



THE CORPORATION OF THE VILLAGE OF FRUITVALE

CONSOLIDATED ZONING BYLAW NO. 769, 2006

A Bylaw consolidating the following bylaws
to form a new Consolidated Zoning Bylaw:

Bylaw No. 368, 1985
Bylaw No. 397, 1986
Bylaw No. 399, 1986
Bylaw No. 404, 1986
Bylaw No. 419, 1987
Bylaw No. 424, 1987
Bylaw No. 447, 1989
Bylaw No. 452, 1989
Bylaw No. 507, 1992
Bylaw No. 526, 1993
Bylaw No. 531, 1994
Bylaw No. 543, 1994
Bylaw No. 545, 1994
Bylaw No. 547, 1994
Bylaw No. 565, 1995
Bylaw No. 566, 1995
Bylaw No. 568, 1995
Bylaw No. 582, 1996
Bylaw No. 593, 1996
Bylaw No. 598, 1997
Bylaw No. 750, 2006
Bylaw No. 751, 2006
Bylaw No. 754, 2006
Bylaw No. 763, 2006
Bylaw No. 766, 2006
Bylaw No. 767, 2006
Bylaw No. 768, 2006



THE CORPORATION OF THE VILLAGE OF FRUITVALE

CONSOLIDATED ZONING BYLAW NO. 769

A Bylaw to regulate the location and use of buildings and structures and the use of land, including the surface water within the Village of Fruitvale and for that purpose to divide the area into zones pursuant to the provisions of the Local Government Act, having given due regard to:

- the promotion of health, safety, convenience and welfare of the public;
- the prevention of the overcrowding of land, and the preservation of the amenities peculiar to any zone;
- the securing of adequate light, air and access;
- the value of the land and the nature of its present and prospective use and occupancy;
- the character of each zone, the character of the buildings already erected and the conservation of property values.

The Council of Village of Fruitvale in open meeting assembled, enacts as follows:

PART 1 - INTERPRETATION

101. TITLE

This Bylaw may be cited as “Village of Fruitvale Consolidated Zoning Bylaw No. 769, 2006.”

102. APPLICATION

This Bylaw shall apply to all lands including the surface of water within the boundaries of the Village of Fruitvale

103. DEFINITIONS

In this bylaw:

“ACCESSORY BUILDING OR STRUCTURE” means a detached building (including a detached garage or a detached carport) or structure which is subordinate to the principal use of the same lot or to a principal use of a building or structure located on the same lot;

“AGRICULTURAL USE” means farming, horticulture, dairying, rearing and grazing of livestock, fowl and fur bearing animals, apiaries, nurseries, greenhouses and accessory uses connected therewith; but excluding intensive agricultural uses;

“AUTOMOBILE SERVICE STATION” means a commercial establishment which supplies fuel, oil, and minor accessories for automobiles at retail direct to the customer and for cleaning, servicing and making minor or running repairs essential to the actual operation of the vehicle excluding body repair;

“AVERAGE FINISHED GRADE” means the finished level of ground averaged at the perimeter of the exterior foundation of a building structure;

“BUILDING” means a structure having a roof;

“CAMPGROUND” means a premise where spaces but no buildings are provided for the temporary accommodation of travelers in trailers, tents, or recreational vehicles. A campground use may include recreation and amusement facilities, public facilities, picnic shelters and similar buildings for structures which are clearly subordinate to the principal use;

“CARPORT” means one storey automobile shelter which must be attached to a dwelling and which has no more than 40 percent of the wall area, other than the side adjacent to the dwelling enclosed;

“CELLAR” means that portion of a building between two floor levels which has less than 50 percent of its height from finished floor to finished ceiling above the average adjacent exterior finished grade level.

“COMMUNITY SEWER SYSTEM” means a system of sewerage or sewage disposal operated and maintained by the Village of Fruitvale.

“COMMUNITY WATER SYSTEM” means a system of water works serving two or more parcels and which is owned, operated and maintained by a public authority.

“CONGREGATE CARE APARTMENT” means an apartment residential use for elderly citizens in conjunction with a resident dining room and appropriate sized kitchen facilities, social and recreation areas; and includes an administrative office and a suite for a Resident Manager, and may include a hair styling salon and gift shop for the use of residents

“COUNCIL” means the Council of the Corporation of the Village of Fruitvale;

“DRIVE-IN RESTAURANT” means an eating establishment with facilities for attracting and servicing prospective customers traveling in motor vehicles which can be driven onto the premise and where the customer may remain in the vehicle for service.

“DWELLING UNIT” means one or more rooms used or intended to be used for the residential accommodation of one family when such room or rooms contain(s) kitchen, bathroom and sleeping facilities for one family.

“DWELLING, SINGLE FAMILY” means a detached building having independent exterior walls and containing only one dwelling unit and excludes mobile homes.

“DWELLING, TWO FAMILY” means a two family dwelling in which the two dwelling units are separated by a common vertical party wall.

“DWELLING, MULTIPLE FAMILY” means a building containing three or more separate dwelling units

“DWELLING, SEMI-DETACHED” means a two family dwelling in which the two dwelling units are separated by a common vertical party wall.

“EXTERIOR SIDE LOT LINE” means the lot line or lines, other than the front or rear lot lines, common to the lot and a street.

“EXTENSIVE AGRICULTURAL USE” means the growing, producing and harvesting of agricultural products including the rearing and grazing of livestock but excluding intensive agricultural uses;

“FAMILY” means an individual of two or more persons related by blood, marriage, adoption or foster parenthood, or a group of five together in one dwelling unit

“FENCE” means a linear structure which provides a separating protective or confining barrier.

“FRONT LOT LINE” means the lot line common to the lot and fronting street or where there is more than one fronting street the front lot line shall be determined by the Building Inspector;

“FRONT YARD” means that portion of a lot which extends the full width of the lot and is located between the front lot line and the front setback requirement of the respective zone.

“GROSS LOT AREA” means the total area of lot taken in a horizontal plane.

“HEIGHT” means the greatest vertical distance measured from the average finished grade to the highest point of the building or structure.

“HOME OCCUPATION” means an occupation carried on for gain by the residents of the lot, where the occupation is an extension of a hobby, service or similar undertaking which is secondary to the use of the dwelling unit for residential purposes.

Home occupations shall only include the following activities:

- the manufacture and sale of crafts (such as pottery woven or knitted products, art work, jewelry, etc) or food items (such as dairy and meat products, jams, honey, fruit products, etc.)
- service businesses such as hairdressing, dentistry, accountancy, upholsterers, electricians, plumbers etc.
- professional offices;
- the repair of small appliance and small engines (excluding automotive repairs).

“HOTEL OR MOTEL” means a building wherein accommodation is provided for transient public in rooms without individual cooking facilities and such building may contain restaurants, licensed beverage rooms banquet halls, meeting rooms, recreational facilities and cabarets.

“INTENSIVE AGRICULTURE USE” means an agricultural use which involves the commercial operation of feed lots, poultry operations, mushroom farms, piggeries and fur farms.

“INTERIOR SIDE LOT LINE” means the lot line or lines not being the front or rear lot line common to the lot and an adjacent lot or to the lot and a lane;

“KENNELS” means any building, structure, compound or property in which or where three or more dogs or cats, which are six months or more in age are trained, cared for, bred boarded or kept;

“LANE” means a developed or underdeveloped public thoroughfare other than a street which is not less than 6 metres (20 Feet) nor more than 2.6 metres (25 Feet) wide and which provides a secondary means of access to a lot or lots;

“LOT” means an area of land designated as a separate and distinct parcel on a legally recorded subdivision plan or description filed in the Land Title Office but does not include a highway, a right-of-way, and easement or lot within a bare land strata plan;

“LOT COVERAGE” means the area of the lot covered by buildings or structures located on the lot, expressed as a percentage of the gross lot area;

“LOT DEPTH” means the horizontal distance between the front and rear lot lines, measured along the centre line between the two side lot lines.

“LOT LINE” means the legal boundary of a lot;

“LOT WIDTH” means the horizontal distance measured between the side lot lines at a right angle to the centre line between the two side lot lines at a point 6 metres (20 feet) from the front lot line.

“MOBILE HOME” means a transportable, factory built, trailer designed and approved by CMHC to provide year round living accommodations for one family and capable of being connected to service utilities, transported on its own wheels and chassis, capable of being supported on wheels, jacks, posts, piers, or by a permanent foundation and is a minimum of 3.6 metres (12 feet) in width and a maximum of 4.5 metres (14.7) in width and contains a minimum gross floor area of 28 square metres (300 square feet) ;

“MOTOR VEHICLE WRECKING YARD” means lands and building where used motor vehicles not in operable condition and parts thereof are kept dismantled, sorted or sold.

“NATURAL BOUNDARY” means the visible high water mark of any lake, river stream or other body of water where the presence and action of water are so common and usual and so long and continued in all ordinary years as to mark upon the solid of the bed of the lake , river stream or other body of water a character distinct from that of the banks thereof , in respect to vegetation, as well as in respect to the nature of the soil itself as determined by the Building Inspector.

“OPEN FENCING” means fencing which is constructed of wire chain linking or other transparent material;

“PERSONAL SERVICE USE” means a retail premise which caters to consumer personal need and includes tailors, dressmakers, shoe repairs, photographers, barber and beauty shops, salons, and similar uses;

“REAR LOT LINE” means the lot line opposite to and most distant from the front lot line or where the rear portion of the lot is bounded by intersecting side lot lines shall be deemed to be the point of their intersection.

“PUBLIC UTILITY USE” means a use providing for the essential servicing of an area with water, sewer, electrical power, telephone and similar utilities and excluding office and administration facilities associated therewith;

“SALVAGE YARD” means land or buildings where used metal, rags paper or other used material except automotive vehicles are kept sorted or sold, but not recycled or reprocessed into other products or prepared for use as other products;

“SCREENING” means a fence, wall, berm, vegetative barrier or similar buffer, and any combination thereof, that effectively obstructs the view from, or physical access to a lot or portion thereof except by means of a gate or other similar opening;

“SHOPPING CENTRE” means a group of commercial establishments which are planned, designed, and developed as an entity and having an off street parking area provided on the same lot;

“STREET” means a public thoroughfare other than a lane which is designed and constructed for use by vehicular and pedestrian traffic;

“SWIMMING POOL” means any constructed or prefabricated pool, whether situated above or below surrounding ground level, used or intended to be used for swimming, bathing or wading, having a surface area exceeding 14 square metres (150 square feet) and a depth of more than 0.5 metres (1.5 feet) which is situated on privately owned real property;

“TAKE-OUT RESTAURANT” means an eating establishment where food, refreshments and beverages are served to customer primarily for the purpose of being consumed elsewhere;

“TEMPORARY BUILDING” means a building or structure which does not have its exterior walls supported on continuously fixed concrete or masonry foundations or walls and includes, boat shelters bunkhouses, skid shacks, huts, tents, trailers, booths, stands and similar buildings or structures, but does not include a mobile home;

“WATCHMAN’S QUARTERS” means sleeping and cooking facilities which may be provided for the use of one person who is employed in the capacity of a watchman at the site of an industrial use;

“WATERCOURSE” means any natural or man-made depression with definable banks serving to give direction to a current of water, including seasonal freshet flow, as determined by the Building Inspector.

PART TWO - ADMINISTRATION

201. Administration

- (1) The building Inspector or other such person appointed by the Council of the Village of Fruitvale shall enforce this Bylaw.
- (2) Persons appointed under Section 201(1) of this Bylaw are hereby authorized to enter, at all reasonable times, upon any properties subject of the provisions of this Bylaw to ascertain whether the provisions of this Bylaw are being complied with.

202. Prohibition

Subject to the provisions of the Local Government Act respecting non-conforming use; land shall not be used nor shall buildings or structures be used, constructed, reconstructed, altered, moved or extended contrary to the provisions of this bylaw.

203. Violations

Any person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who neglects to do or refrains from doing any act or thing which is required by any of the provisions of this Bylaw, shall be deemed to have violated the provisions of this Bylaw.

204. Penalty

Any person who violates any of the provisions of this Bylaw shall, upon summary conviction thereof, be liable to a penalty of not more than \$500.00 plus the cost of the prosecution. Each day during which such violation is continued shall be deemed to constitute a new and separate offence.

205. Severability

If any section, sub section, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

206. Non-conforming Uses

- (1) Building or structures lawfully under construction or existing on the effective date of this Bylaw, the use of which do not conform to this Bylaw are subject to provisions of the Local Government Act pertaining thereto.
- (2) Additions, expansions, or structural alterations to buildings or structures lawfully under construction or existing on the effective date of this Bylaw which are occupied by, or accessory to a permitted use but which do not otherwise comply with the provisions of this Bylaw, shall be permitted only in accordance with the provisions of this Bylaw.

207. Appeal Procedure

The Board of Variance established by Bylaw by the Council of the Village of Fruitvale shall hear and determine any appeal pursuant to the provisions of the Local Government Act.

208. Amendment Procedure

In addition to the requirements of the Local Government Act, the following requirements for an amendment to this Bylaw shall apply:

- (1) Application for amendment to this Bylaw shall be submitted in writing to, and in a manner determined by, the Village Clerk together with an application fee to be determined by council.
- (2) Where council is considering an amendment to bylaw, a public hearing shall be held pursuant to the provisions of the Local Government Act. Notice of the public hearing shall be mailed or otherwise delivered to the owners and occupiers of all real property within an area specified by Council in a separate bylaw adopted pursuant to the Local Government Act.

209. Effective Date

This bylaw shall become effective upon registration with the Inspector of Municipalities.

210. Metric Measurement

All units of measure contained within this Bylaw are in metric. Approximate imperial measurement equivalents are shown in brackets for reference and convenience only.

211. Repeal of Existing Zoning Bylaws

The “Village of Fruitvale Zoning Bylaw No. 348, 1984” and all amendments thereto are hereby repealed.

PART THREE - GENERAL PROVISIONS

301. Lot Area

- (1) Lots in existence prior to the adoption date of this Bylaw are not required to comply with the Minimum Lot area and Minimum Lot width requirements outlined in the respective zones.
- (2) However, such lots shall comply with all other provisions of this Bylaw as well as any other pertinent Bylaws or Provincial Acts or Statutes that may apply; and further, in the Residential 1 Zone a maximum of one dwelling unit shall be permitted on any such existing undersized lot.
- (3) The minimum lot area requirements for the C1, C2, I and ICF Zones apply if the lot is provided with both community water and sewer services. If both services are not provided to a lot in any of the aforementioned zones, the minimum lot area requirements for these zones shall be as follows:
 - a) with either community water or sewer services provided to the lot 1,250 square metres or (13,455 square feet)
 - b) with no community services provided to the lot 4,000 sq metres (1 acre).

302. Minimum Floor Area

- (1) The minimum total floor area excluding finished or unfinished cellar floor areas for a dwelling in a single or two family dwelling shall be 75 square metres (800 square feet).
- (2) The minimum floor area for a dwelling unit in multiple family dwellings shall be as follows:
 - 40 square metres (431 square feet) within each bachelor unit;
 - 50 square metres (538 square feet.) within each dwelling unit with one separate bedroom or more.

303. Setbacks from Bodies of Water

Subject to any other Bylaw or statute which may be more restrictive, no building or structure shall be constructed or located;

- (1) within 15 metres (50 feet) of the natural boundary of any surface body of water or watercourse; and
- (2) with the underside of the floor system of any area used for habitation, business or the storage of goods damageable by floodwaters, or in the case of a mobile home, with the ground level on which it is located; lower than 1.5 metres (4.9 feet) above the natural boundary of any surface body of water or watercourse.

304. Uses Permitted in all Zones

- (1) Except as otherwise stated in this Bylaw the following uses are permitted in all zones:
 - (a) Public parks and playgrounds
 - (b) Public utility uses with the exception of repair and open or enclosed storage facilities associated therewith; municipal works yards and maintenance facilities.
 - (c) Highway and streets;
 - (d) Cemeteries.
- (2) Uses permitted in Section (304) (1) shall be subject to the regulations of the zone within which they are located, with the exception of the Minimum Lot Area and Minimum Lot Width requirements.

305. Screening and Fences

- (1) Screening or open fencing which is less than 2 metres (6.5 feet) in height may be sited on any portion of a lot provided that it is less than 1.3 metres (4 feet) in height when sited closer to any street than the building setbacks for respective zone with in the screen or fence is located.
- (2) Screening or open fencing which is greater than 2 metres (6.5 feet) in height shall be sited in accordance with the setback requirements for a building in that respective zone.
- (3) The maximum permitted height for screening and open fencing in residential zone shall be:
 - a) 2 metres (6.5) when located in an interior side yard or rear yard and
 - b) 1.3 metres (4 feet) when located in an exterior side yard or front yard.
- (4) Barbed wire and electric fences shall be prohibited within all zones but the Rural Zone.
- (5) Fencing for Swimming Pools
 - a) Every private swimming pool whether existing or prospective, shall be enclosed within a secure and sturdy fence not less than four (4) feet in height above grade level with no openings greater than four (4) inches in their least dimension: this fence may enclose the pool itself or the entire premises on which the pool is situated. The fence shall be continuous except for points of access, which shall be equipped with a self closing gate, so designed as to cause the gate to return to a locked position when noting use and secured by a spring lock located not less than three (3) feet, six (6) inches (3'6") above the grade and which can only be opened from the swimming poolside of the fence. The fence and gate shall be erected simultaneous with the excavating and construction of the swimming pool.
 - b) Every gate in every fence which provides access to every private swimming pool shall be kept in the locked closed position and shall only be opened for the purpose of access to or egress from the said pool during such period.
 - c) Every fence enclosing every private swimming pool, as required by this bylaw, shall be maintained by the owner or occupier of the real property on which the same is situated in good order and repair and adequate to perform its intended function.

306. Buildings Per Lot

A maximum of one residential building shall be permitted on each lot.

307. Home Occupation

(1) a home occupation shall:

- (a) be conducted entirely within one or more wholly enclosed buildings, including all storage associated therewith;
- (b) in no way offer any visible evidence from the exterior that any such occupation is being conducted on the premises with the exception of one non-illuminated name plate or sign with a visible surface area of not more than .3 square metres (3 square feet) which must be attached to a building.
- (c) not occupy an area greater than 25 per cent (25%) of the floor area of the dwelling unit on the lot (whether or not the occupation is being conducted entirely within the dwelling unit or an accessory building).
- (d) generate no vibration, noise, heat, glare or radiation detectable from beyond the lot on which the dwelling is located;
- (e) employ only residents of the dwelling within which the occupation is being conducted.

308. Sitting and Height Exceptions

- (1) Where chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, bay windows or ornamental features project beyond the face of a building, the minimum distance to an abutting lot line as required elsewhere in this Bylaw may be reduced by not more than 0.3 metres (1foot) provided that such reduction shall apply only to the projecting feature.
- (2) Where sunlight control projections, canopies, enclosed balconies or unenclosed porches project beyond the face of a building, the minimum distance to an abutting front, rear or exterior side lot line as required elsewhere in this Bylaw may be reduced by not more than 1.2 metres (4 foot) and the minimum distance to an abutting interior side lot line as required elsewhere in this bylaw may be reduced by not more than 0.3 metres (1foot) provided that such reductions shall apply only to the projecting feature.
- (3) Where eaves project beyond the face of a building, the minimum distance to abutting lot lines as required elsewhere in this Bylaw may be reduced by the following amounts, provided these reductions only apply to the eaves projection proper:
 - (a) to an exterior side lot line, a front lot line or a rear lot line 0.6 metres (2 feet)
 - b) to an interior side lot line 0.3 metres (1 foot)
- (4) When calculating the minimum required distance to an abutting lot line as required elsewhere in this Bylaw, open and uncovered steps shall not be considered to be part of the building.
- (5) Free standing lighting poles, warning devices, antennas, masts, utility poles, wires and flag poles may be sited on any portion of a lot at the sole responsibility of the owner or the utility company.

- (6) Except as otherwise provided in this or other Bylaws, canopies or awnings may be constructed in commercial zones within 0.6 metre (2 feet) of the existing curb line subject to maintaining a minimum of 2.8 metres (9 feet) clearance from street level.
- (7) The maximum heights of buildings and structures permitted elsewhere in this Bylaw may be exceeded for industrial cranes, grain elevators, silos and windmills, towers, tanks and bunkers, belfries and domes, monuments, chimneys and smoke stacks, flag poles, drive-in theatre screens, stadium bleachers, lighting poles, apartment elevator enclosures, stair towers and scenery lots.
- (8) A carport may project to within 1.0 metre (3 feet) of any interior side lot line or rear lot line which does not abut a street. A carport, with a roof covering an area no greater than 23 square metres (250 square feet) may project to within 1.2 metres (4 feet) of either an exterior side lot line or a front lot line, but not both; provided that the carport is left entirely open on all sides for a distance of at least 4.5 metres (15 feet) from any such lot line abutting a street.

The provisions of this Section do not apply if a habitable room or other enclosed building space is located directly above or below any portion of the carport. By definition such a structure becomes a part of the main building and shall be considered only as such. Similarly, by definition, a detached carport shall be deemed to be an accessory building and subject to the normal provisions of this Bylaw pertaining thereto.

- (9) A required rear yard or interior side yard setback from a lot line adjacent to a lane may be reduced by a distance equal to one half the width of that lane.
- (10) Exceptions:

Notwithstanding the specific provisions of this Bylaw with respect to minimum setback requirements, one accessory building with a floor area of less than 10 metres² (107 feet²) situated on a non-permanent foundation, may be located anywhere on a lot, but not closer to a front or exterior side property line than the corresponding face of the principal building.

309. Parking Requirements

- (1) Minimum off-street parking spaces and facilities shall be provided in accordance with the following table (grouped according to land use categories):

<u>USES</u>	<u>PARKING REQUIREMENTS</u>
<u>RESIDENTIAL USES:</u>	
(a) Single, two family dwellings and mobile homes	Two spaces per dwelling unit. A maximum of two spaces may be in tandem
(b) Multiple family dwellings	Two spaces per dwelling unit

USES

PARKING REQUIREMENTS

COMMERCIAL USES:

- (c) Auction mart (indoor) One space per 4 seats or one space per 35 square metres (375 square feet) available for use by its patrons, whichever is greater.
- (d) Artisan workshops, financial institutions; laundromats, and dry cleaners; personal service uses; retail stores and shops; small appliance and business equipment sales and service facilities; automobile service stations car washes, bus depots, and similar public transit facilities, vehicle rental sales and associated service facilities medical and dental clinics and veterinarian services One space per 20 square metres (215 square feet) of gross floor area
- (e) Taxi stands One space for every taxi plus one space for every office employee
- (f) The following uses if located in a Commercial zone; laboratories, film processing establishments printing and publishing establishments One space per 3 employees on a maximum working shift, but not less than 5 spaces per establishment
- (g) The following uses if located in a commercial zone: light equipment rental, sales associated service facilities; plumbing, heating and upholstery shops One space per 3 employees on a maximum working shift but not less than 5 spaces per establishment.
- (h) Bowling alleys; pool halls; arcades and similar entertainment centers, studios One space per 20 square metres (215 square feet) of gross floor area.
- (i) Business, administrative and professional offices; government offices One space per 35 square metres (375 square feet) of gross floor area or one space for every 4 players (at capacity) whichever is greater
- (j) Eating and drinking establishments One space per 30 square metres (320 square feet) of gross floor area

USES

PARKING REQUIREMENTS

- (k) Hotels and motels One space per unit
- (l) Shopping centres One space per 17 square metres
(180 square feet.) of gross floor area
- (m) Take-out and drive-in restaurants 15 spaces (minimum) plus one space for
every 3 seats
- (n) Theatres One space per 4 seats
- (o) Vegetable, produce, craft or similar
roadside sales and display stands Four spaces per sales clerk

INDUSTRIAL USES

- (p) All industrial uses which are located
in an industrial zone One space per 3 employees on a
maximum working shift but not less
than 5 spaces per establishment
- (q) Kennels and animal shelters One space per 35 square metres (375
square feet) of gross floor area

INSTITUTIONAL USES

- (r) Community halls, church and church
halls, clubs, lodges and similar fraternal
organizations; libraries, art galleries,
museums and similar cultural facilities One space per 4 seats or one space per 35
square metres (375 square feet.) available
for use by patrons, whichever is greater
- (s) Correctional Facilities One space per 3 employees on a
maximum working shift
- (t) Hospitals, other public health care
facilities, sanatoriums, convalescent
homes, and homes for the aged One space per 90 square metres
(970 square feet) of gross floor area
- (u) Public and private day schools where
the student body is entirely younger
than the legal driving age Ten spaces plus one space per employee
- (v) Other public and private day schools
and similar educational facilities Ten spaces plus one space per employee
plus one space per 10 students plus one
space for every 3 beds in an associated
dormitory or residential facility

USES

PARKING REQUIREMENTS

- (w) Public service uses and public utility use, municipal works yards and maintenance facilities One space per 3 employees on a maximum working shift

RECREATIONAL USES

- (x) Arenas, rinks, swimming pools, tennis courts, bowling greens, stadiums, golf courses and driving ranges, rodeo and gymkhana grounds One space per 4 seats plus one space for every 4 players or participants

OTHER USES

Playing fields, campgrounds, day camps, fairgrounds and amusement parks; parks, trails and similar land extensive recreational uses; cemeteries, crematoriums, recreational vehicle parks, agricultural uses, intensive agricultural uses and resource uses Off-street parking shall be provided at the discretion of the owner

- (1) Where a building or property contains more than one function or use, the required number of parking spaces shall be the sum of the requirements of each function.
- (2) Where a use is not specifically mentioned, the parking requirement shall be the same as for a similar use mentioned in Section 309
- (3) Required spaces shall be provided on the same lot as the building or use for which they are required, or alternatively, on another lot within 100 metres (328 feet) of the subject building or use provided that the two lots are located within the same zone.
- (4) Each parking space shall be not less than 2.5 metres (8 feet) wide, 5.5 metres (18 feet long and 2.5 metres (8 feet) high when located on an open parking lot; and the width of each parking space shall be increased to 3 metres (10 feet) where such parking space is adjacent to any side wall, post pillar or other such obstruction.
- (5) Each parking space shall be located so as to permit unobstructed access to and egress from that space to a public thoroughfare at all times.
- (6) With the exception of one and two family dwellings, mobile homes and campground uses parking areas and access routes thereto shall be surfaced with asphalt concrete or some similar durable dust free material and all parking spaces shall be clearly marked.
- (7) The number of access points from each parking area to a fronting street shall not exceed two.

- (8) Where any development abuts a controlled access highway as defined in Part 6 or the Highways Act, parking standards must be in accordance with Ministry of Transportation and Highways requirements.

310. Parking Requirements for Existing Buildings

The parking requirements established in Section 309 of this bylaw do not apply to a building or use existing prior to the adoption date of this Bylaw. However, if there is an expansion or addition to an existing use or building then the provisions of Section 309 shall apply to such expansion or addition.

310. Off-Street Loading Facilities

- (1) Off-street loading facilities for commercial or industrial uses involving the receipt and delivery of goods or materials by vehicles shall be provided as follows:
 - (a) one space for the first 500 square metres (5,380 square feet) gross floor area or fraction thereof, plus 1 additional space for each additional 2,000 square metres (21,520 square feet) of gross floor area or fraction thereof.
- (2) Off-street loading facilities shall:
 - a) be provided on the same lot as the subject use;
 - b) be set back a minimum of 6 metres (20 feet) from the designated fronting street.
 - c) have a minimum of 30 square metres (323 square feet) in area; 3 metres (10 feet) in height for each space;
 - d) do not project into any street, lane or public thoroughfare;
 - e) have unobstructed vehicular access to a public street or land;
 - f) have a durable dust free surface.

312. Boarders and Lodgers

Not more than two boarders or lodgers in addition to a family shall be permitted to reside in a dwelling unit.

313. Freestanding Signs

- 1) Temporary, non-illuminated, freestanding signs with a total surface area of less than 1.0 square metre (10 square feet) on the largest side are permitted in any zone and may be located within 1.5 metres (5 feet) of any property line.
- 2) Freestanding signs with a total visible surface area of greater than 1.0 square metre (10 square feet) on any one side are only permitted in the C1, C2, I, PR, ICF, RU and T zones and may be located with 1.5 metres (5 feet) of any property line other than one which abuts a lot in a residential zone, in which case the sign must respect the setback requirement for a building or structure within the zone in which the sign is to be located.

314. Swimming Pool Setbacks and Coverage

- 1. The minimum required setback for swimming pools in all zones shall be:
 - (a) from a front lot line 6 metres (20 feet)
 - (b) from a interior or exterior side lot line 3 metres (10 feet)
 - (c) From a rear lot line 1.5 metres (5 feet)
- 2. The minimum lot coverage requirements for buildings and structures established elsewhere in this Bylaw shall not apply to uncovered swimming pools.

315. Cellars

The use of a cellar as a dwelling unit shall be prohibited.

316. Commercial Vehicles in Residential Zones

Vehicles exceeding 4,000 kilograms (8800 lbs) GVW and used primarily for commercial purposes shall not be parked or stored on a lot in a residential zone for a period exceeding six hours in duration.

317. Temporary Buildings

- 1) No temporary building shall be used as a dwelling.
- 2) No temporary building used for commercial industrial or storage purposes shall be located within the Commercial 1 Zone, Commercial 2 Zone, Parks and Recreational Zone, Institutional and Community Facilities Zone or the Transportation Zone.
- 3) A temporary building which is used only in association with an approved construction project may be located in any zone on the same lot for the duration of construction project.
- 4) Permitted temporary buildings shall be subject to the regulations of the zone within which they are to be located.
- 5) Building permits shall be required for the placement of a temporary building in any non-residential zone.

PART FOUR ESTABLISHMENT OF ZONES

401. Zones

- (1) For the purpose of this Bylaw, the area incorporated into the Village of Fruitvale is divided into the following zones:

<u>Short Form</u>	<u>Zone Title</u>	<u>Zone Description</u>
R1	Residential 1	Single and Two Family Residential
R2	Residential 2	Single Family Mobile Home
R3	Residential 3	Mobile Home Park
R4	Residential 4	Multiple family Residential
R5	Residential 5	Single Family/Institutional
R6	Residential 6	Bare Lands Strata
C1	Commercial 1	General Commercial
C2	Commercial 2	Highway Commercial
I	Industrial	
PR	Parks & Recreational	
ICF	Institutional and Community facilities	
RU	Rural	
T	Transportation	

- (2) The extent and boundary of each zone is shown on the Village of Fruitvale Zoning map which is attached hereto and forms part of this Bylaw as Schedule “A”.
- (3) When a zone boundary is indicated as following a road allowance or watercourse, the centreline of such road allowance or watercourse shall be the zone boundary.
- (4) Where a zone boundary does not follow a legally defined line and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from the zoning map.

402. RESIDENTIAL 1 ZONE (Single and Two family)

R1

402.1 Subject to compliance with the General Provisions in Part (3), the following provisions shall apply in the Residential 1 Zone.

404.2 Permitted Uses

1. Single family dwellings;
2. Two family dwellings and semi-detached dwellings
3. Home Occupations
4. Churches and church halls;
5. Public and private day schools;
6. Community halls;
7. Public service uses;
8. Publicly owned libraries, art galleries and museums and similar publicly owned cultural facilities.
9. Accessory buildings and structures.

402.3 Minimum Lot Area

1. The minimum lot area required for a permitted use within the R1 zone is as follows:

Level of Service Provided	MINIMUM LOT AREA		
	Single Family Dwelling	Two Family and Semi Detached Dwellings	Other Principal Use
(a) With Community water and sewer	465 m2 (5,000 square feet)	278 m2 (3,000 square feet) per dwelling unit	465 m2 (5,000 square feet)
(b) With Community water or sewer	1,250 m2 (13,450 square feet)	700 m2 (7,500 square feet) per dwelling unit	1,250 m2 (13,450 square feet)
(c) No Community Services	4,000 m2 (43,000 square feet)	2,000 m2 (21,500 square feet) per dwelling unit	4,000 m2 (43,000 square feet)

2. A semi-detached dwelling may be erected on two adjacent existing lots provided the common vertical party wall and common side lot lines between the two lots are coincidental.

402.4 Lot Width

The minimum lot widths shall be as follows:

- (a) Single family dwelling..... 18 metres (60 feet)
- (b) Two family dwellings, semi detached dwellings if located on one lot 18 metres (60 feet)
- (c) Semi-detached dwellings (for each unit if located on separate lots)..... 9 metres (30 feet)
- (d) Other principal uses.....18 metres (60 feet)

402.5 Setbacks

1. No buildings or structures shall be located within:

- (a) 5.0 metres (16.5 feet) of a front lot line
- (b) 1.8 metres (6 feet) of an interior side lot line except that an accessory building may be located within 1 metre (3 feet) of an interior side lot line;
- (c) 3.5 metres (11.5 feet) of an exterior side lot line;
- (d) 7.5 metres (25 feet) or 25% of the lot depth (whichever is the lesser) of a rear lot line, except that an accessory building may be located within 1 metre (3 feet) of a rear lot line.

2. The minimum required setback for an interior side lot line adjacent to a vertical common party wall separating dwelling units in a semi-detached dwelling shall be waived.

3. No accessory building, or any portion thereof, shall be located closer to the front lot line than the facing wall of the principal building which it is accessory

4. Notwithstanding the provisions of Section 402.5 (1),(2), and (3):

(a) In this Section the terms:

“subject lot” means any lot for which the setbacks pursuant to this Section are being determined:

“frontage” means any part of a lot line which adjoins a street.

(b) Where any previously erected building has been constructed in conformity with the provisions of this Bylaw on a lot in the R1 Zone which adjoins the subject lot and which also has frontage on the same street as does the subject lot, the minimum required setback from the common street or streets for the subject lot shall be the average of:

i) the distance between the wall of the previously erected building and the street which is common to the two lots; and

ii) the appropriate front or exterior side yard setback for the subject lot that would otherwise be required pursuant to Section 402.5(1) and (c):

provided the minimum required setbacks for the subject lot shall at no time be less than those prescribed in Section 402.5 (1) nor more than 12 metres (40 feet).

- (c) Where two or more previously erected buildings (including buildings on corner lots) are located next to the same street as a subject lot and meet the conditions described in Section 402.5 (4) (b), the one which is closest to the street shall be used to determine the required setback for the subject lot.
- (d) Where the subject lot is a corner lot the provisions of 402.5 (4) (b) shall apply to both the front yard setback and the exterior side yard setback or setbacks.

402.6 Lot Coverage

Buildings and structures together shall not cover more than 35 percent of the gross lot area.

402.7 Height

The maximum permitted height shall be as follows:

- (a) Principal Buildings 9 metres (30 feet)
- (b) Accessory Buildings 4.5 metres (15 feet)

402.8 Parking

Parking shall be in accordance with the provisions of Section 309 and 310 of this Bylaw.

403. RESIDENTIAL 2 ZONE (Single Family Mobile Home)

R2

403.1 Subject to compliance with the General Provisions in Part 3, the following provisions shall apply in the Residential 2 Zone.

403.2 Permitted Uses

1. Any use permitted in the Residential 1 Zone that conforms with all of the provisions for that zone;
2. Notwithstanding the minimum floor area requirements set out in Section 302, the permitted uses shall also include a mobile home subject to compliance with the provisions for the Residential 1 Zone.

404. RESIDENTIAL 3 ZONE (Mobile Home Park)

R3

404.1 All building and structures and the use of land in the Residential 3 Zone shall comply with the provisions of the “Village of Fruitvale Mobile Home Park Bylaw No. 242, 1975, as amended.

405. RESIDENTIAL 4 ZONE (Multiple Family)

R4

405.1 Subject to the compliance with the General Provisions in Part 3, the following provisions shall apply in the Residential 4 Zone.

405.2 Permitted Uses

1. Multiple family dwellings;
2. Accessory buildings and structures.
3. Congregate Care Apartment

405.3 Minimum Lot Area

The minimum lot area shall be 700 square metres (7,500 square feet).

405.4 Density

A minimum site area of 200 square metres (2,150 square feet) shall be required for every dwelling unit located on the lot.

405.5 Services

All multiple family dwellings shall be connected to both community water and sewer services.

405.6 Setbacks

(1) No building or structure shall be located within:

- (a) 7.5 metres (25 feet) of a front or rear lot line except that an accessory building may be located within 1.5 metres (5 feet) of a rear lot line;
- (b) 5 metres (16 feet) of an interior or exterior side lot line except that an accessory building may be located within 1.5 metres (5 feet) of an interior side lot line.

405.7 Lot Coverage

Buildings and structures together shall not cover more than 40 percent of the gross lot area.

405.8 Height

The maximum permitted height shall be as follows:

- (a) Principal Buildings 12 metres (40 feet);
- (b) Accessory Buildings..... 4.5 metres (15 feet);

405.9 Parking

Parking shall be accordance with the provisions of Sections 309 and 310 of this Bylaw.

405B RESIDENTIAL 5 ZONE (Single Family/Institutional)

R5

405B.1 Subject to compliance with the General Provisions in Part 3, the following provisions shall apply in the Residential 5 Zone

405B.2 Permitted Uses

1. Any use permitted in the Residential 1 Zone including child day care centers provided that all uses conform to all of the provisions for that zone.

405C RESIDENTIAL 6 ZONE (BARE LAND STRATA)

R6

405C.1 Subject to the compliance with the General Provisions in Part 3, the following provisions shall apply in the Residential 6 Zone.

405C.2 Permitted uses

1. Single Family Dwelling;
2. Two Family Dwellings
3. Three Family Dwellings
4. Four Family Dwellings;
5. Accessory buildings and structures

405C.3 Minimum Lot Area

In this zone for a bare land strata lot the minimum parcel area shall be:

- (a) 250 metres² (2691 square feet) per unit for a single or two family dwelling;
- (b) 310 metres² (3337 square feet) per unit for a three or four family dwelling;

405C.4 Services

All dwellings shall be connected to both community water and sewer services.

405C.5 Setbacks

Within this section, lot means bare land strata plan as a whole.

(1) No buildings or structures shall be located within:

- (a) 5.0 metres (16.5 feet) of a front lot line;
- (b) 1.8 metres (6 feet) of an interior side lot line except that an accessory building may be located within 1 metre (3 feet) of an interior side lot line;
- (c) 3.5 metres (11.5 feet) of an exterior side lot line;
- (d) 7.5 metres (25 feet) or 25% of the lot depth (whichever is the lesser) of a rear lot line, except that an accessory building may be located within 1 metre (3 feet) of a rear lot line.

405.6 Lot Coverage

Buildings and structures together shall not over more than 40% per cent of the gross lot area.

405C.7 Height

The maximum permitted height shall be as follows:

- (a) Principal building 9 metres (30 feet)
- (b) Accessory Buildings..... 4.5 metres (15 feet)

405C.8 Parking

Parking shall be in accordance with the provisions of Sections 309 and 310 of this Bylaw.

406.1 Subject to compliance with the General Provisions in Part 3, the following provisions shall apply in the Commercial 1 Zone.

406.2 Permitted Uses

1. Artisans' workshops with associated retail sales area;
2. Auction Mart (indoor);
3. Automobile service stations, car washes
4. Bowling alleys, pool halls, arcades, and similar entertainment centers
5. Bus depots taxi stand and similar public transit facilities;
6. Business, administrative, professional and government offices
7. Eating and drinking establishments; including takeout but not drive-in restaurants
8. Financial institutions
9. Hotels and motels
10. Laboratories and film processing establishments
11. Laundromats and dry cleaning establishments
12. Light Equipment rentals, sales and associated services
13. Medical and dental clinics, and veterinarian services
14. Personal service uses;
15. Plumbing, heating and upholstery shops
16. Post offices
17. Printing and publishing establishments
18. Retail stores and shops;
19. Shopping centres
20. Small appliance and business equipment sales and service facilities
21. Theatres indoor and studios
22. Vehicle rental, sales and associated service facilities
23. Multiple family dwellings and accessory buildings or structures thereto subject to the provisions of the Residential 4 Zone
24. Churches and church halls;
25. Clubs lodges and fraternal organizations
26. Hospitals and other public health care facilities
27. Libraries, art galleries, museums and similar cultural facilities
28. Municipally operated parking lots and structures
29. Public and private day schools
30. Public service use
31. Arenas, rinks, swimming pools, tennis courts, bowling greens playing fields and similar open or enclosed active recreational areas and facilities;
32. One or more residential dwelling units located in combination with a permitted non-residential use provided that
 - (a) the dwelling(s) is (are) within the same building as the non residential use;
 - (b) the entrance to the dwelling(s) is 9are separate form that of the non-residential use;
 - (c) the minimum floor area is 50 square metres (540) square feet) per dwelling;
 - (d) dwelling unit(s) shall be located within the same building, but either above or behind the non residential use or uses.
33. Accessory buildings or structures

406.3 Minimum Lot Area

The minimum area for a lot provided with both community water and sewer systems shall be 230 square metres (2,500 square feet)

406.4 Density

A minimum site area of 200 square metres (2,150 square feet) shall be required for every dwelling unit located on the lot.

406.5 Setbacks

- (1) There shall be no minimum required setback for buildings or structures from the front lot line or from any interior or exterior side lot line.
- (2) The minimum required setback for buildings or structures from a rear lot line shall be 6 metres (20 feet) except that an accessory building may be located within 1.5 metres (5 feet) of a rear lot line.
- (3) Gas pumps for an automobile service station or similar use shall be setback a minimum of 4.5 metres (14.7 feet) from any lot line

406.6 Lot Coverage

Buildings and structures together shall not cover more than 75 per cent of the gross lot area.

406.7 Height

The maximum permitted height shall be as follows:

- (a) Principal Buildings 12 metres (40 feet)
- (b) Accessory Buildings..... 4.5 metres (15 feet)

406.8 Parking and Loading

Parking and loading shall be in accordance with the provisions of Sections 309, 310 and 311 of this Bylaw.

407. COMMERCIAL 2 ZONE (Highway Commercial)

C2

407.1 Subject to compliance with the General Provisions in Part 3, the following provisions shall apply in the Commercial 2 Zone.

407.2 Permitted Uses

1. Automobile service stations, car washes
2. Bus depot, taxi stand and similar public transit facilities
3. Business, administrative, professional and government offices
4. Eating and drinking establishments including both take-out and drive- in restaurants
5. Financial institutions
6. Hotels and motels
7. Passenger and freight terminals, depots, marshalling yards and similar distribution and redistribution facilities
8. Personal service use;
9. Post offices
10. Retail stores and shops;
11. Sales rental, service and repair of motorized vehicles, farm machinery and similar light or heavy equipment
12. Shopping centers
13. Warehouses and wholesale suppliers
14. Public service use.
15. Accessory buildings and structures

407.3 Minimum Lot Area

The minimum area for a lot provided with both community water and sewer systems shall be 465 square metres (5000 square feet).

407.4 Setbacks

1. No building or structure shall be located within:
 - (a) 10 metres (33 feet) of a front lot line abutting Highway 3B
 - (b) 6 metres (20 feet) of a front lot line abutting First Street or any exterior side lot line;
 - (c) 6 metres (20 feet) of an interior side lot line or a rear lot line.

407.5 Height

1. The minimum permitted height shall be as follows:
 - (a) Principal buildings 9 metres (30 feet)
 - (b) Accessory buildings..... 4.5 metres (15 feet)

407.6 Lot Coverage

Buildings and structures together shall not cover more than 60 per cent of the gross lot area.

407.7 Parking and Loading

Parking and loading shall be in accordance with the provisions of Section 309, 310, and 311 of this Bylaw.

408. INDUSTRIAL ZONES (General Industrial)

I

408.1 Subject to compliance with the General Provisions in Part 3, the following provisions shall apply in the Industrial Zone.

408.2 Permitted Uses

1. Car and truck washes
2. Motor vehicle wrecking yard
3. Building contractors office, shop yard;
4. Feed and seed sales and storage facilities;
5. Fuel storage, distribution and wholesale supply facilities;
6. Kennels and animal shelters;
7. laboratories and similar research facilities
8. Passenger and freight terminals, depots marshalling yards and similar distribution and redistribution facilities;
9. Primary natural resource extraction, processing and storage activities and facilities
10. Sales, rental, service and repair of motorized vehicles, machinery and heavy equipment
11. Salvage yards
12. Stockyards, slaughterhouses, feedlots, and similar intensive agricultural uses;
13. The manufacture, assembling, treatment, compounding, processing fabrication, packaging, bottling and storage of previously prepared or unprepared material;
14. Warehouses and wholesale suppliers
15. Waste disposal sites and waste reduction or recycling plants, sewage disposal plants;
16. Watchman's quarters
17. Public service use
18. Accessory buildings or structures.

408.3 Minimum Lot Area

The minimum area for a lot provided with both community water and sewer systems shall be 930 square metres (10,000 square feet).

408.4 Setbacks

- (1) No building or structure or industrial use, including outdoor storage, shall be located within:
- (a) 7.5 metres (25 feet) of any non-residential zone boundary
 - (b) 15 metres (50 feet) of any residential zone boundary

408.5 Lot Coverage

Buildings and structures together shall not cover more than sixty percent (60%) of the gross lot area.

408.6 Height

The maximum permitted height shall be as follows:

1. Principal Buildings 12 metres (40 feet)
2. Accessory Buildings..... 4.5 metres (15 feet)

408.7 Parking and Loading

Parking and loading shall be in accordance with the provisions of Section 309, 310 and 311 of this Bylaw.

409. PARKS AND RECREATIONAL ZONE

PR

409.1 Subject to compliance with the General Provisions in Part 3, the following provisions shall apply in the Parks and Recreational Zone.

409.2 Permitted Uses

1. Community halls
2. Arenas, rinks, swimming pools, tennis courts, bowling greens golf courses, playing fields, stadiums and similar active open or enclosed recreational areas and facilities;
3. Campgrounds and day camps;
4. Fairgrounds and amusements parks;
5. Public and private parks and playgrounds;
6. Public service uses;
7. Accessory buildings or structures

409.3 Setbacks

1. No building or structure excepting playground equipment shall be located within:
 - (a) 6 metres (20 feet) of a front lot line;
 - (b) 4.5 metres (15 feet) of an interior or exterior side lot line or a rear lot line.

409.2 Parking

Parking shall be in accordance with the provisions of Sections 309 and 310 of this bylaw.

410.1 Subject to compliance with the General Provisions in Part 3 the following provisions shall apply in the Institutional and Community Facilities Zone.

410.2 Permitted Uses

1. Community halls
2. Churches and church halls Clubs, lodges and similar
3. Government offices; public utility use including administrative offices and repair and open or enclosed storage facilities associated therewith; highways maintenance yards;
4. Hospitals and other public health care facilities
5. Libraries, art galleries, museums, and similar cultural facilities
6. Post offices
7. Public and private day schools;
8. Public service uses
9. Accessory buildings and structures

410.3 Minimum Lot Area

The minimum area for a lot provided with both community water and sewer systems shall be 465 square metres (5,000 square feet).

410.4 Setbacks

1. No building or structure shall be located within:
 - (a) 6 metres (20 feet) of a front lot line;
 - (b) 1.5 metres (5 feet) of an interior side lot line;
 - (c) 4.5 metres (15 feet) of an exterior side lot line;
 - (d) 6 metres (20 feet) of a rear lot line

410.5 Lot Coverage

Buildings and structures together shall not cover more than 40 percent of the gross lot area

410.6 Height

1. The maximum permitted height shall be as follows:
 - (a) Principal buildings..... 12 metres (40 feet)
 - (b) Accessory buildings..... 4.5 metres (15 feet)

410.7 Parking

Parking shall be in accordance with the provisions of Sections 309 and 310 of this Bylaw.

411. RURAL ZONE

RU

411.1 Subject to compliance with the General Provisions in Part 3, the following provisions shall apply in the Rural Zone.

411.2 Permitted Uses

1. Agricultural uses (excluding intensive agricultural use);
2. Churches and church halls
3. Community halls;
4. Home occupations
5. Public service use;
6. Private and public day schools
7. Rodeo or gymkhana grounds
8. Single family dwellings
9. Mobile Homes;
10. The rental, sales and associated servicing of light equipment and motorized vehicles shall be permitted on lot 296, Plan 785B, DL 1236, and KD subject to compliance with the provisions of the Commercial 2 Zone
11. A woodworking and a general building contractor's office, shop and yard, watchman's quarters associated therewith shall be permitted on Lot 3, Plan 2518, DL 1236, KD subject to compliance with the provisions of the Commercial 2 Zone;
12. Accessory buildings and structures
13. Publicly owned libraries, art galleries and museums and similar publicly owned cultural facilities
14. Cemeteries
15. Apiaries
16. The keeping of livestock provided that there shall be no more than three (3) head per whole acre;
17. Sales of produce grown on the premises provided that the area used for display and sales does not exceed 93 square metres (1,000 square feet);
18. Kennels, provided that all animals are kept within a wholly enclosed and sound proofed buildings and provided there are no outside animal runs.

411.3 Minimum Lot Area

The minimum lot area shall be 2 hectares (5 acres)

411.4 Setbacks

- (1) No building or structure shall be located within:
 - (a) 6 metres (20) feet of a front lot line or exterior side lot line;
 - (b) 4 metres (13) feet of a rear lot line or an interior

411.5 Special Setbacks

- (1) No drinking or feed trough, no manure storage area and no enclosure, structure or building used for housing or keeping of animals, shall be located within 20 metres (66 feet) of any lot line which abuts property zoned residential, commercial or institutional.

- (2) All structures, pens, runs enclosures and manure storage areas shall, in addition to the requirements of Section 411.5(1) shall be located to the satisfaction of the Medical Health Inspector in respect of all nearby wells, lakes streams, springs or other bodies of water or any residential area which in the Inspectors opinion could suffer contamination therefrom.
- (3) Section 411.5(1) shall not apply to fences located at or near to the lot lines which are used to enclose grazing animals.

411.6 Lot Coverage

Buildings and structures together shall not cover more than 30% per cent of the gross lot area.

411.7 Parking

Parking shall be in accordance with the provisions of Sections 309 and 310 of this Bylaw.

411.8 Exceptions

- (1) Notwithstanding the provisions of this zone, within that area located between Highway No. 3B and the Burlington Northern Railway Right-of-Way, from and including Lot 1, Plan 2421 to and including Lots 3,4, and 5, Plan 2253 and Lot 296, Plan 785B, D.L. 1236, K.D. except plan 2421; the minimum lot area shall be 2,000 square metres (21,500 square feet) and the maximum coverage shall be 20%.

411.9 Height

The maximum permitted heights for buildings and structures shall be 2 stories or 9.14 (30 feet) except that accessory buildings on lots which are less than 1,250 square metres (13,500 square feet) in size shall not be more than 1 storey or 3.5 metres (12 feet) in height.

411.10 Dwellings Per Lot

Not more than one building containing a dwelling unit shall be located on a lot.

412. TRANSPORTATION ZONE

T

412.1 Subject to compliance with the General Provisions in Part 3, the following provisions shall apply in the Transportation Zone.

412.2 Permitted Uses

1. Passenger and freight terminals, depots, marshalling yards, railroad tracks and similar distribution and redistribution facilities;

412.3 Setbacks

(1) Subject to Section 409.3 (1) (c) below, no building or structure shall be located within:

- (a) 7.5 metres (25 feet) of a front lot line or exterior side lot line;
- (b) 4 metres (13 feet) of a rear lot line or an interior side lot line;
- (c) 15 metres (50 feet) of a Residential Zone boundary.

412.4 Height

(1) The maximum permitted height shall be as follows:

- (a) Principal Buildings 12 metres (40 feet)
- (b) Accessory Buildings..... 4.5 metres (15 feet)

412.5 Parking and Loading

Parking and loading shall be in accordance with the provisions of sections 309, 310 and 311 of this bylaw.

INTRODUCED this 5th day of December, 2006

READ A FIRST TIME this 5th day of December, 2006.

READ A SECOND TIME this 5th day of December, 2006.

READ A THIRD TIME this 5th day of December, 2006.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 6th day of February, 2007.

Mayor

Administrator

CERTIFIED a true copy of Bylaw No. 769 entitled "Village of Fruitvale Consolidated Zoning Bylaw No. 769, 2006".

DATED this 7th day of February, 2007.

Administrator