimated commencement and completion dates for construction;
  - f) Floor plans and building elevations of the proposed development. Plans will be kept at the Municipal Office for future reference and may be registered on title;
  - g) An attached site plan which shall include:
    - i. All adjacent roads, highways, service roads and access to the site (label on site plan);
    - ii. Rights-of-way and easements (gas, oil, power, drainage easements, etc.);
    - iii. All drainage courses;
    - iv. Location of proposed development relative to parcel boundaries;
    - v. Existing development and uses on the site;

- vi. Landscaping details (existing trees, removal of trees, proposed plantings, berms, water features, grade elevations, etc.);
- vii. Setbacks to property line, road(s) and services;
- viii. Bodies of water and the top of the bank;
- ix. Location of existing and proposed services;
- x. Sign location
- xi. Parking and loading facilities;
- xii. Sidewalks, patios, playgrounds;
- xiii. North arrow;
- xiv. Any additional information deemed necessary by Council or the Development Officer.

h) Any other information needed to assess the application;

## **2.7 DEVELOPMENT PERMIT PROCEDURE**

2.7.1 Applicants must file, with the Development Officer, the prescribed application form, a site plan, any other plans and supplementary information as required by the Development Officer and pay the required fees.

2.7.2 The Development Officer will review applications for compliance with all applicable regulations in this bylaw and the policies contained in the official community plan.

2.7.3 The Development Officer may refer an application to any internal or external departments or organizations for review or comment prior to finalizing a decision on the application.

### **2.7.4 Permitted Uses**

- a) The Development Officer is authorized to finalize and issue a decision on a development permit application for a permitted use.
- b) If the Development Officer considers it necessary, the application may be referred to Council for review and direction.
- c) There is no public notice requirement for permitted use development permit applications.
- d) The Development Officer will issue a development permit when the application meets the requirements of the zoning bylaw. The permit shall incorporate any special regulations, performance standards, or development standards authorized by this bylaw.
- e) The Development Officer will issue a refusal when the application does not comply with the requirements of this bylaw. The Development Officer shall write a letter to the applicant stating the reason(s) for refusal and the proponent's right of appeal.

### **2.7.5 Discretionary Uses**

- a) The Development Officer shall prepare a report on a discretionary use development permit application. The report shall include all relevant materials, background information and referral comments.
- b) Council is responsible for finalizing a decision on a development permit application for a discretionary use.

- c) The Development Officer shall set a date for the meeting at which the discretionary use development permit application will be considered by Council.
- d) At least seven (7) days before the application is to be considered by Council, the Development Officer shall provide notice to the public for the discretionary use application. The notice must be posted at a conspicuous location within the municipality and shall be provided to the assessed owners of property within 75 metres (246.06 feet) of the boundary of the applicant's land and any other owners the Development Officer deems should be notified or who may have an interest in the land.
- e) Council's decision on the discretionary use will be based on the policies in the official community plan, the provisions in this bylaw, the report prepared by the Development Officer, and feedback from the public.
- f) Council shall finalize a decision, by resolution, to approve, approve with development standards, or refuse the discretionary use on the proposed site. Council's decision shall instruct the Development Officer to:
  - i. Where the development complies with the standards of the bylaw, issue a development permit incorporating any development standards set by Council;
  - ii. Where the development does not meet the required criteria, issue a notice of refusal to the applicant stating the reasons for the refusal and referencing the discretionary use criteria the application did not meet.

2.7.6 Applicants shall be provided the effective date of the decision and information about their right of appeal.

2.7.7 Where Council deems it necessary to monitor and re-evaluate a proposal, a development permit may be issued for a specified period of time. The proponent may apply for a permit extension or a new development permit near the expiration of the original development permit.

## **2.8 DEVELOPMENT PERMIT VALIDITY**

2.8.1 Unless otherwise stated on the development permit, all permits are valid for a period of twelve (12) months.

2.8.2 A new development permit approval is required for a permitted or discretionary use when:

- a) The approved use ceases and is replaced by another use;
- b) The approved use ceases for a period of 12 months;
- c) The development or use has not commenced within six (6) months of the date of approval;
- d) The intensity of the use increases.
- e) Significant changes are made to the development as approved.

## **2.9 DEVELOPMENT PERMIT FOR A TEMPORARY USE**

2.9.1 The Development Officer may issue a development permit for a temporary use, with specified conditions for a specified period of time, to accommodate developments incidental to approved construction, temporary accommodation, temporary gravel operations or asphalt plants, or other appropriate temporary uses.

2.9.2 Nothing in this bylaw shall prevent the use of land, or the erection or use of any building or structure for a construction camp, 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.

- 2.9.3 Every temporary use shall be approved for a specified period. Unless otherwise stated in this bylaw, a temporary use shall not exceed twelve months.
- 2.9.4 Where a development permit for a temporary use is granted for less than twelve months, the permit may be renewed at Council's discretion for another period of not more than twelve months.
- 2.9.5 Upon expiration of the period for which the temporary use was approved, the use shall be discontinued and all temporary structures removed.
- 2.9.6 A temporary use must meet the zoning requirements of the applicable zoning district.
- 2.9.7 Council may, at its discretion, revoke a temporary development permit should the use violate any of the permit conditions, conflict with adjacent land uses or cause a nuisance. Permanent structures shall not be permitted in association with a temporary use.

## **2.10 ENFORCEMENT AND APPEALS**

### **2.10.1 Enforcement**

- a) Where Council, or the Development Officer, deems an approved development is not being carried out in accordance with this bylaw or with the standards and conditions specified in the development permit, the Development Officer may issue a stop order to the owner of the property in accordance with Section 242 of *The Planning and Development Act, 2007*.

### **2.10.2 Appeals**

- a) Council shall appoint a Development Appeals Board (the Board) in accordance with Sections 49 and 214 to 218 of *The Planning and Development Act, 2007*.
- b) The composition of the Board, the secretary, remuneration and expenses, powers, duties and responsibilities shall be as per Council's policy, which shall be adopted by resolution.
- c) The Board has the authority to hear an appeal regarding:
- i. The approval of a development permit where it is alleged the Development Officer misapplied the zoning bylaw in approving the proposal.
  - ii. Refusal, by the Development Officer, to issue a development permit because the proposal contravenes the Zoning Bylaw.
  - iii. Council's approval of a discretionary use with development standards or conditions (only the conditions or standards may be appealed).
- d) The Board does not have the authority to hear an appeal where:
- i. A discretionary use application is refused.
  - ii. Council refuses to amend a zoning bylaw or rezone land.
  - iii. A decision concerns a subdivision application.
- e) Anyone initiating an appeal must send written notice of appeal to the Secretary of the Board within:
- i. Thirty (30) days of a Development Officer's decision on a development permit being issued.
  - ii. Thirty (30) days of the failure of a Council to finalize a decision on a development permit.
  - iii. Thirty (30) days of receiving a development permit with terms and conditions.

- iv. Fifteen (15) days of an order being served to repair or correct contraventions, if appealed under *The Municipalities Act*.
- v. Thirty (30) days of an order being served to repair or correct contraventions, if appealed under *The Planning and Development Act, 2007*.
- f) The Board must hold a public hearing on the appeal within thirty (30) days of receiving a notice of appeal.
- g) At least ten (10) days before the hearing, the Board must notify affected parties about the hearing. The notice must be served by personal service, ordinary mail or registered mail.
- h) In making an appeal to the Board, and upon hearing such appeal, the provisions of *The Planning and Development Act, 2007* shall apply.

## **2.11 CONCEPT PLANS (COMPREHENSIVE DEVELOPMENT REVIEW)**

- 2.11.1 Council may require the completion of a concept plan or comprehensive development review for an application for a large-scale development, multi-parcel subdivision, or amendment to the official community plan or zoning bylaw.
- 2.11.2 The purpose of a concept plan or comprehensive development review is to identify and address potential social, environmental, health and economic issues, and to ensure responsible development. The scope and required detail of the concept plan or comprehensive development review will be based on the scale and location of the proposed development, and address such items as:
  - a) The proposed land use(s);
  - b) The effect on adjacent land uses;
  - c) Integration of the natural landscape with respect to the design of the proposal;
  - d) The location of, and access to, major transportation routes and utility corridors;
  - e) The provision of services, including emergency response, in relation to the Municipality's current servicing capacity and plans for future infrastructure in the municipality;
  - f) Sustainable development and environmental management practices with respect to surface and groundwater resources, storm water management, flooding, slope stability and protection of significant natural areas;
  - g) Phasing and timing of development; and
  - h) Appropriate information specific to the particular land use (residential, commercial or industrial).
- 2.11.3 Where a concept plan or comprehensive development review is required, Council shall not consider an application until all the required information has been received. The responsibility for undertaking all technical investigations and hosting public meetings, should they be required, shall be borne by the applicant.

## **2.12 AMENDING THE PLANNING BYLAWS**

- 2.12.1 Any person who seeks to amend the official community plan or the zoning bylaw must apply for amendment to the Development Officer. The Development Officer shall review for compliance with the development review criteria listed in Section 14 of this bylaw and then refer the application to Council for consideration.
- 2.12.2 The application to amend the bylaw is subject to fees as set out in the fees section of this bylaw or the fee

schedule adopted under a separate municipal fees bylaw.

- 2.12.3 Premature rezoning of land for any type of development shall not be common practice.
- 2.12.4 Council shall consider amendments to the zoning bylaw to accommodate proposals, only when specific development proposals, subdivision applications, servicing agreements and other information, as the case may be, have been presented to and reviewed by Council.

### **2.13 FEES AND ADVERTISING**

- 2.13.1 The following fees shall apply for processing applications:
  - a) Amendments to the planning bylaws - Where a person requests Council to amend the official community plan or the zoning bylaw, that applicant shall pay to the municipality a fee equal to the costs associated with the public advertisement of the proposed amendment, administering the approval process, and regulating the development.
  - b) Discretionary uses – As a condition of issuing a permit for an approved discretionary use, the applicant shall pay to the municipality a fee equal to the costs associated with providing notice to the public, administering the approval process, and regulating the development.
  - c) Minor Variance - The applicant shall pay to the municipality a fee equal to the costs associated with providing notice to the public, administering the approval process, and regulating the development.
- 2.13.2 Pursuant to Section 51 of *The Planning and Development Act, 2007*, the Municipality may adopt a separate fee bylaw. Such bylaw would establish a schedule of fees to be charged to the applicant for planning and development.

### **2.14 SERVICING AGREEMENTS AND DEVELOPMENT LEVIES**

- 2.14.1 In accordance with *The Planning and Development Act, 2007*, Council may require an applicant of a subdivision to enter into a servicing agreement to ensure conformity with the official community plan and zoning bylaw, ensure adequate funding for on-site and off-site infrastructure, and outline responsibilities.
- 2.14.2 If the Town adopts a development levy bylaw, as provided for in the official community plan, Council may require an applicant of a development permit to enter into a development levy agreement to ensure conformity with the official community plan and zoning bylaw, ensure adequate funding for on-site and off-site infrastructure, and outline responsibilities.
- 2.14.3 Council will ensure municipal infrastructure and other public facilities are adequately addressed in the agreement prior to ratifying the document. Such facilities may include sewage disposal, garbage disposal, availability and adequacy of source of water, recreational facilities, etc.
- 2.14.4 The Development Officer will register a development levy agreement or servicing agreement as an interest on title. The interest shall be discharged once the terms of the agreement have been met.

### **2.15 NON-CONFORMING USES, BUILDINGS AND SITES**

- 2.15.1 Non-conforming uses, non-conforming buildings and non-conforming sites shall be subject to Sections 88 - 93 inclusive of *The Planning and Development Act, 2007*.
- 2.15.2 No existing building, site or use shall be deemed non-conforming by sole reason of the conversion from the Imperial System of Measurement to the Metric System. Where such non-conformity results solely from such conversion and is reasonably equivalent to the metric standard herein established, the building, site or use shall be deemed conforming.

## **2.16 MINOR VARIANCE**

- 2.16.1 Council may vary the requirements of this zoning bylaw for the:
- a) Minimum required distance of a building from the lot line; or
  - b) Minimum required distance of a building to any other building on the lot.
- 2.16.2 The maximum amount of variance given by Council shall not exceed 10% from the requirements established in this zoning bylaw. The development must conform to the land use requirements established in this zoning bylaw and shall not injuriously affect neighbouring properties.
- 2.16.3 The Development Officer shall refer the development permit application for the minor variance to Council. Council shall approve, approve with conditions or refuse the minor variance.
- 2.16.4 If Council refuses the application, the Development Officer shall provide written notice to the applicant and provide reason for the refusal.
- 2.16.5 If Council approves the application, with or without conditions, the Development Officer shall provide written notice, delivered by registered mail, to the applicant and to the assessed owners of property who have a common boundary with the applicant's land. The notice shall contain a summary of the application and reasons for Council's approval as well as the effective date of the decision.
- 2.16.6 The owners of adjoining properties may lodge a written objection to Council or the Development Officer within twenty (20) days after the receipt of the notice.
- 2.16.7 If an objection is lodged, the approval is deemed revoked and the Development Officer shall notify the applicant, in writing, of the revocation of the approval and the applicants right to appeal the revocation to the Development Appeals Board within thirty (30) days after receiving the notice.
- 2.16.8 If an application for a minor variance is refused, the applicant may appeal the refusal to the Development Appeals Board within thirty (30) days of that decision.
- 2.16.9 The Development Officer will establish and maintain a record of all minor variance decisions.



## **3 GENERAL REGULATIONS**

The following regulations apply to all zoning districts in this bylaw.

### **3.1 LICENSES, PERMITS AND COMPLIANCE**

- 3.1.1 In their interpretation, the provisions of bylaw shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and general welfare in the town. Nothing in this bylaw shall exempt any person from complying with the requirements of a municipal bylaw or federal or provincial law, or from obtaining any license, permission, permit, authority, or approval required by this or any other bylaw of the Town of Southey or any federal or provincial agency.
- 3.1.2 Where the requirements of this bylaw conflict with those of any other municipal, provincial, or federal requirement, the more stringent regulation shall apply.
- 3.1.3 Nothing in this bylaw shall exempt any person from complying with the requirements of any other federal, provincial or municipal regulation or requirement. All applicable federal, provincial or municipal approvals must be obtained. Where a development permit is required, a building permit shall not be issued unless a development permit has also been issued for the proposal. Applications for building permits and development permits may be reviewed, and decisions issued, concurrently.

### **3.2 NUMBER OF PRINCIPAL BUILDINGS PERMITTED ON A LOT**

- 3.2.1 Not more than one principal building or use shall be placed on any one surface parcel, including parcels that are consolidated by parcel tie, with the exception of:
  - a) Public utilities;
  - b) Municipal uses;
  - c) Institutional uses;
  - d) Recreational facilities;
  - e) Commercial uses in one building;
  - f) Educational facilities; and
  - g) Residential care homes.

### **3.3 USES PERMITTED IN ALL ZONING DISTRICTS**

- 3.3.1 Nothing in this bylaw shall prevent the use of any land as a public street or public park.
- 3.3.2 Public parks are exempt from the standard for minimum site area, subject to the Community Service Policies in Section 6 of the Official Community Plan.
- 3.3.3 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.
- 3.3.4 Municipal uses and facilities, and public works and utilities, are permitted in all zoning districts. Such uses shall be exempt from the site area requirements of the zoning district only; all other site standards shall apply.

### **3.4 ACCESSORY BUILDINGS**

- 3.4.1 Accessory buildings shall be secondary to and located on the same lot as the principal building or principal use. Accessory buildings shall be used only in conjunction with that principal building or use.
- 3.4.2 Unless otherwise stated, accessory buildings and structures shall be subject to the same yard setback requirements as the principal building in the zoning district.
- 3.4.3 Accessory buildings shall not be constructed or placed on any lot prior to the construction of the principal building except where a development permit has been issued for a principal building, Council may allow an accessory building to be developed if the accessory building is required for the storage of construction material and equipment. If the principal building is not completed within twelve (12) months from the approval date, the accessory building shall be removed.
- 3.4.4 Accessory buildings shall not exceed the height of the principal building. However, where a principal single detached dwelling has an exceptionally low roof (less than 2.7 metres (9 feet)), Council may, by resolution, allow an accessory building that is greater in height than the principal residence but not greater than the maximum building height allowed in the zoning district.
- 3.4.5 Private Garages and Carports
- a) Private garages and carports attached to the principal building, or sited with less than 1.0 metre (3.3 feet) between the nearest wall of the garage and the wall of the principal building, are considered as part of the principal building and subject to the regulations governing the principal building.
- 3.4.6 Location of Accessory Buildings
- a) Detached accessory buildings shall not be located in the front yard of any lot in any zoning district.
  - b) No door or entranceway of any accessory building shall be located closer than 1.5 metres (5 feet) from the property line. No door shall, when open, extend beyond the property boundary of the lot.
  - c) All detached accessory buildings shall be located at least 1.0 metre (3.3 ft.) from a principal building.

### **3.5 SIGNS**

- 3.5.1 No sign shall be located in any manner that may obstruct or jeopardize the safety of the public.
- 3.5.2 Subject to the requirements specific to each zoning district, temporary signs providing for a sale, a lease, a sale of produce or other information relating to a temporary condition affecting the property will be permitted.
- 3.5.3 In any residential zoning district:
- a) The facial area of any permanent sign shall not exceed 0.4 square metres (4.3 square feet).
  - b) Only one on-site sign shall be allowed to advertise a home-based based. The facial area of a sign for a home-based business shall not exceed 0.4 square metres (4.3 square feet).
  - c) The facial area of any temporary sign shall not exceed 1 square metre (10.8 square feet).
  - d) The maximum height of a sign shall be 2 metres (6.6 feet).
- 3.5.4 In all other zoning districts:
- a) The facial area of any permanent sign shall not exceed 4 square metres (43 square feet).

- b) The facial area of any temporary sign shall not exceed 1 square metre (10.8 square feet).

### **3.6 FRONTAGE ON IRREGULARLY SHAPED LOTS**

Where the site frontage is along a cul-de-sac, curve or is irregularly shaped, the minimum site frontage shall be 11.0 metres (36 feet) and the mean site width shall not be less than the minimum frontage for regular sites in the same zoning district.

### **3.7 GRADING AND LEVELLING OF SITES**

- 3.7.1 Any site proposed for development requires a development permit and shall be graded and levelled, at the owner's expense, to provide for adequate surface drainage. Site drainage shall not adversely affect adjacent property, or the stability of the land.
- 3.7.2 All excavations or fillings shall be re-vegetated, as soon as it is practicable after other construction activities permit, with a suitable ground cover as may be necessary to prevent erosion.
- 3.7.3 Where excavation or filling is proposed for any development, Council may require the developer to provide an impact assessment, or geotechnical report, carried out by a qualified professional prior to finalizing a decision on the development permit application.

### **3.8 RESTORATION TO A SAFE CONDITION**

Nothing in this bylaw shall prevent the strengthening, or the restoration to a safe condition, of any building or structure, provided that such strengthening or restoration will not increase the height, area or volume so as to contravene the provisions of this bylaw.

### **3.9 WATER AND SEWER**

Every new residence, and every new building that requires water supply and/or sewage disposal shall be connected to the municipal water and sewer systems, at the owner's expense.

### **3.10 HAZARD LANDS**

- 3.10.1 Where a development is proposed on lands identified on the zoning map as potentially hazardous, Council may require professional reports to assess the suitability of the site for the proposal (i.e. geotechnical report, flood hazard assessment, etc.). The study or report shall define the hazard area(s), identify suitable building areas, identify mitigation measures, and potential residual hazards. The cost of such report shall be borne by the developer.
- 3.10.2 Actions identified in any assessment prepared which prevent, change, mitigate or remedy potential hazards may be incorporated as conditions to a development permit approval.
- 3.10.3 The Town of Southey will refuse a permit for any development for which the proposed mitigation actions are inadequate to address the adverse effects or will result in excessive municipal costs.
- 3.10.4 New buildings and additions to buildings shall be prohibited in the floodway of the 1:500-year flood elevation of any watercourse or water body.
- 3.10.5 New buildings and additions to buildings shall be flood proofed to an elevation of 0.5 metres (1.64 feet) above the 1:500-year flood elevation of any watercourse or water body.

### **3.11 DISPOSAL OF WASTES**

- 3.11.1 Subject to all provincial acts and regulations pertaining in any way to the storage, handling, and disposal of any waste material or used item, 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 or beneath the surface of any land, or into any air.
- 3.11.2 No development or use of land, which requires solid or liquid waste disposal facilities shall be permitted unless those facilities are approved by the regional health authority and/or the Water Security Agency.

### **3.12 MOVING AND DEMOLITION OF BUILDINGS**

- 3.12.1 No building shall be moved within, into, or out of the area covered by this bylaw without first obtaining a development permit from the Development Officer.
- 3.12.2 No building shall be demolished without first obtaining a demolition/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. Demolition permit fees shall be borne by the developer.
- 3.12.3 A separate development permit is required for any redevelopment of the site.

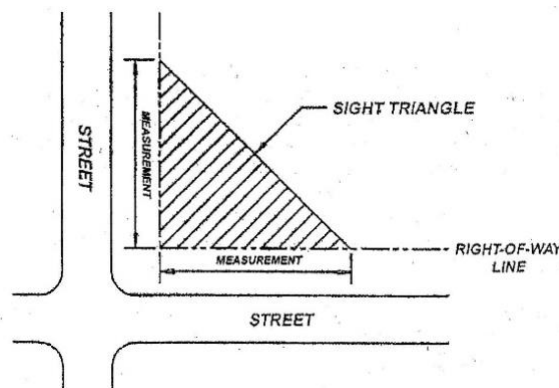
### **3.13 PROJECTIONS AND ENCROACHMENTS**

- 3.13.1 Windowsills, eaves, gutters, bay windows, chimneys and similar non-structural alterations may project a distance of 0.45 metres (1.5 feet) into any required yard. However, encroachments shall not be permitted within 1 metre (3.3 feet) of the lot line.
- 3.13.2 Fire escapes, chimney chases, sills, belt courses, cornices, eaves, and gutters to a maximum projection of 0.6 metres (1.96 feet) or ½ the required yard whichever is the less.
- 3.13.3 Wheelchair ramps to grade level.
- 3.13.4 Handrails are permitted on uncovered driveways and walkways in all yards.
- 3.13.5 Open cantilevered balconies, open porches, decks or open stairs may project a maximum distance of 1.8 metres (5.9 feet) from the exterior wall.
- 3.13.6 Encroachments that could potentially jeopardize sight lines or the safety of the public.

### **3.14 FENCES**

- 3.14.1 Walls, fences, hedges or shrubs may be erected, placed, planted, maintained or grown in any required yard only in accordance with the following:
  - a) Residential districts
    - i. Maximum height in any required yard except the front yard shall be 2.0 metres (6.5 feet).
    - ii. Maximum height in a front yard shall be 1.0 metre (3.3 feet).
  - b) All other zoning districts
    - i. Maximum height in any required yard except the front yard shall be 2.0 metres (6.5 feet).
    - ii. Maximum height in a front yard shall be 1.0 metre (3.3 feet).
  - c) In all zoning districts:

- i. On a corner lot, no wall, fence, hedge or shrub shall be placed so as to create a visual obstruction in a street intersection. A sight triangle measured 5.0 metres (16.4 feet) from the intersection along the lot boundary shall be kept free of obstructions.



### 3.15 PARKING REQUIREMENTS

- 3.15.1 The design of parking facilities shall eliminate or minimize the danger between vehicular traffic and pedestrians.
- 3.15.2 Where the use of a building or site involves the receipt, distribution or dispatch by vehicles of materials, goods or merchandise, adequate space for such vehicles to stand for loading and unloading shall be provided on the site.
- 3.15.3 Off-street parking shall be as provided in Table 3-1.

Table 3-1

<b>Zoning District</b>	<b>Use</b>	<b>Minimum Spaces Required</b>
R and R2	Residential	1 parking space for each dwelling unit
	Elementary schools	1 parking space for each staff member
	High school	1 parking space for each staff member plus 3 parking spaces for each classroom
	Community facilities, churches and other places of public assembly	1 parking space for each 10 seats provided for patrons
	Nursing homes	1 parking space for each staff member plus 1 parking space for every 3 units
	Medical offices	1 parking space for each staff member plus 1 parking space for every 3 patients
	Other buildings	1 parking space for each 600 sq. ft. of building floor area
C and C2	Stores, Shops, Offices	1 parking space for each 600 sq. ft. of building floor area
	Restaurants and other eating places	1 parking space for each 4 seats
	Theatres, churches, other community facilities	1 parking space for each 10 seats provided for patrons
	Hotels	1 parking space for each 5 guest sleeping rooms
	Motels	1 parking space for each unit
	Medical offices	
	Accessory dwellings	1 parking space for each dwelling unit
	All other buildings	1 parking space for each 500 sq. ft. of gross floor area
M	All main buildings	1 parking space for each 500 sq. ft. of gross floor area, or 1 space for each 5 employees whichever is the greater
FUD and CS	All other uses	No parking requirements

## **4 DEVELOPMENT STANDARDS AND CRITERIA FOR SPECIFIC USES**

### **4.1 GENERAL CRITERIA APPLICABLE TO ALL DISCRETIONARY USES**

The following criteria must be considered in the review of all discretionary use applications:

- 4.1.1 The proposal must be in conformance with all relevant sections of the official community plan and zoning bylaw.
- 4.1.2 There must be a reasonable demand for the proposed use in the general area, and a supply of land available and capable of supporting the proposed use.
- 4.1.3 It must be cost-effective to provide services (roads, water, sewer, community facilities, etc.) to the development.
- 4.1.4 The proposal shall not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity nor shall it be injurious to property, improvements, or potential future development in the vicinity.
- 4.1.5 Vehicle access points shall be provided in suitable locations so as to minimize traffic congestion and possible hazards.
- 4.1.6 The density, size, height and location of principal or accessory structures shall not detract from the character and amenity of the neighbourhood.
- 4.1.7 Council may attach special conditions to the development permit to regulate sound, light, glare, heat, dust, electrical interference, and emissions, if in Council's opinion, it would detract from the amenity of the neighbourhood.

### **4.2 HOME-BASED BUSINESSES**

- 4.2.1 Home-based businesses will be accommodated provided they are clearly secondary to the principal residential use, compatible with the surrounding residential area, and do not negatively impact the neighbourhood.
- 4.2.2 Home-based businesses shall only be permitted in single detached, semi-detached, duplex, mobile homes and associated accessory structures.
- 4.2.3 The total floor area for all home-based businesses shall not occupy more than 20% of the gross floor area of the dwelling unit and/or accessory structure.
- 4.2.4 Home-based businesses shall be conducted entirely within the dwelling or accessory building on the property.
- 4.2.5 Signage shall be in accordance with Section 4.5 of this zoning bylaw.
- 4.2.6 There shall be no exterior display or storage of material or machinery and no other variation from the residential character of the building used for the home-based business.
- 4.2.7 No noise, vibration, smoke, dust, odours, heat, glare, electrical, television or radio interference detectable beyond the boundaries of the building containing the home-based business shall be produced.
- 4.2.8 No mechanical, electrical or construction equipment shall be used, except such as is normally used for domestic, office, or personal care purposes.

- 4.2.9 A home-based business shall not result in a significant increase in the volume of traffic or parking.
- 4.2.10 Only the resident(s) of the dwelling shall be engaged in the home-based business.

### **4.3 OUTDOOR STORAGE**

- 4.3.1 In any residential district, only outdoor storage incidental to the principal use shall be permitted.
- 4.3.2 Outdoor storage shall not be permitted in the front yard of any lot.
- 4.3.3 In any commercial or industrial district, Council may require all outside storage to be screened with a solid fence or a hedge at least 1.8 metres (5.9 feet) in height.

### **4.4 RECREATIONAL FACILITIES**

- 4.4.1 Road access to recreational facilities shall be designed so as to not obstruct or hinder the safe flow of traffic along major roads or highways in and around the town.
- 4.4.2 Adequate off-street parking shall be provided to accommodate the expected volume of parking generated by the subject facility. The design of such off-street parking spaces shall minimize the danger between vehicular traffic and pedestrians.
- 4.4.3 New or expanded services to the recreational facility may be required and shall meet municipal and provincial standards.

### **4.5 BED AND BREAKFAST HOMES**

- 4.5.1 A bed and breakfast home may be located in a single-family dwelling or in a two-unit dwelling. No exterior alterations shall be undertaken which would be inconsistent with the residential character of the building or property.
- 4.5.2 The bed and breakfast operation shall be ancillary to the residential use of the property.
- 4.5.3 The bed and breakfast home shall meet provincial regulations for a public accommodation.

### **4.6 DAY CARE CENTRES AND PRE-SCHOOLS**

- 4.6.1 Day care centres and pre-schools may be allowed as either a principal or an ancillary use.
- 4.6.2 In a 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.
- 4.6.3 Private in-home daycares shall be restricted to a maximum of six children, subject to provincial legislation and requirements.
- 4.6.4 Preschools and daycare centres for children, which are located in a residential district, shall provide a fenced, on-site, outdoor play area.

### **4.7 FREE-STANDING SATELLITE DISHES AND SOLAR COLLECTORS**

- 4.7.1 The installation and operation of a free-standing satellite dish or solar collector, and the supporting structures shall be permitted in all zoning districts, subject to the following:



- a) Satellite dishes and solar collectors in excess of 1.0 metre (3.29 feet) in diameter shall not be located in any front or side yard, and shall not be erected on the roof of any principal building in the residential district that is less than 3 storeys in height.
- b) Satellite dishes located in a residential district and which exceed 1.0 metre (3.29 feet) in diameter may only be erected on the roof of an accessory building if said accessory building is located entirely within a rear yard.
- c) Satellite dishes may be erected in commercial or industrial districts for the purpose of communications or broadcasting of television signals and clause 5.8.1(a) shall not apply.

#### **4.8 COMMUNICATION TOWERS**

The erection of communication towers shall not be permitted in a residential district; nor shall they be permitted within 100 metres (328.09 feet) of the boundary of a residential district.

#### **4.9 SERVICE STATIONS AND GAS BARS**

- 4.9.1 Fuel pumps and other apparatus for dispensing or storage of fuel, located all or partly above grade, shall meet all provincial regulations and shall be at least 6 metres (19.7 feet) from the parcel boundary.
- 4.9.2 All fuel pumps and above ground storage tanks shall be at least 6 metres (19.7 feet) from any building on the site.
- 4.9.3 All automobile parts, dismantled vehicles and similar articles or equipment are to be stored within a building or screened from public view.
- 4.9.4 The site shall have at least two separate entrances for vehicles, at least 15 metres apart. Access to the site shall be located so as to not disrupt the flow of traffic and shall not cause any safety concerns.
- 4.9.5 Access to, and parking for, fuel dispensing apparatus shall not obstruct access to the site, or other required off-street parking for the site.

#### **4.10 MODULAR AND READY TO MOVE (RTM) HOMES**

- 4.10.1 A modular or ready to move (RTM) home is considered a residence for the purpose of this bylaw.
- 4.10.2 All residences, including modular and RTM homes, shall be attached to a permanent, engineered foundation or securely anchored to the ground and skirted prior to occupancy, as per *The Uniform Building and Accessibility Standards Act*.
- 4.10.3 Every modular home shall bear CSA A277 certification (or replacement thereof). Every RTM home shall meet the National Building Code.

#### **4.11 WINDMILLS AND WIND TURBINES**

Windmills and wind turbines are prohibited within the town limits.

#### **4.12 RESIDENTIAL CARE HOMES**

- 4.12.1 The use shall be clearly incidental and secondary to the use of the dwelling unit as a private residence.
- 4.12.2 Parking spaces may be located in a required front yard.

- 4.12.3 No building or structure used for the purpose of a residential care home shall be used for the purpose of keeping boarders or lodgers.
- 4.12.4 The use shall be conducted entirely within the dwelling unit and shall not have any exterior evidence of a secondary use.
- 4.12.5 There shall be no outside storage or exterior display of goods, materials or equipment associated with the applied use.
- 4.12.6 The use shall not significantly increase the volume of traffic or parking above normal volumes for the area.

#### **4.13 CAMPGROUNDS**

- 4.13.1 The operator of a campground shall provide the Development Officer with a site plan for 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 the 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.
- 4.13.2 The operator of a campground shall designate a campsite for each trailer coach or tent party, which shall be less than 150 square metres (1600 square feet) in area with its corners clearly marked.
- 4.13.3 One sign located on-site, advertising the campground is permitted subject to Section **xx** of this bylaw.
- 4.13.4 No portion of any campsite shall be located within a roadway or required buffer area.
- 4.13.5 Each campsite shall have direct and convenient access to a developed roadway, which is not located in any required buffer area.
- 4.13.6 Each trailer coach shall be located at least 3 metres (10 feet) from any other trailer coach, and each campsite shall have dimensions sufficient to allow such location of trailer coaches.
- 4.13.7 The space provided for roadways within a campground shall be at least 7.5 metres (25 feet) in width. No portion of any campsite, other use or structure shall be located in any roadway.
- 4.13.8 A campground may include accessory uses, such as, a laundromat, shower facilities or confectionary designed to meet the needs of the occupants of the campsites, and one single detached dwelling for the accommodation of the operator.
- 4.13.9 The requirements of *The Public Health Act* shall apply respect to all operations and development of the campground.

#### **4.14 SHIPPING (SEA AND RAIL) CONTAINERS**

- 4.14.1 Are prohibited in any residential district.
- 4.14.2 A development permit is required for each shipping container in any commercial or industrial district.
- 4.14.3 Shipping containers must meet the setback distances for the zoning district.
- 4.14.4 Shipping containers are only allowed in the rear yard of the site.
- 4.14.5 No windows, plumbing, electrical and mechanical improvements or modifications are permitted.

- 4.14.6 No human or animal habitation will be permitted within a shipping container.
- 4.14.7 No dangerous or hazardous material or containers are permitted within the sea and rail container.
- 4.14.8 Containers determined by the Town to be unsightly, misused, unsafe or inappropriate in any way, must be removed at the owner's expense within a time period as specified by the Town.

#### **4.15 ELECTRONIC MESSAGE CENTRE (EMC)**

- 4.15.1 Prior to placement of an EMC, the owner of the property/ENC shall apply for and provide any information required for a development permit.
- 4.15.2 All EMCs shall be located in a manner that, in the opinion of the Development Officer, does not obstruct or jeopardize the safety of the public.
- 4.15.3 The facial area of an EMC may not exceed 7.5 m<sup>2</sup> (80.74 ft<sup>2</sup>).
- 4.15.4 The height of an EMC must be no greater than 8.0 metres (26.25 feet).
- 4.15.5 Flashing images or flashing lights are not permitted on an EMC.
- 4.15.6 EMCs must be equipped with a dimmer switch, which must be adjusted in accordance with any direction given by the Development Officer. (Signs shall not be illuminated between the hours of 11:00 pm and 7:00 am).
- 4.15.7 Sound and live video feeds are not permitted on EMCs.
- 4.15.8 All EMCs must comply with Ministry of Highways and Infrastructure requirements.
- 4.15.9 The foundation for all free-standing signs exceeding 6 metres (19.69 feet) in height above the finished grade shall be designed by a Professional Engineer.

#### **4.16 PORTABLE STORAGE UNIT**

- 4.16.1 The storage unit, incidental to construction of a building or structure with an active building permit are allowed, provided such storage unit shall be removed following completion or abandonment of such construction.
- 4.16.2 One portable storage unit may be placed on a residential parcel with an active building permit subject to the following conditions:
  - a) Prior to placement of the portable storage unit on the parcel, the property owner shall apply for a temporary development permit from the Development Officer.
  - b) The permit for the portable storage unit shall be a temporary permit and each residential parcel is limited to a period of time set by Council.
  - c) The portable storage unit shall not exceed 28.21 m<sup>3</sup> (996 ft<sup>3</sup>)
  - d) The portable storage unit shall be set back a minimum of 3 metres (9.85 feet) from the front property line and 1.5 metres (4.92 feet) from the side or rear property lines and all other structure on the property.

#### **4.17 PRIVATE WELLS**

Private wells are prohibited within all zoning districts in the Town.

#### **4.18 SECONDARY SUITES**

- 4.18.1 Secondary suites may only be constructed within a principal, single detached dwelling in a residential district.
- 4.18.2 Only one secondary suite is permitted on each residential site.
- 4.18.3 Secondary suites must have an entrance separate from the entrance to 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.
- 4.18.4 Secondary suites may not exceed 60 m<sup>2</sup> (645 ft<sup>2</sup>) or 35% of the total floor space of the principal unit, including basements, and may not have more than two bedrooms.

#### **4.19 DWELLING GROUPS (PLANNED UNIT DEVELOPMENT)**

- 4.19.1 The site for a dwelling group shall comply with the site requirements as stated in the residential districts
- 4.19.2 One primary dwelling unit and one accessory building are permitted per unit.
- 4.19.3 The site for a dwelling group may include common areas for open space, internal roadways, a building for recreation for use of the residents of the development, and other uses.
- 4.19.4 Roads internal to the development shall have a minimum width of 7.5 metres (24.6 feet). In the case where parking is provided in a garage, the building be set back a minimum of 3 metres (9.8 feet) from the edge of the driveway.
- 4.19.5 The size and location of the development will be consistent with the capacity of the street to handle the added development. The development will not cause excessive traffic to pass through existing low-density residential areas.
- 4.19.6 The density of a dwelling group will not be significantly different from development with single principal buildings on subdivided sites.

#### **4.20 RAILWAY OPERATIONS**

- 4.20.1 The Guidelines for New Development in Proximity to Railway Operations shall be applied to all development in proximity to rail lines, facilities and operations.
- 4.20.2 New or expanded developments proposed in proximity to existing or proposed railway lines and/or railway operations and facilities shall be referred to the rail line company for review and comment. Consultation may include, but is not limited to:
  - a) The location of the site in relation to the rail corridor;
  - b) The nature of the proposed development;
  - c) The frequency, types, and speeds of trains travelling within the corridor;
  - d) The potential for expansion of train traffic within the corridor;
  - e) Any concerns the railway company may have with the new development or with specific uses proposed for the new development;
  - f) The ability to implement standard mitigation measures on the site;

- g) Any suggestions for alternate mitigation measures that may be appropriate for the site;
  - h) Proposed storm water management and drainage; and
  - i) The requirements to be applied to the project.
- 4.20.3 Any safety measures, nuisance mitigation measures, or other requirements of the rail company and the provincial government shall be a condition of development permit approval. The developer shall be responsible for any costs associated with such requirements.
- 4.20.4 As a condition of development permit approval, Council may require any additional safety measures or nuisance mitigation measures deemed necessary to protect public and environmental safety and to prevent land use conflicts.
- 4.20.5 Safety measures and nuisance mitigation measures may include, but shall not be limited to: separation distances, berms, soundproof and privacy fencing, and landscaping.



Source: Town of Southey Website, <https://southey.ca/wp-content/uploads/2014/04/generalstore.jpg>

## 5 ZONING DISTRICTS

### 5.1 CLASSIFICATION OF ZONING DISTRICTS

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

ZONING DISTRICT	SYMBOL
Residential District	R1
Multi-Unit Residential District	R2
Downtown Commercial District	C1
Highway Commercial District	C2
Industrial District	M
Community Service District	CS
Future Urban Development District	FUD

### 5.2 THE ZONING DISTRICT MAP

- 5.2.1 The map bearing the statement "This is the Zoning District Map referred to in Bylaw No. \_\_\_\_\_" adopted by the Council and signed by the Mayor and Administrator, and under the seal of the Town of Southey shall be known as the "Zoning District Map" and such map is declared to be an integral part of this Bylaw.

### 5.3 BOUNDARIES OF ZONING DISTRICTS

- 5.3.1 The locations and boundaries of all Zoning Districts are shown on the maps entitled "Zoning District Map" which are attached to, and form a part of this Bylaw. Unless otherwise shown on the map, the boundaries of the said districts are site lines, centre lines of streets, lanes, roads or such lines extended and the boundaries of the municipality.

## 6 RESIDENTIAL DISTRICT (R1)

*The purpose of the R1-Residential District is to accommodate primarily single family residential dwellings as well as a limited range of public and institutional uses.*

### 6.1 PERMITTED USES

- 6.1.1 Single detached dwellings, not including modular or RTM homes
- 6.1.2 Parks, playgrounds and recreational facilities and uses
- 6.1.3 Community and municipal uses and facilities
- 6.1.4 Public works (excluding offices, warehouses, storage yards and solid and liquid waste disposal/treatment facilities)
- 6.1.5 Accessory uses

### 6.2 DISCRETIONARY USES

- 6.2.1 Modular and RTM homes
- 6.2.2 Residential care homes
- 6.2.3 Daycare centres and pre-schools
- 6.2.4 Home based business
- 6.2.5 Schools and educational institutions
- 6.2.6 Libraries
- 6.2.7 Religious uses, places of worship and cemeteries
- 6.2.8 Personal service facilities (hair salon, esthetics, etc.)

### 6.3 SITE STANDARDS

**Table 6-1 Single Family Dwellings (including RTM and modular homes)**

Minimum area	464 sq. m. (4,994 sq. ft.)
Minimum frontage	18 metres (5feet)
Minimum front yard	6 metres (19.69 feet)
Minimum rear yard	6 metres (19.69 feet)
Minimum side yard	2 metres (6.5 feet), except on a corner lot, in which case, the side yard shall be 3 metres (10 feet) on the side flanking the street.
Maximum building height	11 metres (36 feet)
Maximum site coverage	50%

**Table 6-2 Schools and Educational Uses**

Minimum area	600 sq. m. (6,458 sq. ft.)
Minimum frontage	20 metres (65.6 feet)
Minimum front Yard	6 metres (19.69 feet)
Minimum rear yard	6.0 metres (19.6 feet)
Minimum side yard	1.5 metres (4.9)

**Table 6-3 All Other Principal Uses**

Minimum area	450 square metres (4844 square feet)
Minimum frontage	15 metres (50 feet)
Minimum front yard	6 metres (19.69 feet)
Minimum rear yard	6 metres (19.69 feet)
Minimum side yard	1.5 metres (4.9 feet)

## **6.4 SUPPLEMENTARY STANDARDS FOR THE RESIDENTIAL DISTRICT**

### **6.4.1 Accessory Buildings and Structures**

- a) All buildings with a door or doors opening onto a lane shall be located not less than 1.5 metres (4.92 feet) from the lot line abutting the lane.
- b) Accessory buildings shall be located not less than 0.75 metre (2.46 feet) from the side lot line.
- c) Only one carport or detached private garage is permitted per lot.
- d) One (1) temporary, fabric covered structure consisting of wood, metal or plastic framing covered on the roof and one (1) or more sides with fabric, plastic, vinyl or other sheet material shall be permitted in a rear or side yard for a period up to six (6) months. A development permit shall be required.
- e) One (1) permanent fabric covered structure consisting of wood, metal or plastic framing covered on the roof and one (1) or more sides with fabric, plastic, vinyl or other sheet material shall be permitted in a rear or side yard provided they are by engineered design and require a valid building permit from the Town.
- f) In any required front yard only, the following buildings or structures are allowed:
  - i. Fences
  - ii. Lighting fixtures
  - iii. Sidewalks
  - iv. Driveways

### **6.4.2 Landscaping of residential sites**

- a) Areas not occupied by buildings, parking, or loading areas, shall be landscaped with trees, shrubs, grasses, pavement stones, or other similar material.
- b) All landscaping shall be maintained in a neat and tidy condition.
- c) The Development Officer shall not approve an application for a development permit unless:
  - i. A landscape plan has been submitted; and



- ii. The landscape plan provides, in the opinion of the Development Officer, appropriate soft or hard landscape features to enhance the visual amenity of the site and provide for adequate visual screening, if necessary.

## 7 MULTI-UNIT RESIDENTIAL DISTRICT (R2)

*The purpose of the R2-Residential Multiple Dwelling District is to permit a variety of higher density residential development, including semi-detached dwellings, townhouses, and apartment buildings. This district will also allow for smaller lot sizes for single detached dwellings to accommodate infill residential development.*

### 7.1 PERMITTED USES

- 7.1.1 Single detached dwellings, including modular and RTM homes but excluding mobile homes.
- 7.1.2 Semi-detached and duplex dwellings
- 7.1.3 Townhouses
- 7.1.4 Apartment buildings
- 7.1.5 Dwelling groups or planned unit developments
- 7.1.6 Parks, playgrounds and recreational facilities and uses
- 7.1.7 Community and municipal uses and facilities
- 7.1.8 Public works (excluding offices, warehouses, storage yards and solid and liquid waste disposal/treatment facilities)
- 7.1.9 Accessory uses

### 7.2 DISCRETIONARY USES

- 7.2.1 Medical offices and facilities
- 7.2.2 Residential care homes
- 7.2.3 Home based business
- 7.2.4 Religious uses, places of worship and cemeteries
- 7.2.5 Daycare centres and pre-schools
- 7.2.6 Schools and educational institutions
- 7.2.7 Dormitory dwellings

### 7.3 SITE STANDARDS

**Table 7-1 Single Family Dwellings (including RTM and modular homes)**

Minimum area	464 sq. m. (4,994 sq. ft.)
Minimum frontage	15 metres (49 feet)
Minimum front yard	6 metres (19.69 feet)
Minimum rear yard	6 metres (19.69 feet)
Minimum side yard	1.5 metres (4.9 feet), except on a corner lot, in which case, the side yard shall be 3 metres (10 feet) on the side flanking the street.
Maximum building height	11 metres (36 feet)
Maximum site coverage	50%

**Table 7-2 Semi-detached, Duplex, Townhouse Dwellings (per unit)**

Minimum area	255 sq. m. (2,744 sq. ft.)
Minimum frontage	10 metres (32.8 feet) for duplexes 7.5 metres (24.6 feet) for townhouses
Minimum front yard	6 metres (19.69 feet)
Minimum rear yard	6 metres (19.69 feet)
Minimum side yard	1.5 metres (4.9 feet), except on a corner lot, in which case, the side yard shall be 3 metres (9.8 feet) on the side flanking the street. Where the units of multiple unit dwellings share a common wall, the side yard shall be 0 metres.
Maximum building height	15 metres (49.2 feet)
Maximum site coverage	60%

**Table 7-3 Apartment Blocks**

Minimum area	930 sq. m. (10,010 sq. ft.)
Minimum frontage	25 metres (82 feet)
Minimum front yard	6 metres (19.69 feet)
Minimum rear yard	6 metres (19.69 feet)
Minimum side yard	1.5 metres (4.9 feet), except on a corner lot, in which case, the side yard shall be 3 metres (10 feet) on the side flanking the street. Where the units of multiple unit dwellings share a common wall, the side yard shall be 0 metres.
Maximum building height	15 metres (49.2 ft)
Maximum site coverage	60%

**Table 7-4 Schools and Educational Uses**

Minimum area	600 sq. m. (6,458 sq. ft.)
Minimum frontage	20 metres (65.6 feet)
Minimum front Yard	6 metres (19.69 feet)
Minimum rear yard	6.0 metres (19.6 feet)
Minimum side yard	1.5 metres (4.9)

**Table 7-5 All Other Uses**

Minimum area	450 square metres (4844 square feet)
Minimum frontage	15 metres (50 feet)
Minimum front yard	6 metres (19.69 feet)
Minimum rear yard	6 metres (19.69 feet)
Minimum side yard	1.5 metres (4.9 feet)

## **7.4 SUPPLEMENTARY STANDARDS FOR THE MULTI-UNIT RESIDENTIAL DISTRICT**

### **7.4.1 Accessory buildings and structures**

- a) All buildings with a door or doors opening onto a lane shall be located not less than 1.5 metres (4.92 feet) from the lot line abutting the lane.
- b) Accessory buildings shall be located not less than 0.75 metre (2.46 feet) from the side lot line.
- c) Only one carport or detached private garage, not exceeding 90 square metres (968.8 square feet) in area is permitted.
- d) One (1) temporary, fabric covered structure consisting of wood, metal or plastic framing covered on the roof and one (1) or more sides with fabric, plastic, vinyl or other sheet material shall be permitted in a rear or side yard for a period up to six (6) months. A development permit shall be required.
- e) One (1) permanent fabric covered structure consisting of wood, metal or plastic framing covered on the roof and one (1) or more sides with fabric, plastic, vinyl or other sheet material shall be permitted in a rear or side yard provided they are by engineered design and require a valid building permit from the Town.
- f) Only the following buildings or structures are allowed in the front yard:
  - i. Fences
  - ii. Lighting fixtures
  - iii. Sidewalks
  - iv. Driveways

### **7.4.2 Landscaping of residential sites**

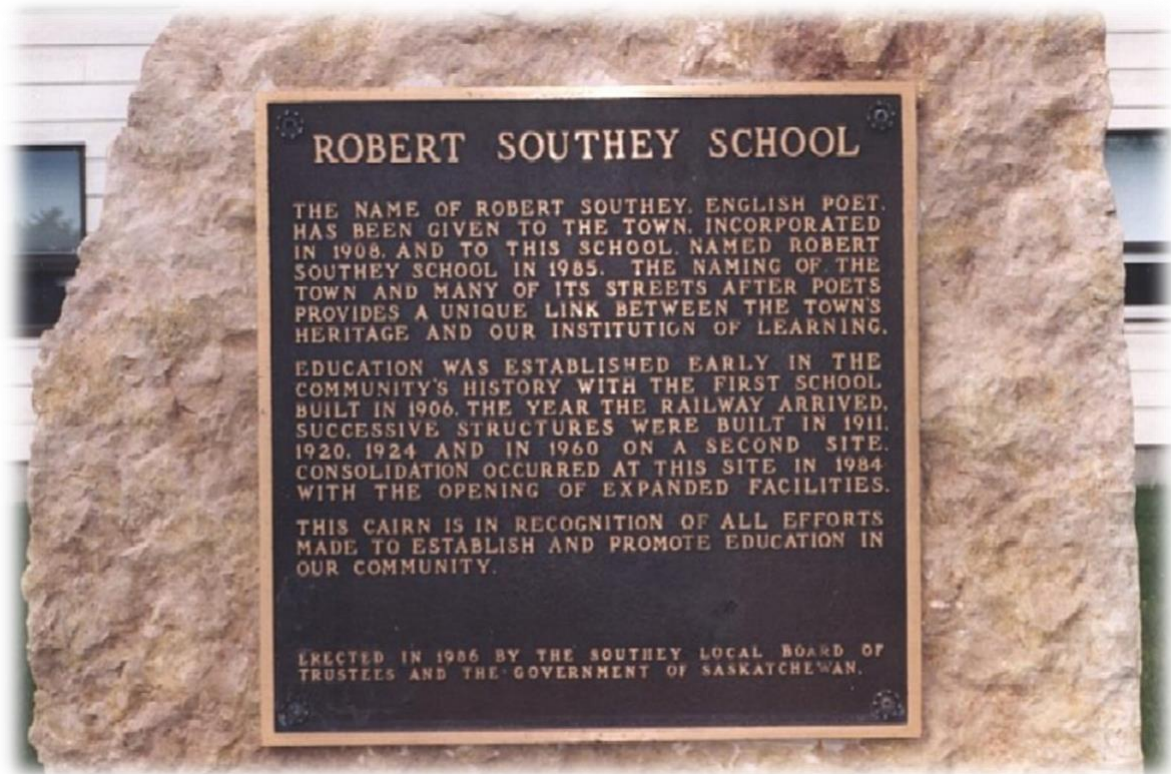
- a) Areas not occupied by buildings, parking, or loading areas, shall be landscaped with trees, shrubs, grasses, pavement stones, or other similar material.
- b) All landscaping shall be maintained in a neat and tidy condition.
- c) The Development Officer shall not approve an application for a development permit unless:
  - i. A landscape plan has been submitted; and

- ii. The landscape plan provides, in the opinion of the Development Officer, appropriate soft or hard landscape features to enhance the visual amenity of the site and provide for adequate visual screening, if necessary.

#### 7.4.3 Residential parking

- a) Where the parking area for the development is accessed from a street, the parking area, including the driveway, shall have a durable, dust-free hard surface of asphalt, concrete, brick or other similar material excluding gravel or slag.
- b) Parking of motor homes, travel trailers, or fifth wheel trailers is prohibited in the front or rear yard of a residential site from November 1 to April 1, inclusive.
- c) Where a residential site provides recreational vehicle parking during the period of April 1 to November 1, the number of recreational vehicles shall not exceed two.
- d) Recreational vehicles may be parked on a driveway in the front, side, or rear yards on residential sites from April 1 to November 1, provided the vehicle is not within 2 metres (6.57 feet) of the outside edge of the curb.

#### 7.4.4 Apartment buildings and places of worship shall, where possible, be located on corner lots to facilitate access.



Source: Town of Southey Website, <https://southey.ca/education/>

## 8 DOWNTOWN COMMERCIAL DISTRICT (C 1)

*The purpose of the C-Downtown Commercial District is to encourage a “downtown” experience by providing a range of pedestrian oriented commercial activities and services. Mixed-use commercial-residential development will be directed to this zoning district.*

### 8.1 PERMITTED USES

- 8.1.1 Banks and financial institutions
- 8.1.2 Bakeries with retail sales
- 8.1.3 Personal service establishments
- 8.1.4 Medical and dental offices and facilities
- 8.1.5 Offices
- 8.1.6 Restaurants and cafes
- 8.1.7 Confectionaries and convenience stores
- 8.1.8 Retail stores
- 8.1.9 Outdoor markets and concessions (permanent, seasonal, or occasional)
- 8.1.10 Taverns and licensed premises for the sale and consumption of alcoholic beverages
- 8.1.11 Galleries and museums
- 8.1.12 Theatres, assembly halls and commercial recreational establishments (not including skating or curling rinks)
- 8.1.13 Public works (excluding warehouses, storage yards, and solid or liquid waste disposal/treatment facilities)
- 8.1.14 Uses, buildings, and structures typically associated with an approved principal use

### 8.2 DISCRETIONARY USES

- 8.2.1 Dwelling units where accessory to a commercial use
- 8.2.2 Mixed-use commercial-residential complexes
- 8.2.3 Multiple unit commercial (strip malls)
- 8.2.4 Grocery stores and markets
- 8.2.5 Artisan craft and specialty shops
- 8.2.6 Other innovative commercial uses consistent with street level retail and services

### 8.3 SITE STANDARDS

**Table 8-1 All Uses Except Hotels and Motels**

Area	232 sq. m. (2,497 sq. ft.)
Frontage	7.5 metres (25 feet)
Front yard	No requirement
Rear yard	No requirement
Side yard	No requirement except where the site abuts a residential district without an intervening street or lane, then 1.5 metres (5 feet)

**Table 8-2 Hotels and Motels**

Minimum area	930 sq. m. (10,010 sq. ft.)
Minimum frontage	30 metres (98 feet)
Minimum front yard	6 metres (19.69 ft)
Minimum rear yard	6 metres (19.69 ft)
Minimum side yard	3 metres (10 feet)

### 8.4 SUPPLEMENTARY STANDARDS FOR THE DOWNTOWN COMMERCIAL DISTRICT

#### 8.4.1 Outdoor storage

- a) All outside storage shall be organized and tidy. If required by Council, for safety and obstruction outside storage shall be screened with a fence at least 2 metres (7 feet) in height.

#### 8.4.2 Accessory dwelling units

- a) One dwelling unit for the owner or operator of a commercial establishment may be allowed above or behind (attached or detached) the commercial principal building.
- b) Dwelling units attached to commercial establishments shall have a main entrance separate from that of the commercial establishment. An emergency exit must be provided in addition to the main entrance. The floor area of the dwelling unit shall not exceed 40% of the total floor area of the building.
- c) The dwelling unit shall be furnished with facilities for cooking, sleeping, and washing.
- d) The minimum floor area of the dwelling unit shall be 45 square metres (480 square feet).
- e) One off-street parking space shall be provided for the dwelling unit.

#### 8.4.3 Mixed-use commercial-residential

- a) Multiple unit dwellings may be allowed where above a commercial establishment, subject to the municipal building bylaw, the National Building Code of Canada, and regulations respecting health and safety.
- b) Dwelling units attached to commercial establishments shall have a main entrance separate from that of the commercial establishment. An emergency exit must be provided in addition to the main entrance.
- c) All dwelling units shall be furnished with facilities for cooking, sleeping, and washing.
- d) The minimum floor area of each dwelling unit shall be 65 square metres (700 square feet).

- e) One off-street parking space shall be provided for each dwelling unit.

#### 8.4.4 Landscaping

- a) Front yards shall be kept neat and orderly and shall be landscaped.
- b) On corner lots, in addition to the landscaping required in the front yard, the whole of the side yard abutting the flanking street shall be landscaped.
- c) Where a site abuts a residential district without an intervening street or lane, there shall be a strip of land, at least 1.5 metres (4.93 feet) lying parallel and adjacent to the site line. The sole purpose of this land shall be landscaping.
- d) Boulevards and undeveloped public and private lands shall be landscaped with grass, trees, or other vegetation suitable to the location.

#### 8.4.5 Provisions for marquees and canopies

- a) For all approved commercial buildings, a marquee or canopy may be permitted to project into the front and/or side yard, provided the outer edges of the marquee or canopy are not closer than 1.5 metres (4.93 feet) to any front or side site line.
- b) A marquee or canopy may be cantilevered from the building but may not be constructed or supported within such yards by walls or by more than the required or normal structural supports.



## 9 HIGHWAY COMMERCIAL DISTRICT (C2)

*The purpose of the C2-Highway Commercial District) is to facilitate a range of commercial and related uses suitable for highway traffic.*

### 9.1 PERMITTED USES

- 9.1.1 Construction trades
- 9.1.2 Public works, excluding solid and liquid waste disposal facilities
- 9.1.3 Car wash
- 9.1.4 Veterinary clinics
- 9.1.5 Hotels or motels
- 9.1.6 Lumber and building supply establishments
- 9.1.7 Restaurants
- 9.1.8 Grocery stores
- 9.1.9 Convenience stores
- 9.1.10 Agricultural equipment supply establishment
- 9.1.11 Auto body shops
- 9.1.12 Buildings, structures or uses typically associated with an approved principal use

### 9.2 DISCRETIONARY USES

- 9.2.1 Dwelling units where accessory to a commercial use
- 9.2.2 Bus terminals
- 9.2.3 Warehouses and storage yards
- 9.2.4 Bulk fuel depots
- 9.2.5 Service stations with or without confectionaries
- 9.2.6 Indoor or outdoor storage yards
- 9.2.7 Motor and recreational vehicle dealers and service establishments

### 9.3 SITE STANDARDS

**Table 9-1 All Uses Except Service Stations, Hotels and Motels**

Area	600 sq. m. (6,458 sq. ft.)
Frontage	15 metres (49 feet)
Front yard	No requirement
Rear yard	No requirement
Side yard	No requirement except where the site abuts a residential district without an intervening street or lane, then 1.5 metres (5 feet)

**Table 9-2 Service Stations, Hotels and Motels**

Minimum area	930 sq. m. (10,010 sq. ft.)
Minimum frontage	30 metres (98 feet)
Minimum front yard	6 metres (19.69 ft)
Minimum rear yard	6 metres (19.69 ft)
Minimum side yard	3 metres (10 feet)

### 9.4 SUPPLEMENTARY STANDARDS FOR THE HIGHWAY COMMERCIAL DISTRICT

#### 9.4.1 Dwelling units

- Only one dwelling unit shall be allowed per commercial site.
- Dwelling units attached to commercial establishments shall have a main entrance separate from that of the commercial establishment. An emergency exit must be provided in addition to the main entrance. The floor area of the dwelling unit shall not exceed 40% of the total floor area of the building.
- Each dwelling unit shall be furnished with facilities for cooking, sleeping, and washing.
- The minimum floor area of each dwelling unit shall be 45 square metres (480 square feet).
- One off-street parking space shall be provided for the dwelling unit.

#### 9.4.2 Access and loading

- Access to lots for discretionary uses or developments shall be located to ensure that heavy truck traffic does not have to utilize residential streets for entrance or exit.
- Where the use of a building or site involves the receipt, distribution or dispatch by vehicles of materials, goods, or merchandise, adequate space for such vehicles to park for loading and unloading shall be provided on the site.

#### 9.4.3 Landscaping

- A landscaped strip at of least 3 metres (9.85 feet) in width, lying parallel and adjacent to the front site line, shall be provided on every highway commercial site.

- b) On corner lots, in addition to the landscaping required in the front yard, the whole of any required side yard abutting the flanking street shall be landscaped
- c) Where a site abuts a residential district without an intervening street or lane, there shall be a strip of land, at least 1.5 metres (4.93 feet) lying parallel and adjacent to the site line. The sole purpose of this land shall be landscaping.
- d) Boulevards and undeveloped public and private lands shall be landscaped with grass, trees, or other vegetation suitable to the location.

#### 9.4.4 Auto body shops

- a) Auto body shops are to be operated entirely within a building.
- b) Outside storage is to be screened from public view by a fence or hedge at least 2 metres (7 feet) in height and no excessive amounts of noise or other emissions to be created.

#### 9.4.5 Accessory building and structures

- a) Fabric covered structures consisting of wood, metal or plastic framing covered on the roof and one (1) or more sides with fabric, plastic, vinyl or other sheet material shall be permitted in a rear or side yard only if they are by engineered design and require a valid building permit.

#### 9.4.6 Outdoor storage

- a) Outdoor storage shall not be permitted in the required front yard of any highway commercial site.
- b) Required yards shall not be used for the collection or storage of hazardous material.
- c) Council may apply standards regarding the location of areas used for storage, as a condition of permit approval.
- d) Council may require special standards for the location, setback or screening of any area devoted to the outdoor storage of vehicles in operating condition, equipment, and machinery normally used for the maintenance of the property, vehicles, or vehicular parts.
- e) All outside storage shall be fenced or screened from view. Junk yards or auto wrecking yards shall be totally enclosed by a fence built to a minimum height 2.0 metres (6.5 feet) and constructed of material suitable to conceal the materials on site from view.
- f) Automobile parts, dismantled vehicles, storage drums and crates, stockpiled material, and similar articles and materials shall be stored within a building or shall be screened from public view.

## 10 INDUSTRIAL DISTRICT (M)

*The purpose of the M-Industrial District is to provide areas for industrial service activities, including a reasonable level of outdoor storage, though which is not of an unsightly, hazardous or offensive nature.*

### 10.1 PERMITTED USES

- 10.1.1 Lumber and building supply establishments
- 10.1.2 Warehouses
- 10.1.3 Service stations
- 10.1.4 Industrial equipment storage, sales and maintenance yards
- 10.1.5 Agricultural equipment supply establishment
- 10.1.6 Motor vehicle and trailer dealers and service establishments
- 10.1.7 Auto body shops
- 10.1.8 Car washes
- 10.1.9 Construction trades
- 10.1.10 Public works, excluding solid and liquid waste disposal facilities
- 10.1.11 Welding shops
- 10.1.12 Railway operations and related facilities
- 10.1.13 Heavy equipment storage and maintenance yards
- 10.1.14 Buildings, structures or uses secondary and subordinate to and located on the same site as the principal uses

### 10.2 DISCRETIONARY USES

- 10.2.1 Grain elevators, fertilizer and seed cleaning plants
- 10.2.2 Bulk fuel dealerships and storage
- 10.2.3 Bulk fertilizer operations
- 10.2.4 Abattoirs
- 10.2.5 Manufacturing and processing operations
- 10.2.6 Gravel and cement operations
- 10.2.7 Seed cleaning plants

### 10.3 SITE STANDARDS

**Table 10-1 All Uses**

Minimum area	0.5 hectare (1.2 acres)
Minimum frontage	30 metres (98.4)
Minimum front yard	6 metres (19.69 feet)
Minimum rear yard	6 metres (19.69 ft)
Minimum side yard	3 metres (9.9 feet)

### 10.4 SUPPLEMENTARY STANDARDS FOR THE INDUSTRIAL DISTRICT

#### 10.4.1 Performance standards

The following performance standards shall apply to all industrial operations:

- a) Noise – no noise from industrial production shall be audible beyond the boundary of the lot on which the operation takes place.
- b) Smoke – no process involving the use of solid fuel is permitted.
- c) Dust and ash – processes that involve the emission of dust, fly ash, or other particulate matter are not permitted.
- d) Odour – the emission of odorous gas or other matter is prohibited.
- e) Toxic gases – the emission of toxic substances will not be permitted.
- f) Glare or heat – operations that produce glare, heat or light beyond the property boundaries will not be permitted.
- g) Outdoor storage – outdoor storage is allowed provided it is tidy and orderly or adequately screened from view. Storage is not permitted in any front yard and should not cause any concerns with respect to health and safety.

#### 10.4.2 Outdoor storage

- a) Outdoor storage shall not be permitted in the required front yard of any industrial site.
- b) Required yards shall not be used for the collection or storage of hazardous material.
- c) Council may apply standards regarding the location of areas used for storage, as a condition of permit approval.
- d) Council may require special standards for the location, setback or screening of any area devoted to the outdoor storage of vehicles in operating condition, equipment, and machinery normally used for the maintenance of the property, vehicles, or vehicular parts.
- e) All outside storage shall be fenced or screened from view. Junk yards or auto wrecking yards shall be totally enclosed by a fence built to a minimum height 2.0 metres (6.5 feet) and constructed of material suitable to conceal the materials on site from view.
- f) Automobile parts, dismantled vehicles, storage drums and crates, stockpiled material, and similar articles and materials shall be stored within a building or shall be screened from public view.

#### 10.4.3 Landscaping

- a) A landscaped strip at least 3 metres (9.85 feet) in width lying parallel and adjacent to the front site line shall be provided on every industrial site.

- b) On corner lots, in addition to the landscaping required in the front yard, the whole of any required side yard abutting the flanking street shall be landscaped
- c) Where a site abuts a residential district without an intervening street or lane, there shall be a strip of land, at least 1.5 metres (4.93 feet) lying parallel and adjacent to the site line. The sole purpose of this land shall be landscaping.
- d) Boulevards and undeveloped public and private lands shall be landscaped with grass, trees, or other vegetation suitable to the location.

#### 10.4.4 Salvage yards and auto wreckers

These standards apply to salvage yards, auto wreckers, auto repair shops, auto body shops and similar uses as well as all salvaged vehicles and materials, vehicles waiting repair, salvage or removal and similar uses:

- a) No vehicles or parts thereof shall be located in the front yard.
- b) All salvage yards shall be enclosed from the view of the travelling public, provincial highways, public roads and residential development:
  - i. Separation and location
  - ii. Vegetation
  - iii. Berms
  - iv. Fences or screens
  - v. A building or structure
  - vi. Other measures deemed appropriate and necessary by Council

#### 10.4.5 Access and loading

- a) Access to lots for discretionary uses or developments shall be located to ensure that heavy truck traffic does not have to utilize residential streets for entrance or exit.
- b) Where the use of a building or site involves the receipt, distribution or dispatch by vehicles of materials, goods, or merchandise, adequate space for such vehicles to park for loading and unloading shall be provided on the site.

# 11 COMMUNITY SERVICE DISTRICT (CS)

*The purpose of the CS-Community Service District is to provide areas for community service related activities including social, recreational, institutional, parks, and public services.*

## 11.1 PERMITTED USES

- 11.1.1 Elementary, high schools, and other educational facilities
- 11.1.2 Lodges, social clubs, service clubs
- 11.1.3 Municipal offices, libraries, historic and cultural institutions, community halls
- 11.1.4 Places of worship and assembly halls
- 11.1.5 Recreational - sports fields, parks, playgrounds, curling rinks, skating rinks, tennis courts, lawn bowling greens, swimming pools, and other similar uses
- 11.1.6 Natural and nature-like open areas
- 11.1.7 Community gardens
- 11.1.8 Pedestrian trails and bicycle paths
- 11.1.9 Public works buildings and structures excluding storage yards, warehouses, and waste disposal facilities
- 11.1.10 Uses, buildings, and structures typically associated with an approved principal use.

## 11.2 DISCRETIONARY USES

- 11.2.1 Golf courses
- 11.2.2 Cemeteries
- 11.2.3 Funeral homes and crematoriums
- 11.2.4 Child and adult daycares
- 11.2.5 Health facilities and special care homes
- 11.2.6 Medical offices and related facilities

### 11.3 SITE STANDARDS

**Table 11-1 All Uses Except Schools and Educational Facilities**

Minimum area	464 sq. m. (4,994 sq. ft.)
Minimum frontage	15 metres (49 feet)
Minimum front yard	6 metres (19.69 feet)
Minimum rear yard	6 metres (19.69 feet)
Minimum side yard	2 metres (6.5 feet)

**Table 11-2 Schools and Educational Facilities**

Minimum site area	No minimum requirement
Minimum site frontage	15 metres (49 feet)
Maximum site coverage	75%
Minimum front yard	7.5 metres (25 feet)
Minimum rear yard	7.5 metres
Minimum side yard	50% of the height of the building or 3.0 metres (10 feet), whichever is greater



Source: Town of Southey Website, <https://southey.ca/community-services/>



## 12 FUTURE URBAN DEVELOPMENT DISTRICT (FUD)

*The purpose of this FUD-Future Urban Development District is to limit development that may affect future growth of the town by providing for temporary and transitional uses and activities.*

### 12.1 PERMITTED USES

- 12.1.1 Agricultural, which includes crop farming, grazing and pasturage and cultivation of land but does not include intensive livestock or poultry operations.
- 12.1.2 Public works
- 12.1.3 Municipal facilities
- 12.1.4 Uses, buildings, and structures typically associated with an approved principal building or use.

### 12.2 DISCRETIONARY USES

- 12.2.1 Sports fields, parks, golf courses
- 12.2.2 Cemeteries
- 12.2.3 Campgrounds or picnic grounds

### 12.3 SITE STANDARDS

**Table 12-1 Agricultural Uses**

Minimum area	16 hectares (40 acres)
Minimum frontage	15 metres (49.2)
Minimum front yard	6 metres (19.69 feet)
Minimum rear yard	6 metres (19.69 feet)

**Table 12-2 All Other Uses**

Minimum area	0.5 hectare (1.2 acres)
Minimum frontage	15 metres
Minimum front yard	6 metres (19.69 feet)
Minimum rear yard	6 metres (19.69 feet)

### 12.4 SUPPLEMENTARY STANDARDS FOR THE FUTURE URBAN DEVELOPMENT DISTRICT

- 12.4.1 Development applications will be considered with respect to the following:
  - a) There must be adequate sewer, water, and utility services available to support the development without excessive impact on other uses being served by the system.

- b) The proposed development shall be consistent with the Future Land Use Map, any adopted concept plans and the Municipality's plans for future growth and development.
  - c) The development will not require the premature development of new streets or utility lines except as may be provided for in the official community plan.
  - d) Vehicle access and egress points shall be provided in suitable locations so as to minimize traffic congestion and possible hazards.
- 12.4.2 On-site parking, storage and other non-landscaped areas associated with the discretionary use shall be suitably screened from adjacent properties and streets.
- 12.4.3 Any building or structure used for the habitation or shelter of animals permitted in this zoning district, shall be located a minimum distance of 75 metres (246 feet) from an occupied dwelling situated on an adjoining site.



Source: Google Images,

[https://www.google.com/search?q=town+of+southey&source=lnms&tbn=isch&sa=X&ved=0ahUKEwi67dTlhMbgAhWWnoMKHQ9QBVgQ\\_AUIDigB&biw=1248&bih=552&dpr=2#imgrc=whwvdzYMaDCyVM](https://www.google.com/search?q=town+of+southey&source=lnms&tbn=isch&sa=X&ved=0ahUKEwi67dTlhMbgAhWWnoMKHQ9QBVgQ_AUIDigB&biw=1248&bih=552&dpr=2#imgrc=whwvdzYMaDCyVM)

## 13 DEFINITIONS

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

<b>Accessory:</b>	A use, or structure, normally incidental, subordinate, exclusively devoted to, and located on the same site as the principal use or building.
<b>Act:</b>	<i>The Planning and Development Act, 2007</i> as amended from time to time.
<b>Adjacent:</b>	Contiguous or would be contiguous if not for a river, stream, railway, road or utility right-of-way.
<b>Administrator:</b>	The Administrator for the Town of Southey.
<b>Alteration:</b>	The structural change in, or addition to, a building or structure shall include a change from one type of use to another.
<b>Ancillary Use:</b>	A use that is secondary and subordinate in size, extent and purpose to the principal use on the same site, but is not necessary for the operation of the principal use on that site.
<b>Bare Land Condominium:</b>	Shall mean a condominium divided into bare land units as defined in <i>The Condominium Property Act, 1993</i> .
<b>Bare Land Unit:</b>	Shall mean a bare land unit as defined within <i>The Condominium Property Act, 1993</i> .
<b>Bed and Breakfast Home:</b>	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 travelling public for a charge.
<b>Buffer:</b>	A strip of land or vegetation that physically separates two or more different land uses.
<b>Building:</b>	A structure constructed on, in or over land and used for the shelter or accommodation of persons, animals, or chattels and includes any structure covered by a roof supported by walls or columns.
<b>Building Bylaw:</b>	Any Bylaw of the Town regulating the erection, alteration, repair, occupancy or maintenance of buildings or structures.
<b>Building Front Line:</b>	The line of the wall of the building, or any projecting portion of the building, and production thereof excluding permitted obstructions which faces the front site line.
<b>Building Height:</b>	The vertical distance measured from the grade level to the highest point of the roof surface, if a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip or gambrel roof.
<b>Building Permit:</b>	A permit issued under The Building Bylaw of the Town of Southey, authorising the construction or the addition to any building but does not include a Development Permit.
<b>Building Rear Line:</b>	The line of the wall of the building or any projecting portion of the building and production thereof excluding permitted obstructions which faces the rear site line.
<b>Building Side Line:</b>	The line of the wall of the building, or any projecting portion of the building and production thereof excluding permitted obstructions, which faces the side site line.

<b>Bylaw:</b>	The zoning bylaw of the Town.
<b>Campground:</b>	The seasonal operation of an area of land managed as a unit, providing temporary short-term accommodations for tents, tent trailers, travel trailer, recreational vehicles and campers, used by travellers and tourists. May include accessory facilities that support the use, such as administration offices, laundry facilities, washroom facilities and convenience stores but shall not include permanent year-round accommodations.
<b>Cemetery:</b>	Property used for the internment of the dead and may include facilities for the storage of ashes of human remains that have been cremated.
<b>Clean Fill:</b>	Uncontaminated non-water-soluble, non-decomposable, inert solids such as rock, soil, gravel, concrete, glass and/or clay or ceramic products. Clean fill shall not mean processed or unprocessed mixed construction and demolition debris, including, but not limited to, wallboard, plastic, wood or metal or any substance deemed corrosive, combustible, noxious, reactive or radioactive.
<b>Club:</b>	A group of people organized for a common purpose, to pursue common goals, interest or activities, and usually characterized by certain membership qualification, payment of dues or fees, regular meetings, and a constitution and bylaws.
<b>Commercial:</b>	The use of land, buildings, or structures for the purpose of buying and selling commodities, and supplying professional and personal services for compensation.
<b>Community Facilities:</b>	A building or facility used for recreational, social, educational or cultural activities and which is owned by a municipal corporation, non-profit corporation or other non-profit organization.
<b>Construction Trades:</b>	Offices, shops and warehouses with or without associated retail sales of plumbing and heating, electrical, carpentry, masonry and similar construction trades.
<b>Convenience Store:</b>	A store offering for sale primarily food products, beverages, tobacco, personal care items, hardware and printed matter and which primarily provides a convenient day-to-day service to residents in the vicinity.
<b>Council:</b>	The Council of the Town of Southey.
<b>Day Care Centre:</b>	A facility for the non-parental care of over four (4) preschool age children on a daily basis and licensed under <i>The Child Care Act</i> .
<b>Deck:</b>	A raised open platform, with or without rails, attached to a principal building.
<b>Demolition Permit:</b>	A permit issued for the removal or dismantling of a building or structure within the Town's boundaries as prescribed under Section 13 of <i>The Uniform Building and Accessibility Standards Act</i> .
<b>Development:</b>	The carrying out of any building, engineering, mining or other operations in, on, or over land, or the making of any material change in the use or intensity of use of any building or land.
<b>Development Permit:</b>	A document issued by the Council of the Town authorizing a development, issued pursuant to this Zoning Bylaw but does not include a building permit.
<b>Dormitory Dwelling:</b>	A building, room or set of rooms used for the habitation of one or more persons, but does not include eating quarters.

<b>Discretionary Use:</b>	A use or form of development specified in this bylaw, which may be allowed following application to, and approval of the Council; and which complies with the development standards contained in this bylaw, as required by Council.
<b>Dwelling:</b>	A building or part of a building intended for residential occupancy.
<b>Dwelling, Duplex:</b>	A building divided horizontally into two dwelling units as herein defined.
<b>Dwelling Group:</b>	Two or more single detached or semi-detached or multiple unit dwellings, located on a single site, which are of a type that are a permitted or discretionary use of a zoning district.
<b>Dwelling, Multiple Unit:</b>	A building divided into two or more dwelling units as herein defined and shall include duplexes, town or row houses and apartment houses but not hotels, or motels.
<b>Dwelling, Single Detached:</b>	A detached building consisting of one dwelling unit as herein defined; and occupied or intended to be occupied as a home or residence, but shall not include a mobile home or trailer coach as herein defined.
<b>Dwelling, Townhouse:</b>	A building, which is divided vertically into three or more dwelling units, each with its own entrance.
<b>Dwelling Unit:</b>	One or more habitable rooms constituting a self-contained unit and used or intended to be used together for living and sleeping purposes by one or more persons.
<b>Elevation:</b>	The height of a point on the Earth's surface above sea level.
<b>Environmental Reserve:</b>	Lands that have been dedicated to the Municipality by the developer of a subdivision as part of the subdivision approval process. Environmental reserves are those lands that are considered undevelopable and may consist of a swamp, gully, ravine, coulee or natural drainage course, or may be lands that are subject to flooding or are considered unstable. Environmental reserve may also be a strip of land, not less than 6 metres in width, abutting the bed and shore of any lake, river stream or other body of water for the purposes of preventing pollution or providing access to the bed and shore of the water body.
<b>Existing:</b>	In place, or taking place, on the date of the adoption of this Bylaw.
<b>Farm Building/Yard:</b>	Improvements such as barns, granaries, etc. used in connection with the growing and sale of trees, shrubs, and sod or the raising or production of crops, livestock or poultry, fur production, beekeeping, and situated on a parcel of land used for the farm operation.
<b>Fence:</b>	An artificially constructed barrier erected to enclose or screen areas of land.
<b>Flood:</b>	A temporary rise in the water level that results in the inundation of areas not ordinarily covered by water.
<b>Flood Fringe:</b>	The portion of the floodplain where the waters in the 1:500-year flood are projected to be less than a depth of one metre or less than a velocity of one metre per second.
<b>Flood Proofed:</b>	A measure, or a combination of structural and non-structural measures, incorporated into the design of a structure, which reduces or eliminates the risk of flood damage to a defined elevation.
<b>Flood Way:</b>	The portion of the flood plain adjoining the channel where the waters in the 1:500-year flood are projected to meet or exceed a depth of one metre or a velocity of one metre per second.

<b>Floor Area:</b>	The maximum habitable area contained within the outside walls of a building, excluding in the case of a dwelling, any private garage, porch, veranda, sun lounge, unfinished basement, or attic.
<b>Frontage:</b>	The side of a site abutting a street and, in the case of a corner site, the shorter of the sides is the frontage.
<b>Garage, Private:</b>	A garage used for storage purposes only, where no business, occupation or service is conducted for gain, other than an approved home-based business, and in which no space is rented for commercial vehicles to a non-resident of the premises.
<b>Garage, Public:</b>	Any garage available to the public, operated for gain, and which is used for repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles, including painting, body work and major repairs.
<b>Garage, Storage:</b>	A public garage exclusively used for the storage of motor vehicles and where no repair facilities are maintained.
<b>Garden Suite:</b>	A second, small, dwelling on the site of a primary, single-family dwelling.
<b>Gas Bar:</b>	A building or facility used for the retail sale of motor vehicle fuels from fixed pumps.
<b>Hazard(ous) Land:</b>	Land which may be prone to flooding, slumping, subsidence, landslides, erosion, any other instability, or is located within a flood plain or watercourse.
<b>Hazardous Substance:</b>	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 to other living organisms.
<b>Home Based Business:</b>	An accessory use of a dwelling unit by a resident of the dwelling for a business which is secondary and incidental to the primary use of the dwelling as a residence, and does not change the residential character of the buildings or site.
<b>Hotel:</b>	A building or part of a building used as a place for sleeping accommodation with or without meals, and which may have a licensed beverage room, but does not include a motel.
<b>Infill Development:</b>	Re-development within existing areas or neighbourhoods.
<b>Intersection:</b>	An area where two or more streets or lanes meet or cross at grade.
<b>Landfill:</b>	A specially engineered site, on land, for disposing of solid waste, constructed so that it will reduce hazard to public health and safety.
<b>Landscaping:</b>	The changing, rearranging, removing or adding to the original vegetation of a site, including site grading, addition or removal of topsoil, grass, trees, plants, sidewalks and other natural or decorative features.
<b>Lane:</b>	A public highway vested in the Crown as a secondary level of access to a lot or parcel of land.
<b>Legal Access:</b>	A lot or parcel shall be considered as having legal access for the purposes of development when the lot or parcel is adjacent to a municipally maintained road, and meets the frontage requirements of appropriate Zoning District hosting the development.
<b>Livestock:</b>	

<b>Lot:</b>	An area of land with fixed boundaries and which is of record with the Information Services Corporation by Certificate of Title.
<b>Mayor:</b>	The Mayor of the Town of Southey.
<b>Membrane Covered Structures:</b>	A structure consisting of a frame that is covered with a non-permanent material (plastic, fabric, canvas, etc.) which is used for storage.
<b>Minister:</b>	The member of the Executive Council to whom, for the time being, is assigned the administration of <i>The Planning and Development Act, 2007</i> .
<b>Mixed-use:</b>	A mix of land uses in one distinctive environment, or building, located either vertically or horizontally to one another. The intent is to allow for land uses that are different but compatible.
<b>Mobile Home:</b>	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; and has facilities for washing and a water closet or other similar facility that may be connected to a sewage system.
<b>Mobile Home Park:</b>	A site, comprised of two or more surface parcels, 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.
<b>Mobile Home Site:</b>	An area of land in a mobile home park that is intended to be occupied by one mobile home and for exclusive use of the occupants of the mobile home with access to a driveway or a public street
<b>Modular Home:</b>	A factory-built home that is manufactured on as a whole or modular unit and is designed to be moved on removable chassis to be used as a one unit dwelling, and is certified by the manufacturer that it complies with the Canadian Standards Association Code CSA - A277 standard.
<b>Motel:</b>	A series of dwelling units intended for the use of transient lodgers, each containing at least a bedroom and bathroom, and each having convenient access to a parking space for the occupants' use.
<b>Municipality:</b>	The Town of Southey
<b>Municipal Reserve:</b>	Dedicated lands: <ul style="list-style-type: none"> <li>a) that are provided to a Municipality pursuant to clause 181(a) for public use; or</li> <li>b) that were dedicated as public reserve and transferred to a Municipality pursuant to section 191, whether or not title to those lands has issued in the name of the Municipality.</li> </ul>
<b>Municipal Road:</b>	A public roadway subject to the direction, control and management of the Municipality.
<b>Museum:</b>	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.

<b>Non-Conforming Building:</b>	<p>A building:</p> <ul style="list-style-type: none"> <li>a) that is lawfully constructed or lawfully under construction, or in respect to which all required permits have been issued, on the date that this Bylaw or any amendment to the Bylaw affecting the building or land on which the building is situated or will be situated, becomes effective; and</li> <li>b) that, on the date this Bylaw or any amendment hereto becomes effective, does not, or when constructed will not, comply with this Bylaw.</li> </ul>
<b>Non-Conforming Site:</b>	A site, consisting of one or more contiguous parcels, to which all required permits have been issued on the date that this Bylaw or any amendment to the Bylaw becomes effective, contains a use that conforms to the Bylaw, but the site area or site dimensions do not conform to the standards of the Bylaw for that use.
<b>Non-Conforming Use:</b>	<p>A lawful specific use:</p> <ul style="list-style-type: none"> <li>a) being made of land or a building or intended to be made of a land or of a building lawfully under construction, or in respect to which all required permits have been issued, on the date this Bylaw or any amendment hereto becomes effective; and</li> <li>b) that on the date this Bylaw or any amendment hereto becomes effective does not, or in the case of a building under construction or in respect of which all required permits have been issued will not, comply with this Bylaw.</li> </ul>
<b>Noxious Use or Condition:</b>	Any use or facility that causes or produces harmful or hazardous noise, vapours, smoke, dust, vibrations, electrical or electromagnetic fields, glare or light.
<b>Office and Office Building:</b>	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, transhipped, sold or processed.
<b>Parcel:</b>	A parcel of land that is shown on an approved plan.
<b>Parking Lot:</b>	An open area, other than a street, used for the temporary parking of more than four vehicles and available for public use and the use of employees working on, or from, the site.
<b>Parking, Off-Street:</b>	Accommodation for the parking of vehicles off a public street or lane.
<b>Parking Space:</b>	A space within a building or parking lot for the parking of one vehicle and which has access to a developed street or lane, having minimum dimensions of 2.7 metres (8.86 feet) wide by 6.7 metres (21.98 feet) deep with direct lane access; 3.0 metres (9.84 feet) wide by 6.7 metres (21.98 feet) deep for a parallel space; and 2.7 metres (8.86 feet) wide by 6.0 metres (19.69 feet) deep for all other.
<b>Permitted Use:</b>	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.
<b>Personal Care Home:</b>	A facility licensed under <i>The Personal Care Homes Act</i> that provides long term residential, social and personal care, including accommodation, meals, supervision or assistance for persons who have some limits on ability for self-care, and are unrelated to the operator or owner.
<b>Personal Service Shops:</b>	Establishments engaged in providing the care of a person or their apparel, which include barber shops, hairstyle salons, laundries, dry cleaners, shoe repair, photographic studios and other similar uses.



<b>Place of Worship:</b>	A place used for worship and related religious, philanthropic or social activities and includes accessory rectories, manses, meeting rooms and other buildings. Typical uses include churches, chapels, mosques, temples, synagogues and parish halls.
<b>Principal Use:</b>	The main activities conducted on a site.
<b>Principal Building:</b>	The main building in which the principal use of the site is conducted.
<b>Public Utility:</b>	A government, municipality or corporation under Federal or Provincial statute which operates a public work.
<b>Recreational Facility, Commercial:</b>	A recreation or amusement facility operated as a business and open to the general public for a fee.
<b>Recreational Facility, Public:</b>	A recreation or amusement facility operated by the province, municipality, or a non-profit organization and open to the general public.
<b>Redevelopment:</b>	See infill development.
<b>Residence:</b>	A dwelling unit on a site.
<b>Residential:</b>	The use of land, buildings, or structures for human habitation.
<b>Residential Care Home:</b>	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, supervisions or assistance, essential for sustaining the activities of daily living or for the protection of the individual.
<b>Restaurant:</b>	A building or part of a building wherein food is prepared and offered for sale to the public primarily for consumption within the building. However, limited facilities may be permitted to provide for a takeout food function provided such facility is clearly secondary to the primary restaurant use.
<b>Retail Store:</b>	A place where goods, wares, or merchandise are offered for sale or rent, and may include some manufacturing of products to be sold on site.
<b>Right of Way:</b>	The right of way is 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.
<b>School, Public:</b>	A facility which meets Provincial requirements for elementary or secondary education, and which secures the majority of its funding from taxation.
<b>Shipping Container:</b>	A container originally designed for use as a means of storing and transporting cargo via ship, rail, or truck.
<b>Shopping Centre:</b>	A building or group of buildings located on one or more contiguous and/or non-contiguous lots or sites, in which four or more of the uses allowed in the zoning bylaw are located for their mutual benefit including the use of off-street parking and other joint facilities.

<b>Should, Shall or May:</b>	<p><b>Shall</b> is an operative word which means the action is obligatory.</p> <p><b>Should</b> is an operative which means that in order to achieve plan objectives, it is strongly advised that the action be taken.</p> <p><b>May</b> is an operative word meaning a choice is available, with no particular direction or guidance intended.</p>
<b>Sign</b>	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, road, thoroughfare, or any other public place.
<b>Site:</b>	One or more contiguous surface parcels as defined under <i>The Land Titles Act</i> , 2000, and used as a unit for the purpose of regulation under this bylaw.
<b>Site Coverage:</b>	The portion of the site that is covered by principal and accessory buildings.
<b>Site Line, Front:</b>	The line that divides the site from the street. In the case of a corner site, the front site line shall mean the line separating the narrowest street frontage of the site from the street.
<b>Site Line, Rear:</b>	The line at the rear of the site and opposite the front site line.
<b>Site Line, Side:</b>	A site line other than a front or rear site line.
<b>Site Width:</b>	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.
<b>Subdivision:</b>	A division of land as described in <i>the Land Titles Act</i> . Includes a division of a quarter section into legal subdivisions.
<b>Street:</b>	<p>A public thoroughfare,</p> <p>which affords the principal means of access to the abutting property.</p>
<b>Structure:</b>	Anything that is erected, built or constructed of parts joined together and supported by the soil or any other structure requiring a foundation to hold it erect, but not including pavement, curbs, walks or open-air surfaced areas.
<b>Swimming Pool:</b>	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 0.61 metres (2.0 feet) or more at any point.
<b>Tavern:</b>	A building or portion thereof where beer, wine, or spirits are served to patrons for consumption on the premises, with or without food, and where no entertainment or dance floor is permitted.
<b>Trailer Coach:</b>	Any vehicle used or constructed in such a way as to enable it to be used as a conveyance upon public roads or highways and includes as a self-propelled or non-self-propelled vehicle designed, constructed or reconstructed in such a manner as to permit occupancy as a dwelling or sleeping place for one or more persons notwithstanding that its running gear is removed or that it is jacked-up.
<b>Use:</b>	The purpose or activity for which any land, building, structure, or premises, or part thereof is arranged, designed, or intended, or for which these may be occupied or maintained.

<b>Town:</b>	The Town of Southey
<b>Warehouse:</b>	A building used primarily for the storage of goods and materials.
<b>Waste Disposal Facility; Liquid:</b>	A facility to accommodate any liquid waste from residential, commercial, institutional and industrial sources, but does not include a septic system for a single residence or farmstead, or a manure storage area for an intensive livestock operation.
<b>Waste Disposal Facility; Solid:</b>	A facility, not including a waste transfer station or a temporary storage facility, to accommodate discarded materials, substances or objects which originated from residential, commercial, institutional and industrial sources which are typically disposed of in municipal or private landfills, but not including dangerous goods, hazardous waste or biomedical waste.
<b>Watercourse:</b>	A river, stream, creek, gully, ravine, spring, coulee, valley floor, drainage ditch or any other channel having a bed and sides or banks in which water flows either permanently or intermittently.
<b>Watershed:</b>	The land area from which surface runoff drains into a stream, channel, lake, reservoir, or other body of water; also called a drainage basin.
<b>Wetland:</b>	Land having the water table at, near, or above the land surface or which is saturated for a long enough period to promote wetland or aquatic processes as indicated by hydric soils, hydrophytes (“water loving”) vegetation, and various kinds of biological activity which are adapted to the wet environment.
<b>Yard:</b>	The open, unoccupied space on a lot between the property line and the nearest wall of a building.
<b>Yard, Front:</b>	That part of a site which extends across the full width of a site between the front site line and the nearest main wall of a building or structure.
<b>Yard, Rear:</b>	That part of a site which extends across the full width of a site between the rear site line and the nearest main wall of a building or structure.
<b>Yard, Required:</b>	The minimum yard required by a provision of this bylaw.
<b>Yard, Side:</b>	The part of a site which extends from a front yard to the rear yard between the side line of a site and the nearest main wall of a building or structure.
<b>Zone:</b>	A land area within the municipality, designated on the Zoning Map for specific, uniform development and subdivision standards and requirements.

## 14 EFFECTIVE DATE OF THE BYLAW

### Repeal and Adoption

Bylaw No. 17-1983 and all amendments are hereby repealed. This Bylaw shall come into force on the date of final approval by the Minister of Government Relations.

\_\_\_\_\_  
Mayor

SEAL

\_\_\_\_\_  
Town Administrator/Manager

Read a first time this 12<sup>th</sup> day of March, 2019.

Read a second time this 23<sup>rd</sup> day of April, 2019.

Read a third time and passed this 23<sup>rd</sup> day of April, 2019.

CERTIFIED a true copy of Bylaw No. 01-2019  
adopted by Resolution of Council on the  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Town Administrator/Manager

## 15 APPENDIX A - DEVELOPMENT REVIEW CRITERIA

- 15.1.1 When considering applications to subdivide, or develop land, or amend the official community plan, or zoning bylaw, Council shall consider the following:
- a. The proposal must conform with the plan goals, objectives and policies in the OCP and the development standards in the zoning bylaw.
  - b. There must be a demand or a reasonable need for the proposed use.
  - c. The proposal must be capable of being economically serviced including roadways, water and sewer services, and other utilities and community facilities necessary to support the proposed use.
  - d. The availability of alternative sites or buildings that would accommodate the proposed development in order to better achieve the intent of this OCP and zoning bylaw.
  - e. The ability of the RM to provide the required public utilities. Servicing agreements and development agreements, will be required to ensure the costs do not fall on the municipality or general tax base.
  - f. The compatibility of the proposed use with nearby land uses, existing and planned public utilities, the character of the area, and municipal policies for environmental protection.
  - g. The potential impact of the proposed development on current and future municipal projects.
  - h. The need for additional information necessary to assess the suitability of the proposal. Information may be in the form of reports, studies, development issues, resident concerns, provincial comments and public hearing submissions.
- 15.1.2 Subdivision and development proposals shall not be approved where the proposal:
- a. Would be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the area.
  - b. Would be injurious to, or incompatible with, existing or proposed developments or public utilities.
  - c. Would, in Council's opinion, involve prohibitively expensive public utility construction or maintenance costs.
  - d. Involves the refusal of a developer to enter into a servicing or development levy agreement.
  - e. The location, design or servicing is not appropriate for the proposed use, or the proposal is not environmentally responsible.
- 15.1.3 Where a subdivision or development proposal affects the municipal road system, the municipality may, at its discretion, and pursuant Section 22 of *The Municipalities Act*, require the landowner or developer to enter into a road maintenance agreement.

16 APPENDIX B - ZONING DISTRICT MAP

