OPASKWAYAK CREE NATION

ZONING REGULATION

ENACTED BY OCN MEMBERS MAY 14, 2009

Ratified by Chief and Council on June 9, 2009

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OCN ZONING DISTRICT MAP (Attached)

OPASKWAYAK CREE NATION
ZONING REGULATION

PREAMBLE

WHEREAS the Opaskwayak Cree Nation Land Use and Community Plan including Natural Resource Land Law requires regulations for building, development and land use;

AND WHEREAS the citizens were provided the opportunity to take part in the development and the approval of this Opaskwayak Cree Nation Zoning Regulation through media, informational booths and community meetings;

NOW THEREFORE BE IT RESOLVED THAT Chief and Council gave approval and has adopted Opaskwayak Cree Nation Zoning Regulation and that this Regulation will be the procedures and process for issuing and approving any development that occurs on Opaskwayak Cree Nation Lands.

PART 1
OPERATIVE AND INTERPRETIVE CLAUSE

1.0 TITLE AND CONTENTS

1.1 Title

1.1.1 This Regulation may be cited as the Opaskwayak Cree Nation (OCN) Zoning Regulation.

1.2 Intent and Purpose

1.2.1 Opaskwayak Cree Nation has deemed it necessary to adopt and enact this Regulation.

1.2.2 This Regulation will assist in the implementation of the *OCN Land Code* and the *OCN Land Use and Community Plan including Natural Resource Land Law*.

1.2.3 This Regulation will outline the powers and duties of the Chief and Council, the Land Authority, the Land Manager, the Development Review Officer and interest holders as they relate to this Regulation.

1.2.4 The following will be the standards under this Regulation:

a) all buildings and structures erected hereafter;

b) all uses or changes in use of all buildings, structures and land established hereafter;

c) all structural alterations or relocations or existing buildings and structures occurring hereafter; and

d) all enlargements or additions to existing buildings, structures and use.

1.2.5 This Regulation will protect traditional use areas and culturally sensitive and significant areas from inappropriate development.

1.3 Regulation of Use

1.3.1 With the exception of Section 5.2 of this Regulation, no land, building or structure shall be constructed, enlarged, placed, used or occupied except for a use that is listed in the Zoning District clause as a:

a) Permitted Use development;

b) Conditional Use development, subject to approval as such; or

c) accessory use.

1.3.2 There shall be a maximum of one (1) dwelling unit per lot or parcel of land except for the following:

a) dwelling units that are required for members, who in the opinion of the Land Authority, will be actively involved in an agricultural operation; and

b) single family dwellings, two family dwellings, townhouse dwellings, or multiple family dwelling as provided for in this Regulation.

1.3.3 Where any land, building or structure is used for more than one purpose, all provision of this Regulation relating to each use shall apply.

1.4 Contents of this Regulation

1.4.1 The contents of this Regulation include:

a) Part I, comprising of Section 1.0 to Section 7.0 outlines the Operative and Interpretive Clauses;

b) Part II, comprising of Section 8.0 to Section 15.0, outlines General Administrative Clauses;

c) Part III, comprises of Section 16.0 to Section 19.00, outlines Special Requirements;

d) Part IV, comprises of Section 20.0 to Section 36.0, General Development Regulations;

e) Part V, comprises of Section 37.0 to Section 43.0, Special Land Use Regulations;

f) Part VI, comprising of Section 44.0 to Section 49.0, outlines all of the Zoning District clauses;

g) Part VII, comprises of Section 50.0, Enactment of Regulation; and

h) Part VIII, comprises of Zoning District Map.

1.5 Headings and Titles

1.5.1 Despite any other provision of this Zoning Regulation or any other enactments passed by the Chief and Council contrary, headings and titles within this Regulation shall be deemed to form part of the text of this Regulation.

1.6 Interpretation

1.6.1 Words, phrases and terms defined herein shall be given the defined meaning.

1.6.2 Words, phrases and terms neither defined herein nor defined in other enactments of the Chief and Council and/or Land Authority shall be given their usual and customary meaning except where, in the opinion of the Chief and Council and/or the Land Authority, the context indicates a different meaning.

1.6.3 The phrase **used for** includes:

a) arranged for;

b) maintained for;

c) designed for; or

d) occupied for.

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

1.6.5 Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunctions **and**, **or**, or **either-or**, the conjunctions shall be interpreted as follows:

a) **and** indicates that all the connected items, conditions, provisions or events shall apply;

b) **or** indicates that all the connected items, conditions, provisions or events may apply singularly or in combination; and

c) **either-or** indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.

1.6.6 Wherever the singular and the masculine are used throughout this Regulation, the same shall be construed as meaning the plural or the feminine or neuter where the context of the parties hereto so require.

1.6.7 The word **includes** shall not limit a term to the specified examples, but is intended to extend the meaning to all instances or circumstances of the like kind or character.

1.7 Units of Measurement

1.7.1 For convenience, this Regulation contains both imperial and metric measurements. In cases where a discrepancy occurs between the imperial and metric standards, the imperial unit shall prevail.

1.8 Enactment Date

1.8.1 This Regulation shall be enacted on the date in which the OCN members have voted by way of a Ratification Vote and such vote shall be ratified by Absolute Majority of Chief and Council.

1.8.2 Prior to enactment the OCN members were provided the opportunity to take part in the development and the approval of this Regulation through media, information booths, and community meeting.

1.8.3 Additional OCN Lands may be acquired and/or selected through land claim settlements, treaty land entitlement, land exchanges, unresolved exchanges and or other processes which are accepted and set aside as reserve lands shall have Zoning District pre-determined. The process for pre-determining the Zoning District shall:

a) include the pre-determination of Zoning District at the Community Approval Process, set out in the OCN Land Code for accepting new lands as OCN Lands;

b) have the OCN members vote to accepted the Zoning District for such lands; and

c) upon the lands being converted into OCN Land status by Canada, the Zoning District approved for such lands will be in full force and form part of this Regulation.

1.8.4 Chief and Council shall ratify such acceptance of each Additional OCN Lands by having an absolute major of Chief and Council signing the amendment to this Regulation.

1.9 Control of Development

1.9.1 No development, other than that designated in Section 12.3.1, shall be undertaken unless an application has been approved and the development permit has been issued by the appropriate authority.

1.10 Relationship to Former Regulations

1.10.1 The adoption of the OCN Zoning Regulation shall not prevent any pending or future legal action to deal with any existing land use violations.

1.11 Validity

1.11.1 Should a court of competent jurisdiction declare any section or part of a section of this Regulation invalid, the same shall not affect provisions of this Regulation as a whole or any part thereof beyond that which is declared invalid.

2.0 NON-CONFORMING BUILDING, STRUCTURES, LOTS AND USES

2.0.1 When on or before the enactment date of the OCN Zoning Regulation, a development permit has been issued, and the enactment of the OCN Zoning Regulation would render the development in respect of which the permit was issued a non-conforming building, structure, lot, or use, the development permit continues in effect despite the enactment of the OCN Zoning Regulation.

2.0.2 Any buildings, structures, existing lots, custom allocations, un-surveyed lots shall be deemed to be permitted within the designated Zoning District, as if it conformed to all such regulation, in accordance with Section 2.0.3, for those:

a) authorized buildings or structures that existed as of the date the *OCN Land Code* which determines yard standards;

b) existing lots or custom allocations, unsurveyed lots with regards to:

i) minimum site area;

ii) site width;

iii) front yard;

iv) access regulation; and

c) uses of a building, structure of lot, or portion thereof, that does not conform to one or more standards within the Zoning District.

2.0.3 A non-conforming use of land or a non-conforming use of a building:

a) may be continued until such time as there is a new use or new development; and

b) if that use is discontinued for a period of twelve (12) consecutive months or more, then the standards set in this Regulation shall apply.

2.0.4 A non-conforming use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot and no additional buildings shall be erected upon the lot while the non-conforming use continues.

2.0.5 A non-conforming building may continue to be used, but the building shall not be enlarged, added to, rebuilt or structurally altered except as:

a) may be necessary to make it a conforming building; or

b) for the routine maintenance of the building.

2.0.6 Where a building or structure that does not conform to the provisions of this Regulation or amendments thereto is destroyed or damaged to an extent that in the opinion of the Land Authority, is 50.00 percent (50%) or more of the replacement value of the building or structure above its foundation, the building or structure shall not be repaired or rebuilt except in conformity with the provisions of this Regulation.

2.0.7 The use of land or the use of a building is not affected by change of ownership, tenancy or occupancy of the land or building.

2.0.8 Despite Section 2.0.1 to Section 2.0.7, a non-conformity may be altered by way of Variation Order by the Land Authority.

3.0 THE ZONING DISTRICT MAP

3.0.1 The Zoning District Map are Part VIII of this Regulation, which divide community land into Zoning Districts and specifies provisions applying to particular lands.

3.1 Zoning District Boundaries

3.1.1 Should uncertainty or dispute arise relative to the precise location of the boundary of any Zoning District, as depicted on the Zoning District Map, the location shall be determined by the following:

a) where a Zoning District boundary is shown as approximately following the centre of streets, lanes or other public thoroughfares, it shall be deemed to follow the centre line thereof;

b) where a Zoning District boundary is shown as approximately following the boundary of a site, the site boundary shall be deemed to be the boundary of the Zoning District for that portion of the Zoning District boundary that approximates the site boundary;

c) where a Zoning District boundary is shown approximately following the jurisdictional limits of OCN, it shall be deemed to be following said limits;

d) where a Zoning District boundary is shown as approximately following the centre of pipelines or utility easements, it shall be deemed to follow the centre line of the right-of-way thereof;

e) where a Zoning District boundary is shown as being parallel to or as an extension of features noted above, it shall be so construed;

f) where features on the ground are at variance with those shown on the Zoning District Map or in other circumstances not mentioned above, the:

i) Land Manager shall interpret the Zoning District boundaries; and

ii) any such decision may be appealed to the Land Authority; and

g) where a Zoning District boundary is not located in conformity to the provisions of Section 3.1.1a,,b,c,d,e,f, and in effect divides or splits a parcel of land, the disposition of such boundary shall be determined by dimensions indicated on the Zoning District Map or by measurements directly scaled from the Map or by a field site survey confirmation by the Land Manager or delegate.

3.2 Right-of-Way Boundaries

3.2.1 Despite anything contained in this Regulation, no Zoning District shall be deemed to apply to any public roadway and any public roadway may be designed, constructed, widened, altered, redesigned and maintained in such manner as may be determined by the Land Authority and according to roadway standards.

3.2.2 Where any public roadway is closed by the responsible authority, the land contained therein shall there upon be deemed to carry the same Zoning District as the abutting land.

3.2.3 Despite Section 3.2.2, where such abutting lands are governed by different Zoning Districts, the centre line of the public right-of-way shall be deemed to be the Zoning District boundary.

4.0 APPROVAL REQUIRED FOR DEVELOPMENT

4.0.1 No interest holder shall:

a) commence, cause or allow to be commenced, a development without a development permit which has been issued under the provisions of this Regulation; or

b) carry on, cause or allow to be carried on a development without a development permit that has been issued under the provisions of this Regulation.

5.0 OTHER LEGISLATION

5.1 Compliance

5.1.1 An interest holder applying for, or in possession of, a valid development permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with:

a) the *OCN Land Code*;

b) the *OCN Land Use and Community Plan including Natural Resource Land Law*;

c) the Land *Law for Governing the Use and Occupancy of OCN Lands* and regulations adopted by Chief and Council thereafter;

d) any other Land Use Law;

e) any appropriate provincial or federal legislation; and

f) the conditions of any caveat, covenant, site plan, development agreement, variance or conditional use order, easement or other instrument affecting a building or land.

5.1.2 Whenever provisions contained in any other legislation impose overlapping regulations, laws or policies over the use of land, buildings or structures, or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest standard shall apply.

5.1.3 Whenever the provisions of a special agreement or development agreement impose overlapping regulations over the use of land, buildings or structures, or contain any restrictions covering any of the same subject matter contained in this Regulation, the most restrictive or highest standard shall govern.

5.2 Utilities and Services

5.2.1 Nothing in this Regulation Law shall be so interpreted as to interfere with the construction, maintenance and operation of the facilities of any utility or protective and emergency service, as defined in this Regulation.

6.0 GENERAL DEFINITIONS

6.0.1 Terms and words in this Regulation as defined in the *OCN Land Code* have the meaning expressed therein.

6.1 Definitions

6.1.1 Other terms and words, unless the context otherwise requires, are defined as follows:

1) **Absolute Majority** means 50.00 percent (50%) plus one of the whole Chief and Council.

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

3) **Accessory** means, when used to describe a use, building or structure, said use, building or structure is naturally or normally incidental, subordinate, and exclusively devoted to the principal use or building, and located on the same lot or site.

4) **Alteration** means a change or modification to an existing building, structure or uses that, unless otherwise provided for herein, does not increase the exterior dimensions with respect to height and area.

5) **Aquifer** means water bearing geological formation that is capable of producing water to wells or springs in quantities that are economically useful.

6) **Attached**, when used in reference to a building, means a building otherwise complete in itself, which is dependent for structural support, or complete enclosure, upon a wall or walls shared in common with an adjacent building or buildings.

7) **Basement** means the portion of a building or structure which is wholly or partially below grade, having above grade no more than 1.83 m. (6.00 ft.) of its clean height which lies below the finished level of the floor directly above or being a minimum depth of 1.22 m. (4.00 ft.).

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

9) **Building** means any structure used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment.

10) **Bulk Fuel Storage Tank** means a tank used for the bulk storage of petroleum products or other flammable liquids legally stored within a structure or establishment that is incidental to the primary use of the site.

11) **Chief and Council** means the Council of Opaskwayak Cree Nation or any successor elected government of Opaskwayak Cree Nation.

12) **Conditional Use Order** means those uses of land, buildings or structures that may be permitted in a particular Zoning District but only at the discretion of the Land Authority.

13) **Conservation Areas** means land that is preserved and protected for its unique value to itself, the surrounding area and the community as a whole, which may include land left in a natural or semi-natural state for the purpose of conserving plant life and providing sanctuary, habitat and breeding grounds of wildlife.

14) **Construction or Constructed** means the physical location, erection, increase or decrease in size of any building or structure or ground including any excavation, building, drilling, digging, alteration, addition, extension, location, relocation, demolition, replacement and/or development.

15) **Conversion** means a change in use of land or a building or an act done in relation to land or a building that results, or is likely to result, in a change in the use of such land or building without involving major structural alterations.

16) **Cultivated Land** means land that is prepared and used for the growing of crops.

17) **Curb Cutting** means the cutting or lowering of a curb, sidewalk or boulevard, or any of them, to provide a driveway for vehicular and pedestrian access to a site.

18) **Development Review Officer** means person who has been appointed, contracted or hired by the Land Authority.

19) **Development Permit** means a permit issued by the appropriate authority and which authorizes that development proceeds, and may include a building permit.

20) **Dwelling Unit** means one or more self-contained rooms provided with sleeping and cooking facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for a household.

21) **Dwelling Unit Area** means the total floor area of the dwelling unit contained within the outside surface of the exterior walls and this calculation shall exclude basement or other areas that are below-grade.

22) **Elevation, Lot Grade** means either the elevation of the finished ground surface at any specific reference point, at any point on the slope between two (2) specific reference points on a lot, or a combination thereof.

23) **Environmental Impact Assessment** means a study prepared in accordance with established procedures to identify and assess the impacts of development on a specified feature or system.

24) **Family,** in respect of a person, means the person's parent, sister, brother, child, custom adopted child and spouse, or group of not more than six (6) persons who may not be related by blood or marriage occupying a dwelling unit and living together as a single housekeeping unit.

25) **Farm Buildings or Structures** means a building or part thereof that does not contain a dwelling unit and which is associated with and located on land devoted to the practice of farming.

26) **First Nation Land Registry** means the registry maintained by the Department of Indian Affairs and Northern Development under the *Framework Agreement on First Nation Land Management*.

27) **Flood Proofed** means the measures taken to ensure that a structure or building is safe from the effects of flooding and includes: no openings of any kind such as windows, doors and vents, or electrical meeting equipment etc. shall be permitted below the flood datums.

28) **Flood Risk Area** means that land adjacent to a watercourse that is divided into two (2) parts:

a) the floodway includes the area where the majority of floodway pass; and

b) the floodway fringe includes the area outside the floodway that may be subject to periodic flooding or inundation of flood waters.

29) **Floor Area Ratio** means the numerical value of the gross floor area of the building or structure located upon the building site, excluding:

a) basement areas used exclusively for storage or service building;

b) parking areas below grades; and

c) floor areas devoted exclusively to mechanical or electrical equipment servicing the development, divided by the area of the site.

30) ***Framework Agreement on First Nation Land Management*** means the agreement entered into between the Minister of Indian Affairs and Northern Development and fourteen First Nations, including the Opaskwayak Cree Nation, on the 12th day of February 1996, as amended from time to time.

31) **Frontage** means all that portion of a site fronting on a street and measured between side lot lines, See Figure 1. Frontage.

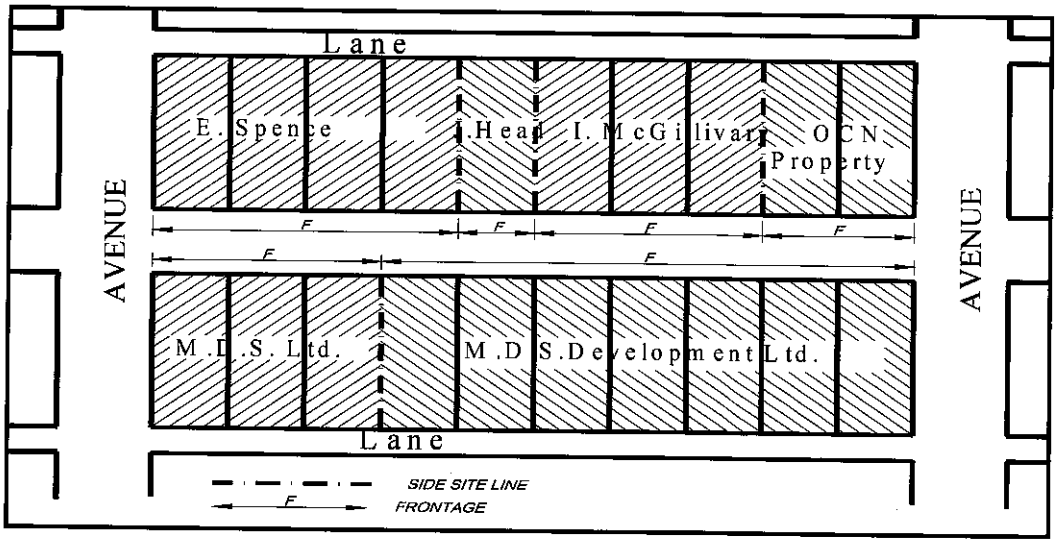


Figure 1. Frontage

32) **Garage** means an accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.

33) **Grade, Building Lot** means the lot grade elevation of the finished ground surface immediately adjacent to the foundation of a building.

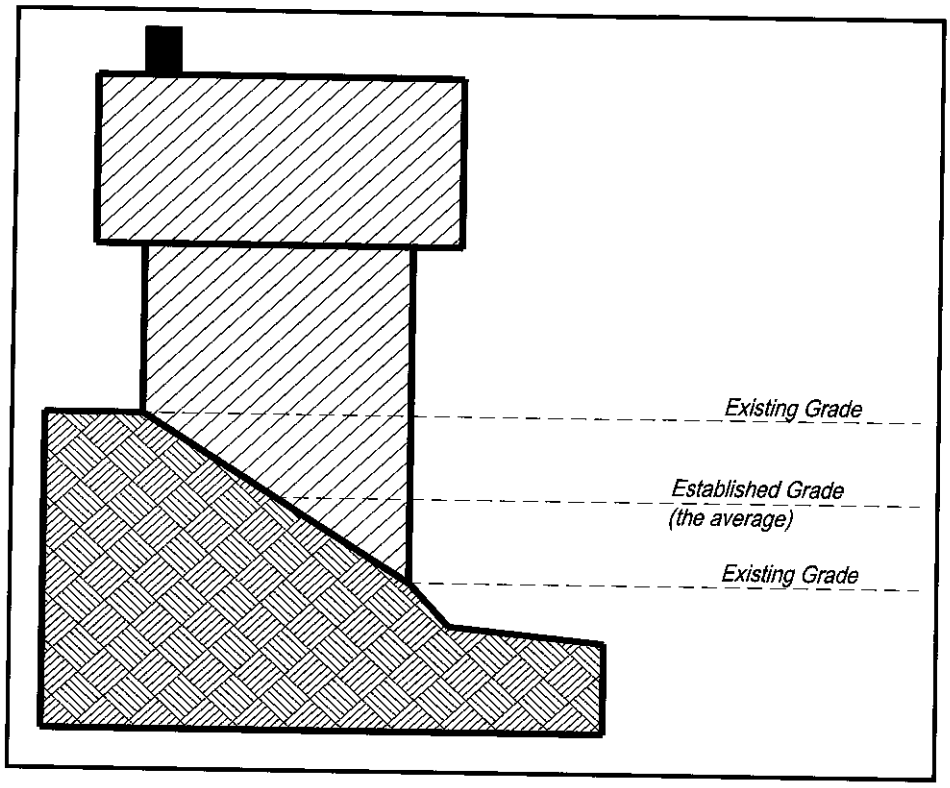


Figure 2. Established Grade of a Building

34) **Groundwater** means water below the surface of the ground.

35) **Habitable Room** means any room in a dwelling unit other than a Non-Habitable Room.

36) **Height** means, when used with reference to a building or structure, the vertical distance between the horizontal plane through grade and a horizontal plane through:

a) the highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than 20.00 degrees; and

b) the average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slope of more than 20.00 degrees; provided that in such cases the ridge line of the roof shall not extend more than 1.52 m. (5.00 ft.) above the maximum permitted building height of the Zoning District., see Figure 3, Height of Buildings.

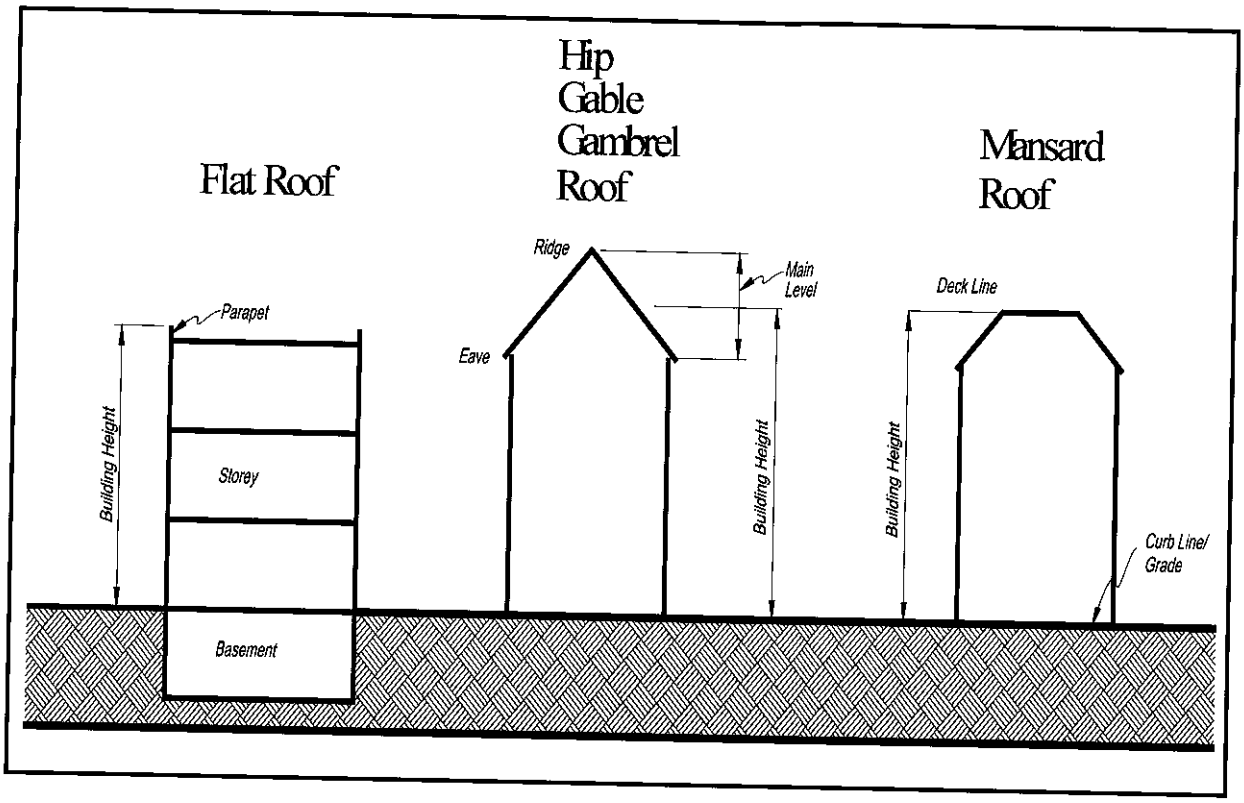


Figure 3. Height of Buildings

37) **Household** means one interest holder or two or more interest holders voluntarily associated, plus any dependents, living together as an independent single housekeeping unit.

38) **Institution** means a building or part of a building used for a non-commercial purpose by an organized body or society for promoting a particular object or cause, such as Care Homes, Child Caring Agencies and Youth Centres, but does not include Private Clubs.

39) **Individual Transfer Agreement (ITA)** means the Transfer Agreement between the Opaskwayak Cree Nation and Her Majesty the Queen in Right of Canada in accordance with Section 6.1 of the *Framework Agreement on First Nation Land Management*, dated the 12th day of February, 1996.

40) **Interest**, in relation to Opaskwayak Cree Nation land, means any interest, rights or estate of any nature in or to that land, including a lease, easement, right of way, servitude, or profit à prendre, but does not include title to that land in accordance with Section 1 of the *Framework Agreement*, dated 12 February 1996.

41) **Land Authority** means a body with the responsibility for Opaskwayak Cree Nation Land Management as per *Land Law for Establishing a Land Authority* 2003/002 or amendments thereof.

42) **Land Department** means the technical staff responsible for Opaskwayak Cree Nation land administration.

43) **Land Law** means a Law enacted pursuant to the *OCN Land Code*.

44) **Landscaping** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property or to provide a screen between properties in order to mitigate objectionable features between them.

45) **License**, in relation to First Nation Land, means any right of use or occupation of first nation land, other than an interest in that land in accordance with Section 1 of the *Framework Agreement on First Nation Land Management*, dated the12th day of February, 1996.

46) **Loading Space** means an off-street space or berth on the same lot with a building, or contiguous with a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandize or materials, and which abuts upon a street, lane or other appropriate means of access.

47) **Lot, Corner** means a lot located at the intersection of two public roadways, the interior angle of such intersection not exceeding 135.00 degrees.

48) **Lot, Interior** means any site other than a corner lot or through lot.

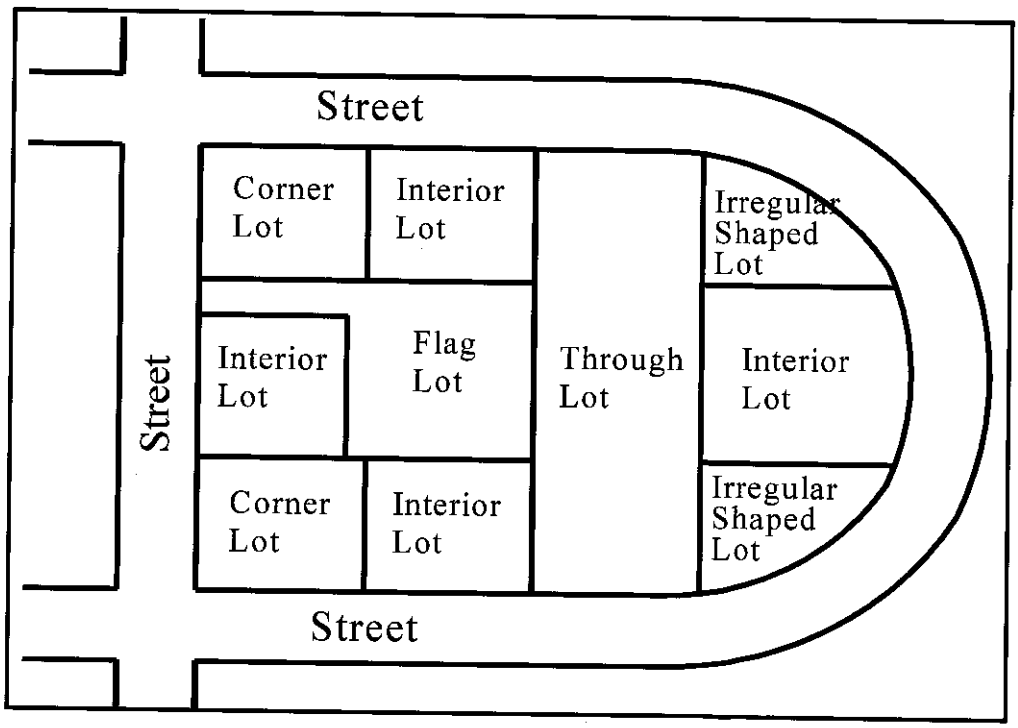


Figure 4. Lot Types

49) **Lot, Reverse Corner** means a corner lot, the flanking street site line of which is a continuation of the front site line of the first site to its rear.

50) **Lot, Through** means a lot having a pair of opposite lot lines along two (2) streets. On a through lot, both street lines shall be deemed front lot lines.

51) **Lot Line, Front** means the property line a lot abutting public roadway other than a lane. In the case of a corner lot, the front lot line is the shorter of the property lines abutting a public roadway.

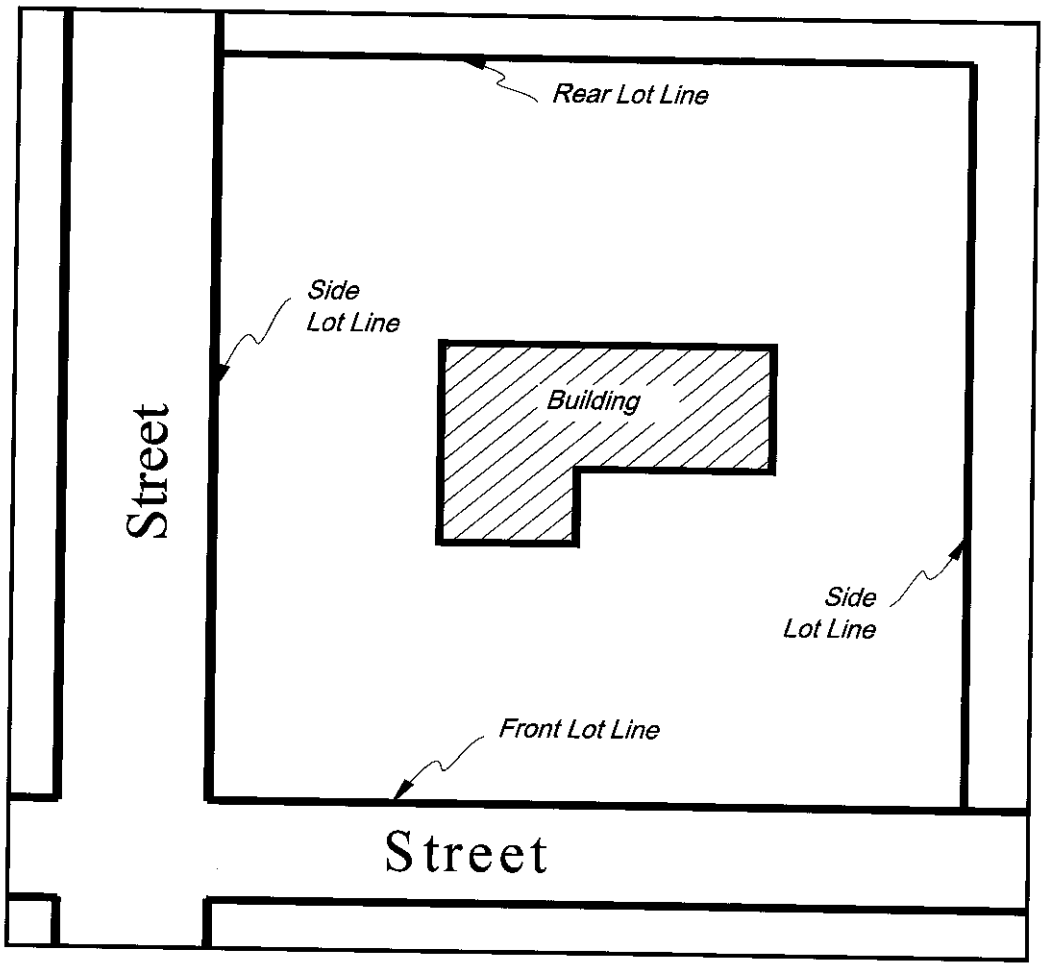


Figure 5. Lot Lines

52) **Lot Line, Rear** means either the property line of a lot which is furthest from and opposite the front lot line, or, where there is no such property line, the point of intersection of any side lot lines which is furthest from and opposite the front lot line.

53) **Lot Line, Side** means the property line of a lot other than a front lot line or rear lot line.

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

55) **Member** means a person whose name appears on the Opaskwayak Cree Nation membership list or is entitled to appear on the Opaskwayak Cree Nation membership roll.

56) **Mobile Home Park** means a parcel or land upon which mobile home spaces are provided for rent or lease and have been approved by the appropriate authority prior to the enactment of this Regulation.

57) **Mobile Home Site** means a site in a mobile home subdivision for the placement of a mobile home.

58) **Mobile Home Subdivision** means a parcel of land subdivided into mobile home sites for the placement of mobile homes.

59) **Modular Home Dwelling** means a building assembly or system of building sub-assemblies manufactured in its entirety, or in substantial part, off-site and transported to the point of use for installation on-site, with or without other specified components, as a finished building or as part of a finished building in accordance with CSA building regulations.

60) **Non-Habitable Room** means a space in a dwelling providing a service function and not intended primarily for human occupancy, including bathrooms, entryways, corridors, or storage areas.

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

62) **OCN** means the collective body of first nation members governed by a Chief and Council exercising collective and individual rights as Opaskwayak Cree Nation.

63) ***OCN Land Code*** means the *Opaskwayak Cree Nation Land Code* enacted by the eligible registered voting members of Opaskwayak Cree Nation and become effective August 1, 2002.

64) **OCN Lands** means all the lands referred to in the *OCN Land Code*, including all the interests, rights and resources that belong to those reserve lands.

65) **OCN Land Registry** means the registry system in which OCN Land Laws, Regulations, policies, Interest and Licenses, relating to land management are maintained for recording of Interest on OCN Lands.

66) **Offensive or objectionable** means, when used with reference to signage, lighting or a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise; vibration; smoke; dust or other particular matter; odour; toxic or non-toxic matter; radiation hazards; fire or explosive hazards; heat; glare; unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which in the opinion of the Land Authority or delegate may be or become hazardous or injurious as regards health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land, building or structure.

67) **Outdoor Storage** means the storage of merchandise, goods, inventory, materials or equipment or other items that are not intended for immediate sale, by locating them outside.

68) **Party Wall** means a wall forming part of a building and used for separation of adjoining buildings occupied, constructed or adapted to be occupied by different persons or businesses.

69) **Person** means any person, including an OCN member, who has any interest or license in OCN Land.

70) **Pollution** means the presence of foreign substances that adversely affect the natural constituents of the air, water or soil.

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

72) **Separation Distance** means a distance to be maintained between two (2) uses, measured from the nearest points of any structure or areas upon which the uses are located.

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

74) **Setback** means the distance that a development or a specified portion of it must be set back from a property line.

75) **Site** means an area of land consisting of one or more abutting lots.

76) **Site Coverage** means the combined area of all buildings or structures on the site as a percentage of the site area, measured at the level of the lowest storey above the grade, including all enclosed and insulated decks, sunrooms, porches and verandas, but excluding seasonal non-insulated structures, open or covered, such as decks, screened porches or verandas, patios at grade, steps, uncovered walks, wheelchair ramps, cornices, eaves and similar projections.

77) **Site Depth** means the average horizontal distance between the front and rear lot lines of the site, see Figure 6. Site Depth.

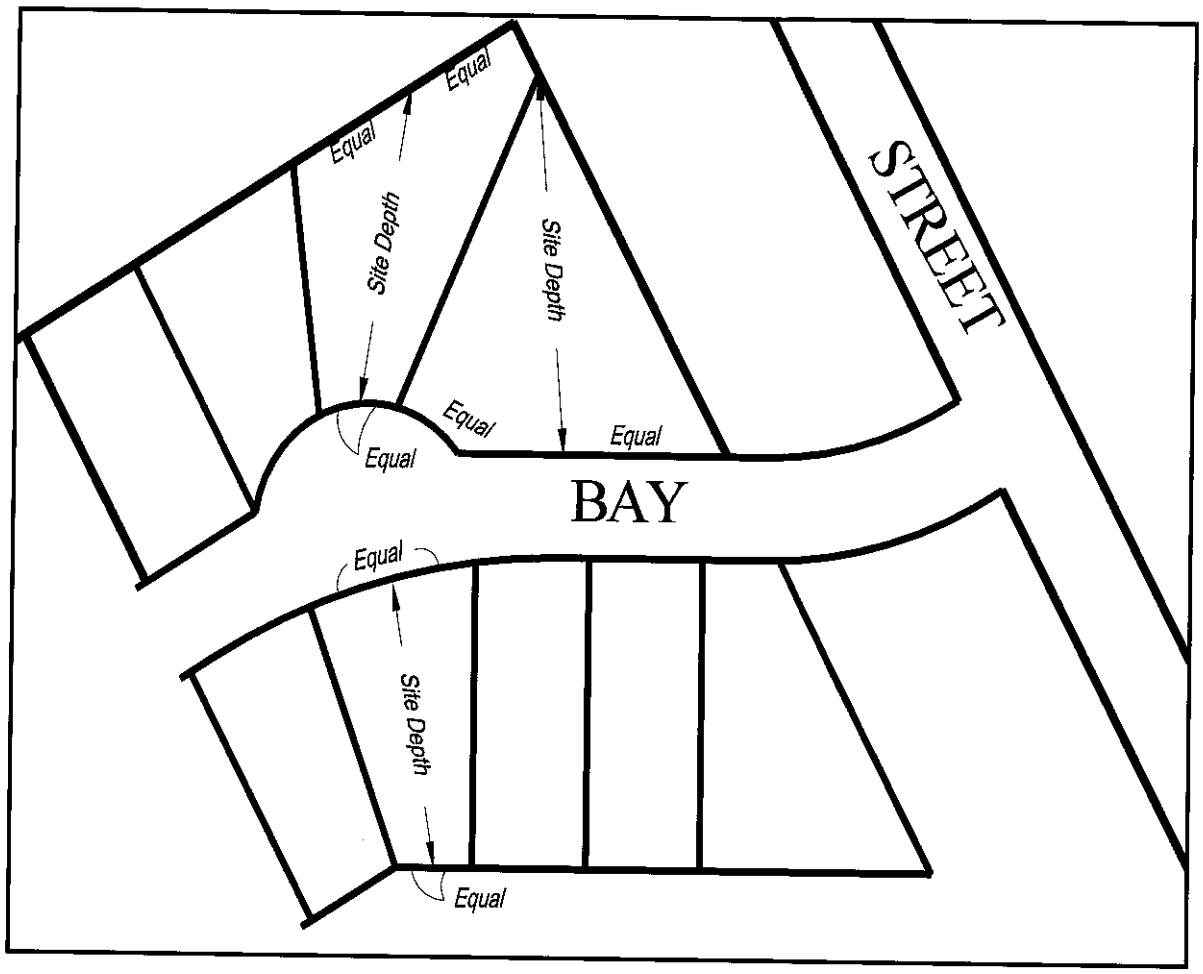


Figure 6. Site Depth

78) **Site Plan** means a map or series of maps drawn to scale showing some or all of the following information any:

a) proposed and existing buildings, structures, alterations and additions;

b) roads, walkways, parking areas, loading spaces;

c) landscaping, vegetation, buffer strips;

d) elevations, areas to be raised by fill, grade level;

e) physical features of the site; and

f) other relevant information as may be required by the Land Manager or delegate for any proposed development.

79) **Site Width** means the horizontal distance between the side lot lines of a lot, measured at right angles to the site depth at a point midway between the front and rear lot lines, or at 15.24 m. (50.00 ft.) from the front lot line, and the lesser of these distances is the site width, see Figure 7, Site Width.

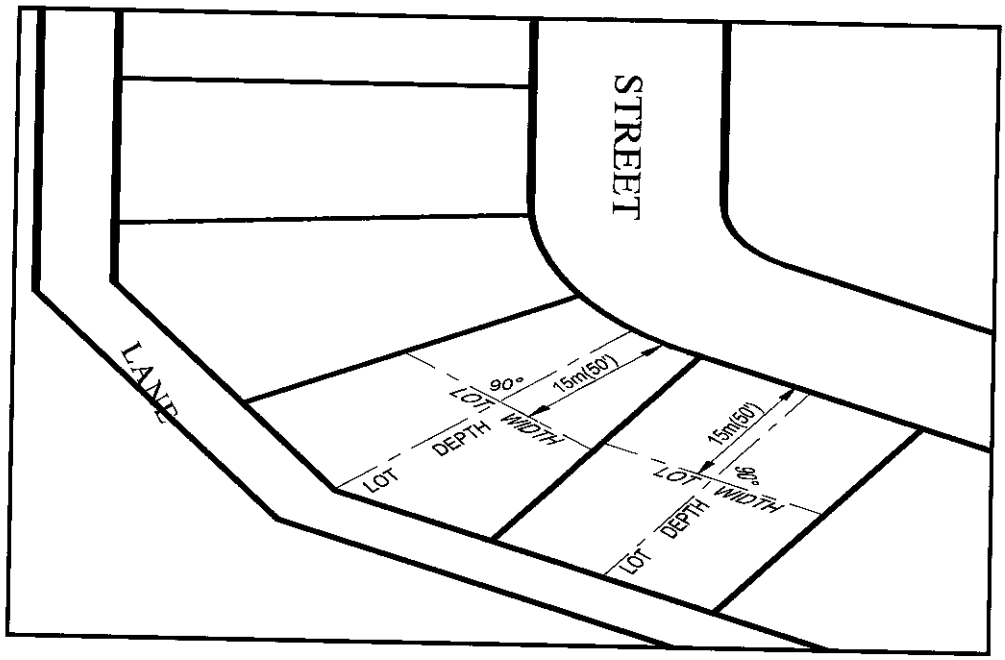


Figure 7. Site Width

80) **Sleeping Unit** means a habitable room, or a group of two (2) or more Habitable Rooms, not equipped with self-contained cooking facilities.

81) **Storey** means that portion of a building that:

a) is situated between the top of any floor and the top of the floor next above it;

b) if there is no floor above, the storey is the portion of the building that is situated between the top of any floor and the ceiling above it; and

c) if the top of the floor directly above a basement is more than 1.83 m. (6.00 ft.) above grade, such basement shall be considered a storey for the purpose of this Regulation.

82) **Storey, Half** means a storey under a gable, hip, or gambrel roof, the wall plates of which, on at least two (2) opposite walls, are not more than 0.66 m. (2.17 ft.) above the floor of such storey.

83) **Street** means a public roadway having a right-of-way at least 10.06 m. (33.00 ft.) in width that affords the principal means of access to abutting land.

84) **Structure** means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure.

85) **Temporary Buildings and Uses** means an incidental use, building or structure for which authorization has been issued for a limited time only.

86) **Traditional Lands or Site** means lands within the community that have been identified by community elders or other community members as having significant historic, cultural or social importance such as burial grounds or meeting place, etc.

87) **Use** means the purpose or activity for which a piece of land or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.

88) **Variation Order** means the altering of any of the regulations found in this Regulation.

89) **Watercourse** means a natural or made channel through which water flows, including but not limited to a lake, river, creek, spring, swamp, wetland and marsh, including ice on any of them, but not including a dugout on the property of an agricultural operation.

90) **Yard** means required open space that is unoccupied by any building or structure and unobstructed from its lowest level to the sky, unless otherwise permitted in this Zoning Regulation, see Figure 8, Yard.

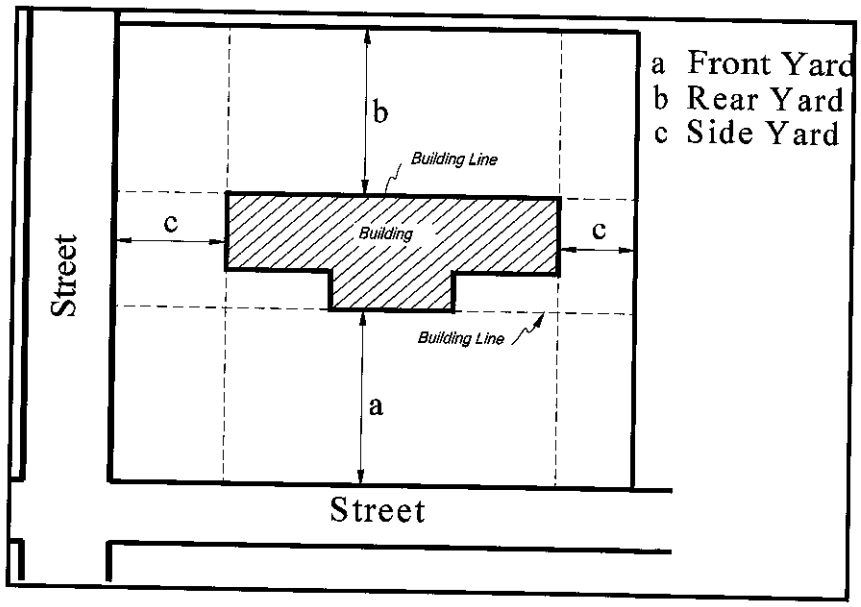


Figure 8. Yards

91) **Yard, Front** means a yard extending all the full length of the front site line between the side site lines. All front yard regulations found in this Zoning Regulation shall be measured from the front property line, see Figure 8, Yard.

92) **Yard, Rear** means a yard extending along the full length of the rear site line from the front yard to the rear yard, see Figure 8, Yard.

93) **Yard, Side** means a yard extending along the side site line from the front yard to the rear yard, see Figure 8, Yard.

94) **Zoning District** means a District that regulates the use and development of land as depicted on the Zoning District Map.

95) **Zoning District Map** means those maps attached as Part VIII, an appendix to this Regulation.

6.2 Sign Definitions

6.2.1 Terms and works used in this Regulation regarding the standards of signs, unless the context otherwise requires, are defined as follows:

1) **Abandoned Sign** means any sign that no longer correctly identifies a business or the products and services offered on the premises where the sign is located, or any sign that is not in a readable state.

2) **Animated Sign** means any sign or portion of a sign having moving parts or electronically controlled colour changes which depict action or give motion to the sign.

3) **Awning Sign** means a non-illuminated sign painted or stencilled on the fabric surface of a shelter supported entirely from the exterior wall of a building and designed to be collapsible, retractable or capable of being folded against the wall or supporting building.

4) **Business Identification Sign** means a sign identifying the name, dealer, franchise, association, primary function, product or service of the commercial activity conducted on the premises, and may include local advertising and changeable copy.

5) **Canopy Sign** means a sign attached to, or forming part of, a permanent building projecting or fixed structural framework which extends outward from the exterior wall of a building and which may be roofed over or covered to provide protection over the entrance to a building.

6) **Copy** means the letters, graphics or characters that make up the message on sign face.

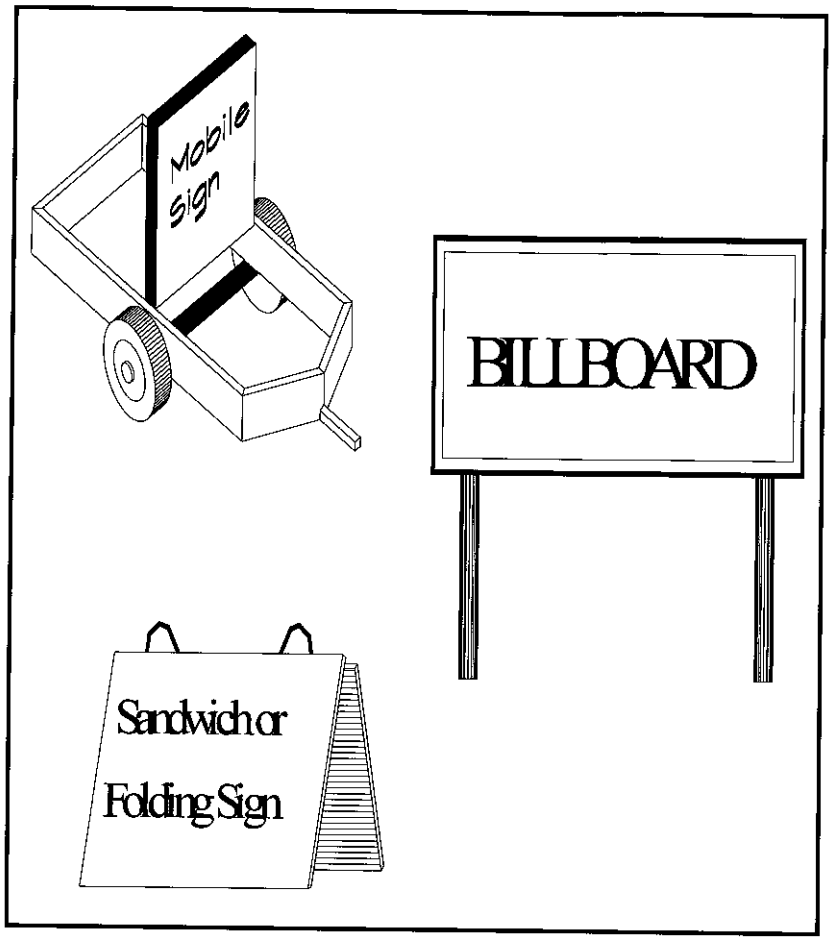


Figure 9. Types of Signs (Mobile, Sandwich, Billboard)

7) **Copy Area** means the total area within one or more rectangles that enclose the entire limits of the copy.

8) **Directional Sign** means an on-premise sign providing direction to pedestrian or vehicular traffic without advertising copy, except a business logogram. Directional signs include such signs as exit and parking signs.

9) **Electric Sign** means any sign containing electrical wiring or lights built into the sign face that are intended for connection to an electrical energy source.

10) **Fascia Sign** means any sign painted on or attached to an exterior building wall so that the sign does not extend more than 40.00 cm. (15.75 in.) out from the wall nor beyond the horizontal limits of the wall, see Figure 10, Types of Signs (Fascia, Ground, Projecting, Roof).

11) **General Advertising Sign** means a sign that directs attention to a business, activity, product, service or entertainment that cannot be considered as the principal products sold nor a principal business, activity, entertainment, or service provided on the premises where the sign is displayed, and general advertising has a similar meaning.

12) **Ground Sign** means any sign supported independently of a building and permanently fixed to the ground, see Figure 10, Types of Signs (Fascia, Ground, Projecting, Roof).

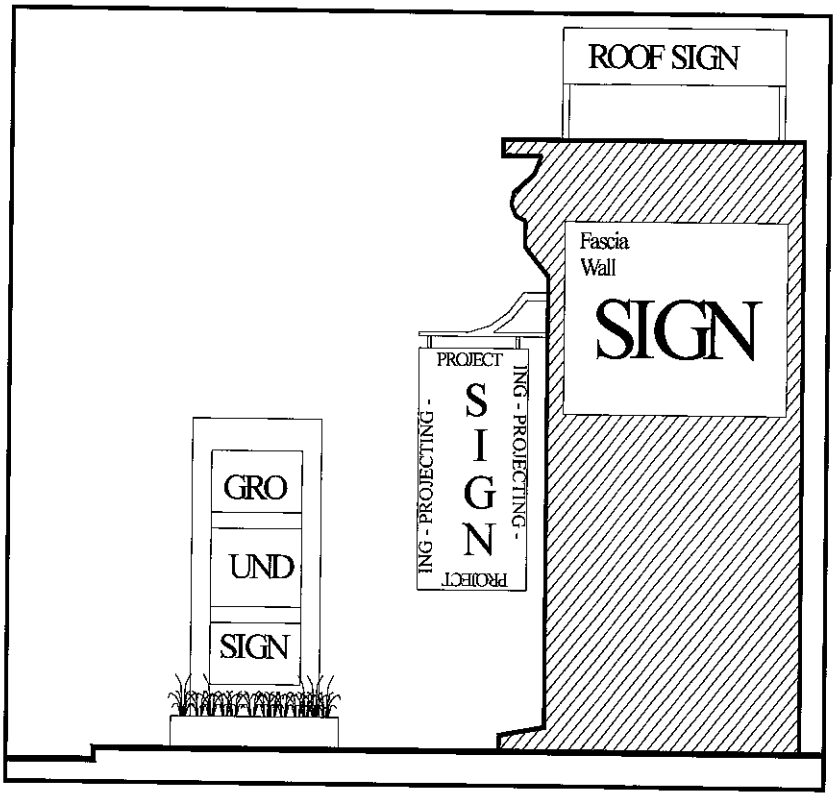


Figure 10. Types of Signs (Fascia, Ground, Projecting, Roof)

13) **Height (sign)** means the vertical distance measured from the finished ground surface directly under the sign to the highest point of the sign.

14) **Identification Sign** means a sign that contains only the name and address of a building, institution or person and the activity carried on in the building or institution, but does not include any other advertising copy.

15) **Illuminated Sign** means any sign having only steady illumination of the same intensity by artificial means, either from lighting directed on the sign face or from a light source located within the sign which is transmitted through a transparent or translucent sign face.

16) **Mural Sign** means a non-illuminated sign painted on the exterior wall of a building that enhances the visual appearance of the building and does not include business identification or general advertising.

17) **Official Sign** means a sign required by, or erected pursuant to, the provisions of federal, provincial or first nation legislation such as traffic control signs.

18) **Portable Sign** means a sign greater than 0.50 sq. m. (5.38 sq. ft.) in area mounted on a trailer, stand or other support structure which is designed in such a manner than the sign can readily be relocated to provide advertising at another location or readily taken on and off a site, and may include copy that can be changed manually through the use of attachable characters, message panels or other means.

19) **Projecting Sign** means any sign, except a canopy sign, which is supported by an exterior building wall and projects outward from the building wall by more than 40.00 cm. (15.75 in.), see Figure 10, Types of Signs (Fascia, Ground, Projecting, Roof).

20) **Roof Sign** means any sign erected upon, against, or above a roof, or on top of or above, the parapet of a building, see Figure 10, Types of Signs (Fascia, Ground, Projecting, Roof).

21) **Sign** means any visual medium, including its structure and other component parts, illuminated or not illuminated, which is used or capable of being used, on a permanent or temporary basis:

a) to identify or convey information;

b) to advertise or attract attention to a product, service, place, activity, person, institution or business; and

c) without limiting the generality of the foregoing, signs shall include banners, placards, and painted messages.

22) **Sign Alteration** means any modification of a sign or supporting structure, excluding the routine maintenance or repainting of a sign or changing the copy on signs specifically designed for this purpose.

23) **Sign Area** means the entire area of the sign on which copy is intended to be placed. In the case of double-faced or multi-faced sign, only half of the area of each face of the sign used to display advertising copy shall be used in calculating the total sign area.

24) **Sign Structure** means any structure that supports a sign, including materials used to conceal or improve the visual appearance of the structural parts.

25) **Temporary Sign** means a sign that is not permanently anchored to a footing extending below grade or permanently affixed to, or painted on, a building and on which the copy has been painted or affixed in a permanent manner, that:

a) the copy on the sign shall relate to an activity, use or event of limited time duration not exceeding six (6) months;

b) temporary signs include such signs as:

i) political campaign signs;

ii) real estate signs;

iii) construction identification signs;

iv) signs identifying seasonal businesses;

v) signs advertising specific community events; and

vi) signs providing temporary identification for developments awaiting installation of a permanent sign; and

c) for the purpose of this Regulation, temporary signs shall include sandwich and folding signs but not portable signs.

26) **Warning Sign** means an on-premise sign providing a warning to the public, including such signs as No Trespassing or Private Driveway signs.

7.0 TYPE OF USE CLASS DEFINITIONS

7.0.1 The Use Classes group individual land uses into a specified number of classes, with common functional or physical impact characteristics.

7.0.2 The Use Classes of this Section are used to define the range of uses that are permitted or conditional within the various Zoning Districts of this Zoning Regulation.

7.0.3 The typical uses that may be listed in the definitions are not intended to be exclusive or restrictive. Reference should be made to the definition of the Use Class in determining whether or not a use is included within a particular Use Class.

7.0.4 Where a specific use does not conform to the wording of any Use Class definition or generally conforms to the wording of two or more Use Class definitions, the Land Manager may deem that:

a) the use conforms to and is included in that Use Class which would be considers to be the most appropriate in character and purpose; and

b) in such a case, this use shall be considered a Conditional Use, whether or not the Use Class is listed as a Permitted or Conditional Use within the applicable Zoning District.

7.1 Residential Use Classes

7.1.1 The following are the various types of residential uses:

1) **Cottage Dwelling** means a permanent dwelling unit used as a seasonal residence.

2) **Mobile Home Dwelling** means a dwelling unit designed for transportation after fabrication:

a) whether on its own wheels or on a flatbed or other trailer;

b) which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, being on the site on wheels, jacks or similar supports, or on a permanent foundation;

c) having been built in accordance with CSA building regulations *and OCN By-law No. 18.* (Controls the Construction and Repair of Buildings); and

d) for the purpose of this Regulation, the removal of the wheels or permanent or semi-permanent attachment of a foundation to a mobile home shall not change the classification.

3) **Multiple Family Dwelling** means a building containing three (3) or more dwelling units served by common corridors and entrance. Each dwelling unit shall be designed for and used by one family.

4) **Semi-Detached Dwelling** means the whole of a building divided vertically into two (2) separate dwelling units, each of which has an independent entrance.

5) **Single Family Dwelling** means a development consisting of a building containing only one dwelling, which is separate from any other dwelling or building. This Use Class includes a manufactured home dwelling, modular home dwelling and Ready to Move (RTM) home dwelling, but not a mobile home dwelling.

6) **Townhouse Dwelling** means a dwelling unit divided vertically into three (3) or more attached dwelling units by fire separations, each of which has an independent entrance.

7) **Two Family Dwelling** means an attached or semi-detached building designed for and used by not more than two (2) families, each having exclusive occupancy of a dwelling unit.

7.2 Residential-Commercial Related Use Classes

7.2.1 The following are various types of residential-commercial related uses:

1) **Bed and Breakfast Home** means a principal dwelling where sleeping accommodation with or without light meals is provided to members of the travelling public for remuneration.

2) **Group Home** means a residential dwelling in which three (3) to ten (10) unrelated persons, exclusive of supervisory staff, live as a residential unit under the responsible supervision consistent with the particular requirements of its residents.

3) **Home Industry** means an industry carried out in a building accessory to a dwelling as a secondary use generally in keeping with the trade or calling of the occupant.

4) **Home Occupation** means an occupation, trade, profession or craft carried on, in or from a dwelling unit or its accessory building for consideration and which is clearly incidental or accessory to the residential use of the dwelling unit. This use class includes a Child Care Service that cares for up to six (6) children.

5) **Institutional Residence** means a premise that is intended for the training, treatment, rehabilitation, housing, care and/or supervision of seniors. This Use Class includes:

   a) nursing homes;

   b) personal care homes;

   c) residential care homes;

   d) attached housing; and

   e) rehabilitation homes.

6) **Lodge** means development used for the accommodation of the public and may include:

   a) self-contained cabins;

   b) cottages; or

   c) housekeeping units.

7.3 Commercial Use Classes

7.3.1 The following are various types of commercial uses:

1) **Agri-Business/Agricultural Implement Sales and Services** means a commercial establishment that provides goods or services to the agricultural sector. Typical uses include farm equipment and machinery repair shops, supply operations, livestock auction marts and commercial seed cleaning plants.

2) **Amusement Establishment** means a facility within any building, room or area having table games or electronic games played by patrons for entertainment. This Use Class includes arcades but does not include Carnivals or Indoor Participant Recreation Services.

3) **Animal Shelter and Veterinary Service** means a development used for the care and treatment of animals where the veterinary services primarily involve outpatient care and minor medical procedures. This Use Class includes pet clinics and veterinary offices.

4) **Automotive and Equipment Repair Shop** means a development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This Use Class includes transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops. This Use Class does not include body repair and paint shops.

5) **Automotive and Recreational Vehicle Sales** means the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, utility trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and sale of parts. This Use Class includes automobile dealership, car rental agencies and motorcycle dealerships.

6) **Business Support Service** means a development used to provide support services to businesses which are characterized by one or more of the following features: the use of minor mechanical equipment for printing, duplicating, binding or photographic processing, the provision of office maintenance or custodial services, the provision of office security, and the sale, rental, repair or servicing of office equipment, furniture and machines. Typical uses include printing establishments, film processing establishments, janitorial firms and office equipment sales and repair establishments.

7) **Commercial Resort** means a commercial recreation establishment which may consist of one or more buildings containing single or multiple-family dwelling units, recreational facilities and service facilities which are used on an intermittent and seasonal basis. Other facilities which may be a part of the resort development includes: a camping and tenting establishment, a marina golf course and other outdoor recreation game courts, areas and trails.

8) **Commercial School** means a development used for training and instruction in a specific trade, skill, service for financial gain of the individual/company owning the school. Typical uses include secretarial, business, hairdressing, beauty, dancing and/or music.

9) **Convenience Retail Store** means a development used for the retail sale of those goods required by area residents or employees on a day-to-day basis, from business premises. Typical uses include small food stores, drug stores, and variety stores, selling confectionaries, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matters.

10) **Convenience Vehicle Rentals** means a development used for the rental of new or used automobiles, light trucks and utility trailers. This Use Class includes those establishments that are not strictly office in nature, but include, as an integral part of the operation, minor vehicle servicing, storing, fuelling or car washing facilities.

11) **Custom Manufacturing Establishment** means a development used for small-scale on-site production of goods, example Eric's Wood Works.

12) **Drive-In Food Service** means a development used for eating and drinking which offer a limited menu produced in a manner that allows rapid customer service and include one or more of the following features: car attendant services; drive-through food pickup services; or parking primarily intended for the on-site consumption of food within a motor vehicle, such as Tim Horton's.

13) **Eating and Drinking Establishment** means the sale to the public of prepared foods, for consumption within the premises or off the site. This includes licensed drinking establishments, restaurants, cafes, delicatessens, tearooms, banquet caterings, lunchrooms, and take-out restaurants. This Use Class does not include Drive-In Food Services, Mobile Catering Food Services, refreshment stands or take-out windows.

14) **Equipment Rentals and Sales** means a development used for the rental of tools, appliances, recreation crafts, office machines, furniture, light construction equipment, or similar items.

15) **Fleet Service** means a development using a fleet of vehicles for the delivery of people, goods or services, where such vehicles are not available for sale or long-term lease. This Use Class includes ambulance services, taxi services, bus lines, messenger and courier services, example Medical Van or Blizzard Bus.

16) **Funeral Service** means a development used for the preparation of the dead for burial or cremation, and the holding of funeral services. This Use Class includes funeral homes, undertaking establishments and includes cremation and interment services.

17) **Gas Bar** means a development used for the retail sale of gasoline, other petroleum products, and incidental auto accessories. This Use Class does not include Service Stations.

18) **General Contractor Service** means a development used for the provision of building construction, landscaping (such as Ron's Landscaping), electrical, heating, plumbing, or similar services of a construction nature which require:

a) on-site storage space for materials;

b) construction equipment or vehicles normally associated with the contractor service, and

c) any sales, display, office or technical support service areas, shall be accessory to the principal Contractor Services Use, only.

19) **General Retail Store** means a development used for the retail sale of groceries, beverages, household goods, furniture and appliances, hardware, printed matter, confectionary, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, stationary and similar goods from within an enclosed building. Minor public services, such as postal services and film processing depots are permitted within general retail stores. This Use Class includes Convenience Retail Stores but does not include developments used for the sale of gasoline, heavy agricultural or industrial equipment.

20) **General Storage** means a development used exclusively for temporary indoor or outdoor storage of goods, materials and merchandise, such as RV's, wheels, boats, campers, example would be G & L Storage. This Use Class does not include vehicle storage compounds, automobile wrecking yards, salvage yards, scrap metal yards, or the storage of hazardous goods or waste.

21) **Greenhouse** means a development used primarily for the raising, storage and sale of bedding, household and ornamental plants.

22) **Health Service** means a development used for the provision of physical and mental health services on an outpatient basis. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative or counselling nature. Typical uses include medical and dental offices, health clinics and counselling services, example would be the new medical building and the Kewachetonanow Centre.

23) **Hotel** means a development used for the provision of rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor and are not equipped with individual kitchen facilities. Hotels may include accessory Eating and Drinking Establishments, meeting rooms, and Personal Services Shops.

24) **Household Repair Service** means a development used for the provision of repair services to goods, equipment and appliances normally found within the home. This Use Class includes radio, television and appliance repair shops, furniture refinishing and upholstery shops.

25) **Limited Contractor Service** means a development used for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households and the accessory sale of goods normally associated with the contractor services where all materials are kept within an enclosed building, there are no accessory manufacturing activities, and no more than two (2) service vehicles.

26) **Mobile Catering Food Service** means a development using a fleet of vehicles for the delivery and sale of food to the public that complies with all applicable health regulations and standards.

27) **Motel** means a development used for the provision of rooms or suites for temporary lodging or light housekeeping, where each room or suite has its own exterior access. Motels may include accessory Eating, and Drinking Establishments and Personal Service Shops.

28) **Non-Accessory Parking** means a development providing vehicular parking that is not primarily intended for the use of residents, employees or clients of a particular development. Typical uses include surface parking lots.

29) **Outdoor Amusement Establishment** means a permanent development providing facilities for entertainment and amusement activities that primarily take place outdoors where patrons are primarily participants. Typical uses include amusement parks, go-cart tracks, paint ball obstacle courses, sliding areas, water slides and miniature golf establishments.

30) **Outfitter** means any land or premises equipped with cabins or cottages as seasonal dwellings used or maintained for accommodation of the public for outdoor recreational purposes relating to:

a) hunting;

b) fishing;

c) trapping; and

d) other similar pursuits.

31) **Pawn Shop** means a place where money is loaned on security of personal property left in pawn and pledged as collateral for the loan and where such property may be redeemed by the seller in a fixed period of time or sold to the general public.

32) **Personal Service Shop** means a development used for the provision of personal services to an individual that are related to the care and appearance of the body, or the cleaning and repair of personal effects. This Use Class includes barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, and dry cleaning establishments and laundromats.

33) **Professional Office** means a development primarily used for the provision of professional, management, administrative, consulting, and financial services. Typical uses include the offices of lawyers, accountants, engineers, and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial uses.

34) **Rapid Drive-Through Vehicle Service** means a development providing rapid cleaning, lubrication, and maintenance or repair services to motor vehicles, where the customer typically remains in the vehicle or waits on the premises. Typical uses include automatic or coin operated car washes, rapid lubrication shops, or speciality repair establishments.

35) **Recycling Depot** means a development used for the buying and/or temporary storage of bottles, cans, newspapers and similar household goods for reuse where all storage is contained within an enclosed building. This does not include auto wreckers.

36) **Service Station** means the servicing, washing and repairing of vehicles; and the sale of gasoline, other petroleum products and a limited range of vehicle parts and accessories. Service stations may include eat and drinking establishments. Typical uses include truck stops and highway service stations.

37) **Spectator Entertainment Establishment** means a development providing facilities within an enclosed building specifically intended for live theatrical, musical or dance performances; or the showing of motion pictures. Typical uses include auditorias, cinemas, and theatres.

38) **Tattoo Parlour** means a development used for an establishment which specialized in placing decorative designs or marks upon or under the skin of any person by means of needles or other instruments.

39) **Truck and Mobile Home Sales and/or Rentals** means a development used for the sale or rental of new or used trucks, motor homes, mobile homes, and automobiles, together with incidental maintenance services and the sale of parts and accessories. Typical uses include truck dealerships, recreation vehicle sales and mobile home dealerships.

40) **Tourist Campsite** means a development of land which has been planned and improved for the seasonal short term use of motor homes, tents, campers and similar recreational vehicles and is not used as year round storage, or accommodation for residential use. Typical uses include recreational vehicle parks, campsites and tenting grounds.

41) **Warehouse Sales** means a development used for the wholesale or retail sale of bulky goods where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. This Use Class includes developments where principal goods being sold are such bulky items as furniture, carpet, major appliances and building materials.

7.4 Industrial Use Classes

7.4.1 The following various types of industrial uses:

1) **Agricultural Crop Protection Warehouse** means a facility used to store, blend and/or distribute chemicals used for crop protection and production. Products can include herbicides, insecticides, fungicides, rodenticide, and fertilizers. This Use Class does not include anhydrous ammonia facilities.

2) **Agriculture Support Industry** means an industry, commercial service or retail business in which the major product or service being bought, sold or processed is intended mainly for, from or by farmers. Typical uses include aerial spraying companies, grain storage including grain elevators, feed mills and seed plants. This Use Class does not include bulk fertilizer or anhydrous ammonia facilities, example the proposed Fertilizer Storage.

3) **Bulk Storage Facility** means a place for the outdoor storage or tank storage of large quantities of raw materials or industrial related goods such as liquids, gases, minerals, pipes, gravel storage areas, fertilizers, and grain. This Use Class does not include anhydrous ammonia facilities, example proposed Wood Pellet Plan and Bulk Fuel.

4) **General Industrial** means development used principally for one or more of the following activities:

a) the assembling of semi-finished or finished goods, products or equipment;

b) the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses; or

c) cleaning, servicing and repair operations to goods and equipment associated with personal or household use;

where such operations have impacts that would make them incompatible with adjacent land uses; the storage or shipping of materials, goods and equipment; and the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses.

5) **General Contractor Service** means a development used of concrete, excavation, drilling, paving, road construction, sewer or similar services of a construction nature.

6) **Industrial Vehicle and Equipment Sales and/or Rentals** means a development used for the sale or rental of heavy vehicles, machinery or mechanical equipment typically used in building, roadway, manufacturing, assembly and processing operations and agricultural production.

7) **Light Industrial** means processing and manufacturing uses, provided that they do not create:

   a) unusual fire, explosion or safety hazards;

   b) noise in excess of average intensity of street and traffic noise in the area in question; and/or

   c) they do not emit smoke, dust, dirt, toxic or offensive odours or gas and there is no production of heat or glare perceptible from any residential adjacent property.

   typical uses include automotive body repair and paint shops, commercial manufacturing and research facilities, such as the truck shop area along PTH #10 North.

8) **Portable Asphalt Plant** means a facility with equipment designed to heat, dry and mix aggregate with asphalt to produce asphalt paving material and includes stockpiling and storage of bulk materials used in the process.

9) **Processing Use** means a development used for the extraction, treatment, preparation, packaging, transportation, handling and storage of raw materials and other minerals.

10) **Storage Compound** means a development used exclusively for temporary outdoor storage of goods and materials:

   a) where such storage of goods and materials does not involve the erection of permanent structures;

   b) the material alteration of the existing state of the land;

typical uses include vehicle storage compounds, automobile wrecking yards and salvage yards, such as Public Works Yard and the Landfarm.

11) **Sawmills** means:

a) the sawing of logs into lumber and similar products,;

b) the preserving of these products; making products that improve the natural characteristics of wood, by making veneers, plywood, reconstituted wood panel products or engineered wood assemblies; or

c) making a diverse range of wood products such as millwork.

12) **Transport Terminal** means premises where commercial passenger vehicles pick up and discharge fare-paying passengers or any premises where commercial vehicles are kept for rental or lease, or stored or parked.

13) **Wayside Pit and Quarry** means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a project such as a road construction contract that is not located on the road right-of-way.

7.5 Agricultural Use Classes

7.5.1 The following are various types of agricultural uses:

1) **Agricultural Activities** means a use of land for agricultural purposes. Typical uses include farming, pasturage, agriculture, apiculture, floriculture and horticulture.

2) **Agricultural Product Storage** means the temporary storage of any agricultural product for future use, delivery or processing.

3) **Composting** means a designed and managed system to facilitate the process of aerobic decomposition of household and non-household organic matter by biological action.

4) **Farm Produce Outlet** means a building or structure where farm produce is sold in season.

5) **Farmstead Dwelling** means any dwelling that is or has been accessory to a farm operation and is on a parcel of land that includes or has included associated agricultural buildings.

6) **Non-Commercial Farm** means a development for :

a) small scale agriculture;

b) non-commercial agricultural pursuits ancillary to rural residential uses; and

c) animals shall be kept for the use or enjoyment of the householder only;

this Use Class shall be developed so that it will not unduly interfere with the general enjoyment of adjacent property.

7) **Plant and Tree Nursery** means a development used primarily for the raising, storage and sale of bedding, household and ornamental plants.

8) **Small Animal Breeding and Boarding Establishment** means a development used for the breeding, boarding or training of small animals normally considered as household pets. Typical uses are kennels and pet boarding establishments.

9) **Specialized Agriculture** means the use of land for apiculture, floriculture, horticulture including market gardening, orchards and tree farming, and similar agricultural activities, such as U-Picks.

7.6 Natural Resource Use Classes

7.6.1 The following are various types of natural resource uses:

1) **Forestry Use** means the general raising and harvesting of wood, without limiting the generality of the foregoing, shall include the raising and cutting of wood of deadfall cordwood, pulpwood, lumber, and other forestry products.

2) **Mineral Exploration** means the activity of searching for new mineral deposits.

3) **Mining** means the process of extracting raw minerals and other materials from the earth.

4) **Natural Resource Development** means a development for the on-site removal, extraction and primary processing of raw material found on or under the site; or accessible from the site. Typical uses in this class include gravel pits, sandpits, and stripping of topsoil. This Use Class does not include the processing of raw materials transported to the site.

5) **Pit and Quarry** means a development wherein a substantial amount of aggregate is removed from the ground. Typical uses include sand pits, gravel pits, clay pits and quarries.

6) **Wildlife Area** means lands that have been designated by Chief and Council for the protection and conservation of wildlife.

7) **Cultural, Traditional and Spiritual Areas** means areas identified by Council and community elders, and community members as land to be protected for cultural, heritage, traditional or spiritual purpose.

7.7 Public Interest Use Classes

7.7.1 The following are various types of public interest uses:

1) **Cemetery** means a development of a parcel of land, primarily a landscaped open space for the entombment of the deceased, typical uses including memorial parks, burial grounds and gardens of remembrance and may include the following accessory developments: crematories, cinerarium, columbarium, and mausoleums.

2) **Extended Medical Treatment Service** means a development providing room, board, and surgical or other medical treatment for the sick, injured or infirm including outpatient services and accessory staff residences. Typical uses include hospitals, sanatoriums, nursing homes, convalescent homes, and auxiliary hospitals.

3) **Government Service** means a development providing municipal, provincial or federal government services directly to the public. Typical uses include government offices, taxation offices, courthouses, postal distribution offices, manpower and employment offices, and social service offices.

4) **Private and Public Club** means a development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, without on-site residences.

5) **Public Education Service** means a development involving public assembly for educational, training or instructing purposes, and includes administration offices required for the provision of such services on the same site. This Use Class includes public schools, and technical and vocational schools, and their administrative offices.

6) **Public Library and Cultural Exhibit** means a development for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public use; or a development for the collection, preservation and public exhibition of works or objects of historical, scientific or artistic value. Typical uses include libraries, museums and art galleries.

7) **Protective and Emergency Service** means a development that is required for the public protection of persons and property from injury, harm or damage together with the incidental storage of emergency development that is necessary for the local distribution of utility services. Typical uses in this class include police stations, fire stations and ancillary training facilities.

8) **Religious Assembly** means a place of worship and related activities. Typical uses include churches, and parish halls.

9) **Utility Service** means any system, works, plants, pipelines, equipment or services and facilities to the public at an approved rate. Typical uses include sanitary landfill sites, sewage treatment plants, sewage lagoons, garbage transfer and compacting stations, water treatment plans, and waste recycling plants.

7.8 Community, Educational, Recreational and Cultural Service Use Classes

7.8.1 The following are various types of community, education, recreational and cultural uses:

1) **Child Care Service** means a development to provide daytime personal care and education to children, but does not include overnight accommodation. Typical uses include day care centres, day nurseries, kindergartens, nursery schools and play schools.

2) **Community Recreation Service and Club** means a development for recreational, social or multi purpose use without fixed seats and primarily intended for local community purposes. Typical uses include community halls, youth centres and community centres.

3) **Indoor Participant Recreation Service** means a development providing facilities within an enclosed building for sports and active recreation where patrons are predominately participants. Typical uses include athletic clubs; health and fitness clubs; curling rinks, roller-skating rinks, hockey rinks; swimming pools; water slides, rifle and pistol ranges, bowling alleys and racquet clubs.

4) **Outdoor Participant Recreation Service** means a development providing facilities that are available to the public at large for sports and active recreation conducted outdoors. Typical uses include golf courses, driving ranges, ski hills, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, outdoor swimming pools, bowling greens, archery ranges, riding stables, baseball and soccer fields, water slides, winter sliding hills, and fitness trails.

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

6) **Cultural, Traditional and Spiritual Areas** means areas identified by Council and community elders, and community members as land to be protected for cultural, heritage, traditional or spiritual purposes.

PART II
GENERAL ADMINISTRATION CLAUSES

8.0 AUTHORITY AND RESPONSIBILITY OF THE DEVELOPMENT REVIEW OFFICER

8.1 Establishment and Appointment

8.1.1 The Land Authority shall appoint, contract, or hire a person to occupy the position of Development Review Officer.

8.2 Development Review Officer Duties and Responsibilities

8.2.1 The Development Review Officer shall review each development permit application to ascertain whether it conforms to:

a) the *OCN Land Use and Community Plan including Natural Resource Land Law* and amendments thereto;

b) all applicable standards and information standards, within this Regulation and amendments thereto;

c) other OCN Land Laws;

d) the conditions of any permit, interest, pre-existing interest, traditional interest, caveat, covenant, site plan, and agreement;

e) Variation or Conditional Use Order; and

f) easement or any other instruments affecting a building or land.

8.2.2 The Development Review Officer may refer a development permit application to any provincial or federal department, OCN department or any other agency or body, deemed appropriate to obtain comments on the application.

8.2.3 The Development Review Officer shall:

a) approve, without any conditions, or with such conditions as are required to ensure compliance, an application for development of a Permitted Use provided the development complies with the standards of this Regulation; or

b) refuse an application for development of a Permitted Use if the development does not comply with the standards of this Regulation unless he/she uses discretion pursuant to Section 8.4 of this Regulation.

8.2.4 Upon a decision regarding an application, the Development Review Officer shall provided notice:

a) where an application has been approved notice to the applicant shall be given in writing by ordinary mail; or

b) where an application has been refused, notice in writing shall be given to the applicant, by ordinary mail, and such notice shall state the reason for refusal.

8.2.5 The Development Review Officer shall receive, review and process Permitted Use applications as well as Variation and Conditional Use Order applications.

8.2.6 The Development Review Officer shall perform other such duties as described or implied elsewhere in this Zoning Regulation or required by the Land Authority.

8.2.7 A person who is unsatisfied with a decision or order of the Development Review Officer may request the Land Authority to review the decision or order by written notice within fourteen (14) days after the person receives the decision or order.

8.2.8 After giving the person a reasonable opportunity to be heard, the Land Authority may confirm, vary, substitute or cancel the order or decision.

8.3 Entry for Inspection and Other Purposes

8.3.1 The Development Review Officer may, after giving reasonable notice to the owner or occupier or interest holder of the land or a building or other structure to be entered:

a) enter the land, building or structure at any reasonable time for the purpose of administering or enforcing this Regulation;

b) request that anything be produced to assist in inspection, remedy, or enforcement; and

c) make copies of anything related to the inspection, remedy, or enforcement.

8.3.2 The Development Review Officer must display or produce on request identification showing his official capacity.

8.3.3 In an emergency or in extraordinary circumstances, the Development Review Officer need not give reasonable notice or enter at a reasonable time and may undertake inspection, remedy or enforcement activities referred to in Section 8.3.1 of this Regulation without the consent of the owner or occupant.

8.4 Variations to Regulation

8.4.1 The Development Review Officer may approve, with or without conditions, a minor variation not to exceed 10.00 percent (10%) allowable under this Regulation that governs the front, side, rear or any other yard or separation space standards.

8.5 Public Inspection of Applications

8.5.1 The Development Review Officer shall ensure that a Registry of Applications is maintained, and is made available to any interested person during normal office hours.

8.6 Maintenance and Inspection of the Regulation

8.6.1 The Development Review Officer shall:

a) make available to the public during normal office hours copies of this Regulation and all subsequent amendments thereto;

b) charge the specified fee for supplying to the public copies of this Regulation; and

c) maintain a duplicate of the Registry of Applications and this Regulation, including all subsequent amendments thereto, at the Land Department office.

9.0 RESPONSIBLITIES OF CHIEF AND COUNCIL

9.0.1 The Council is responsible for:

a) the enactment of this Regulation;

b) enforcing those provisions of the *OCN Land Code*, all enacted Land Laws and Regulations, where applicable;

c) any amendments, thereto; and

d) adoption of fee schedules for:

i) development permits;

ii) fines; and

iii) penalties.

10.0 DUTIES OF THE LAND AUTHORITY

10.0.1 The duties of the Land Authority are to:

a) administer and enforce those provisions of the *OCN Land Code*, where applicable;

b) approve or reject proposed Conditional Use Order application;

c) approve or reject Variation Order applications;

d) approve or reject Subdivision Application applications; and

e) recommend to Chief and Council to adopt:

i) fee schedule for development permits;

ii) schedules for fines;

iii) penalties; and

iv) any proposed amendment to this Regulation.

11.0 DUTIES OF THE INTERSET HOLDER OR DEVELOPER

11.0.1 Neither the granting of a development permit nor the approval of the drawings and specifications or the inspections made by the Development Review Officer shall in any way relieve the owner of the responsibility of complying with the Regulations of any relevant Land Laws of the OCN.

11.0.2 The interest holder or developer shall:

a) permit the Development Review Officer to enter any building or premises for the purpose of administering or enforcing this Regulation at all reasonable times and with the consent of the owner in accordance with Section 8.3 of this Regulation;

b) after the development application has been approved and the permit issued, notify the Development Review Officer and obtain his/her approval before doing any work at variance with the approved documents filed; and

c) be responsible for obtaining, where applicable, other permits or approvals required in connection with the proposed work.

12.0 DEVELOPMENT PERMIT APPLICATION AND SUBMISSION

12.1 General Conditions

12.1.1 An application for a development permit shall not be considered to have been received until the applicant has submitted:

a) all relevant information required pursuant to this Section of this Regulation;

b) any information specifically required pursuant to the applicable Zoning District; and

c) the appropriate fee.

12.1.2 The Development Review Officer may consider an application if the development is of such a nature as to enable a decision to be made on the application without all of the information required.

12.1.3 The Development Review Officer may require an applicant to submit such additional information to consider necessary to verify the compliance of the proposed use or development with the standards within this Zoning Regulation.

12.1.4 A development permit for an accessory building cannot be issued unless a development permit for the main building has also been issued.

12.1.5 The approval of any application, drawings, or the issuing of a development permit shall not prevent the Development Review Officer from:

a) requiring the correction of errors to be remedied; and

b) prohibiting the development from being carried out, when the same is in violation of this Regulation.

12.1.6 Where an application for a development permit is determined to contain incorrect information, no development permit shall be issued until the applicant corrects such information.

12.1.7 Any development permit issued on the basis of incorrect information contained in the application shall be invalid.

12.1.8 Unless otherwise specified in this Regulation, all drawings submitted shall be drawn on substantial standard drafting material to a scale of not less than 1:100 or such other scale as the Development Review Officer may approve, and shall be fully dimensioned, accurately figured, explicit and complete.

12.2 Development Classes

12.2.1 The following classes of development are hereby established:

a) Class A - No Development Permit Required; and

b) Class B - Permitted and Conditional Uses.

12.3 Class A Development (No Development Permit Required)

12.3.1 No development permit is required under this Regulation for the developments listed below, in Section 12.3.3 provided that such developments shall comply with this Regulation.

12.3.2 For a development listed below in Section 12.3.3 the Development Review Officer shall advise the applicant that no permit is required and return the submission, including any fees paid.

12.3.3 Developments exempted from applications are as follows:

a) regular maintenance and repair of any development, provided it does not include structural alterations;

b) private driveways which are accessory to a development;

c) a fence, wall, or gate not exceeding 2.00 m. (6.56 ft.) in height;

d) an accessory building that:

i) is less than 10.00 sq. m. (107.64 sq. ft.) in area;

ii) does not exceed 4.57 m. (15.00 ft.) or one storey in height; and

iii) is not considered a hazard by the Development Review Officer;

e) an unenclosed deck or a deck enclosed by a rail or parapet wall and a wheelchair ramp, all of which having a floor less than 0.61 m. (2.00 ft.) above grade unless it is anchored to the building;

f) landscaping where the existing grade and natural surface drainage pattern is not materially altered;

g) the erection or placement of a temporary building, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building is removed within thirty (30) days of substantial completion or as determined by the Development Review Officer;

h) the following types of signs are exempt but this shall not relieve the interest holder in control of such signs from erecting and maintaining the signs in a safe and good condition:

i) signs of less than 0.60 sq. m. (6.46 sq. ft.) in area, advertising the sale, lease, or rent of property, premises, or buildings on that site;

ii) memorial signs or tablets of bronze, brass, stone or other non-combustible materials when built into or attached to the walls of a building or other structure provided such tablets bear only the name of the owner, the name and use of the building, the date of erection of the building or reading matter commemorating a person or event;

iii) traffic or regulating devices, legal notices, railway crossing, danger or other emergency signs;

iv) one (1) real estate sign; and

v) non-illuminated directional signs, each sign not to exceed 0.50 sq. m. (5.38 sq. ft.) in sign area; and

i) when a change in land use is from one agricultural activity to another.

12.4 Class B Developments (Permitted and Conditional Uses)

12.4.1 The following information shall be submitted with an application for Class B (Permitted Use) developments:

a) the address of land and buildings presently occupying the site, if any;

b) the OCN Land Registry Number or other proof of interest as determined by the Development Review Officer;

c) a legal description of the land on which the proposed development is to occur, by lot, block, subdivision and registered plan numbers, if applicable;

d) the applicant's name, address and interest in the land;

e) a sketch plan of the site, showing the location of the proposed development relative to the boundaries of the site;

f) the description of the work to be performed with respect to:

i) change in current occupancy of land use; or

ii) description of proposed development or building operations;

g) the identification of the scale of the development with respect to:

i) gross floor area of the development in square metres;

ii) area of the site covered in square metres;

iii) height of the structure in metres; and

iv) number of floors or storeys;

h) if required by the Development Review Officer, a site plan at a minimum scale of 1:500, showing:

i) the location of sidewalks and walkways; where applicable, parking, loading, storage, outdoor service and display areas; and

ii) the location of fences, screening, retaining walls, trees, landscaping, and other physical features both existing and proposed in the site and adjoining boulevard, if any;

i) the floor plans at minimum scale of 1:100, indicating all uses or occupancies, storage and garbage holding areas;

j) the elevations and drawings, indicating sections and the bulk of buildings, at a minimum scale of 1:100;

k) number of parking and loading spaces required and provided; and

l) if required by the Development Review Officer, a building location certificate.

12.5 Sign Developments

12.5.1 The following information shall be submitted, in duplicate, with an application for a development permit for a sign:

a) the address and legal description of the land or building where the sign is to be erected;

b) the applicant's name, address, telephone number and interest in the land;

c) the name of the business or development where the signs is to be erected;

d) to be erected, whether it is single business occupancy or multiple business occupancy development;

e) on any private interest holder's property, will require a letter of permission from the interest holder, authorizing the applicant's sign development;

f) will require two sets of working drawings, showing:

i) the overall dimensions of the sign, including all sign boxes and cabinets;

ii) a description or illustration of the copy to be displayed on the sign;

iii) the method of illumination, if any;

iv) the materials from which the sign is to be constructed; and

v) the method used to support the sign and the type of wall construction if the sign is anchored to a building.

13.0 SPECIAL INFORMATION REGULATIONS

13.1 Slope and Soil Information

13.1.1 When an application is submitted for the development of a site abutting a watercourse or drain, the Development Review Officer may require:

a) consultation with a certified Professional Engineer of Manitoba;

b) information regarding the existing and proposed grades at 0.50 m. (1.64 ft.) contour intervals; and

c) the final grades shall be to the satisfaction of the Development Review Officer.

13.1.2 Despite anything contained herein, the Development Review Officer may require a detailed engineering study of the soil conditions prepared by a certified Professional Engineer of Manitoba.

13.1.3 Prior to the issuance of a development permit or the construction of any development abutting a watercourse or drain. The engineering study shall contain evidence of:

a) test borings;

b) ground water piezometer test;

c) slope indicators where necessary;

d) identification of any sub-surface mining operations;

e) river erosion analysis; and

f) surface erosion analysis.

13.1.4 The Development Review Officer may request that the certified Professional Engineer of Manitoba state in writing whether:

a) foundation proposed for the development are designed with full knowledge of the soil conditions and the proposed siting of the development upon this site;

b) the areas has unstable soil conditions; or

c) to apply conditions to the development permit to prevent erosion and to stabilize soil conditions.

14.0 CONDITIONS ATTACHED TO A DEVELOPMENT PERMIT

14.0.1 The Development Review Officer may impose, with respect to a Permitted Use, such conditions as are required to ensure compliance with this Regulation.

14.0.2 The Land Authority may, with respect to a Conditional Use Order, impose such conditions it deems appropriate.

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

14.0.4 The Development Review Officer may, as a condition of issuing a development permit require that an applicant enter into an agreement, with the Land Authority, which shall be attached to and form part of such development permit, to do all or any of the following:

a) to construct, or pay for the construction of, a public roadway required to give access to the development;

b) to specify the location and number of vehicular and pedestrian access points to sites from public roadways;

c) to install, or pay for the installation of, utilities that are necessary to serve the development, or pay the recovery costs of services which have already been installed; and/or

d) to repair or reinstate, or to pay for the repair or reinstatement, to original condition, any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise harmed by development or building operations upon the site.

15.0 ENFORCEMENT

15.1 Offenses

15.1.1 Any interest holder of land, or a building or a structure thereon, who, with respect to such land, building or structure, commits an offense if it:

a) contravenes with this Regulation; or

b) causes, suffers or permits a contravention of a development permit, agreement or this Regulation.

15.1.2 Any contractor, worker, or other person who constructs a building or structure, or makes an addition or alteration thereto, shall be deemed to have committed an offense if:

a) a development permit is required but has not been issued or is not abiding with this Regulation; or

b) it is contravening of a condition of a development permit.

15.2 Suspension or Revocation of the Development Permit

15.2.1 The Development Review Officer may suspend a development permit where:

a) the applicant or interest holder fails to comply with the conditions of issuance of a permit; or

b) any person undertakes or causes or permits any development on a site contrary to the terms or conditions of a permit.

15.2.2 Any person who undertakes, or causes or permits, any development on a site without a permit, or after a permit has been suspended, shall discontinue such development forthwith upon notice in writing issued by the Development Review Officer so requiring, and shall not resume such development unless a permit has been issued or the permit reinstated.

15.2.3 Upon suspension of a development permit, the Development Review Officer shall inform the Land Authority.

15.2.4 The Development Review Officer will prepare an issue sheet and submit all relevant information to the Land Authority for possible revoking of development permit.

15.2.5 After all information has been reviewed and presented, the Land Authority may revoke or reinstate the development permit.

PART III
SPECIAL REQUIRMENTS

16.0 REZONING AMENDMENTS

16.1 Amendments to this Regulation

16.1.1 Any person applying to amend this Regulation shall:

a) apply in writing to the Land Manager;

b) furnish reasons in support of the application; and

c) requesting that the Land Manager submit the application to the Land Authority.

16.1.2 Each amendment submitted shall have:

a) proof of interest;

b) the applicant's name, signature, address and interest in the property;

c) all applicable fees paid in full for the proposed amendment including community consultation, but not limited to, all mapping, printing, reproduction, planning, engineering, legal, surveys and advertising costs; and

d) a brief written statement by the applicant in support of the application, and the reasons for applying.

16.1.3 Upon evaluation and review of this Regulation, and that the Land Authority determines that there is a need for an amendment, the Land Authority shall ensure that they are in compliance with Section 16.2 and 16.3.

16.2 Reviewing and Processing of Amendments

16.2.1 Upon receipt of an application for an amendment, the Land Manager, upon consultation with the Development Review Officer shall:

a) examine the proposed amendment and/or undertake an investigation to analyze the potential impact of the amendment on a Zoning District or other; and

b) analyze the impact of an amendment and the following criteria shall be reviewed prior to submitting the proposed amendment to the Land Authority and Chief and Council:

i) ensure compliance comply with the *OCN Land Code* and *OCN Land Use Plan and Community Plan including Natural Resources* and any OCN Land Laws, and any amendments made thereafter;

ii) Determine compatibility with surrounding development in terms of land use function and scale of development;

iii) determine if it will there be traffic impacts;

iv) determine whether the land has any historic, cultural or social significance;

v) examine if it affect the stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area;

vi) determine if there a necessity and appropriateness of the proposed Zoning District in view of the stated intentions of the applicant;

vii) determine what is the relationship to the documented concerns and opinions of area residents regarding the application;

viii) examine if there a change in market conditions, growth of the community and surrounding areas and uses within a particular Zoning District;

ix) identify what are the topographical, physical and natural features; and

x) determine if there are costs associated with amendment process.

16.2.2 Upon receipt of an application and payment of application fee, the Land Manager shall prepare an issue sheet for the Land Authority for their next regular scheduled meeting.

16.2.3 The Land Manager shall inform the applicant of the date, time and place for the Land Authority meeting, to review the application.

16.2.4 The applicant, if so desired, may make a presentation to the Land Authority regarding the proposed amendment.

16.2.5 The Land Authority, shall review all the information, then render a decision to:

a) recommend to Chief and Council to start the amendment process of this Regulation;

b) request for more information before rendering a decision; or

c) deny the request to amend this Regulation.

16.3 Process to Proceed with Amendment to this Regulation

16.3.1 Prepare an issue sheet and draft amendment for Chief and Council review and consideration.

16.3.2 Chief and Council shall render a decision to amend or deny request.

16.3.3 If a decision is to proceed with an amendment, consultation meeting with OCN members will be held. The following process shall be required:

a) a public notice to be posted in at least three (3) different locations where OCN members frequent, thirty (30) days prior to the community consultation meeting;

b) to publish at least two (2) occasions, in the local newspaper and/or other media outlets; and

c) that the public notice shall include:

i) the date, time and place of the consultation meeting;

ii) the summary of the amendment;

iii) the applicants name and intent of amendment; and

iv) that any member may make representation at the consultation meeting.

16.3.4 The Chief and Council shall have an absolute majority of Council members in attendance at the community consultation meeting.

16.3.5 The Chief and Council shall appoint the Land Authority to facilitate the community consultation meeting and shall ensure that the community members have all relevant documentation.

16.3.6 All minutes for the consultation meeting shall be recorded.

16.3.7 All those wishing to speak at the consultation meeting shall be provided an opportunity to voice their opinion. Once everyone has been able to speak, the meeting shall be declared closed there shall be no further public input.

16.4 Approval or Denial of Amendment

16.4.1 On completion of the community consultation and consideration of the matter, Chief and Council shall reject or approve the Regulation amendment based on the facts presented, and the second draft of the amendment will be prepared.

16.4.2 The third and final draft of the amendment will be presented to Chief and Council and:

a) if approved, the documents shall be signed;

b) the decision will be final and binding; and

c) the applicant will be informed of the decision in writing.

16.4.3 In the event that the request for amendment has been denied, the applicant will be informed in writing stating the reason for the denial.

16.4.4 Notice shall be posted in the local newspaper of approval or denial of the amendment.

16.4.5 When the amendment has been approved and granted to the applicant, all costs relating to amendment process shall be paid in full prior to issuing a development permit.

16.4.6 The Land Department will be provided with an originally signed document.

16.2.7 The Land Authority shall implement the amendment.

17.0 CONDITIONAL USE ORDERS

17.1 Application for Conditional Use Orders

17.1.1 Any request for a Conditional Use shall be subject to the provisions of this Section.

17.1.2 An interest holder or new applicant may apply for a Conditional Use Order, listed in Part VI for each of the Zoning District.

17.1.3 An application for approval of a Conditional Use Order shall be filed with the Land Manager along with all relevant information and any fees due.

17.2 Reviewing and Processing of Application for Conditional Use

17.2.1 Upon receipt of an application for a Conditional Use Order, the Land Manager shall upon consultation with the Development Review Officer examine and analysis the impacts in relationship to:

a) compliance with the *OCN Land Code* and *OCN Land Use Plan and Community Plan including Natural Resources* and any OCN Land Laws;

b) compatibility with surrounding development in terms of land use function and scale of development;

c) the traffic impacts;

d) the impacts on utility service, infrastructure, and public facilities such as recreational facilities and schools;

e) right-of-ways or easement regulations;

f) whether land has any historic, cultural or social significance;

g) the effects on the stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area;

h) the documented concerns and opinions of area residents regarding the application;

i) the groundwater and soil conditions;

j) the topographical, physical and natural features; and

k) any cost associated with amendment process.

17.2.2 Upon receipt of an application and payment of the application fee, the Land Manager shall prepare an issue sheet for the Land Authority for their next regular scheduled meeting.

17.2.3 In the event that a Conditional Use Order is required prior to the next regular scheduled Land Authority meeting any additional cost shall be borne by the applicant.

17.2.4 The Land Manager shall inform the applicant of the date, time and place of the scheduled Land Authority meeting, to review the application.

17.2.5 The Land Authority shall:

a) review all information as presented;

b) hear the applicant's presentation; and

c) render a decision for approval, set conditions, call for community consultation or deny the application.

17.3 Decision Making Process

17.3.1 In the event that the Conditional Use Order applicant meets the criteria, the Land Authority shall approve the application and a development permit will be issued.

17.3.2 The Land Authority may consider imposing conditions to ensure that the proposed development will not adversely impact the surrounding areas, these conditions prior to a development permit being issued, shall include:

a) additional buffering measures such as increased yard setbacks, berms and fencing;

b) performance standards dealing with such potential impacts as noise, odour and vibration;

c) limiting the hours of operation;

d) imposing regulations dealing with landscaping, outdoor lighting, refuse and storage areas, building design and architectural appearance; and

e) the interest holder upgrading certain services such as roads and ditches.

17.3.3 Where the Land Authority has concerns and requires a community consultation process, the following will apply:

a) a public notice to be posted in at least three (3) different locations where OCN members frequent, thirty (30) days prior to the community consultation meeting;

b) notice will be published on at least two (2) occasions in the local newspaper and/or other media outlets;

c) the public notice shall include:

i) the date, time and place of the consultation meeting;

ii) the summary of the Conditional Use;

iii) the applicants name and intent of Conditional Use; and

iv) that any member may make representation at the consultation meeting;

d) the Land Authority will give a brief overview of the Conditional Use Order and will open the floor for questions, concerns or comments;

e) all minutes for the consultation meeting shall be recorded; and

f) all those wishing to speak at the consultation meeting shall be provided an opportunity to voice their opinion and once everyone has been able to speak, the meeting shall be declared closed there shall be no further public input.

17.4 Approval or Denial of Conditional Use Order

17.4.1 On completion of the community consultation and consideration of the matter, the Land Authority shall reject or approve the Conditional Use Order based on the facts presented.

17.4.2 All costs incurred, must be paid in full prior to issuing a development permit for Conditional Use Order.

17.4.3 In the event that the application for a Conditional Use Order has been denied, the applicant shall be informed in writing with the reason for the denial.

17.4.4 All such decision shall be binding and is not subject to appeal.

17.4.5 The approval of the Land Authority shall expire and cease to have any effect if it is not acted upon within twenty-four (24) months of the date of the decision, unless it is renewed at the discretion of the Land Authority.

18.0 VARIATION ORDER

18.1 Application for Variation Order

18.1.1 Any person, may at any time apply for a Variation Order, if in their opinion they feel that this Regulation adversely affects them or their property rights.

18.1.2 An application for a Variation Order shall be filed with the Land Manager, along with any fees and information required by the Land Authority.

18.2 Reviewing and Processing of Application for Variation Order

18.2.1 Upon receipt of an application for a Variation Order, the Land Manager shall upon consultation with the Development Review Officer prepare a written report that assesses the merits and implications of the proposed application for submission to the Land Authority.

18.2.2 Upon receipt of an application and payment of the application fee, the Land Manager shall prepare an issue sheet for the Land Authority for their next regular scheduled meeting.

18.2.3 In the event that a Variation Order is required prior to the next regular scheduled Land Authority meeting any additional cost shall be borne by the applicant.

18.2.4 The Land Manager shall inform the applicant of the date, time and place of the scheduled Land Authority meeting, to review the application.

18.2.5 The Land Authority upon review of the Variation Order, may approve, deny or request for community consultation meetings to be held.

18.2.6 In the event that in the opinion of the Land Authority that community consultation is required the following method of consultation shall be considered:

a) for a minor variation then a notice shall be published in the local newspaper requesting community members to express their concerns or comments;

b) an information booth with questionnaire may be conducted; or

c) the process outlined in Section 17.2.4 and 17.2.5 shall be followed.

18.3 Approval or Denial of Variation Order

18.3.1 On completion of all reviews the Land Authority shall reject or approve the Variation Order based on the facts presented.

18.3.2 All costs incurred, must be paid in full prior to issuing a development permit for the Variation Order.

18.3.3 In the event that request for the Variation Order has been denied, the applicant shall be informed in writing the reason for the denial.

18.4.4 All such decisions shall be binding and are not subject to appeal.

18.4.5 The approval of the Land Authority shall expire and cease to have any effect if it is not acted upon within twenty-four (24) months of the date of the decision, unless it is renewed at the discretion of the Land Authority.

19.0 SUBDIVISIONS

19.1 Application for Subdivisions

19.1.1 A new subdivision planned for OCN, shall require the coordinator of the project to file an application with the Land Authority for a development permit, including any applicable fees.

19.2 Reviewing and Processing of an Application for a Subdivision

19.2.1 Prior to submitting the application of a Subdivision for review and approval by the Land Authority, the Land Manager shall consult with the Development Review Officer regarding the following information which is included with the application:

a) conceptual feasibility study;

b) site and development plan;

c) engineering plans/geotechnical investigation, where applicable;

d) environmental assessments;

e) buffering zone requirement along with open space, setbacks, berms and fencing;

f) performance standards dealing with such potential impacts as noise, odour and vibration;

g) imposing design and site regulations including landscaping, outdoor lighting, refuse and storage areas, and building design and architectural appearance;

h) the interest holder upgrading the infrastructures such as road, ditches, culverts, water and sewer, etc.;

i) compatibility with surrounding development in terms of the land use function and the scale of development;

j) the traffic impacts;

k) the impacts on utility service, infrastructure, and public facilities such as recreational facilities and schools;

l) right-of-ways or easement regulations;

m) whether land has any historic, spiritual, cultural or social significance;

n) groundwater and soil conditions; and

o) topographical, physical and natural features.

19.2.2 The Land Manager shall prepare a written report that assesses the merits, environmental requirements, feasibility and implications of the proposed Subdivision for submission to the Land Authority.

19.2.3 The Land Authority upon review of the Subdivision application, may approve, deny or request for community consultation meetings to be held.

19.2.4 In the event that, in the opinion of the Land Authority, community consultation is required the following methods of consultation shall be considered:

a) a notice shall be published in the local newspaper requesting community members to express their concerns or comments;

b) an information booth with questionnaire will be conducted; or

c) the process outlined in Section 17.2.4 and 17.2.5 shall be followed.

19.3 Approval or Denial of a Subdivision

19.3.1 On completion of all reviews the Land Authority shall deny or approve, with or without conditions, the proposed Subdivision based on the facts presented.

19.3.2 All costs incurred, must be paid in full prior to issuing a development permit for a Subdivision approval.

19.3.3 In the event the application for a Subdivision has been denied, the applicant shall be informed in writing the reason for the denial.

19.3.4 All such decision shall be binding and are not subject to appeal.

19.3.5 The approval of the Land Authority shall expire and cease to have any effect if it is not acted upon within twenty-four (24) months of the date of the decision, unless it is renewed at the discretion of the Land Authority.

PART IV
GENERAL DEVELOPMENT REGULATIONS

20.0 APPLICABILITY

20.0.1 The General Development Regulations apply to any development on any site, irrespective of the Zoning District in which it is located.

21.0 YARDS

21.0.1 All yards shall be keep free from refuse, rubbish, waste or litter to a reasonable standard.

21.0.2 The areas are to be in a good and tenantable state of repair, fair wear and tear.

21.1 Yards on Corner Lots and Through Lots

21.1.1 In the case of a corner lot, the front yard shall be the yard abutting the front lot line.

22.0 OBJECTS PROHIBITED OR RESTRICTED IN A RESIDENTIAL ZONING DISTRICT

22.0.1 No person shall keep in any part of a site in any Residential Zoning District:

a) any commercial vehicle, loaded or unloaded, of a maximum weight exceeding 6,804.00 kg. (15,000.00 lb.) gross vehicle weight;

b) any object or chattel which, in the opinion of the Development Review Officer or the Land Authority, is unsightly or tends to adversely affect the amenities of the area; and

c) any aboveground or belowground bulk fuel storage facilities.

23.0 FENCES

23.1 Residential Zoning Districts

23.1.1 A fence in a Residential Zoning District shall not include electric fences or barbed wire fences.

23.2 Other Zoning Districts

23.2.1 A fence in any other Zoning District, excluding AG: Agricultural Zoning District:

a) shall not include electric fences or barbed wire fences except in the case of a Commercial and Industrial Zoning District where the top 0.60 m. (2.00 ft.) of the fence can be barbed wire for security purposes; and

b) shall not be higher than:

i) 1.22 m. (4.00 ft.) in a required front yard; and

ii) 2.00 m. (6.56 ft.) in a required side or rear yard.

23.2.2 Notwithstanding the above, the maximum height of a fence located on a public or private education service site, utility service site or public park shall be 3.05 m. (10.00 ft.), excepting chain link fences for which there shall be no height limitation.

23.2.3 Notwithstanding the above, in any Industrial and Commercial Zoning District the maximum height of a fence located in a rear yard shall be 2.40 m. (7.90 ft.).

23.2.4 Notwithstanding the above, the permitted height of a fence can be increased or decreased at the discretion of the Development Review Officer to reflect the grade of surrounding properties.

24.0 ACCESSORY USES AND BUILDINGS

24.1 General Regulations

24.1.1 Accessory developments are permitted when accessory to a Permitted Use.

24.1.2 Accessory developments are conditional when accessory to a Conditional Use.

24.1.3 Where any building or structure on a site is attached to a principal building on the site by a roof, an open or enclosed structure above grade, a floor or a foundation which is above grade, or any structure below grade allowing access between the buildings such as a parking garage or a corridor or passageway connecting the buildings, it is a part of the building and is not an accessory building.

24.1.4 No accessory building or structure shall be constructed on any site prior to the time of construction of the principal building to which it is accessory.

24.1.5 No accessory building or structure shall be used as a dwelling unit.

24.2 Accessory Buildings in Non-Residential Zoning Districts

24.2.1 Accessory developments shall be subject to the regulations for the Zoning District.

24.2.2 Notwithstanding Section 23.2.1 above, the maximum height of an accessory development on a site which abuts a site in a Residential Zoning District shall not be greater than the height of the principal buildings permitted in the abutting Residential Zoning District.

24.3 Accessory Buildings in Residential Zoning Districts

24.3.1 In a Residential Zoning District, accessory buildings and structures shall be located on a site as follows:

a) where the accessory building is attached to a main building, it shall be subject to, and shall conform to, all standards within this Regulation, applicable to the main building; and

b) where the accessory building is detached from the principal building, it shall not be located closer than 3.00 m. (9.84 ft.) clear of all projections to the principal building, nor shall it be located closer to a public roadway than the front wall of the principal building.

25.0 MULTIPLE USES ON ONE LOT

25.0.1 Where any land or building is used for more than one purpose, all provisions of this Regulation relating to each use shall be satisfied.

25.0.2 Where there is a conflict such as in the case of site area or front yard standards, the more restrictive or stringent standards will apply.

26.0 LIGHTING OF SITES

26.0.1 Outdoor lighting for any development:

a) shall be low-glare in nature and located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices; and

b) if ground mounted, the maximum height shall be 10.67 m. (30.00 ft.).

27.0 HEIGHT

27.0.1 In determining whether a development conforms to the maximum height permissible in any Zoning District, the following features shall not be considered for the purpose of height determination: chimney stacks, steeples, belfries, domes or spires, monuments, elevator housings, roof stairway entrances, water or other tanks, ventilating equipment, skylights, fire walls, receiving or transmitting structures, masts, flag poles, clearance markers or other erections which are considered to be similar by the Development Review Officer.

28.0 ACCESS TO SITES

28.0.1 All access locations and curb crossings shall require the approval of the Development Review Officer.

28.0.2 Permits for access off of a provincial road, the applicant will require a permit for:

a) developments adjacent to Provincial Trunk Highways shall be required from the Manitoba Highway Traffic Board; and

b) developments adjacent to Provincial Roads as well as all Provincial Access Roads and Main Market Roads shall be required from Manitoba Transportation and Government Services.

28.0.3 Any application required for a permit listed in Section 28.0.2 shall be coordinated by the Lands Department and any fees associated in issuing such permit shall be incurred by the applicant.

29.0 HARD SURFACING OF PARKING AND LOADING AREAS

29.0.1 The Development Review Officer may require every off street parking and loading space provided or required in any Commercial Use Class shall:

a) be hard surfaced such as asphalt or concrete if such area lies in front of the principal building; and

b) if the access thereto, is hard surfaced such as asphalt if the access is from a public roadway which is hard surfaced.

29.0.2 Any area at the rear of the principal building provided or required for off-street parking and loading space in any Commercial Use Class need not be hard surfaced, but shall be of such a surface that will minimize the carrying of dirt or foreign matter onto the public roadway.

30.0 LANDSCAPING

30.0.1 This Section deals with landscaping requirements for Residential (except for single family dwellings, two family dwellings, mobile home dwellings and cottage dwellings), Commercial, Industrial, Basic Service and Community, Educational, Recreational and Cultural Service Use Classes.

30.0.2 A landscaping plan is required and no landscaping work shall be commenced unless the landscaping plan is approved by the Development Review Officer.

30.0.3 A landscaping plan shall contain the following information for the site:

a) all physical features, existing or proposed, including vegetation, berm contours, walls, fences, outdoor furniture and fixtures, surface utilities, and paving; and

b) all shrubs and trees, whether existing or proposed, labelled by their common name, botanical name, and size.

30.0.4 The Development Review Officer may consider an application if, in his/her opinion, the development is of such a nature as to enable the decision to be made on the application without all of the information.

30.0.5 In the event that planting material required in an approved development is inappropriate or fails to survive, the Development Review Officer may allow or require alternative materials to be substituted.

30.0.6 Where landscaping is required as part of any Commercial Use Class development, trees shall be provided on the basis of a minimum one tree for each 45.00 sq. m. (484.59 sq. ft.) of any required yard at grade.

30.0.7 All required yards and all open spaces on Commercial and Industrial Use Class developments, excluding parking spaces, on-site circulation, outdoor storage, display and service areas, shall be landscaped in accordance with the landscaping plan and this shall include appropriate screening of utility facilities.

30.0.8 All plant material required shall be hardy to the location on the site where they are planted. The horticultural standards of the Canadian Nursery Trades Association shall be used as a reference in selecting plants.

30.0.9 For Commercial Use Class developments, deciduous trees shall be at least 63.00 mm. (2.50 in.) calliper when planted and evergreen trees shall have a minimum height of 2.50 m. (8.20 ft.) when planted.

30.1 Landscaping for Parking and Storage Areas

30.1.1 Where off-street parking for fifty (50) or more vehicles is provided at grade on a site, there shall be landscaped open space within the parking area:

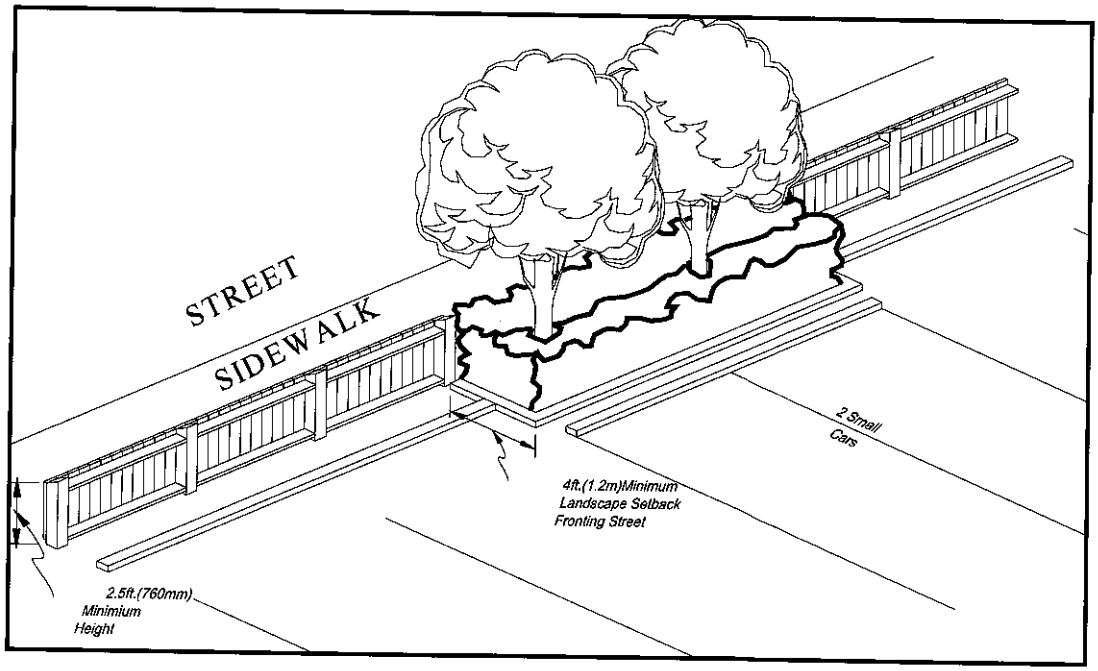


Figure 11. Parking

a) shall provide the minimum amount of 1.50 sq. m. (16.15 sq. ft.) for each parking space;

b) the required landscaping shall not be located in just one area; and

c) shall be placed within the parking area so as to break up large areas of parking and to provide visual relief.

30.1.2 A parking area having eight (8) or more parking spaces and which is visible from an abutting site in a Residential Zoning District shall be fenced or have a screen planting and the location, length, thickness and height of such fence or screen planting shall be in accordance with the landscaping plan.

30.1.3 A garbage collection area, an open storage area, or an outdoor service area, which is visible from an abutting site in a Residential Zoning District, or from a public roadway other than a lane, shall:

a) be fenced or have a screen planting;

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

c) have such fence or screen planting be maintained to provide effective screening from the ground to a height of 1.80 m. (5.91 ft.).

31.0 MOVING OF STRUSTURES

31.0.1 No interest holder shall move any structure or part thereof off the property to any other location within OCN unless that structure or part is made to conform to the provisions of this Regulation applicable to the Zoning District to which it is to be moved.

31.0.2 Before moving a building or portion to a new location, the interest holder shall enter into a permit with the OCN containing an undertaking of the owner to pay all damages arising out of the move and such other terms and conditions as a Development Review Officer deems necessary.

31.0.3 Upon completion of removal of a building from a site:

a) the old foundation shall be removed;

b) any excavation shall be filled,

c) the ground shall be leveled; and

d) the site shall be put in a safe condition to the satisfaction of the Development Review Officer.

32.0 PARKING

32.1 General

32.1.1 Provision shall be made for off-street vehicular parking or garage spaces in accordance with the regulations and standards contained in this Section of this Regulation, see Table 32.1.1 Off Street Parking Regulation on the next page, when there is any development such as:

a) new proposed development, including a change of use of existing development; or

b) an existing development is enlarged or increased in capacity.

33.0 OFF STREET LOADING

33.0.1 When any new development is proposed including a change of use of existing development, or when any existing development is, in the opinion of the Development Review Officer, substantially enlarged or increased in capacity, off-street vehicular loading and unloading spaces shall be provided.

33.0.2 Loading and unloading spaces shall be of adequate size and with adequate access, to the satisfaction of the Development Review Officer, to accommodate the types of vehicles which will be loading and unloading, without those vehicles projecting into a public roadway.

34.0 SIGNS

34.1 General

34.1.1 No person shall erect a sign without first obtaining a permit from the Lands Department.

34.1.2 Where provisions of this Regulation are inconsistent with the standards respecting signs on or near public highways made or administered by the Manitoba Department of Transportation & Government Services, the more restrictive regulations shall apply.

34.1.3 Signs are considered accessory uses.

34.1.4 No sign shall be erected, operated, used or maintained which:

a) due to its position, shape, colour, format or illumination obstructs the view of, or may be confused with, an official traffic sign, signal or device, as determined by the Development Review Officer;

TABLE 32.1.1
Off Street Parking Regulation

Use Class	Number of Parking Spaces Required
Residential and Residential-Commercial Related Use Classes	
Bed and Breakfast Home	1.00/Sleeping Accommodation
Institutional Residence	1.00/each 2 Dwelling or Sleeping Units
Mobile Home Dwelling	1.00/Dwelling Unit
Multiple Family Dwelling	1.20/Dwelling Unit
Single Family Dwelling	1.00/Dwelling Unit
Semi-Detached Dwelling	1.00/Dwelling Unit
Townhouse Dwelling	1.20/Dwelling Unit
Two Family Dwelling	1.00/Dwelling Unit
Commercial Use Classes	
Hotel and Motel	1.00/Guest Room or Sleeping Unit
Eating and Drinking Establishment	1.00/4 Seats or 1.00/9.29 sq. m. (100.00 sq. ft.) of floor area, whichever is greater
Convenience and General Retail Stores	1.00/18.60 sq. m. (200.00 sq. ft.) of floor area
All Other Commercial Establishments	1.00/23.20 sq. m. (250.00 sq. ft.) of floor area
Industrial Use Classes	
All Industrial Establishments	1.00/92.90 sq. m. (1,000.00 sq. ft.) of floor area or 1.00/5 employees, whichever is greater
Agricultural Use Classes	
Agri-Business and Agricultural Implement Sales and Service Establishments	1.00/92.90 sq. m. (1,000.00 sq. ft.) of floor area or 1.00/5 employees, whichever is greater
Public Interest Use Classes and Community, Educational, Recreational and Cultural Service Use Classes	
Indoor Participant Recreation Service, Religious Assembly, Outdoor Participant Recreation Service, Private Club, Public Library and Cultural Exhibit, and Community Recreation Service	1.00/5 Seating spaces or 3.05 m. (10.00 ft.) of bench space. Where there are no fixed seats, 1.00/each 9.29 sq. m. (100.00 sq. ft.) of floor area devoted to the assembly room floor area
Extended Medical Treatment Service	2.00/Bed
Public and Private Education Service	1.50/Classroom, plus 1.00/each 9.29 sq. m. (100.00 sq. ft.) of floor area devoted to public use
Government Service	1.00/51.10 sq. m. (550.00 sq. ft.) of floor area
Child Care Service	1.00/2 Employees
Funeral Service	1.00/5 Seating places

b) displays lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles;

c) allows a swinging motion; and

d) is located on a public right-of-way or sidewalk.

34.2 Sign Regulations

34.2.1 Quality, aesthetic character, and finishing of sign construction shall be to the satisfaction of the Land Authority.

34.2.2 For the purpose of this Section, where a lot is occupied by more than one business, each business shall be considered a separate business.

34.2.3 On-Site Sign shall be developed in accordance with Table 34.1.1, list on the next page.

35.0 EXCAVATION, STRIPPING AND GRADING

35.0.1 For the purpose of this Section, excavation shall mean excavation other than for construction or building purposes, including but not limited to, sand and gravel mining, top soil stripping, and construction of artificial bodies of water.

35.0.2 A person wishing to excavate, strip or grade land shall provide the following details in the application:

a) the location and area of the site on which the excavation, stripping or grading is to take place;

b) the existing land use and vegetation;

c) the type and dimensions of the excavation to be made, and the effect on existing drainage patterns; and

d) the condition in which the excavation is to be left when the operations is complete, or the final disposition to be made of the area from which the topsoil is to be removed, including the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling or lessening the creation of erosion or dust from the land.

TABLE 34.1.1
On-Site Signage Regulations

Use Class	Type of Sign	Maximum Sign Area	Maximum Sign Height
Residential and Residential-Related Use Classes	Identification Sign Real Estate Sign	0.74 sq. m. (8.00 sq. ft.) 1.49 sq. m. (16.00 sq. ft.)	Max. 10.67 m. (35.00 ft.) Max. 6.10 m. (20.00 ft.)
Agricultural and Natural Resource Use Classes	Identification Sign	2.97 sq. m. (32.00 sq. ft.)	Max. 10.67 m. (35.00 ft.)
Commercial and Industrial Use Classes	Sign Attached to a Building	The total sign area per business shall not exceed 20.00 percent of the building face for each business (with only the wall of a building which faces a street being eligible), to a maximum of 9.29 sq. m. (100.00 sq. ft.) for single occupancy and a combined maximum of 27.87 sq. m. (300.00 sq. ft.) for multiple occupancy	Max. 10.67 m. (35.00 ft.)
	Ground Sign	9.29 sq. m. (100.00 sq. ft.) per business to a maximum total sign area per site of 18.58 sq. m. (200.00 sq. ft.) for multiple occupancy	Max. 10.67 m. (35.00 ft.)
	If both Attached and Ground Signs are used	The maximum combined total sign area shall not exceed 13.94 sq. m. (150.00 sq. ft.) shall apply for single occupancy sites and 37.16 sq. m. (400.00 sq. ft.) for multiple occupancy sites of three or more businesses	Max. 10.67 m. (35.00 ft.)
Public Interest Use and Community, Educational, Recreational and Cultural Service Use Classes	Ground Sign and/or Sign attached to a building	2.32 sq. m. (25.00 sq. ft.) when abutting a Residential Use Class development and 4.65 sq. m. (50.00 sq. ft.) in other Zoning Districts	Max. 10.67 m. (35.00 ft.)

35.0.3 The Development Review Officer shall consider every application for a permit to excavate land, and shall not issue a permit unless satisfied that:

a) the operation will be carried out so as to create a minimum of dust and environmental disturbance; and

b) the operation is one which, in the opinion of the Development Review Officer, is reasonable necessary for the use and development of the land in question.

35.0.4 The Development Review Officer may require as a condition of issuing a permit to excavate land, that the applicant take the precautions and follow the methods prescribed by the Development Review Officer for the prevention or control of dust or any other nuisance caused by the proposed operation, and for the reclamation of the site if required.

36.0 DEVELOPMENT RESTRICTED

36.1 Noxious or Offensive Uses

36.1.1 Nothing in this Regulation, or in a development permit, approval or a Conditional Use Order, Variation Order or other approval issued under this Regulation, shall be construed as authorization for the carrying out of any activity that is a nuisance due to noise, odour, emission, vibration or other cause.

36.2 Land Unsuitable for Development

36.2.1 No buildings or structures shall be built in an area that has been identified either by the Land Authority or provincial or federal government agencies as being subject to flooding by a 100 year flood, unless the development proponent demonstrates to the satisfaction of the Land Authority that measures will be taken to protect the development from flood damage.

36.2.2 Where development is proposed in an area that, in the opinion of the Development Review Officer, may be subject to flooding due to snowmelt or heavy rainfall events, the interest holder or development proponent may be required to provide additional measures, including the provision of sufficient fill around the building, to provide an additional measure of protection from flood damage.

36.2.3 No building or structure shall be built in an area that is subject to erosion, bank instability, landslide, subsidence, is marshy or unstable, or is otherwise hazardous or unsuitable by virtue of its soil or topography, unless it is demonstrated to the satisfaction of the Land Authority that proper measures will be taken to deal with the unsuitability or hazard.

36.3 Dwelling Setbacks

36.3.1 No dwelling unit shall be located within 402.34 m. (1,320.00 ft.) of the boundary of any active waste disposal ground.

36.3.2 No dwelling unit shall be located within 457.20 m. (1,500.00 ft.) of the boundary of a public sewage lagoon.

36.3.3 No dwelling unit shall be located within 15.24 m. (50.00 ft.) from the edge of a right-of-way established for the transmission of high-pressure natural gas or the transmission of hydro electricity in excess of 100 kilovolts.

36.3.4 No dwelling unit shall be located within 30.48 m. (100.00 ft.) from the edge of a railway right-of-way.

36.3.5 No dwelling unit or farm building shall be located within an area that has been designated by the Land Authority as a high or medium quality aggregate area, unless the site has been reviewed and a recommendation provided that would allow development to proceed.

36.3.6 No dwelling unit shall be located within 152.40 m. (500.00 ft.) from any active Natural Resource Development Use Class development.

36.3.7 Subject to review by the Development Review Officer, no incompatible development shall take place within 152.40 m (500.00 ft.) of a Cultural, Spiritual or Traditional area.

36.4 Side Yard Exceptions

36.4.1 For the purpose of side yard standards, the following dwelling units that have common

a) Drive-in Food Services;

b) Gas Bars;

c) Service Stations; and

d) Rapid Drive-Through Vehicle Services.

38.2 Development Regulations

38.2.1 Vehicular-oriented uses shall be located only where the Land Authority is satisfied that the development will not adversely affect the functioning of the surrounding public roadway.

38.2.2 The minimum frontage shall be 30.48 m. (100.00 ft.).

38.2.3 Service Stations and Rapid Drive-Through Vehicle Services shall have a minimum site depth of 30.48 m. (100.00 ft.).

38.2.4 For Drive-In Food Services, and other developments having a drive-up service window:

a) a minimum of six (6) in-bound queuing spaces shall be provided for vehicles approaching the drive-up service window; and

b) one (1) out-bound queuing space shall be provided on the exit side of each service position and this space shall be located so as not to interfere with service to the next vehicle.

38.2.5 For Rapid Drive-Through Vehicle Services:

a) a minimum of five (5) in-bound; and

b) a minimum of three (3) out-bound queuing spaces shall be provided for each service bay.

38.2.6 All queuing spaces for Drive-In Food Services and Rapid Drive-Through Vehicle Services:

a) shall be a minimum of 5.49 m. (18.00 ft.) long and 3.05 m. (10.00 ft.) wide; and

b) queuing lanes shall provide sufficient space for turning and manoeuvring.

38.2.7 Gas Bars and Service Stations shall adhere to the following additional regulations:

a) all pump islands, above ground tanks, and underground storage tanks shall be located at least 6.10 m. (20.00 ft.) from any boundary of the site, parking area on the site, or laneways intended to control traffic circulation on the site;

b) refuelling areas are not permitted in a required parking area; and

c) a canopy over a pump island may extend to within 3.05 m. (10.00 ft.) of the boundary of the site.

39.0 HOME INDUSTRIES

39.0.1 A Home Industry shall comply with the following regulations:

a) the Home Industry shall be carried out in a building accessory to a dwelling unit and shall not exceed a floor area of 92.90 sq. m. (1,000.00 sq. ft.);

b) the selling of goods related to the Home Industry is allowed;

c) the character and scale of the Home Industry shall not create offensive or objectionable impacts on any adjoining properties; and

d) outside storage of goods and materials is allowed, subject to the following:

i) the storage shall be located to the rear of a line adjacent to and parallel with the front wall of the building;

ii) the storage area shall be fenced or screened from public view to the satisfaction of the Development Review Officer; and

iii) the storage shall not project above the height of the fence or screening.

39.0.2 Notwithstanding Section 34.0 of this Regulation, the Home Industry may have one identification sign:

a) with a maximum area of 0.75 sq. m. (8.00 sq. ft.); and

b) that indicates the name of the occupant and/or Home Industry of the occupant provided the sign is attached to and parallel with the wall of the principal or accessory building.

39.0.3 In addition to the information requirements of Section 12.0 of this Regulation, each application for a development permit for the Home Industry shall:

a) include a description of the use to be undertaken at the premise; and

b) indicate where any materials, equipment or vehicles associated with the use are to be stored.

39.0.4 A permit for a Home Industry is not transferable to a new homeowner.

39.0.5 A new permit is required for the new homeowner.

40.0 HOME OCCUPATIONS

40.0.1 A Home Occupation shall comply with the following regulations:

a) the Home Occupation shall not include social escort services, automotive service uses and tow-truck operations;

b) there shall be no outdoor business activity, or storage of material or equipment associated with the home occupation;

c) the Home Occupation shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zoning District in which it is located; and

d) the Home Occupation shall be owned by the member(s) of the family residing at the dwelling.

40.0.2 Notwithstanding Section 24.0 of this Regulation, the Home Occupation may have one identification sign:

a) shall not exceeding 0.75 sq. m. (8.00 sq. ft.) in area; and

b) that indicates the name of the occupant and/or Home Occupation of the occupant provided the sign is attached to and parallel with the wall of the principal or accessory building.

40.0.3 There shall be no mechanical or electrical equipment used which creates noise, or visible and audible interference in radio or television reception in adjacent dwelling units.

40.0.4 The Home Occupation shall be operated as a secondary use only and:

a) shall not change the principal character; or

b) external appearance of the dwelling unit involved, unless permitted by the Land Authority.

40.0.5 A Home Occupation within a dwelling unit or accessory building shall not exceed a maximum floor area of 37.16 sq. m. (400.00 sq. ft.).

40.0.6 The Home Occupation shall not be permitted if, in the opinion of the Development Review Officer:

a) such use would be more appropriately located in a Commercial or Industrial Zoning District;

b) the regard for, among other matters, potential traffic generation; and

c) the potential interference with the residential character of the area.

40.0.7 In addition to the information requirements of Section 12.0 of this Regulation, each application for a development permit for the Home Occupation shall:

a) include a description of the office use to be undertaken at the premise; and

b) indicate where any materials, equipment or vehicles associated with the office use are to be stored.

40.0.8 A permit for a Home Occupation is not transferable to a new homeowner.

40.0.9 A new permit is required for the new homeowner.

41.0 CHILD CARE SERVICES

41.0.1 A Child Care Service shall comply with the following regulations:

a) the number of children within a child care service established as a secondary use within a dwelling unit shall not exceed twelve (12); and

b) a child care service shall not be a principal use of a building within Residential Zoning Districts.

42.0 BED AND BREAKFAST HOMES

42.0.1 A Bed and Breakfast Home shall comply with the following regulations:

a) there shall be no exterior display or advertisement larger than 0.75 sq. m. (8.00 sq. ft.) in area, provided that no sign shall be illuminated and any sign must be compatible with the residential character of the area;

b) the Bed and Breakfast home shall not generate vehicular traffic or parking that is in excess of what is normally characteristic of the area;

c) the Bed and Breakfast establishment shall be operated by a live-in owner as a secondary use only, have a maximum of six (6) accommodation units, and shall not change the principal residential character or external appearance of the dwelling unit; and

d) meals shall be limited to the occupants of the dwelling unit and resident guests with no cooking facilities allowed in guest rooms.

42.0.2 In addition to the parking requirements for the primary use, one additional on-site parking space shall be provided for each accommodation unit.

42.0.3 Approved smoke alarms shall be required:

a) in every sleeping room in the bed and breakfast home;

b) in the common corridor of every storey or floor level, even if no sleeping accommodation is provided on that storey or floor level; and

c) the smoke alarms are to be electrically hard wired to each other in cases where major renovations are to take place.

42.0.4 An approved 2.20 kg. (4.85 lb.) multi-purpose portable fire extinguisher shall be visibly mounted near the kitchen exit door, preferably the door leading directly outdoors.

42.0.5 All government health regulations shall apply.

43.0 NON-COMMERCIAL FARMS

43.0.1 A Non-Commercial Farm shall be located and developed on a site in such a manner that the keeping of animals does not interfere with the use and enjoyment of adjacent land uses.

PART VI
ZONING DISTRICT REGULATIONS

44.0 RMU: RESIDENTIAL MIXED USE ZONING DISTRICT

44.1 General Purpose

44.1.1 To establish a Zoning District to accommodate a mix of residential housing types and associated or compatible uses.

44.2 Permitted Uses

Single Family Dwelling
Two Family Dwelling
Bachelor Dwelling Units
Community Recreation Service and Club
Private and Public Education Service
Home Occupation
Public Library and Cultural Exhibit
Protective and Emergency Service
Cultural, Spiritual and Traditional Areas
Utility Service
Child Care Service
Religious Assembly
Cemetery
Indoor Participant Recreation Service
Outdoor Participant Recreation Service
Public Parks
Extended Medical Treatment

44.3 Conditional Uses

Mobile Home Dwelling
Multiple Family Dwelling
Townhouse Dwelling
Bed and Breakfast Home
Group Home
Institutional Residence
Convenience Retail Store
Eating and Drinking Establishment
Gas Bar
Health Service
Pawn Shop
Personal Service Shop
Professional Office
Tattoo Parlour
Non-Commercial Farm
Government Service
Private and Public Club

44.4 Site Regulations for Single Detached Dwellings

Minimum Site Area – 9,600 sq. ft.
Minimum Site Width – 80.00 ft.
Minimum Front Yard – 20.00 ft.
Minimum Rear Yard – 20.0 ft.
Minimum Side Yard – 5.00 ft.
Minimum Corner Side Yard – 10.00 ft.
Maximum Site Coverage – 40.00 percent
Maximum Building Height – 35.00 ft.

44.5 Site Regulation for Bachelor Dwelling Units

Minimum Site Area – 4,800 sq. ft.
Minimum Site Width – 40.00 ft.
Minimum Front Yard – 20.00 ft.
Minimum Rear Yard - 20.00 ft.-
Minimum Side Yard - 5.00 ft.
Minimum Corner Yard – 10.00 ft.
Maximum Site Coverage – 40 percent
Maximum Building Height – 35.00 ft.

44.6 Site Regulations for Two Dwellings

Minimum Site Area – 7,500 sq. ft.
Minimum Site Width – 70.00 ft.
Minimum Front Yard – 20.00 ft.
Minimum Rear Yard – 20.0 ft.
Minimum Side Yard – 5.00 ft.
Minimum Corner Side Yard – 10.00 ft.
Maximum Site Coverage – 40.00 percent
Maximum Building Height – 35.00 ft.

44.7 Site Regulation for Townhouse Dwellings

Minimum Site Area – 5,000 sq. ft.
Minimum Site Width – 50.00 ft.
Minimum Front Yard – 20.00 ft.
Minimum Rear Yard - 20.00 ft.-
Minimum Side Yard - 5.00 ft.
Minimum Corner Yard – 10.00 ft.
Maximum Site Coverage60 percent
Maximum Building Height – 35.00 ft.

44.8 Site Regulations for Multiple Family Dwellings

Minimum Site Area -10,000 sq. ft for the 1st 4 units
1,000 sq. ft. for each addition dwellings
Minimum Site Width – 100.00 ft.
Minimum Front Yard – 25.00 ft.
Minimum Rear Yard – 25.0 ft.
Minimum Side Yard – 15.00 ft.
Minimum Corner Side Yard – 15.00 ft.
Maximum Site Coverage – 60.00 percent
Maximum Building Height – 45.00 ft.

44.9 Site Regulation for Other Uses

Minimum Site Area – 10,000 sq. ft.

Minimum Site Width – 100.00 ft.
Minimum Front Yard – 25.00 ft.
Minimum Rear Yard - 25.00 ft.-
Minimum Side Yard - 15.00 ft.
Minimum Corner Yard – 15.00 ft.
Maximum Site Coverage – 60 percent
Maximum Building Height – 35.00 ft.

44.10 Additional Regulations for Permitted and Conditional Uses

- A Home Occupation shall be developed in accordance with Section 40.0 of this Regulation.
- A Child Care Service shall be developed in accordance with Section 41.0 of this Regulation.
- A Bed and Breakfast Home shall be developed in accordance with Section 42.0 of this Regulation.
- In the case of Mobile Home Dwelling sites in a Mobile Home Park development:
  - the minimum site area shall be 5,000.00 sq. ft.; and
  - the minimum site width shall be 50.00 ft.
- In the case Commercial Uses, no parking, loading, trash collection, outdoor service or display areas shall be permitted within a required front or side yard. Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from adjacent sites and public roadways.

45.0 BMU: BUSINESS MIXED USE ZONING DISTRICT

45.1 General Purpose

45.1.1 To establish a Zoning District to accommodate a mix of commercial and industrial operations and associated or compatible uses.

45.2 Permitted Uses

Amusement Establishment
Animal Shelter and Veterinary Service
Automotive and Equipment Repair Shop
Automotive and Recreational Vehicle Sales
Business Support Service
Cemetery
Commercial Resort
Commercial School
Convenience Retail Store
Convenience Vehicle Rentals
Custom Manufacturing
Drive-In Food Service
Eating and Drinking Establishment
Equipment Rental and Sales
Fleet Service
Funeral Service
Gas Bar
General Contractor Service
General Retail Store
General Storage
Government Services
Health Service
Hotel
Household Repair Service
Indoor Participant Recreation Service
Limited Contract Service
Light Industry
Mobile Catering Food Service
Motel
Non-Accessory Parking
Outdoor Amusement Establishment
Outdoor Participant Recreation Service
Pawn Shop
Personal Service Shop
Professional Office
Protective and Emergency Service
Public Parks
Rapid Drive-Through Vehicle Service
Religious Assembly
Service Station
Spectator Entertainment Establishment
Tattoo Parlour
Transport Terminal
Truck and Mobile Home Sales and/or Rentals
Utility Services
Warehouse Sales
Cultural, Spiritual and Traditional Areas
Single Family Dwellings Existing on the Enactment of these Zoning Regulations

45.3 Conditional Uses

Multiple Family Dwelling
Townhouse Dwelling
Lodge
Recycling Depot
Tourist Campsite
Bulk Storage Facility
General Industrial
Child Care Service
Agricultural Implement Sales and Services
Agricultural Crop Protection Warehouse
Agri-Business
Wayside Pit and Quarry
Storage Compound
Processing Use
Portable Asphalt Plans
Industrial Vehicle and Equipment Sales and/or Rentals
Small Animal Breeding and Board Establishment

45.4 Site Regulations

Maximum Floor Area Ratio – 1.0
Minimum Site Width – 100.00 ft.
Minimum Front Yard – 25.00 ft.
Minimum Rear Yard – 25.00 ft.
Minimum Side Yard – 15.00 ft.
Minimum Corner Side Yard – 15.00 ft.
Maximum Building Height – 45.00 ft.

45.5 Additional Regulations for Permitted and Conditional Uses

- A Child Care Service shall be developed in accordance with Section 41.0.

- A Townhouse Dwelling or Multiple Family Dwelling shall be developed in accordance with Section 44.7 and 44.8, respectively of this Regulation.

- In the case Commercial or Industrial Uses, no parking, loading, trash collection, outdoor service or display areas shall be permitted within a required front yard. Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from adjacent sites and public roadways. If the rear or sides abut a Residential Mixed Use Zoning District or a Rural Residential Zoning District and are used for parking, an outdoor service, display area or storage area, they shall be screened from view from adjacent sites.

- In the case Commercial or Industrial Uses, a minimum yard of 50.00 ft. shall be required where a site abuts the lot line of a site in an existing Residential Mixed Use Zoning District or a Rural Residential Zoning District.

- All exposed building faces shall have consistent and harmonious exterior finishing materials to the satisfaction of the Development Review Officer.

- Buildings, structures and hedges adjacent to Provincial Truck Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with *The Highways Protection Act* and *The Highways and Transportation Act*.

- The siting and access for the following developments shall be to the satisfaction of the Development Review Officer who shall ensure that such developments do not prejudice the safety and transportation function of the public roadways:
  - -Drive-In Food Service
  - -Eating and Drinking Establishment
  - -Rapid Drive-Through Vehicle Service
  - -General Retail Store

46.0 PUPA: PUBLIC USE AND PROTECTION AREAS ZONING DISTRICT

46.1 General Purpose

46.1.1 To establish a Zoning District to accommodate institutional, government or community services uses as well as areas that should be protected from incompatible developments.

46.2 Permitted Uses

Cemetery
Extended Medical Treatment Service
Government Service
Private and Public Club
Private and Public Educational Service
Public Library and Cultural Exhibit
Protective and Emergency Service
Community Recreation Service and Club
Utility Service
Child Care Service
Religious Assembly
Indoor Participant Recreation Service
Outdoor Participant Recreation Service
Public Park
Cultural, Spiritual and Traditional Areas
Wildlife Areas

46.3 Conditional Uses

Eating and Drinking Establishments
Funeral Service
Spectator Entertainment Establishment
Professional Office
Forestry Use

46.4 Site Regulation

Minimum Site Area – 10,000 sq. ft.
Minimum Site Width – 100.00 ft.
Minimum Front Yard – 25.00 ft.
Minimum Rear Yard – 25.00 ft.
Minimum Side Yard – 15.00 ft.
Minimum Corner Side Yard – 15.00 ft.
Maximum Site Coverage – 50.00 percent
Maximum Building Height – 35.00 ft.

46.5 Additional Regulations for Permitted and Conditional Uses

- A Child Care Service shall be developed in accordance with Section 41.0.
- In the case Commercial Uses, no parking, loading, trash collection, outdoor service or display areas shall be permitted within a required front or side yard. Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from adjacent sites and public roadways.

47.0 RR: RURAL RESIDENTIAL ZONING DISTRICT

47.1 General Purpose

47.1.1 To provide a Zoning District for single family dwellings and other compatible uses in a rural setting.

47.2 Permitted Uses

Cottage Dwelling
Mobile Home Dwelling
Single Family Dwelling
Home Occupation
Agricultural Activities
Non-Commercial Farm
Specialized Agriculture
Cemetery
Government Service
Cultural, Spiritual and Traditional Areas
Small Animal Breeding and Boarding Establishment
Private and Public Clubs
Private and Public Education Service
Public Library and Cultural Service
Protection and Emergency Service
Religious Assembly
Utility Service
Child Care Service
Community Recreation Service Club
Indoor Participant Recreation Service
Public Parks

47.3 Conditional Uses

Bed and Breakfast Home
Group Home
Home Industry
Institutional Residence
Lodge
Automotive and Equipment Repair Shop
Convenience Retail Store
Custom Manufacturing Establishment
Greenhouse, Plant and Tree Nursery
Eating and Drinking Establishment
Gas Bar
Household Repair Service
Limited Contractor Service
Outfitter
Personal Service Shop
Tourist Campsite
Forestry Use
Outdoor Participant Recreation Service

47.4 Site Regulations

Minimum Site Area – 1.00 acre
Minimum Site Width – 150.00 ft.
Minimum Front Yard – 50.00 ft.
Minimum Rear Yard – 25.00 ft.
Minimum Side Yard – 25.00 ft.
Minimum Corner Side Yard – 25.00 ft.
Maximum Site Coverage – 20.00 percent
Maximum Building Height – 35.00 ft.

47.5 Additional Regulations for Permitted and Conditional Uses

- A Home Industry shall be developed in accordance with Section 39.0.
- A Home Occupation shall be developed in accordance with Section 40.0.
- A Child Care Service shall be developed in accordance with Section 41.0.
- A Bed and Breakfast Home shall be developed in accordance with Section 42.0.
- A Non-Commercial Farm shall be developed in accordance with Section 43.0.
- In the case of Mobile Home Dwelling sites in a Mobile Home Park development:
    - the minimum site area shall be 5,000.00 sq. ft.; and
    - the minimum site width shall be 50.00 ft.
- In the case Commercial Uses, no parking, loading, trash collection, outdoor service or display areas shall be permitted within a required front or side yard. Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from adjacent sites and public roadways.
- Buildings, structures and hedges adjacent to Provincial Truck Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with *The Highways Protection Act* and *The Highways and Transportation Act*.

48.0 AG: AGRICULTURAL GENERAL ZONING DISTRICT

48.1 General Purpose

48.1.1 To provide a Zoning District for general agricultural uses or other uses that is related to or compatible with agriculture.

48.2 Permitted Uses

Single Family Dwelling
Home Industry
Animal Shelter and Veterinary Service
Agricultural Activities
Farm Produce Outlet
Small Animal Breeding and Boarding Establishment
Farmstead Dwelling
Greenhouse, Plant and Tree Nursery
Non-Commercial Farm
Specialized Agricultural
Cultural, Spiritual and Traditional Areas

48.3 Conditional Uses

General Contractor Service
Forestry Use
Agricultural Crop Protection Warehouse
Natural Resource Development

48.4 Site Regulations for Agricultural and Residential Uses

Minimum Site Area – 40.00 acres
Minimum Site Width – 300.00 ft.
Minimum Front Yard – 100.00 ft.
Minimum Rear Yard – 50.00 ft.
Minimum Side Yard – 50.00 ft.
Minimum Corner Side Yard – 50.00 ft.
Maximum Building Height – 35.00 ft.

48.5 Site Regulation for Other Uses

Minimum Site Area – 2.00 acres
Minimum Site Width – 200.00 ft.
Minimum Front Yard – 50.00 ft.
Minimum Rear Yard – 25.00 ft.
Minimum side Yard – 25.00 ft.
Minimum Corner Side Yard – 25.00 ft.
Maximum Building Height – 35.00 ft.

48.6 Additional Regulations for Permitted and Conditional Uses

- A Home Industry shall be developed in accordance with Section 39.0.
- A Home Occupation shall be developed in accordance with Section 40.0.
- A Non-Commercial Farm shall be developed in accordance with Section 43.0.

- Buildings, structures and hedges adjacent to Provincial Truck Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with *The Highways Protection Act* and *The Highways and Transportation Act.*

49.0 RRM: RESOURCE AND RURAL MANAGEMENT ZONING DISTRICT

49.1 General Purpose

49.1.1 To establish a Zoning District for the orderly use and optimum utilization of mineral aggregate, forestry, and natural resource developments including wildlife management.

49.2 Permitted Uses

Cemetery
Cottage Dwellings
Lodges
Outfitters
Tourist Campsite
Utility Service
Public Park
Forestry Use
Natural Resource Development
Wildlife Protected Area
Pit and Quarry
Sawmill
Wayside Pit and Quarry
Mineral Exploration
Mining
Cultural, Traditional and Spiritual Areas

49.3 Conditional Uses

Bulk Storage Facility
Portable Asphalt Plant
Processing Use
Sawmill
Agricultural Activities
Agri-Business
General Contractor Service
Limited Contractor Service

49.4 Site Regulations for Cottage Dwellings

Minimum Site Area – 20,000.00 sq. ft.
Minimum Site Width – 100.00 ft.
Minimum Front Yard – 25.00 ft.
Minimum Rear Yard – 25.00 ft.
Minimum Side Yard – 20.00 ft.
Minimum Corner Side Yard – 20.00 ft.
Maximum Building Height – 35.00 ft.

49.5 Site Regulations for Other Uses

Minimum Site Area – 2 acres
Minimum site Width – 200.00 ft.
Minimum Front Yard – 75.00 ft.
Minimum Rear Yard – 50.00 ft.
Minimum Side Yard – 50.00 ft.
Minimum Corner Side Yard – 50.00 ft.
Maximum Building Height – 35 ft.

49.6 Additional Regulations for Permitted and Conditional Uses

- For any Natural Resource Use Class Development that is adjacent to a residence, the minimum yard regulations shall be increased to 150.00 ft. For any such use that undertakes blasting or stone crushing, the minimum yard regulations shall be increased to 300.00 ft.

- Buildings, structures and hedges adjacent to Provincial Truck Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with *The Highways Protection Act* and *The Highways and Transportation Act.*

PART VII
ENACTMENT OF REGULATION

50.0 OCN RATIFICATION AND ADOPTION OF THIS REGULATION

DONE AND PASSED by the Board of Directors of the Land Authority at a meeting held on the 3rd day of April, 2009 and FURTHER RECOMMENDS that Chief and Council request that Ratification Vote be held to enact this Regulation which vote will be held on the 14th day of May, 2009.

Chairperson – Stan McGillivary

Director – Ron Constant

Director – Josephine Budd

Director – William J. Lathlin

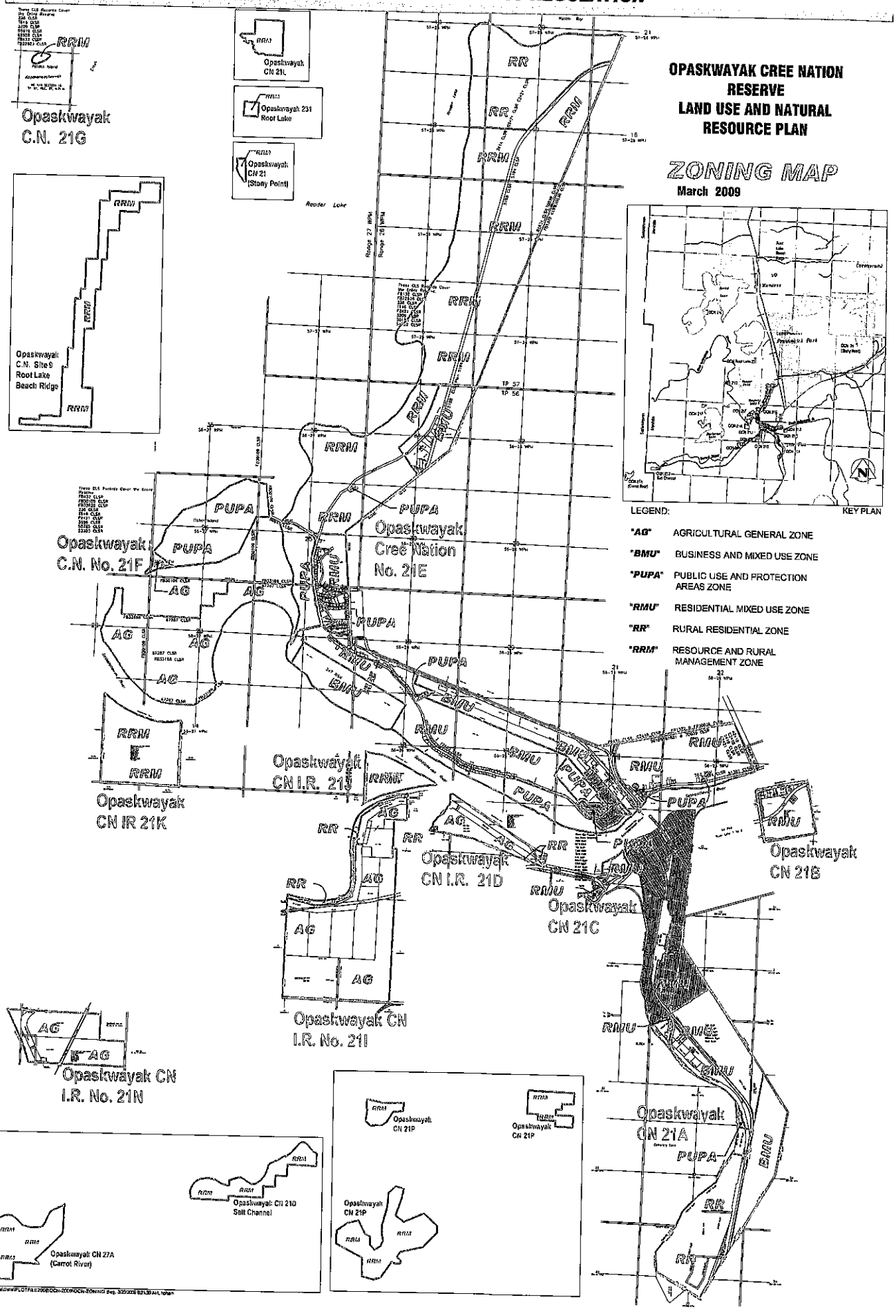
Director – Stan Head

Director – Amanda Lathlin

Witness to the Directors Signature

THAT THE CHIEF AND COUNCIL of Opaskwayak Cree Nation **RATIFIES** by Band Council Resolution #09-049, the community ratification vote held on May 14, 2009, of the enactment of the Opaskwayak Cree Nation Zoning Regulation at a meeting held on the 9th day of June, 2009

PART VIII
OCN ZONING DISTRICT MAPS

As per attached

OPASKWAYAK CREE NATION (OCN)
COMMUNITY PLAN AND ZONING REGULATION