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1.1 INTRODUCTION**1.1.1 TITLE**

This zoning by-law shall be known as “The Village of Dunnottar Zoning By-law”.

1.1.2 WHEN EFFECTIVE

This zoning by-law shall be in full force and effect when it is given third reading by the *Council* of the Village of Dunnottar.

1.1.3 AREA AFFECTED

This zoning by-law shall apply to all lands within the limits of the Village of Dunnottar.

1.1.4 INTENT AND PURPOSE

1. This zoning by-law is the means by which the objectives and policies of the Village of Dunnottar Development Plan are implemented.
2. This zoning by-law outlines the powers and duties of the Village of Dunnottar *Council*, *designated employee* and *Planning Commission*, with relation to this zoning by-law.
3. This zoning by-law is generally consistent with the Village of Dunnottar Development Plan and must be generally consistent with any applicable secondary plan by-law in effect in the Municipality, and serves to:
 - (a) divide the Village into zones;
 - (b) prescribe permitted and *conditional uses* for land and *buildings* in each zone;
 - (c) prescribe general *development* requirements for each zone; and
 - (d) establish procedure for applying for, and issuing *development permits*, non-conforming certificates, zoning memoranda and other similar documents.

Contents

4. A zoning by-law may contain provisions prohibiting or regulating any of the following:
 - (a) the *use* of land;
 - (b) the *construction* or *use of buildings*;
 - (c) the dimensions and area of *lots*, *parcels* or other units of land;
 - (d) the number, *lot coverage*, *floor area*, *yard size*, dimension and location of *buildings* on parcels of land;
 - (e) the design details of *buildings* and *building sites* and the establishment of committees to approve design details;
 - (f) the *open space* around and between *buildings*, minimum *separation distances* between *buildings* on a site and minimum *separation distances* between *buildings* and other *buildings* or *uses*;
 - (g) the cutting and removal of trees or vegetation;
 - (h) the location, *height*, type and maintenance of *fences* and walls;
 - (i) landscape and buffers between *buildings* and parcels of land, and between different *uses* of land;

- (j) the placement of pedestrian walkways;
- (k) the removal, excavation, deposit or movement of sand, gravel, soil or other material from land;
- (l) the location, size and number of *access points* to a *parcel of land* from adjoining *public roads*;
- (m) the establishment and maintenance of parking and loading facilities;
- (n) the form, type, size, contents, and manner of display of outdoor *signs* or displays, including interior *signs* that are visible from the outdoors;
- (o) the grading and elevation of land;
- (p) the outdoor storage of goods, machinery, *vehicles*, *building materials*, waste materials and other items;
- (q) the number, dimensions and *density* of dwelling units on a *parcel of land*;
- (r) the outdoor lighting of any *building* or land;
- (s) waste storage and collection areas, and facilities and enclosures for storing water and other liquids;
- (t) the manner in which any *use* of land or a *building* is undertaken, including the hours of operation and the regulation of noxious or offensive emissions such as noise and odours;
- (u) the sequence of *development* including commencement and completion;
- (v) the provision of scenic areas, heritage resources and *sensitive land*;
- (w) the *construction*, location or placement of a *building* on *sensitive land*; and
- (x) the *construction* of a *building* within a specific distance of a water body or groundwater source.

1.1.5 RESPONSIBILITIES

Council

1. The *Council* of the Village of Dunnottar is responsible for:
 - (a) adopting, administering and enforcing the development plan;
 - (b) adopting, amending, supplementing, repealing and enforcing this zoning by-law;
 - (c) adopting, amending, supplementing and repealing any applicable secondary plan in force in the Municipality;
 - (d) approving or rejecting applications for *conditional uses* or authorizing a *Planning Commission* to consider and make decisions on applications for *conditional uses* or specific types of *conditional uses*;
 - (e) approving or rejecting applications to vary the requirements of this zoning by-law, or authorizing a *Planning Commission*, by by-law, to consider and make decisions on applications for variances or specific types of variances;
 - (f) establishing a schedule of fees and charges for *development permits*; and
 - (g) administering and enforcing provisions of *The Planning Act*, where applicable.

Designated Employee

2. *Council* may, by by-law, designate an employee of the Municipality to carry out the powers or responsibilities for:
 - (a) reviewing and approving or refusing applications for *development permits*;
 - (b) reviewing and processing applications for variances, and approving or refusing applications for minor variances;
 - (c) reviewing and processing applications for *conditional uses*;

- (d) inspecting properties and enforcing by-laws adopted under *The Planning Act* that the Municipality is authorized to enforce, and the terms and conditions of a permit, approval or order made or issued under *The Planning Act*;
- (e) maintaining a register of applications that may be made available to any interested person during normal office hours;
- (f) maintaining this zoning by-law and amendments thereto, that may be made available to the public during normal office hours for review and/or copying at a fee specified by *Council*; and
- (g) performing other such duties as may be assigned by *Council* or as may be ascribed or implied elsewhere in this zoning by-law.

Planning Commission

3. The *Council* of the Village of Dunnottar may establish a *Planning Commission* composed of at least 3 persons appointed by *Council*. The *Planning Commission* may consist:
 - (a) entirely of members of the *Council*;
 - (b) of a combination of members of the *Council* and other persons; or
 - (c) entirely of persons who are not members of the *Council*.
4. The *Planning Commission* may be responsible for:
 - (a) holding public hearings and making decisions respecting applications for:
 - variances or specific types of variances; and
 - *conditional uses* or specific types of *conditional uses*; and
 - (b) holding public hearings to consider applications for:
 - subdivision where the proposed subdivision will result in the creation of a new *public road*;
 - adoption of a zoning by-law or secondary plan by-law or amendments thereto; and
 - closure of public reserve land if that land is registered in the name of the Municipality and is used as a *public park* or public recreation area and has not been designated as public reserve land as a result of a registered plan of subdivision.

1.2 INTERPRETATION

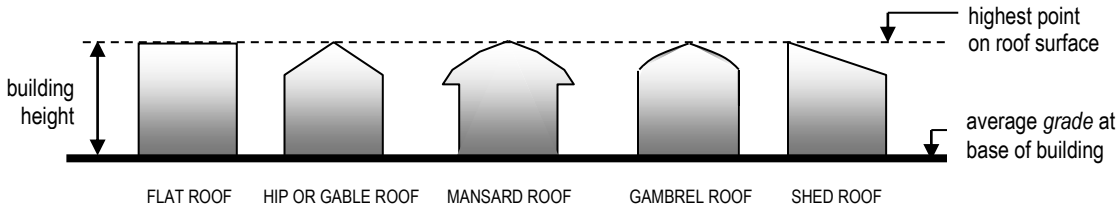
1.2.1 BULK REQUIREMENTS

Bulk Tables

- 1. The bulk requirements contained herein are intended to regulate the *site area* and *site width* of *lots*, and the *site coverage*, *floor area*, *height* and location of the *buildings* and structures on the *lots*.
 - (a) Bulk requirements are in imperial units of measure.
 - (b) Bulk requirements shall be interpreted as minimum, except where the word “maximum” or its abbreviation “max” is used, in which case the maximum requirement shall apply.

Height

- 2. *Height*, for the purposes of establishing *building height*, shall be calculated as the vertical distance from finished *grade* to the highest point of the roof surface excluding projections or attachments.
 - (a) Projections or attachments that may be excluded from *height* restrictions include: chimneys, *communication facilities* (private), electrical or mechanical works of *buildings*, elevator shafts or stairway enclosures, flag poles, roof ornaments or lightning rods, ornamental domes (where less than 10% of roof area and no more than 5 feet above maximum *building height*), sky lights, ventilation fans and church spires or steeples, or the like.

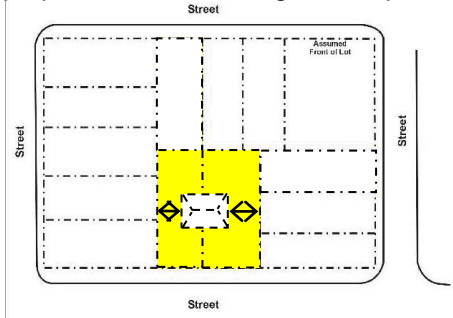


Shade and Shadow

- (b) Generally, new *development* shall be designed and constructed with consideration of impact on neighbouring properties. The negative consequence of shade and shadow from *building development*, as it pertains to the blockage of direct sunlight by on-site *buildings*, can be limited by restrictions on *building* size, form and location. Shadow lengths are dependent on the height and size of the *building* from which it is cast and the angle of the sun. An increase in allowable height and *density* results in increased shadow lengths and widths being cast by the *buildings*. For these reasons maximum *building* heights, as specified in the bulk table for each zone, are established according to the correlation of *site area*, *yard* requirements and *site coverage*.

Multiple Lots as Single Zoning Site

- 3. Where *development* spans multiple *lots* on a registered plan and said contiguous *lots* are in common *ownership*, said *lots* shall be deemed a single *zoning site* for purposes of determining bulk requirements such as required *yards* and *site coverage*.

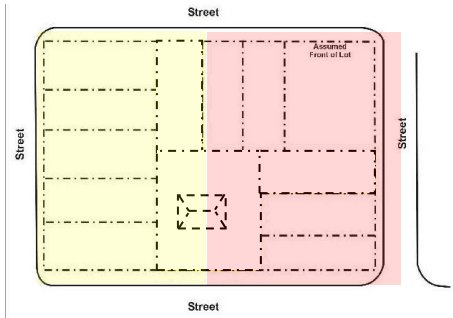


Multiple Uses on a Single Zoning Site

- 4. Where multiple permitted or *conditional uses* occur on a single *zoning site*, all requirements of this zoning by-law for each *use* shall apply. Where there is conflict, such as in the case of required *site area* or *site width* for specific *uses*, the more restrictive requirement shall prevail.

Multiple Zones on a Single Zoning Site

- 5. Where a single *zoning site* is located within 2 or more zones, the zone boundary shall be *used* for purposes of determining bulk requirements such as *yard* requirements, and where there is conflict such as in the case of maximum *site coverage*, the more restrictive requirement shall prevail. Where there is irregularity, the *designated employee* shall determine zone boundaries.



Setback

- 6. The minimum required *setback* shall be measured from the *building*, structure or *use* to the specified *lot line*, right-of-way or zone, whichever the case may be.

Site Area

- 7. *Site area* shall be the calculated area contained within the *site lines* of a *zoning site*.

Site Coverage

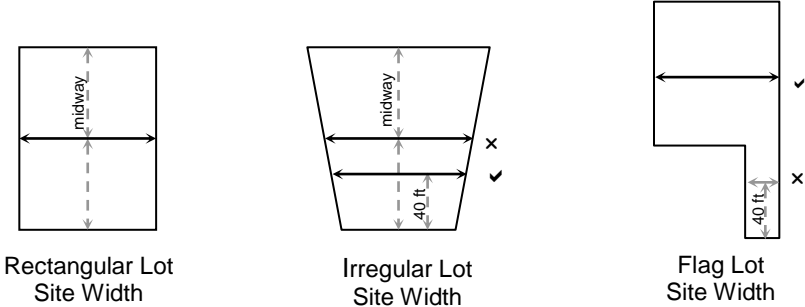
- 8. *Site coverage* standards are designed to ensure a proper level of development on a *zoning site* and deter over-development to maintain the preferred neighbourhood character and respond to features on the *zoning site*. Moreover *site coverage*

standards are intended to promote on-site stormwater infiltration to minimize overland drainage flow into Lake Winnipeg.

- 9. Site coverage shall be calculated as the percentage of the *site area* which is occupied by *principal* and *accessory buildings* and structures as measured from exterior walls.
 - (a) *Principal* and *accessory buildings* and structures used in the calculation shall not include:
 - decks, porches, sunrooms, verandahs or the like;
 - in-ground and above ground swimming pools where the diameter of circular pools is 14 feet or greater, or where the diagonal dimension of oblong or rectilinear pools is 14 feet or greater;
 - portable and temporary covered shelters which are 200 feet² or greater;
 - portable and temporary screen rooms (coverage shall include area of base only); and
 - wheelchair or handicap ramps, where coverage exceeds 50 feet².

Site Width

- 10. *Site width* shall be the horizontal distance between side *site lines* as measured at right angles to the site depth at a point midway between the front and rear *lot lines*, or at 40 feet from the front site line, whichever is the lesser.
 - (a) Where the 40 foot point lies within the narrow *access strip* of the *flag lot*, and the developable portion of the *flag lot* satisfies the minimum *site width* requirement, a variance of the *site width* shall not be required.



Yards

- 11. Required *yards* shall be located on the same *zoning site* as the *use* and shall be measured on a horizontal plane and perpendicularly from the main wall of a *building* to the *site line*.

Discretion

- (a) Required *yards* as listed hereunder may be reduced or determined at the discretion of the *designated employee*:

Corner lot

- Means a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees
- Where a zoning site is a corner lot, the corner side yard shall have a yard requirement equal to the front yard requirement; except where it is determined that the locations of adjacent or majority of buildings on that street are less than the yard requirement. In such case, the setback requirement for the front yard may be reduced at the discretion of the designated employee.

Irregular Shape Lot

- Where a zoning site cannot be defined herein due to irregular shape, the front, side and rear site lines shall be determined by the designated employee for purposes of determining required yards.

Through Lot

- Where a zoning site is a through lot, the rear yard shall have a yard requirement equal to the front yard requirement; except where it is determined that the locations of adjacent or majority of buildings on that street are less than the front yard requirement. In such case, the setback requirement for the rear yard may be reduced at the discretion of the designated employee.

Projections into Yards

- (b) Notwithstanding required yards as specified in the bulk table for each zone, certain structures may be permitted in required yards as listed below, subject to compliance with sight triangle restrictions and provincial building and fire codes. Where an item is not listed, but is similar in nature to an item listed, encroachment into required yards may be permitted, at the discretion of the designated employee.

PERMITTED ENCROACHMENTS INTO REQUIRED YARDS					
STRUCTURE	Max Encroachment into Yard (ft)				SUBJECT TO:
	Front	Side		Rear	
		interior	corner		
awning or canopy	3	1	3	3	min 8 foot height clearance over public sidewalk
balcony	30"	0	0	4	
belt course, lintel, sill or the like	1 ½	1 ½	1 ½	1 ½	
chimney	3	3	3	3	min 3 foot yard
cornice, pillar or the like	1 ½	1 ½	1 ½	1 ½	
driveway or the like	no limit				no min yard
eave and eaves trough	3	1	1	2	min 1 foot side yard clear of all projections
fire escape	4	4	4	4	
flag pole	no limit				min 2 foot yard
landscaping features	no limit				sight triangle restrictions
patio – at grade	no limit				min 2 foot yard
porch – unenclosed – no roof	6	0	0	6	
public utility poles, wires or the like	no limit				no min yard
sidewalk	no limit				no min yard
stairway–exterior, unenclosed	30"	0	0	4	
wheelchair ramps or the like	3	0	0	4	

window bay	3	1	3	3	
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12. It shall be the continuing obligation of the property *owner* to maintain the minimum *yard* requirements in accordance with the bulk tables for each zone or as provided by variance.

1.2.2 MAPSAbbreviations

1. Abbreviations within the zoning maps shall have the following meanings:
 - (a) “Blk” means Block;
 - (b) “D of S” or “DS Plan” means Director of Surveys Plan;
 - (c) “EPM” means East of the Principal Meridian;
 - (d) “Gov’t Rd All’ce” means Government Road Allowance;
 - (e) “N/A” or “n/a” means not applicable;
 - (f) “N” means North;
 - (g) “NE 33-14-8 E” means the north-east quarter of Section 33, Township 14, Range 8, east of the Principal Meridian, and has a similar meaning for other sections, townships and ranges as the case may be;
 - (h) “Pcl” means Parcel;
 - (i) “Plan” means Registered Plan;
 - (j) “PR” means Provincial Road;
 - (k) “Pt” means Part;
 - (l) “PTH” means Provincial Trunk Highway;
 - (m) “Rge” means Range;
 - (n) “Sec” means Section; and
 - (o) “Twp” means Township.

Dimensions

2. The dimensions on the zoning maps are in imperial units of measure.

Registered Plans

3. All plan references on the zoning maps pertain to registered plans filed in the Winnipeg Land Titles Office, or Director of Surveys Plans filed with the Director of Surveys.

Zone Boundary InterpretationLimits of an Incorporated Municipality

4. Boundaries indicated as following the limits of an incorporated municipality shall be construed as following the limits of said municipality.

Lot, Site or Property Lines

5. Boundaries indicated as following the *lot*, site or property lines on a registered plan shall be construed as following said *lot*, site or property lines, or boundaries noted as following registered limits shall be construed as following said limits.
6. Where a zone boundary divides or splits a registered *parcel of land*, the disposition of such boundary shall be determined by:
 - (a) dimensions indicated on the zoning maps; or
 - (b) by measurements directly scaled from that map; or
 - (c) by the *designated employee* where (a) and (b) are not practical.

Public Reserve

7. Boundaries indicated as following the *lot line* or centre line of a public reserve shall be construed as following the *lot line* or centre line of said public reserve.
8. Notwithstanding that public reserves may be within the zone boundaries, the regulations contained within this zoning by-law shall not apply to said public reserve.
9. If the public reserve shown on the zoning map is lawfully closed, the land formerly comprising the public reserve shall be included within the zone of the adjoining land; however, if said public reserve was a zoning boundary between 2 or more different zones, the new zoning boundary shall be the former centre line of the closed public reserve, except where the closed public reserve is being transferred to an adjoining *owner*, in which case the boundary shall follow the limits of the consolidated property.

Railway or Public Utility Rights-of-Way

10. Boundaries indicated as following the centre line of rail, pipeline or *public utility* rights-of-way shall be construed as following the centre line of said rights-of-way.
11. Notwithstanding that rail, pipeline and *public utility* rights-of-way may be within the zone boundaries, the regulations contained within this zoning by-law shall not apply to said rights-of-way.
12. If a railway is abandoned, the land formerly comprising the right-of-way shall be included within the zone of the adjoining land; however, if the said right-of-way was a zoning boundary between 2 or more different zones, the new zoning boundary shall be the former centre line of the right-of-way, except where the right-of-way is being transferred to an adjoining *owner*, in which case the boundary shall follow the limits of the consolidated property.

Streets and Lanes Rights-of-Way

13. Boundaries indicated as following the centre line of highways, streets, lanes government road allowance rights-of-way shall be construed as following the centre line of said rights-of-way.
14. Where a zone boundary is broken by the name of a street, it shall be construed that the boundary continues through the name of the street.
15. Notwithstanding that highway, street, *lane* and government road allowance rights-of-way may be within the zone boundaries, the regulations contained within this zoning by-law shall not apply to said rights-of-way.
16. If the highway, street, *lane* or government road allowance shown on the zoning map is lawfully closed, the land formerly comprising the street, *lane* or government road allowance shall be included within the zone of the adjoining land; however, if said street, *lane* or government road allowance was a zoning boundary between 2 or more different zones, the new zoning boundary shall be the former centre line of the closed street, *lane* or government road allowance, except where the closed road is being transferred to an adjoining *owner*, in which case the boundary shall follow the limits of the consolidated property.

Watercourse, Creek or Stream

17. Boundaries indicated as following the centre line of *watercourses*, creeks or streams shall be construed as following the centre line of said *watercourses*, creeks or streams.
18. Boundaries indicated as following the shoreline shall be deemed to follow the ordinary high water mark (OHWM) as identified by Manitoba Water Stewardship.

Zone Boundaries and Development Plan Designation

19. Where a change in land *use* or amendment to this zoning by-law is proposed and most, but not all of the subject property to be re-zoned falls within the appropriate development plan designation, the subject property shall be deemed to fall within the boundaries of the appropriate development plan designation so as not to necessitate an amendment to the development plan.

1.2.3 TEXT – RULES OF CONSTRUCTION

1. Words, phrases and terms defined herein shall be shown in *italics* and given the defined meaning.
2. Words, phrases and terms not defined herein but defined in *The Planning Act* and the *building* or plumbing by-laws of the Municipality shall be construed as defined in such Act and by-laws.
3. Words, phrases and terms neither defined herein nor in the *building* or plumbing by-laws of the Municipality shall be given their usual and customary meaning except where, in the opinion of *Council*, the context clearly indicates a different meaning.
4. Unless the context clearly indicates the contrary, where a regulation involves 2 or more items, conditions, provisions or events connected by the conjunction “and”, “or” or “either-or”, the conjunction shall be interpreted as follows:
 - (a) “and” indicates that all the connected items, conditions, provisions or events shall apply in any combination;
 - (b) “or” indicates that the connected items, conditions, provisions or events may apply singly or in combination; and
 - (c) “either-or” indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
5. The word “includes” shall not limit a term to the specified examples, but is intended to extend the meaning of all instances or circumstances of like kind or character.
6. The word “may” is permissive and not mandatory.
7. The word “shall” is mandatory and not permissive.
8. The word “should” is as recommended, and not mandatory.
9. The phrase “used for” includes “arranged for”, “designed for”, or “occupied for”.
10. The word “Municipality” shall refer to the Village of Dunnottar.
11. The word “Village” shall refer to the Village of Dunnottar.

1.2.4 USE REGULATIONSMultiple Uses on Single Zoning Site

1. Multiple permitted or *conditional uses* may occur on a single *zoning site*, provided each *use* is in compliance with applicable regulations contained herein. Where there is conflict, such as in the case of required *site area* or *site width* for specific *uses*, the more restrictive requirement shall prevail.

Multiple Zones on Single Zoning Site

2. Where a single *zoning site* is located within 2 or more zones, the zone boundary shall be considered the *lot* or *site line* for purposes of determining permitted or *conditional uses* as specified in the *use table* for each zone. Where there is irregularity, the *designated employee* shall determine zone boundaries.

Use Tables

3. No land, *building* or structure shall be *used* or occupied, except for the *uses* listed in the *Use Tables*, or as may be permitted by variance.
4. The *use tables* contained herein prescribe permitted and *conditional uses* for each zone.
 - (a) *Uses* that are permitted are listed as “P” within the *Use Tables*.
 - (b) *Uses* that require *conditional use* approval are listed as “C” within the *Use Tables*.
 - (c) *Uses* that are listed in a *Use Table*, but that are neither permitted nor *conditional uses* within a zone are listed as “-”.

1.2.5 VALIDITYDevelopment Agreement, Regulation or Legislation

1. In the event of conflict between this zoning by-law and any other by-law of the Municipality or any regulation or legislation of the federal or provincial governments, the most restrictive requirement shall prevail; however, the municipality is responsible for enforcing its requirements only.
2. In the event of conflict between this zoning by-law and a development agreement between the Municipality and a developer, the most restrictive requirement shall prevail.
3. Compliance with bulk requirements contained herein does not preclude compliance with provincial and federal legislation and regulation, and national and provincial *building* and fire codes.

Federal and Provincial Government

4. The federal and provincial government are not bound or restricted by any regulation of this zoning by-law; however, said governments are encouraged to permit only those *developments* that are consistent with this zoning by-law.

Part of Zoning By-law Rendered Invalid By Court

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

Violation

6. Unless otherwise provided for herein, an *existing building*, structure or *use* which was illegal under the provisions of the zoning by-law in force on the effective date of this zoning by-law and amendments thereto shall not become or be made legal solely by reason of the adoption of this zoning by-law, and to the extent that, and in any manner that, said illegal building, structure or use is in conflict with the requirements of this zoning by-law, said building, structure or use remains illegal hereunder.

Part 2 - Administration and Procedure



Bowling Green Park



2.1 CONDITIONAL USE

This zoning by-law is based upon the division of the Municipality into zones, within which the *use* of land, *buildings* and structures are substantially *compatible*. *Uses* that cannot be classified as a permitted *use* in a particular zone due to their unique characteristics or potential impact upon neighbouring land *uses* are classified as *conditional uses*. No person shall undertake a *conditional use* without first obtaining approval in accordance with *The Planning Act*.

2.1.1 APPLICATION FOR CONDITIONAL USE APPROVAL

Application

1. Applications for *conditional use* approval shall be received by the Municipality in the form required by *Council* and accompanied by the application fee as established by by-law. Applications shall not be considered to have been “received” until all information as listed below is provided to the satisfaction of the *designated employee*, where applicable and deemed necessary by same.
 - (a) Applicant and Property:
 - name, phone number, civic address and mailing address of *owner* and/or applicant;
 - written authorization by *owner* of subject property, if other than applicant;
 - civic address of subject property;
 - legal description of subject property; and
 - any relevant caveats, easements or building location certificates.
 - (b) Proposed *Conditional use*:
 - description of proposed *conditional use*, and reasons upon which the *conditional use* approval is requested;
 - description of potential impacts of the proposed *conditional use* on the surrounding land *uses* and proposed means to address said impacts; and
 - plans, drawn at a scale acceptable to the *designated employee*, including:
 - floor plan(s) and elevations; and
 - site plan showing:
 - north arrow;
 - road names;
 - *accessory off-street parking and loading spaces*;
 - *vehicle* entrances and exits;
 - *buildings* or structures; and
 - site features including, but not limited to, lighting standards, sidewalks, and *landscape buffers* or plantings.
 - where *development* is proposed on *lakefront* property:
 - current (dated within past 24 months) building location certificate and survey showing the Lake Winnipeg Ordinary High Water Mark (OHWM) as determined by Manitoba Water Stewardship;
 - description and location of proposed *shoreline* protection works, and means of coordinating *shoreline* erosion protection with adjacent properties; and

- description and location of existing and proposed *landscaping*.
- (c) Additional Information:
- additional information such as elevations and flood levels may be required to facilitate evaluation of proposed works on *groundwater pollution hazard areas and hazard lands*, or development that involves *drainage* works.

2.1.2 REVIEW OF APPLICATION FOR CONDITIONAL USE APPROVAL

Circulation

1. Applications for *conditional use* approval shall be circulated for review and comment, where applicable and deemed necessary by the *designated employee*, as listed hereunder.

Heritage Sites

- (a) Where proposed *development* may affect an identified *heritage site* or identified areas of high heritage resource potential, applications may be circulated to Manitoba Historic Resources Branch, and where applicable, to the municipal heritage committee.

Lake Winnipeg or Other Waterbodies and Watercourses or Drainage Works

- (b) Where proposed *development* is to be located adjacent to Lake Winnipeg or near other waterbodies and watercourses, or is to involve *drainage* works, applications may be circulated to:
 - Manitoba Conservation;
 - Manitoba Water Stewardship;
 - Department of Fisheries and Oceans; and the
 - Lake Winnipeg Shoreline Technical Committee (SETC).

Water control works, as defined in *The Water Rights Act*, requires application for a Water Rights Licence.

Provincial Roads

- (c) Where proposed *development* is to be located within the control area of provincial roads: PR 225 (Whytefold Road), PR 232 (Matlock Road and Gimli Road) and the Ponemah Provincial Access Road, any new, modified or relocated *access* to these highways requires a permit from Manitoba Infrastructure and Transportation. The Municipality is the jurisdiction responsible for structure and planting setbacks adjacent to these provincial roads.

Utility Corridors

- (d) Where proposed *development* to be located in proximity to utility corridors, applications may be circulated to the applicable utility: MTS Allstream Inc., Manitoba Hydro and Centra Gas.

Report to Council or Planning Commission

2. Council or the Planning Commission may require that the designated employee prepare a written report to:
 - (a) describe the proposed conditional use;
 - (b) identify potential impacts of the proposed conditional use upon:
 - the surrounding area;
 - the health and general welfare of people living and working in the surrounding area;
 - other properties, development or potential development in the surrounding area; and
 - (c) determine whether the proposed conditional use is generally consistent with the applicable provisions of the development plan, this zoning by-law and any applicable secondary plan.

Authorization of Planning Commission

3. Council may, by by-law, authorize its Planning Commission to consider and make decisions on applications for conditional uses or specified types of conditional uses.

Public Hearing

4. Council or its Planning Commission must give notice and hold a public hearing to receive representations on a proposed conditional use in accordance with The Planning Act.

2.1.3 DECISION ON APPLICATION FOR CONDITIONAL USE APPROVALAfter the Public Hearing

1. After holding a public hearing, Council or its Planning Commission must make an order rejecting or approving the application.

Approval with Conditions

2. In approving an application for conditional use approval, Council or its Planning Commission may impose conditions on the approval that are considered necessary to ensure the conditional use:
 - (a) will be compatible with the general nature of the surrounding area;
 - (b) will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential development in the surrounding area; and
 - (c) is generally consistent with the applicable provisions of the development plan, this zoning by-law and any applicable secondary plan.
3. Council or its Planning Commission may include a condition on the conditional use order requiring that applicant/owner of the affected property enter into a development agreement with the Municipality.

- (a) The development agreement may provide that it runs with the land, and when a caveat with a copy of such an agreement attached is filed in the appropriate Land Titles Office, the agreement binds the *owner* of the land affected by it, and the *owner's* heirs, executors, administrators, successors and assigns. The agreement is not binding until the order has been made.
 - (b) The development agreement may address any of the following:
 - *use* of the land and any existing or proposed *building*;
 - timing of *construction* of any proposed *building*;
 - specific safeguards to minimize or prevent emission of dust or particulate matter, heat, glare, electromagnetic interference, odour, smoke and the like;
 - siting and design, including exterior materials of any proposed *building*;
 - provision of parking;
 - *landscaping*, provision of *open space*, grading of land and fencing;
 - *construction* or maintenance, at the *owner's* expense or partly at the *owner's* expense, of works including, but not limited to, sewer and water, waste removal, drainage, *public roads*, connecting streets, street lighting, sidewalks, traffic control, *access* and connections to existing services; and
 - payment of a sum of money to the Municipality in lieu of the requirement under the previous clause to be *used* for any of the purposes referred to in that clause.
4. *Council* or its *Planning Commission* may require that the applicant/*owner* provide an irrevocable letter of credit in an amount determined by the municipality to secure performance of any of the conditions of a *conditional use* order including a requirement for municipal improvements related to road and *drainage* works, and to protect the Municipality from future legal claims, including claims regarding environmental contamination to water sources.

Notice of Decision

5. *Council* or its *Planning Commission* must send a copy of its order to the applicant and every person who made a representation at the public hearing.

Appeal

6. The decision of *Council* on an application for *conditional use* approval is final and not subject to appeal.
7. The decision of the *Planning Commission* on an application for *conditional use* approval may be subject to appeal to *Council*.
- (a) *Council* must give notice and hold an appeal hearing in accordance with *The Planning Act*.
 - (b) The appeal of the decision of the *Planning Commission* is a new hearing and *Council* may make any decision with respect to the matter under appeal that could have been made at the original hearing of the application.
 - (c) If there is no appeal of the decision of the *Planning Commission* by the deadline set out in the notice of decision, the decision is final.

2.1.4 EXISTING CONDITIONAL USE ORDERLawfully Existing Uses with Conditional Use Approval

1. The enactment of this zoning by-law does not affect existing *development* with *conditional use* approval that lawfully existed before the enactment of this zoning by-law. Said *development* shall be considered as a lawfully existing *conditional use*.

Change to a Condition

- (a) Change to a condition of an existing *conditional use* order may only occur by following the same process required to approve a new *conditional use*.

Revocation

- (b) A *conditional use* order may be revoked if the applicant or the *owner* of the affected property fails to comply with the *conditional use* order or a condition imposed in the *conditional use* order.

Lawfully Existing Use without Conditional Use Approval

2. Where the enactment of this zoning by-law results in the classification of a lawfully existing use as a *conditional use*, the use as is shall not require *conditional use* approval, but rather shall be considered a lawfully existing non-conforming use and shall be subject to the provisions for non-conforming uses and structures in *The Planning Act*.

Change, Structural Alteration, Extension or Enlargement

- (a) Change, structural *alteration*, *extension* or *enlargement* of said lawfully existing non-conforming use shall require *conditional use* approval or variance of the non-conforming use in accordance with *The Planning Act*.

2.1.5 EXPIRATION OF CONDITIONAL USE APPROVALExpiration

1. Approval of a *conditional use* shall expire or cease to have any effect if not acted upon within 12 months of the date of decision.
 - (a) Approval of a *conditional use* does not expire where there is a lapse of operation of the approved *conditional use* for a period of more than 12 consecutive months, nor does the approval expire with the sale of the property. The *conditional use* approval is valid for the property on which it was granted.

Extension

2. *Council* or its *Planning Commission* may extend the expiration deadline for an additional period not longer than 12 months if an application for extension is received before the initial deadline.

2.2 DEVELOPMENT PERMIT

No *development* may take place unless a *development permit* has been issued in accordance with this zoning by-law and subject to compliance with the conditions of the permit.

2.2.1 APPLICATION FOR A DEVELOPMENT PERMIT

Development Permit Required

1. A *development permit* is required for the following:
 - (a) *construction*, location or relocation of any *building* or structure greater than 100 feet² in area and/or greater than 15 feet in *height*. Temporary tents that are over 900 square feet, used for special events only, and erected for not more than 14 consecutive days or 45 days per calendar year per site will require engineered stamped drawings and a development permit. Meanwhile, temporary tents that are under 900 square feet, used for special events only, and erected for not more than 14 consecutive days or 45 days per calendar year per site do not require a development permit or engineered drawings. Please note temporary tents are exempt from all zoning requirements (e.g. site coverage, height, setbacks, etc.)
 - (b) structural *alteration*, *extension*, addition or conversion of any *building* or structure greater than 100 feet² in area and/or 15 feet in height;
 - (c) removal or demolition of any *building* or structure greater than 100 feet² in area and/or 15 feet in height;
 - (d) *use* or change of *use* of land, or of a *building* or structure greater than 100 feet² in area and/or 15 feet in height;
 - (e) substantial deposit, removal, *alteration* or disturbance of any material, including shoreline protection works, or substantial *alteration* of surface or subsurface drainage, diversion of a natural watercourse such as a river, stream or creek or waterway such as a channel in flood prone or *hazard lands* (permits are not required for *landscaping*, where *grade* and *drainage* are not materially altered, except where works form part of a larger *development*);
 - (f) *construction* of *fences*, *landscaping* walls, gates or the like greater than 3 ½ feet in height (permits are not required for driveways and patios or the like);
 - (g) *construction* of decks excluding decks under 2 feet off the ground; and
 - (h) location of *signs*, except as listed below:
 - bulletin boards of community or *religious organizations* less than 18 feet² in area;
 - *construction signs* when located on *construction* sites and less than 25 feet² in area;
 - directional *signs* for the direction and convenience of the public including *signs* to identify rest rooms, freight entrance, parking entrance or exit or the like, less than 5 feet² in area;
 - election *signs* that are non-illuminated and less than 18 feet² in area;

- flags or emblems of a civic, educational, philanthropic or *religious organization*;
- memorial *signs* or tablets of non combustible materials such as bronze or brass that are incorporated or *attached* to the *building* or structure walls to commemorate a *building*, event, site or person(s);
- *real estate signs* that are non-illuminated, less than 6 feet² in area and located on the subject property;
- *temporary signs* announcing campaigns, drives or events; and
- traffic regulation or directional *signs*, legal notices, railway crossing *signs*, danger or other emergency *signs* or the like.

Application

2. Applications for *development permits* shall be received by the Municipality in the form required by *Council* and accompanied by the application fee as established by by-law. Applications shall not be considered to have been “received” until all information as listed below is provided to the satisfaction of the *designated employee*, where applicable and deemed necessary by same.

(a) Applicant and Property:

- name, phone number, civic address and mailing address of *owner* and/or applicant;
- written authorization by *owner* of subject property, if other than applicant;
- civic address of subject property;
- legal description of subject property; and
- any relevant caveats, easements or *building* location certificates.

(b) Proposed *Development*:

- description of proposed *building*, structure or land *use*;
- estimated value of proposed *building*, structure or land *use* (in dollars);
- plans, drawn at a scale acceptable to the *designated employee*, including:
 - floor plan(s) and elevations; and
 - site plan showing:
 - north arrow;
 - road names;
 - *accessory off-street parking* and *loading spaces*;
 - *vehicle* entrances and exits;
 - *buildings* or structures;
 - site features including, but not limited to, lighting standards, sidewalks, *landscape buffers* or plantings and proposed waste storage and collection areas; and
 - where *development* is proposed on *lakefront* property:
 - current (dated within past 24 months) building location certificate and survey showing the Lake Winnipeg Ordinary High Water Mark (OHWM) as determined by Manitoba Water Stewardship;
 - description and location of proposed *shoreline* protection works, and means of coordinating *shoreline* erosion protection with adjacent properties; and
 - description and location of existing and proposed *landscaping*.

- (c) Proposed Potable Water Supply and Sewage Disposal:
- proof of availability of potable water supply to support proposed land use;
and
 - confirmation that all waste sources in the *principal building* shall be connected to a public sewer system or where a public sewer system is unavailable, to a holding tank.

Water supply and sewage disposal shall be provided in accordance with The Environment Act, the Public Health Act and The Drinking Water Safety Act.

(d) Additional Information:

- additional information such as elevations and flood levels may be required to facilitate evaluation of proposed works on *groundwater pollution hazard areas and hazard lands*, or development that involves *drainage* works.

2.2.2 REVIEW OF APPLICATION FOR A DEVELOPMENT PERMIT

Review Period

1. The *designated employee* may review an application for a *development permit* for a period of not longer than 60 days after it is submitted to determine if the proposed *development* generally conforms to the applicable provisions of the development plan, this zoning by-law and any applicable secondary plan by-law.
 - (a) The *designated employee* may withhold issuing a *development permit* for a further 125 days after the initial 60 day review period if, at the time the application was made, *Council* had authorized the preparation of a development plan by-law, zoning by-law or secondary plan by-law or an amendment to any of the aforementioned; and the proposed *development* does not generally conform with the proposed development plan by-law, zoning by-law or secondary plan by-law or the proposed amendment to any of the aforementioned, in accordance with *The Planning Act*.

Circulation

2. Applications for *development permits* shall be circulated for review and comment, where applicable and deemed necessary by the *designated employee*, as listed hereunder.

Heritage Sites

- (a) Where proposed *development* may affect an identified *heritage site* or identified areas of high heritage resource potential, applications may be circulated to Manitoba Historic Resources Branch, and where applicable, to the municipal heritage committee.

Lake Winnipeg or Other Waterbodies and Watercourses or Drainage Works

- (b) Where proposed *development* is to be located adjacent to Lake Winnipeg or near other waterbodies and watercourses, or is to involve *drainage* works, applications may be circulated to:
 - Manitoba Conservation;
 - Manitoba Water Stewardship;
 - Department of Fisheries and Oceans; and the
 - Lake Winnipeg Shoreline Technical Committee (SETC).

Water control works, as defined in *The Water Rights Act*, requires application for a Water Rights Licence. The designated officer or Council may request a geotechnical report from a qualified engineer for any development 350 feet from a waterbody.

Provincial Roads

- (c) Where proposed *development* is to be located within the control area of provincial roads: PR 225 (Whytewold Road), PR 232 (Matlock Road and Gimli Road) and the Ponemah Provincial Access Road, any new, modified or relocated access to these highways requires a permit from Manitoba Infrastructure and Transportation. The Municipality is the jurisdiction responsible for structure and planting setbacks adjacent to these provincial roads.

Utility Corridors

- (d) Where proposed *development* to be located in proximity to utility corridors, applications may be circulated to the applicable utility: MTS Allstream Inc., Manitoba Hydro and Centra Gas.

2.2.3 DECISION ON APPLICATION FOR A DEVELOPMENT PERMITAfter the Review

1. After reviewing the application, the *designated employee* must make a decision either rejecting or approving the application.

Approval with Conditions

2. In approving an application for a *development permit* for a permitted or *conditional use*, the *designated employee* may impose conditions on the approval that are considered necessary to ensure the *development*:
- (a) will be in compliance with:
- the development plan, this zoning by-law, any applicable secondary plan and municipal by-law;
 - any applicable national and provincial *building* and fire codes; and
 - a *conditional use* order, variance order or development agreement; and
- (b) will satisfy conditions of any caveat, covenant or other instrument affecting a *building* or land.
3. The *designated employee* may include a condition on the *development permit* requiring that applicant/*owner* of the affected property enter into a development agreement with the Municipality.
- (a) The development agreement may provide that it runs with the land, and when a caveat with a copy of such an agreement attached is filed in the appropriate Land Titles Office, the agreement binds the *owner* of the land affected by it, and the *owner's* heirs, executors, administrators, successors and assigns. The agreement is not binding until the order has been made.
- (b) The development agreement may address any of the following:
- use of the land and any existing or proposed *building*;
 - timing of *construction* of any proposed *building*;

- specific safeguards to minimize or prevent emission of dust or particulate matter, heat, glare, electromagnetic interference, odour, smoke and the like;
 - siting and design, including exterior materials of any proposed *building*;
 - provision of parking;
 - *landscaping*, provision of *open space*, grading of land and fencing;
 - *construction* or maintenance, at the *owner's* expense or partly at the *owner's* expense, of works including, but not limited to, sewer and water, waste removal, drainage, *public roads*, connecting streets, street lighting, sidewalks, traffic control, *access* and connections to existing services; and
 - payment of a sum of money to the municipality in lieu of the requirement under the previous clause to be *used* for any of the purposes referred to in that clause.
4. *Council* or its *Planning Commission* may require that the applicant/*owner* provide an irrevocable letter of credit in an amount determined by the municipality to secure performance of any of the conditions of a *development permit* including a requirement for municipal improvements related to road and *drainage* works, and to protect the municipality from future legal claims, including claims regarding environmental contamination to water sources.

Refusal

5. The *designated employee* may refuse to issue a *development permit*:
- (a) Where satisfied that the proposed *development* does not generally conform to provisions of the applicable:
 - development plan, zoning by-law, secondary plan and municipal by-law;
 - federal or provincial legislation and regulation;
 - national and provincial *building* and fire codes; and
 - *conditional use* order, variance order or development agreement;
 - (b) Where satisfied that the proposed *development* does not satisfy conditions of any caveat, covenant or other instrument affecting a *building* or land.

Access and Frontage

- (c) Where the proposed *development* would be located on a site without *frontage* and unobstructed safe and convenient *access* to:
 - a registered road allowance that is developed as an all-weather road and is maintained year round;
 - a proposed road allowance that is to be registered and developed as an all-weather road and maintained year-round, and for which a road *construction* development agreement has been entered into with the municipality;
 - where the *lots* created through subdivision are condominium *lots*, a public or private *access* road connected to either an existing or proposed road allowance that is or is to be developed as an all-weather road and maintained year-round; or
 - where the *zoning site* is an existing *lot* with *access* from an existing private right-of-way registered on title and in favour of the *lot*,

- (d) Where the proposed *development* would be located on a site that is adjacent to a designated future road allowance and does not satisfy *yard* requirements as specified in the bulk table for each zone;

Drainage Patterns

- (e) Where the proposed *development* would result in alteration of *drainage* patterns that would adversely affect adjacent public or private lands, or cause adjacent drains to be insufficient to accommodate added runoff;

Dwelling Units per Parcel

- (f) Where the proposed *development* would result in more than 1 *dwelling unit* on a *parcel of land*, unless permitted by this zoning by-law;

Hazard land

- (g) Where it is determined that the land is unsuited for the proposed *use* by virtue of its soil, topography, unique conditions; or where bank instability, erosion, inadequate *drainage* or severe flooding would result;

Incorrect Information

- (h) Where it is determined that incorrect information has been provided by the applicant; or

Shoreline Erosion Protection

- (i) Where the proposed *shoreline* erosion protection has not been reviewed and approved by the Shoreline Erosion Technical Committee (SETC).

Duty of the Owner

6. Neither the granting of a *development permit* nor the approval of the drawings and specifications or the inspections made by the *designated employee* shall in any way relieve the *owner* of the responsibility of complying with the regulations of this zoning by-law or any relevant by-laws of the Municipality.
7. Every *owner* shall:
- (a) obtain approval from the *designated employee* prior to doing any work at variance with the approved *development permit* and its associated documents;
 - (b) where applicable, obtain from the appropriate authorities, permits or licenses including, but not limited to: blasting, electrical, *grade*, occupancy and plumbing, or permits from Manitoba Infrastructure and Transportation; and
 - (c) permit the *designated employee* to enter any *building* or *premises* to conduct inspections and to take any action authorized under *The Planning Act*, this zoning by-law or any municipal by-law to enforce or remedy a contravention of the terms or conditions of the *development permit* or related *conditional use* order issued under *The Planning Act*.

2.2.4 EXISTING DEVELOPMENT PERMITDevelopment Permit Issued “Before”

1. *Development permits* issued before the effective date of this zoning by-law shall be considered valid, if acted upon within 12 months of the date of decision.

Development Permit Issued for Non-Conforming Building, Structure or Use

2. Where enactment of this zoning by-law causes an intended *use* to be prohibited in the zone in which it is to be located, and where a *development permit* has been issued:
 - (a) said *development* may be completed and *used* for the intended non-conforming *use* – if the *development permit* has been acted upon within 12 months of issuance and if the *development* comes into full operation within 1 year of *building* completion. The *building* shall then be subject to the provisions for non-conforming *uses* and structures in *The Planning Act*, or
 - (b) said *development permit* may be cancelled in accordance with *The Planning Act* – if the *development* authorized by the *development permit* has not begun before the passing of this zoning by-law that prohibits the issuance of the permit or approval.

Correction

3. The approval of any application or drawing, or the issuance of a *development permit* shall not prevent the *designated employee* from requiring that errors be corrected or prohibit *development* if it is in violation of this zoning by-law.

Suspension or Revocation

4. Any *development permit* issued on the basis of incorrect information shall be deemed invalid.
5. The *designated employee* may suspend or revoke a *development permit* where there is failure to comply with the conditions specified on the *development permit*.
6. Any person who undertakes, or causes to permit any *development* on a site without a permit, or after a permit has been suspended or revoked, shall discontinue such *development* forthwith upon notice in writing from the *designated employee* so requiring, and shall not resume such *development* unless a permit has been issued or the permit is re-instated.

2.2.5 EXPIRATION OF DEVELOPMENT PERMIT APPROVAL

1. Approval of a *development permit* for *development* other than temporary *buildings*, structures or *signs*:
 - (a) shall be valid for 12 months from the date of decision; and
 - (b) may be extended by the *designated employee* for an additional period of not more than 6 months if an application for extension is received before the initial deadline.

2. Approval of a *development permit* for a *temporary building* or structure:
 - (a) shall expire or cease to have any effect if not acted upon within 12 months of the date of decision;
 - (b) shall be valid for a maximum period of 12 months or lesser as may be specified on the *development permit*, and
 - (b) may be extended by the *designated employee* for an additional period of not more than 6 months if an application for extension is received before the initial deadline.

3. Approval of a *development permit* for a *temporary sign*:
 - (a) shall expire or cease to have any effect if not acted upon within 12 months of the date of decision;
 - (b) shall be valid for a maximum period of 3 months or lesser as may be specified on the *development permit*, and
 - (c) may be renewed for an additional maximum period of 3 months for a *temporary sign*.

2.3 ENFORCEMENT

2.3.1 AUTHORITY TO INSPECT AND ENFORCE

Enter Land or Building

1. A *designated employee* or officer of the municipality may enter land or a *building*:
 - (a) to conduct inspection to determine if a person is complying with:
 - a by-law adopted under *The Planning Act* that the municipality is authorized to enforce; and
 - the terms or conditions of a permit, approval or order made or issued under *The Planning Act*; and
 - (b) to take any action authorized under *The Planning Act* or a by-law to enforce or remedy a contravention of any of the aforementioned matters.
2. The *designated employee* shall inspect or take enforcement action at a reasonable time and after giving reasonable notice to the *owner* or occupier of the land or *building*.

Emergency

- (a) In an emergency, or in extraordinary circumstances, the *designated employee* or officer is not required to give reasonable or any notice to enter the land or a *building*, and may take any inspection or enforcement action without the consent of the *owner* or occupier of the land or *building* and without a warrant.
3. The *designated employee* shall upon request, produce identification showing that he or she is authorized by the municipality to conduct the inspection or enforcement action.

2.3.2 REMEDY OR PENALTY

1. The *designated employee* may issue a written order requiring the person to remedy the contravention of a by-law adopted under *The Planning Act* that the Municipality is authorized to enforce, and the terms and conditions of a permit, approval or order made or issued under *The Planning Act*. The order may be enforced in accordance with *The Planning Act*.

2.4 NON-CONFORMING BUILDING, STRUCTURE OR USE**2.4.1 CERTIFICATE OF NON-CONFORMITY**

1. A person with an interest in a *building*, a *parcel of land* or an operation involving a *use of land* that does not comply with this zoning by-law may apply to the Municipality for a certificate confirming that the *building*, *parcel*, *use of land*, or intensity of *use of land* was lawfully in existence before the enactment of the this zoning by-law. The applicant/*owner* shall be responsible for providing any proof deemed necessary by the *designated employee*.

2.4.2 NON-CONFORMITIES

1. Enactment of this zoning by-law does not affect any *building*, *parcel of land* or *use of land* or the intensity of a *use of land* that lawfully existed before the enactment of this zoning by-law.

Building or Structure

2. A *building* or structure is considered to be existing, if on the date of enactment of this zoning by-law, the *building* or structure is lawfully constructed, under *construction* or a permit for the *construction* is in force and effect, and *construction* of the *building* is started by the deadline set out in the permit and if the *development* comes into full operation within 1 year of *building* completion.

Non-Conforming Building or Structure

- (a) Where a *building* or structure lawfully existed on the date of enactment of this zoning by-law or amendments thereto, but does not conform to the provisions contained within this zoning by-law, the *building* or structure shall be considered a non-conforming *building* or structure.

Construction on Non-Conforming Existing Building or Structure

- (b) *Construction* on a non-conforming *building* or structure may occur if:
 - the *construction* does not increase the non-conformity and it otherwise conforms with the zoning by-law and any variance approved by *Council*; or
 - the *owner* or a person authorized by the *owner* obtains a variance order to change the *building* or structure to increase the non-conformity or increase the intensity of a *use* or change to another non-conforming *use*.

Damage to Existing Non-Conforming Building or Structure

- (c) Where a non-conforming *building* or structure is damaged or destroyed, and *Council* determines the cost of *repairing* or *rebuilding* the *building* to be more than 50% of the cost of constructing an equivalent new *building*:
 - the *building* must not be *repaired* or rebuilt except in conformity with this zoning by-law; or
 - the *owner* or a person authorized by the *owner* must obtain a variance order to *repair* or rebuild the non-conforming *building*.

Parcel

- 3. A *parcel of land* is considered to be an *existing parcel* if on the date of enactment of this zoning by-law, conditional approval for a subdivision of the land has been issued by the approving authority and the subdivision is registered in the Land Titles Office by the deadline set out in the approval.

Non-Conforming Parcel

- (a) A non-conforming parcel means a parcel which lawfully existed prior to the effective date of this zoning by-law or amendments thereto, but does not conform to the provisions contained within this zoning by-law.

Enlargement of Existing Non-Conforming Parcel

- (b) Where an existing non-conforming *parcel of land* is increased in *site width* or *site area*, but remains less than the minimum requirement of this zoning by-law, variances shall not be required and said parcel shall remain an existing non-conforming parcel.

Use of Existing Non-Conforming Parcel

- (c) Where the *site area* and *site width* of an *existing parcel of land* are not in compliance with this zoning by-law, the *owner* of the land may *use* the land for any *use* permitted under this zoning by-law, and if all other requirements such as *yards*, *building* height and *floor area* are satisfied, the *owner* may construct or *alter a building* on the land.

Use

- 4. A *use of a parcel of land*, or *building* or structure is considered to be an *existing use* if, on the date of enactment of this zoning by-law, a permit or approval has been issued by the Municipality authorizing the *use* of land or the intensity of the *use* of land, or *building* or structure.

Non-Conforming Use

- (a) Where a *use of a building*, structure or *parcel of land* lawfully existed on the date of enactment of this zoning by-law or amendments thereto, but does not conform to the provisions contained within this zoning by-law, the *use* shall be considered a non-conforming *use*.

Discontinuation of Non-Conforming Use

- (b) Where the *use* of land or intensity of the *use* of land does not conform to this zoning by-law, and the non-conforming *use* or non-conforming intensity of *use* has been discontinued for more than 12 consecutive months:
 - the land must be *used* after that time only in conformity with this zoning by-law; or
 - the *owner* or a person authorized by the *owner* must obtain a variance to extend the 12-month time limit.

Increased in Intensity or Changed to another Non-Conforming Use

- (c) Where the *use* of land or intensify of the *use* of land does not conform to this zoning by-law:
- the *use* must not be increased in intensity or changed to another non-conforming *use*; or
 - the *owner* or a person authorized by the *owner* must obtain a variance order to change the *building* or structure to increase the non-conformity or increase the intensity of a *use* or change to another non-conforming *use*.
5. A change in subject matter represented on a *sign* shall not be considered a change to the structure or *use*.
6. The *use* of an existing non-conforming *building* or structure is not affected by a change in *ownership*, tenancy or occupancy.

2.5 SUBDIVISION

Application for a subdivision approval shall be accepted and processed in accordance with *The Planning Act*.

2.6 VARIANCE

A person who believes that this zoning by-law adversely affects his or her property rights may apply for a variance to vary specific provisions of this zoning by-law insofar as they apply to the affected property.

2.6.1 APPLICATION FOR A VARIANCE

Application

1. Applications for a variance shall be received by the Municipality in the form required by *Council* and accompanied by the application fee as established by by-law. Applications shall not be considered to have been “received” until all information as listed below is provided to the satisfaction of the *designated employee*, where applicable and deemed necessary by same.
 - (a) Applicant and Property:
 - name, phone number, civic address and mailing address of *owner* and/or applicant;
 - written authorization by *owner* of subject property, if other than applicant;
 - civic address of subject property;
 - legal description of subject property; and
 - any relevant caveats, easements or *building* location certificates.
 - (b) Proposed Variance:
 - description of proposed variance, and grounds upon which the variance is requested;
 - description of potential impacts of the proposed variance on the surrounding land *uses* and proposed means to address said impacts; and
 - where applicable plans, drawn at a scale acceptable to the *designated employee*, including:
 - floor plan(s) and elevations; and
 - site plan showing:
 - north arrow;
 - road names;
 - *accessory off-street parking and loading spaces*;
 - *vehicle* entrances and exits;
 - *buildings* or structures;
 - site features including, but not limited to, lighting standards, sidewalks, and *landscape buffers* or plantings and
 - where *development* is proposed on *lakefront* property:
 - current (dated within past 24 months) building location certificate and survey showing the Lake Winnipeg Ordinary High Water Mark (OHWM) as determined by Manitoba Water Stewardship;
 - description and location of proposed *shoreline* protection works, and means of coordinating *shoreline* erosion protection with adjacent properties; and
 - description and location of existing and proposed *landscaping*.

- (c) Additional Information:
- additional information such as elevations and flood levels may be required to facilitate evaluation of proposed works on *groundwater pollution hazard areas and hazard lands*, or development that involves *drainage* works.

2.6.2 REVIEW OF APPLICATION FOR A VARIANCE

Report to Council or Planning Commission

1. Council or the Planning Commission may require that the *designated employee* prepare a written report to:
 - (a) describe the proposed variance;
 - (b) identify potential impacts of the proposed variance upon:
 - the surrounding area;
 - the health and general welfare of people living and working in the surrounding area; or
 - any negative effects upon other properties or potential *development* in the surrounding area; and
 - (c) determine whether the proposed variance is generally consistent with the applicable provisions of the development plan, this zoning by-law and any secondary plan.

Authorization of Planning Commission

2. Council may by by-law, authorize its *Planning Commission* to consider and make decisions on applications for variances or specified types of variances.

Public Hearing

3. Council or its *Planning Commission* must give notice and hold a public hearing to receive representations on the proposed variance in accordance with *The Planning Act*.

2.6.3 DECISION ON APPLICATION FOR A VARIANCE

After the Public Hearing

1. After holding a public hearing, Council or its *Planning Commission* must make an order rejecting the application or approving the application for variance.
2. A variance order must not be made if it makes a change of land use other than:
 - (a) a temporary change of land use for a period of not more than 5 years; or
 - (b) a change of land use to a use that is substantially similar to a use permitted under this zoning by-law.

Approval with Conditions

3. In approving an application for a variance, *Council* or its *Planning Commission* may impose conditions on the approval that are considered necessary to ensure the variance:
 - (a) will be *compatible* with the general nature of the surrounding area;
 - (b) will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential *development* in the surrounding area; and
 - (c) is generally consistent with the applicable provisions of the development plan, this zoning by-law and any applicable secondary plan.
4. *Council* or its *Planning Commission* may include a condition on the variance order requiring that applicant/*owner* of the affected property enter into a development agreement with the Municipality.
 - (a) The development agreement may provide that it runs with the land, and when a caveat with a copy of such an agreement attached is filed in the appropriate Land Titles Office, the agreement binds the *owner* of the land affected by it, and the *owner's* heirs, executors, administrators, successors and assigns. The agreement is not binding until the order has been made.
 - (b) The development agreement may address any of the following:
 - *use* of the land and any existing or proposed *building*;
 - timing of *construction* of any proposed *building*;
 - specific safeguards to minimize or prevent emission of dust or particulate matter, heat, glare, electromagnetic interference, odour, smoke and the like;
 - siting and design, including exterior materials of any proposed *building*;
 - provision of parking;
 - *landscaping*, provision of *open space*, grading of land and fencing;
 - *construction* or maintenance, at the *owner's* expense or partly at the *owner's* expense, of works including, but not limited to, sewer and water, waste removal, drainage, *public roads*, connecting streets, street lighting, sidewalks, traffic control, *access* and connections to existing services; and
 - payment of a sum of money to the municipality in lieu of the requirement under the previous clause to be *used* for any of the purposes referred to in that clause.
5. *Council* or its *Planning Commission* may require that the applicant/*owner* provide an irrevocable letter of credit in an amount determined by the Municipality to secure performance of any of the conditions of a variance order including a requirement for municipal improvements related to road and *drainage* works, and to protect the Municipality from future legal claims, including claims regarding environmental contamination to water sources.

Notice of Decision

6. *Council* or its *Planning Commission* must send a copy of its order to the applicant and every person who made a representation at the public hearing.

Appeal

7. The decision of *Council* on an application for variance is final and not subject to appeal.
8. The decision of the *Planning Commission* on an application for a variance may be subject to appeal to *Council*.
 - (a) *Council* must give notice and hold an appeal hearing in accordance with *The Planning Act*.
 - (b) The appeal of the decision of the *Planning Commission* is a new hearing and *Council* may make any decision with respect to the matter under appeal that could have been made at the original hearing of the application.
 - (c) If there is no appeal of the decision of the *Planning Commission* by the deadline set out in the notice of decision, the decision is final.

2.6.4 EXISTING VARIANCE ORDERLawfully Existing Parcels or Uses with Variance Order

1. Where adoption of this zoning by-law or amendments thereto results in bulk requirements that are more restrictive than that allowed for in an existing variance order, the affected property or use shall be considered lawfully existing non-conforming *building*, structure, use or parcel and shall be subject to the provisions for non-conforming uses and structures in *The Planning Act*.

2.6.5 EXPIRATION OF VARIANCE ORDERExpiration

1. A variance order will expire or cease to have any effect if it is not acted upon within 12 months of the date of decision.

Extension

2. *Council* or its *Planning Commission* may extend the expiration deadline for an additional period not more than 12 months, if an application for extension is received before the initial deadline.

2.6.6 MINOR VARIANCEMinor Variance

1. *Council* may, by by-law, authorize a *designated employee* to make an order that varies:
 - (a) any height, distance, area, size or intensity of use requirement in this zoning by-law by no more than 10%; or
 - (b) the number of *parking spaces* required by this zoning by-law by no more than 10%.

Shortened Process

2. Minor variances do not require notice or a public hearing; however, a minor variance order must not be made subject to conditions unless the applicant has been given a reasonable opportunity to make representation about the proposed conditions.

Decision on Minor Variances

3. After reviewing the application, the *designated employee* must make an order rejecting the application or approving the application.
4. In approving an application for a variance, the *designated employee* may impose conditions on the approval that are considered necessary to ensure the variance:
 - (a) will be *compatible* with the general nature of the surrounding area;
 - (b) will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential *development* in the surrounding area; and
 - (c) is the minimum modification of a zoning by-law required to relieve the injurious affect of this zoning by-law on the applicant's property; and
 - (d) is generally consistent with the applicable provisions of the development plan, this zoning by-law and any applicable secondary plan.

Notice of Decision

5. The *designated employee* shall send a copy of the variance order by ordinary mail to the applicant.

Appeal

6. A person who is dissatisfied with a decision of the *designated employee* may, within 14 days of issuance of the order, submit a written request that *Council* review the decision or order. After allowing the person a reasonable opportunity to be heard, *Council* may confirm, vary, substitute or cancel the decision or order of the designated employee.

2.7 ZONING BY-LAW AMENDMENT**2.7.1 APPLICATION FOR ZONING BY-LAW AMENDMENT**Application

1. Applications to amend this zoning by-law may be initiated by the *Council* or by the *owner* of the affected property, or a person authorized in writing by the *owner*.
2. Applications to amend this zoning by-law shall be received by the Municipality in the form required by *Council* and accompanied by the application fee as established by by-law. Applications shall not be considered to have been “received” until all information as listed below is provided to the satisfaction of the *designated employee*, where applicable and deemed necessary by same.
 - (a) Applicant and Property:
 - name, phone number, civic address and mailing address of *owner* and/or applicant;
 - written authorization by *owner* of subject property, if other than applicant;
 - civic address of subject property;
 - legal description of subject property; and
 - any relevant caveats, easements or *building* location certificates.
 - (b) Proposed Amendment:
 - description of proposed amendment, and grounds upon which the amendment is requested;
 - description of potential impacts of the proposed amendment on the surrounding land *uses* and proposed means to address said impacts; and
 - plans, drawn at a scale acceptable to the *designated employee*, including:
 - floor plan(s) and elevations; and
 - site plan showing:
 - north arrow;
 - road names;
 - *accessory off-street parking* and *loading spaces*;
 - *vehicle* entrances and exits;
 - *buildings* or structures;
 - site features including, but not limited to, lighting standards, sidewalks, and *landscape buffers* or plantings; and
 - where *development* is proposed on *lakefront* property:
 - current (dated within past 24 months) building location certificate and survey showing the Lake Winnipeg Ordinary High Water Mark (OHWM) as determined by Manitoba Water Stewardship;
 - description and location of proposed *shoreline* protection works, and means of coordinating *shoreline* erosion protection with adjacent properties; and
 - description and location of existing and proposed *landscaping*.

- (c) Proposed Potable Water Supply and Sewage Disposal:
- proof of availability of potable water supply to support proposed land use; and
 - confirmation that all waste sources in the *principal building* shall be connected to a public sewer system or where a public sewer system is unavailable, a holding tank.

Water supply and sewage disposal shall be provided in accordance with The Environment Act, the Public Health Act and The Drinking Water Safety Act.

- (d) Additional Information:
- additional information such as elevations and flood levels may be required to facilitate evaluation of proposed works on *groundwater pollution hazard areas* and *hazard lands*, or development that involves *drainage works*.

Council May Refuse

3. An application may be refused if, in the opinion of *Council*, the proposed amendment:
- (a) is without merit;
 - (b) is not generally consistent with the development plan; or
 - (c) is the same as or substantially similar to an earlier application that was refused within 1 year before the day when the new application is made.

2.7.2 REVIEW OF APPLICATION FOR ZONING BY-LAW AMENDMENT

Authorization of *Planning Commission*

1. *Council* may, by by-law, authorize its *Planning Commission* to consider and make decisions on applications to amend the zoning by-law.

Public Hearing

2. *Council* or its *Planning Commission* must give notice and hold a public hearing to receive representations on a proposed amendment of the zoning by-law in accordance with *The Planning Act*.

2.7.3 DECISION ON APPLICATION FOR ZONING BY-LAW AMENDMENT

After the Public Hearing

1. After holding a public hearing in accordance with *The Planning Act*, if no person objects to the by-law at the hearing, *Council* may:
- (a) give the by-law second and third reading; or
 - (b) pass a resolution not to proceed with the by-law.

Approval with Conditions

2. In approving an application to amend this zoning by-law, *Council* or its *Planning Commission* may impose conditions on the approval that are considered necessary to ensure the amendment:
 - (a) will be *compatible* with the general nature of the surrounding area;
 - (b) will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential *development* in the surrounding area; and
 - (c) is generally consistent with the applicable provisions of the development plan, this zoning by-law and any applicable secondary plan.
3. *Council* or its *Planning Commission* may include a condition on the amendment requiring that applicant/*owner* of the affected property enter into a development agreement with the Municipality.
 - (a) The development agreement may provide that it runs with the land, and when a caveat with a copy of such an agreement attached is filed in the appropriate Land Titles Office, the agreement binds the *owner* of the land affected by it, and the *owner's* heirs, executors, administrators, successors and assigns. The agreement is not binding until the order has been made.
 - (b) The development agreement may address any of the following:
 - *use* of the land and any existing or proposed *building*;
 - timing of *construction* of any proposed *building*;
 - specific safeguards to minimize or prevent emission of dust or particulate matter, heat, glare, electromagnetic interference, odour, smoke and the like;
 - siting and design, including exterior materials of any proposed *building*;
 - provision of parking;
 - *landscaping*, provision of *open space*, grading of land and fencing;
 - *construction* or maintenance, at the *owner's* expense or partly at the *owner's* expense, of works including, but not limited to, sewer and water, waste removal, drainage, *public roads*, connecting streets, street lighting, sidewalks, traffic control, *access* and connections to existing services; and
 - payment of a sum of money to the Municipality in lieu of the requirement under the previous clause to be *used* for any of the purposes referred to in that clause.
4. *Council* or its *Planning Commission* may require that the applicant/*owner* provide an irrevocable letter of credit in an amount determined by the Municipality to secure performance of any of the conditions of a *conditional use* order including a requirement for municipal improvements related to road and *drainage* works, and to protect the Municipality from future legal claims, including claims regarding environmental contamination to water sources.

Notice of Decision

5. *Council* shall provide notice of decision in accordance with *The Planning Act*.

Appeal

6. The decision on an application to amend this zoning by-law may be appealed to the Municipal Board in accordance with *The Planning Act*.

2.7.4 MINOR AMENDMENT OF ZONING BY-LAW

Application to Minister

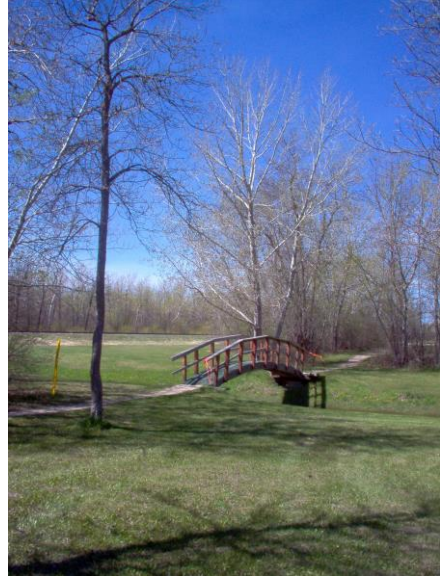
1. *Council* may apply to the minister to make a minor amendment to this zoning by-law, or to amend this zoning by-law to correct an error or omission.

No Notice or Hearing Required

2. The minister may give *Council* written authorization to amend this zoning by-law without giving public notice or holding a hearing, subject to any conditions set out in the authorization, if the minister is satisfied that the proposed amendment is a minor one that does not change the intent of this zoning by-law or the proposed amendment is required to correct an error or omission.

2.8 ZONING MEMORANDUM

1. A person with an interest in a *building, parcel of land* or operation involving the *use* of land may apply to the Municipality for a zoning memorandum that states whether or not the *building, parcel, use, or intensity of use* appears to conform with this zoning by-law. The applicant/*owner* shall be responsible for providing a current *building* location certificate prepared by a Manitoba Land Surveyor (dated within 30 days).



3. GENERAL PROVISIONS**3.1. GENERAL PROVISION**

The General Provisions shall apply to subdivision and *development* in all zones within this zoning by-law, where applicable.

3.1.1 ACCESS AND FRONTAGEPublic Road

1. All *lots* created shall have *frontage* on, and unobstructed, safe and convenient access to:

Registered Road

- (a) a registered road or *lane* allowance that is developed as an all-weather road and is maintained year round; or

Proposed Road

- (b) a proposed road allowance that is to be registered and developed as an all-weather road and maintained year round, for which a road *construction* development agreement has been entered into with the Municipality; or

Condominium Plan

- (c) where the *lots* created through subdivision are condominium *lots*, a public or private access route connected to either (a) or (b) above.

Private Right-of-Way

2. Notwithstanding *access* and *frontage* requirements listed herein, *development* may be allowed on existing *zoning sites* without direct *access* or *frontage*:
 - (a) where the *zoning site* is an existing *lot*, subject to *access* onto a registered *public road* being provided by way of an existing private right-of-way registered on title in favour of the subject *lot*; or
 - (b) where a *zoning site* is deprived of street *frontage* as a result of land acquisition by an authority having power of expropriation or acquisition, or authorization pursuant to *The Planning Act*, subject to *access* onto a registered *public road* being provided by way of an existing private right-of-way registered on title in favour of the subject *lot*; or
 - (c) where a *zoning site* *abuts* land held by the Municipality or the province for future road-widening or public reserve purposes, subject to *access* onto a registered *public road* being provided by way of an existing private right-of-way registered on title in favour of the subject *lot*, and subject to compliance with other applicable requirements of this zoning by-law as if said future road allowance was already in existence.

Seasonal Public or Private Road

- 3. Notwithstanding *access* and *frontage* requirements listed herein, *development* may be allowed on existing *zoning sites* without direct *access* or *frontage* where the *zoning site* is a *lot* that *abuts* or is traversed by an existing seasonally maintained public or private road; however, *owners* of said *lots* should not expect the same level of municipal services as *owners* of a *lot* with *frontage* and *access* to a registered road allowance that is developed as an all-weather road and is maintained year round.

3.1.2 ACCESSORY BUILDING, STRUCTURE AND USE

- 1. *Accessory building, structure or use* means a subordinate *building, structure or use* which is incidental and *accessory* to the *principal building, structure or use*, and located on the same *zoning site* as the *principal building, structure or use*.

Attached to Principal Building

- 2. Where the *accessory building or structure* is *attached* to the *principal building* by a roof, floor (except slab on *grade* or foundation), or an open or enclosed structure, the *accessory building* shall be located in compliance with the *yard* requirements for the *principal building* as specified in the bulk table for each zone.

Detached from Principal Building

- 3. Where the *accessory building* or structure is detached from the *principal building*, the following shall apply:

Construction Before Principal Building or Structure

- (a) Detached *accessory buildings* or *structures* may be constructed before *construction* of the *principal building, structure or use* on the same *zoning site*, subject to:
 - the *accessory building* being fully finished on the exterior in a manner that is *compatible* with the character of the neighbourhood; and
 - the number of *accessory buildings* or structures being limited to 1 before *construction* of the *principal building, structure or use*.

Location

- (b) Detached *accessory buildings* or structures shall be located:
 - in compliance with the *yard* requirements for *accessory buildings* as specified in the bulk table for each zone;
 - a minimum setback distance of 10 feet from the *principal* residence on the same *zoning site*, to exclude detached decks, hot tubs and above ground pools from the separation distances from the principal structure ; and
 - outside of dedicated easements or rights-of-way, except where permitted by said easement or right-of-way.

Type of Building or Structure

- (c) No truck body, van, semi trailer, bus, cargo container or the like shall be permitted to be *used* as a temporary or permanent storage *building* in any zone.
- (d) Portable and temporary covered structures may be permitted for a maximum period of 60 days upon issuance of a *development permit*, and subject to restrictions as may be specified on said *development permit*.
- (e) *Accessory buildings*, including *sleeping cabins* and *guest-quarters above detached garages*, shall:
 - not contain cooking facilities or showers, but may contain a toilet and wash basin; and
 - not be *used* as a dwelling unit, except where permitted as temporary accommodation for *owner* and *family* during *construction* or periods of displacement due to flooding or other natural disasters, subject to compliance with *building* codes for said *use*.

Parking

- 4. Notwithstanding the definition of “*Accessory Use*”, *accessory off-street parking* to serve a *principal* or *accessory use* may be located on an alternate site, subject to variance approval for said alternate site, and subject to location restrictions as per “General Provisions – Parking and Loading.”

3.1.3 AIR CONDITIONING UNIT

- 1. Freestanding exterior air conditioning units may be located in the rear and side *yards* subject to:
 - (a) Air conditioners and pool equipment: to a maximum of 5 feet into the front yard and may project into any side or rear yard provided that the projection is not closer than one foot from the side or rear site line.
 - (b) compliance with *rear yard* requirements for *accessory buildings* and structures as specified in the bulk table for each zone; and
 - (c) a landscape buffer or the like may be required, at the discretion of the designated employee.

3.1.4 BED AND BREAKFAST OPERATION

1. *Bed and breakfast operation* means a business conducted within a detached *single-family dwelling unit* or its *accessory building* by the residents thereof, that provides accommodation to paying customers, where said *use* is secondary and incidental to the *principal use* of the *dwelling unit* as a residence.

Application

2. *Council* or *Planning Commission* shall consider, among other things, the following when reviewing applications for *conditional use* approval for a *bed and breakfast operation*:
 - (a) intensity of the proposed *bed and breakfast operation* relative to the *density* of the neighbourhood; and
 - (b) potential *vehicle* and pedestrian *traffic generation*.

Character

3. *Bed and breakfast operations* shall:
 - (a) not become a nuisance and interfere with the rights of other neighbourhood residents to quiet enjoyment of a residential area;
 - (b) not generate traffic exceeding what is normally characteristic of the neighbourhood; and
 - (c) remain residential in appearance, consistent with the character of the neighbourhood; and
 - (d) limit lighting to that which is normally associated with residential *development*.

Scale of Operation

4. *Bed and breakfast operations* shall:
 - (a) be operated by the resident of the detached single-family *dwelling unit* and may employ a maximum of 2 non-resident persons;
 - (b) accommodate a maximum of 6 guests, plus children under the age of 16 and under the care and supervision of the registered guests, with duration of guest visits limited to 2 consecutive weeks;
 - (c) limit guest *bedrooms* to locations within the *principal dwelling unit*, guest-quarters above *garage* or sleeping cabin, with no guest room containing cooking facilities;
 - (d) limit meal service to breakfasts for registered guest only; and
 - (e) limit *retail sales* to products such as arts, crafts and convenience goods or the like.

3.1.5 CHILD DAY CARE SERVICE – home-based

1. *Child day care service*, where home-based, means a service conducted within a detached *single-family dwelling unit* or its *accessory building* by the residents thereof, that provides temporary care for compensation for 3 or more children, excluding children of the operator (natural, adopted or foster) living in the home, where said use is secondary and incidental to the principal use of the dwelling unit as a residence.

Application

2. *Council or Planning Commission* shall consider, among other things, the following when reviewing applications for *conditional use* approval for a home-based *child day care service*:
 - (a) intensity of the proposed *child day care service* relative to the *density* of the neighbourhood;
 - (b) availability of outside play areas on-site or in nearby parks or the like;
 - (c) *landscape buffers*, fencing or the like to minimize negative impacts on surrounding residences;
 - (d) potential *vehicle* and pedestrian *traffic generation*; and
 - (e) availability and appropriateness of child drop-off and pick-up locations.

Character

3. Home-based *child day care services* shall:
 - (a) not become a nuisance and interfere with the rights of other neighbourhood residents to quiet enjoyment of a residential area;
 - (b) not generate traffic exceeding what is normally characteristic of the neighbourhood;
 - (c) remain residential in appearance, consistent with the character of the neighbourhood; and
 - (d) limit lighting to that which is normally associated with residential *development*.

Scale of Operation

4. Home-based *child day care services* shall:
 - (a) be operated by the resident of the detached *single-family dwelling unit*, and may employ a maximum of 2 non-resident persons;
 - (b) accommodate a maximum of 8 children, excluding children of the operator (natural, adopted or foster) living in the home; and
 - (c) limit care services to the hours between 7 a.m. – 7 p.m., with service provision not exceeding a continuous period of 12 hours per day.

3.1.6 CONSTRUCTIONExterior Finish and Landscaping

1. The following standards shall apply to construction works, and where not fulfilled, occupancy permits may be withheld:
 - (a) exterior siding, doors and windows installed, and the roof shingled within 18 months from the date of issuance of the *development permit*;
 - (b) all building materials shall be removed from the *zoning site* to the satisfaction of the designated employee within 2 years from the date of issuance of the development permit; and
 - (c) landscaping of the *zoning site* shall be completed to the satisfaction of the designated employee within 2 years from the date of issuance of the development permit.
2. Where construction on new or renovated buildings is not by a general contractor, the owner/occupant may be required to enter into a development agreement with the Village of Dunnottar and/or provide an irrevocable letter of credit in an amount determined by the Municipality to secure performance of the aforementioned construction completion standards.

Moving of Building or Structure

3. No *building* or structure shall be moved or relocated in whole or in part to any other location unless every portion of the *building* or structure is in compliance or is made to comply with the applicable regulations of the zone to which it is being re-located.
4. Issuance of a *development permit* to move a *building* or structure may require, at the discretion of the *designated employee*, posting of security in the form of an irrevocable letter of credit or cash, to ensure the *building* is brought into compliance with the zone regulations and building code in a timely manner, as determined by the *designated employee*.
5. Upon completion of removal of a *building* from a site, the old foundation shall be removed, any excavation shall be filled, the ground shall be leveled and the site shall be put in a safe condition, to the satisfaction of a *designated employee*.

Restoration of Building or Structure to a Safe Condition

6. Nothing in this zoning by-law shall prevent the strengthening or restoration to a safe condition of any *building* or structure or part thereof, lawfully existing and *used* on the date of passing of this zoning by-law, provided that the strengthening or restoration does not increase the *building* height, size or volume or change the *use* of such *building* or structure, except such minor changes as may be expressly required for the restoration of the *building* or structure to a safe condition. Such strengthening or restoration shall be in compliance with the Manitoba Building Code and where deemed necessary by the *designated employee*, by-laws.

3.1.7 FENCEHeight

1. *Fences* shall be constructed and maintained in compliance with the height restrictions for fences as specified in the bulk table for each zone.

Materials

2. *Fences* in all zones shall not be constructed of or contain:
 - (a) barbed wire;
 - (b) electrified wire;
 - (c) debris, junk or waste materials unless such materials have been recycled and reprocessed into *building* materials marketed to the general public and resembling new *building* materials; or
 - (d) other materials deemed unsuitable by *Council*.
3. *Fences* shall not impede, obstruct or alter the flow of drainage.
4. *Fences* in all zones shall not obstruct or confuse the view of vehicular and pedestrian traffic at intersections.

3.1.8 FIRE PIT, BARBECUE AND STOVE - outdoor

1. Fixed outdoor fire pits, barbecues, stoves or the like may be located in any *yard*:
 - (a) in compliance with *yard* requirements for *accessory buildings* and structures as specified in the bulk table for each zone; and
 - (b) a minimum distance of 10 feet from any *building* for purposes of fire protection.

3.1.9 GARAGE OR YARD SALE

1. *Garage or yard sale* means the sale of personal property from *premises* containing a *dwelling unit*, community facility or the like.
2. *Garage or yard sales* shall be limited to a maximum of 4 sales per *zoning site* within 1 calendar year.
3. It shall be the obligation of the property owner or person holding the garage or yard sale to obtain a no-charge permit from the municipality.

3.1.10 GRADE

1. All *lots* shall have *grades* established in accordance with:
 - (a) written instructions provided by the *designated employee*, where the street level will be considered as a guide to the foundation level, and the *building grade* will form part of the *building* permit;
 - (b) a drainage plan prepared by a professional engineer, where deemed necessary by the designated employee; or
 - (c) the municipal *lot* grading by-law, where applicable.
2. It shall be the continuing obligation of the property *owner* to:
 - (a) maintain *lot grades* for adequate site drainage;
 - (b) ensure that the level of the surrounding fill at the *building* line shall not be less than the flood protection level, where applicable; and
 - (c) prevent *drainage* from negatively impacting adjacent properties.

3.1.11 HAZARD LAND

1. The flood protection level for the Village is 722 feet Geodetic Survey of Canada Datum as established by Manitoba Water Stewardship.
2. Development in areas below this elevation shall be provided with adequate flood protection. In no case shall a lot access, dwelling unit, commercial building or place of worship or assembly be located in an area subject to periodic flooding unless:
 - (a) the building or structure, where constructed on a full basement or concrete foundation, is located on land that is at an elevation of 722 feet or raised by fill to that elevation and does not have any openings into living space below elevation 722 feet; or
 - (b) the bottom of the floor joists of the building or structure, where constructed on concrete footings extending below ground, is located above elevation 722 feet.

3.1.12 HOME-BASED BUSINESS

1. *Home-based business* means a business or profession conducted within a detached *single-family dwelling unit* or its *accessory building* by the residents thereof, where such *use* is secondary and incidental to the *principal use* of the *dwelling unit* as a residence.

Application

2. *Council* or the *Planning Commission* shall consider, among other things, the following when reviewing applications for *conditional use* approval for a *home-based business*:
 - (a) intensity of the proposed *home-based businesses*; and
 - (b) potential *vehicle* and pedestrian *traffic generation*.
3. A *home-based business* shall not be permitted where, in the opinion of *Council*, it would be more appropriately located in the Commercial Zone, given scale of operation and potential for *traffic generation* and disruption of the residential character of the neighbourhood.

Character

4. *Home-based businesses* shall:
 - (a) not become a nuisance and interfere with the rights of other neighbourhood residents to quiet enjoyment of a residential area and shall not:
 - interfere with television or radio reception on adjacent properties;
 - use, store or produce toxic, explosive, flammable, combustible, corrosive, radioactive or other restricted material; or
 - be noxious or offensive by reason of emission or production of dust, gas, noise, odour, refuse matter, smoke, vapour, vibration or waste;
 - (b) not generate traffic exceeding what is normally characteristic of the neighbourhood; and

- (c) remain residential in appearance, consistent with the character of the neighbourhood, and limit lighting to that which is normally associated with residential *development*.
5. Outdoor storage of materials associated with the *home-based businesses* may be located in the *side* and *rear yards* at the discretion of the *designated employee* and subject to *landscape buffers* or planting, or *fencing* where deemed necessary by same.
6. Articles associated with the *home-based business* that are for sale may be displayed in any yard at the discretion of the designated employee.
7. Vehicles associated with the *home-based business* that have a gross *vehicle* weight greater than 6,000 lbs may be parked on-site at the discretion of the *designated employee*.

Scale of Operation

8. More than 1 *home-based business* may be permitted per *single-family dwelling unit* or *accessory building*, at the discretion of the *designated employee*, provided the *principal use* of the *zoning site* remains residential.
9. *Home-based businesses* shall:
- (a) be operated by the resident of the detached single-family *dwelling unit* and may employ a maximum of 2 non-resident persons; and
- (b) limit hours where open to the public to those hours between 8 a.m. and 8 p.m.

Type of Operation

10. A *home-based business* shall:
- (a) be limited to those occupations as listed hereunder or the like:
- *bed and breakfast operation* (*conditional use* approval required);
 - business and professional office;
 - cabinet or furniture making, upholstery and picture framing service;
 - child day-care service – home-based (*conditional use* approval required);
 - *eco-tourism venture*(*conditional use* approval required);
 - lawn care service;
 - instructional classes in art, music, exercise or sport;
 - production of arts, crafts, music, fabric items, jewelry, food products;
 - *repair* of small appliances, electronic equipment, instruments, furniture and bicycles; and
 - small engine repair.
- (b) not include those occupations as listed hereunder or the like:
- adult entertainment business;
 - autobody *repair* and paint shop or other *repair* of heavy machinery and motor *vehicles*;
 - dating and escort service;
 - dispatch centre for auto-oriented service;
 - body-piercing service;

- firearm or ammunition sales and storage;
 - massage therapy service, except where permitted at the discretion of the *designated employee* and provided therapists are registered with the provincial massage therapy association or where service is deemed acceptable by the *designated employee*; and
 - *vehicle* towing service.
11. Where a *home-based business* changes in any manner so as to no longer be in compliance with this zoning by-law, said *home-based business* shall be discontinued in that location or:
- (a) be changed so as to be in compliance with this zoning by-law;
 - (b) be relocated to a zone where the *use* is permitted or conditional; or
 - (c) remain subject to any necessary amendment to this zoning by-law and the development plan, where applicable.

3.1.13 LAND STEWARDSHIP

1. Private property *owners*, of both inland and waterfront properties, shall be encouraged to contribute to the protection of the *shoreline* and water quality of Lake Winnipeg, and the preservation of the distinctive natural landscape of the Village by following recommended land stewardship practices.
2. Lawns and driveways contribute large phosphorous loads and can account for more than 75% of the contaminant load from residential areas during significant runoff events. Private property *owners* should:
 - (a) protect and preserve significant trees;
 - (b) preserve or plant deep rooted native plants and shrubs;
 - (c) eliminate impermeable driveway surfaces in favour of permeable paving or gravel with mowing strips for off-street parking as the latter allows storm water to infiltrate into the soil rather than flow directly into the lake;
 - (d) eliminate *use* of phosphorous-based fertilizers unless soil tests prepared by a qualified soil technologist demonstrates a phosphorous deficiency in the soil and a need for phosphorous application;
 - (e) plant slow growth grass species, leave grass clippings on the lawn and mulch leaves to recycle nutrients and thereby reduce the need for fertilizing; and
 - (f) refrain from using pesticides and herbicides to prevent toxins from entering the aquatic environment.

Land within the Village of Dunnottar has been designated “Nutrient Management Zone N5” (excluding land used for agricultural purposes) under the *Nutrient Management Regulation* under *The Water Protection Act*. Under this regulation the application of fertilizer containing 1% or more phosphorus by weight, to turf within nutrient management zone N5 is restricted.

Lake Winnipeg is designated a vulnerable waterbody under this regulation, and as such a “Nutrient Buffer Zone” of 115 feet (if no permanent vegetation) or 98 feet (if permanent vegetation exists) is established from the high water mark or top of the outer most bank, (whichever is further from the water) on properties identified as ‘Residential Lakefront Zone’ (map 1). Under the Regulation, no person shall apply a substance containing nitrogen or phosphorus to land within the Nutrient Buffer Zone.

A Nutrient Buffer Zone of 10 to 26 feet (26 feet if land is not covered in permanent vegetation) is established from the high water mark or top of the outer most bank, (whichever is further from the water) from any Order 3, 4, 5 or 6 drain such as Tugela Creek. Under the Regulation, no person shall apply a substance containing nitrogen or phosphorus to land within the Nutrient Buffer Zone.

Riparian Buffer

3. *Riparian* buffers should be maintained, enhanced if insufficient, or re-established if disturbed, with native species to:
 - (a) prevent erosion and promote bank stability by absorbing wave energy and moderating the effects of storms and floods;

- (b) promote water quality through the reduction of sediment and pollutant delivery from overland runoff generated by surrounding land uses by:
 - acting as a physical barrier to slow surface water flow rates and trap sediments; and
 - removing nutrients and toxicants through chemical transformation and plant uptake;
- (c) provide aquatic and wildlife habitat; and
- (d) maintain the distinctive natural appearance and atmosphere of the Village.

Sediment Traps

4. Sediment traps shall be constructed and positioned on *building construction sites*, where deemed necessary by the *designated employee*. Said sediment traps shall remain in place until any required re-vegetation works are complete.

3.1.14 LIGHTING - on-site outdoor

1. Effective outdoor lighting design incorporates consideration of variables including overall visibility, safety and security, energy efficiency, *light trespass*, and environmental concerns such as sky glow or impact on local wild life.

Character

2. On-site outdoor lighting in any zone:
 - (a) shall have such lamp wattage and luminaire type so as to minimize light pollution into the night sky and maintain the village atmosphere;
 - (b) shall not incorporate rotating beams, beacons or flashing illumination so as not to resemble emergency lights; and
 - (c) shall be of a scale appropriate to the neighbourhood.

Location

3. On-site lighting in any zone shall be located and directed so as to:
 - (a) keep light projection within property lines and minimize *light trespass* onto neighbouring residential properties;
 - (b) not interfere with the safe operation of nearby roadways and not to obstruct or confuse the view of any authorized traffic *sign*, signal or device; and
 - (c) not impair the view of any street or *highway* intersection, or impair the view of the intersection of a street or highway with a railroad grade crossing.

3.1.15 MUNICIPAL SERVICES

1. All *principal buildings* constructed on a site served by public or private sewer, water or hydro distribution shall be connected to said services, where applicable.
2. Where no public or private sewer, water or hydro distribution exists, the *owner* shall be required to connect all *principal buildings* to the services within 12 months of service installation and availability.

3.1.16 NOXIOUS OR OFFENSIVE USES

1. No *use* shall be permitted in any zone which may be noxious or offensive by reason of the emission or production of dust, gas, noise, odour, refuse matter, smoke, vapour, vibration or waste, except where allowed as a permitted or *conditional use* in a zone.

3.1.17 PARKING AND LOADING

1. *Accessory off-street parking and loading spaces* shall be provided and maintained at the time of *construction* of any *principal building*, structure or use, in accordance with requirements listed herein and in numbers as indicated in the Use and Parking Requirement Table for each zone.

Entrance and Exit

2. All *accessory off-street parking* areas shall have unobstructed, safe and convenient access to:
 - (a) a registered road allowance that is developed as an all-weather road and is maintained year round; or
 - (b) a proposed road allowance that is to be registered and developed as an all-weather road and maintained year round, for which a road *construction* development agreement has been entered into with the Municipality; or
 - (c) where the *lots* created through subdivision are condominium *lots*, a public or private access route connected to either (a) or (b) above.
3. Minimum distance between any part of an entrance, exit or combined entrance and exit, and the intersection of a street site line or the intersection of a street site line and a side site line on a public *lane* shall be a minimum of 20 feet.

Fence or Landscape Buffer

4. *Parking areas* shall incorporate *landscape buffers* or plantings wherever possible to soften the visual impact; and where *abutting residential development*, a *fence* or *landscape buffer* or the like may be required, at the discretion of the *designated employee*.

Grade and Surface Treatment

5. *Accessory off-street parking and loading* areas, including the entrances and exits, access aisles and maneuvering areas, shall be *graded* and drained so as to control the pooling of water and prevent the flow of surface water onto adjacent *lots* or public sidewalks, unless approved by the *designated employee*.
6. All *accessory off-street parking and loading* areas, including the entrances and exits, access aisles and maneuvering areas, shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles. The surface shall be constructed of crushed stone, slag, gravel, crushed brick or tile, cinders or the like with provision for drainage facilities. The surface should be permeable to allow storm water to infiltrate into the soil rather than flow directly into the *lake*. Surfaces such as grasscrete or gravel rather than concrete or asphalt soften the appearance and reduce surface runoff. Surface areas shall, where applicable, be treated with dust control, in compliance with municipal standards.

Lighting

7. Where *accessory off-street parking and loading* areas are illuminated, on-site outdoor lighting shall be in compliance with regulations for “Lighting – on-site outdoor” contained herein.

Location

- 8. All required *accessory off-street parking* and *loading spaces* shall be located on the same *zoning site* as the *use served*, except:

Alternate Site for Accessory Off-Street Parking

- (a) where permitted by variance to locate on an alternate site, subject to said alternate site being:
 - located within 400 feet of the *use served*;
 - owned or secured by long-term lease; and
 - used exclusively for parking purposes.

- 9. *Parking spaces* in the Commercial Zones shall be a minimum *setback* distance of 20 feet from the *site lines* of adjacent residential *development*, and where deemed necessary by the *designated employee*, shall be subject to provision of *landscape buffers*, fencing or the like, of a standard satisfactory to the *designated employee*.

Number

- 10. The number of *parking spaces* required for permitted or *conditional uses* shall be in accordance with requirements for each *use* as indicated in the *Use and Parking Requirement Table* for each zone.

Change in Building or Use

- (a) Where an *existing building* is enlarged or *altered*, or a change in *use* occurs that results in a more intensive *use*, adjustments for parking shall be made accordingly. For example, should outdoor seating be added to an *eating establishment*, adjustment to the *parking space* requirement shall be made to accommodate the expanded capacity.

Existing Use

- (b) Where a *building* or *use* lawfully existed before enactment of this zoning by-law, the existing provision of parking shall not be affected by enactment of this zoning unless a change as per (a) above occurs, at which time adjustments for parking shall be made according to the requirements contained herein.

Multiple Uses

- (c) Where a single *zoning site* accommodates more than 1 type of *use*, the *parking space* requirements for the whole *zoning site* shall be the sum of the spaces required for each *use* as specified in the *parking space* requirement table for each zone.

Use Not Listed in Parking Table

- (d) Where a proposed *use* is not listed in the *parking space* requirement table, the parking requirement shall be determined by the *designated employee* according to a comparison with similar *uses* contained herein, or if no similar *use* is found, according to a best estimate by the *designated employee*.

11. The methodology used to calculate *parking space* numbers shall be as listed hereunder.

Benches and Pews

- (a) Where benches, pews or the like are used, each 20 inches of said seating shall be counted as 1 seat.

Combined Fixed Seating and Open Assembly Area

- (b) Where both fixed seats and open assembly area are combined, the requirements for each shall be calculated separately and added together.

Moveable Seating

- (c) Where moveable seats or chairs are used, 1 seat per 6 feet² of assembly area shall be required.

Fraction of a Parking Space

- (d) Where the calculation of *parking space* numbers results in a fractional *parking space*, any fraction less than ½ may be disregarded, and any fraction of ½ or greater shall be counted as 1 *parking space*.

Gross Floor Area (GFA)

- (e) Where *gross floor area* is used in the calculation, *gross floor area* shall not include any area used for incidental service storage, installations of mechanical equipment, penthouse housing ventilators and heating systems or the like.

Size

12. Parking and loading requirements shall satisfy the standards listed hereunder.

PARKING AND LOADING - SIZE REQUIREMENTS					
TYPE		ANGLE (degrees)	WIDTH (ft)	LENGTH (ft)	VERTICAL (ft)
Aisles		n/a	23	n/a	6.6
Entrance or Exit to Parking Area	single	n/a	15 min / 25 max	n/a	6.6
	combined		25 min / 35 max		
Loading	driveway	n/a	20	n/a	14
	space	n/a	12	20	14
Parking	angle	<30°	11.5	23	6.6
		= or > 30° to < 50°	13		
		= or > 50° to < 70°	18		
		= or > 70° to < 90°	20		
	disabled	n/a	14	23	6.6
	parallel	n/a	8.5	23	6.6
wall- adjacent to	n/a	10	23	6.6	

Use of Parking and Loading Space

13. All accessory off-street parking and loading spaces required in compliance with this zoning by-law shall be used for the parking of operative, currently licensed vehicles only, and for vehicles associated with the permitted or conditional use served.

3.1.18 PUBLIC MONUMENT

- 1. *Public monuments* may be erected and maintained in any zone upon approval by Council.

3.1.19 PUBLIC ROAD

- 1. Nothing in this zoning by-law shall be so interpreted as to interfere with the maintenance or *construction of public roads*. Development permits shall not be required for the maintenance or construction of *public roads*.
- 2. Where the *site area, site width or yard* requirement of a *lot* is reduced below the minimum required, as established in the bulk table for each zone, as a result of establishment of a *public road*:
 - (a) said *site area, site width or yard* shall be deemed in compliance with the requirements of this zoning by-law; and
 - (b) *buildings* and structures on-site may be maintained, *altered or repaired and used*, subject to compliance with all other applicable requirements of this zoning by-law.

3.1.20 PUBLIC SERVICE AND UTILITY

- 1. Nothing in this zoning by-law shall be so interpreted as to interfere with the *construction, maintenance and operation* of the facilities of any *public service or public utility*; however, *public utility buildings* should:
 - (a) be designed so as not to intrude upon the residential character of the Village; and
 - (b) be located in compliance with the requirements as specified in the bulk table for each zone.
- 2. Where the *site area, site width or yard* requirement of a *lot* is reduced below the minimum required, as established in the bulk table for each zone, as a result of establishment of a *public utility*:
 - (a) said *site area, site width or yard* shall be deemed in compliance with the requirement of this zoning by-law; and
 - (b) *buildings* and structures on-site may be maintained, *altered or repaired and used*, subject to compliance with all other applicable requirements of this zoning by-law.

3.1.21 SIGN

1. The following signs shall not be subject to the provisions of this zoning by-law, except where otherwise stated herein:
 - (a) direction signs displayed for the direction and convenience of the public including signs which identify parking entrances or exits, rest rooms or the like, not exceeding 3 feet²;
 - (b) duly constituted signs of a municipal, provincial or federal government body, including traffic or similar regulatory devices, legal notice, or warnings at railroad crossings;
 - (c) memorial signs or tablets;
 - (d) “no trespassing” signs not exceeding 3 feet² in sign surface area;
 - (e) real estate signs, non-illuminated, advertising the sale, rental or lease of a building, structure, site or part thereof and not exceeding 6 feet²; and
 - (f) signs required to be maintained by a law or governmental order, rule or organization.

Character

2. On-site outdoor *signage* in any zone:
 - (a) shall be non-illuminated so as to minimize light pollution into the night sky and maintain the village atmosphere, but may be indirectly lit at the discretion of *Council*;
 - (b) should be constructed of natural materials such as wood to promote the village atmosphere;
 - (c) shall not incorporate rotating beams, beacons or flashing illumination so as not to resemble emergency lights; and
 - (d) shall be of a scale appropriate to the neighbourhood and in compliance with the requirements as specified in the bulk table for each zone.

Location

3. On-site *signage* in any zone shall:
 - (a) be located so as not to be on, over or above any land or right-of-way owned by the municipality, except where said right is established by agreement with the municipality;
 - (b) be located so as to prevent interference with the safe operation of nearby roadways and not obstruct or confuse the view of any authorized traffic *sign*, signal or device;
 - (c) be located in such a manner so as not to impair the view of any street or *highway* intersection, or impair the view of the intersection of a street or highway with a railroad grade crossing; and

- (d) be located a minimum of 10 feet from the property line of any *abutting Residential Zone* and a minimum of 1 foot from any other property line.

Maintenance or Removal

- 4. *Signs* shall be maintained in a safe, secure and aesthetically attractive manner:
 - (a) Exposed surfaces shall be cleaned or painted as necessary.
 - (b) Broken or defective parts shall be *repaired* or replaced.
 - (c) Obsolete or abandoned *signs* shall be removed or revised.
- 5. The *designated* employee may order the person responsible for a *sign* to repair or remove the sign where, in the opinion of the *designated employee*, a *sign*:
 - (a) has fallen into a state of unsightly *disrepair* and constitutes a hazard;
 - (b) obstructs or confuses the view of authorized traffic *signs*, signals or devices, or any road or *highway* intersection or railway crossing; or
 - (c) is obsolete or abandoned.
- 6. Where the person responsible for said *sign* fails to *repair* or remove it, the municipality may do so at the expense of the person responsible.

Size

- 7. The methodology used to calculate sign size shall be as listed herein:

Building Face Sign

- (a) Where a *sign* is on a *building face*, *sign* surface area shall be calculated to include the area of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the copy plus any material or colour forming an integral part of the background, but not including any supporting framework.

Free-standing Sign

- (b) Where a *sign* is free-standing, *sign* surface area shall be calculated to be the area of 1 face as per (a) above.

Multi-faced or 3 Dimensional Sign

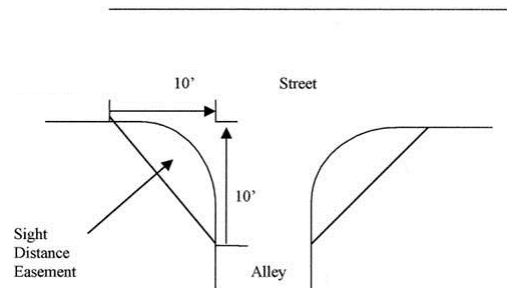
- (c) Where a *sign* is multi-faced or 3 dimensional, *sign* surface area shall be 1 ½ times the area of 1 face as calculated according to (a) above.

2 Zoning sites – 1 Sign

- (d) Where a *sign* straddles 2 *zoning sites*, the maximum size for 1 *sign* shall apply.

3.1.22 SIGHT TRIANGLE

1. The *sight triangle* shall remain free from visual obstruction between a height of 3 ½ feet and 8 feet so as not to obstruct or confuse the view of vehicular and pedestrian traffic at intersections.

**3.1.23 SLEEPING CABIN**

1. A sleeping cabin means an *accessory building used* for temporary, secondary and incidental accommodation of residents or guests of the residents of the single-family detached *dwelling unit* on the same *zoning site*.
2. A maximum of 1 sleeping cabin may be permitted per residential *zoning site*.
3. Sleeping cabins shall:
 - (a) satisfy provincial *building code* requirements for residences;
 - (b) not contain cooking facilities, showers or baths;
 - (c) be under the same *ownership and use* the same utility meter as the *principal detached single-family dwelling unit* on-site; and
 - (d) not be rented separately from the *principal single-family dwelling unit*.

3.1.24 SWIMMING POOL, HOT TUB AND DECORATIVE PONDDecorative Ponds

1. Decorative ponds may be located in any yard subject to a maximum pond depth of 2 feet and minimum *setback* distance of 1 foot from the front and corner side property lines.

Pools and Hot Tubs

2. Private outdoor swimming pools and hot tubs shall be:
 - (a) located within the interior side and *rear yards* of a *zoning site* subject to *yard* requirements for *accessory buildings* or structures as specified in the bulk tables for each zone; except:

- where the *zoning site* is a *corner lot*, said swimming pool, hot tub or related pool equipment may be located within the *corner side yard*, at the discretion of the *designated employee*, and in compliance with *front yard* requirements for *accessory buildings* and structures as specified in the bulk table for each zone; and
- (b) shall not be located directly under overhead electrical wires.
3. Related pool equipment such as filters, pumps and heaters or the like shall be located a minimum *setback* distance of 10 feet from a side *site lines*, 2 feet from the rear site line where there is a back lane, and 10 feet from the rear *site line* where there is no *back lane*.
 4. Related pool equipment that generates noise shall employ soundproofing measures wherever possible and reasonable.

Security

5. A private swimming pool shall be enclosed by *fences* equipped with self-closing gates that lock in accordance with provincial *building code* in effect at the date of the application for a *development permit*.
6. A private hot tub or spa shall be secured against entry by individuals other than the *owner* or tenant and their guests when not in use.

3.1.25 TEMPORARY BUILDING, STRUCTURE OR USE

1. Temporary *building*, structure or *use* means a *building*, structure or *use* intended for a limited duration.

Temporary Building or Structure Incidental to Construction

2. Where a temporary *building* is used for the storage of tools and materials during *construction* of the *principal building* or for office space for the contractor or developer, said temporary *building* shall be removed upon:
 - (a) issuance of an occupancy permit for the *principal* building, where applicable; or
 - (b) abandonment of *construction*, which for the purposes of this zoning by-law, means the failure to proceed with the *construction* work in accordance with the provincial building code.
3. Notwithstanding the provisions contained herein, temporary uses such as fairs or auto shows or other activities acceptable to Council may be permitted, so far as the law allows and subject to such conditions as Council may deem fit to impose, if in its opinion the amenity or sanitary conditions of property in the vicinity will not be adversely affected thereby.

3.1.26 TENT, TRAVEL TRAILER AND RECREATIONAL VEHICLE

1. Temporary secondary and incidental accommodation for the resident or guests of the resident of the single-family detached *dwelling unit* on the same *zoning site* may be permitted in parked *travel trailers* or *recreational vehicles*, where approved sewage disposal facilities are provided. Guest visits shall not exceed 2 consecutive weeks.

3.1.27 VEHICLE PARKING AND STORAGELarge Truck

1. No commercial or loaded *vehicle* exceeding a maximum gross *vehicle* weight (GVW) of 15,000 lbs or 40 feet in length shall be kept on a *zoning site* in the Residential Zones.

Travel Trailers and/or Recreational Vehicle

2. Temporary secondary and incidental accommodation of the resident or guests of the resident of the single-family detached *dwelling unit* on the same *zoning site* may be permitted in parked *travel trailers* or *recreational vehicles*, where approved sewage disposal facilities are provided. Guest visits shall not exceed 2 consecutive weeks.
3. Temporary storage of travel trailers and/or recreational vehicles shall be limited to items owned by the registered owner of the residential site and shall be restricted to the rear or side yards.

Unlicensed Motor Vehicle

4. No more than 1 unlicensed motor *vehicle* shall be kept on a *zoning site* in the Residential Zones for more than 12 months, except where specifically permitted by municipal by-law.

Wrecked or Dismantled Motor Vehicle

5. No dismantled or wrecked *vehicle* shall be kept on a *zoning site* in the Residential Zones for more than 14 consecutive days, unless otherwise authorized by municipal by-law.

3.1.28 WASTE STORAGE AND COLLECTION AREA

1. Garbage shall be:
 - (a) stored in weatherproof and animal/bird-proof containers to the satisfaction of the *designated employee*;
 - (b) screened from adjacent sites and public thoroughfares where practical; and
 - (c) located in an easily accessible area for pickup.
2. No rubbish, salvage materials, junk, hazardous waste materials, including inoperable *vehicles* and parts thereof and any combustible matter shall be openly stored, allowed to accumulate or kept in the open in any zone.



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4.1. COMMERCIAL ZONE (C)

4.1.1 INTENT AND PURPOSE

The Commercial Zone corresponds with the Commercial Areas designation within the Village of Dunnottar Development Plan, and provides for small-scale neighbourhood commercial *development* consistent with the summer resort identity of the Village.

4.1.2 COMMERCIAL USE and PARKING REQUIREMENT TABLE					
PRINCIPAL USE		Parcel Size Required by Use		P or C	MINIMUM # OF PARKING SPACES REQUIRED
		Area (ft ²)	Width (ft)		
<i>artist studio or gallery</i>		7,500	50	P	1 per artist plus 1 visitor space
<i>eating establishment</i> ¹	dine-in	10,000	50	P	whichever is greater: 1 per 100 feet ² of GFA devoted to <i>public use</i> or 1 per 4 seats
	take-out	7,500	50	P	5 per 1075 feet ²
<i>farmers' market</i>		variable		P	1 ½ per producer selling products plus 5 visitor spaces
<i>greenhouse or nursery - commercial</i>		variable		C	1 per 1000 ft ² of GFA – min 2
library		10,000	50	C	2.5 per 1075 feet ²
<i>museum</i>		20,000	50	C	whichever is greater: 1 per 400 feet ² or 1 per seat
place of assembly - social		30,000	100	C	whichever is the greater: 1 per 6 seats, 1 per 50 ft ² or 1 per every 4 persons that can be accommodated at any time
<i>place of worship – neighbourhood scale</i>		20,000	100	C	1 per 5 seats in principal assembly area – min 10
public	government office	5,000	50	C	whichever is greater: 1 per 400 feet ² of GFA or 1 per every 3 employees plus 2 for visitors
	post office	variable	50	P	2 per 1075 feet ²
	<i>protective and emergency service facility</i>	20,000	50	P	1 per employee plus 1 per 1075 feet ²
	public parking area - see General Provisions	30,000	150	C	n/a
	public reserve	n/a	n/a	P	n/a
	public utilities and services - see General Provisions	20,000	50	P	1 per 1075 feet ²
	<i>public works yard</i>	variable		C	1 per employee plus space for work vehicles
	recycling depot	20,000	50	C	1 per employee plus 2 for drop off
<i>retail sales - neighbourhood scale</i>		7,500	50	P	1 per 325 feet ² of GFA plus 1 per employee
ACCESSORY USE					
<i>dwelling unit</i> (min 600 feet ²) accessory to commercial use - may be detached from principal building or located within the rear ½ of the first storey or within the second storey of the principal building				C	1 per dwelling unit
<i>buildings or structures</i> accessory to principal permitted or <i>conditional use</i>				P	n/a
<i>buildings or structures</i> accessory to the accessory <i>dwelling unit</i> such as <i>garage</i> , storage sheds and the like				P	n/a
communication utilities such as private television or radio antennae/aerial/satellite dishes				P	n/a
outdoor display, storage and sales - subject to area being surfaced to the satisfaction of the <i>designated employee</i> to prevent weed growth and subject to provision of <i>landscape buffer</i> or <i>fencing</i> to the satisfaction of the <i>designated employee</i> , where necessary				P	n/a
parking and loading areas when accessory to permitted or <i>conditional use</i> - see General Provisions				P	n/a
<i>sign</i> – max 1 non-illuminated <i>identification sign</i> , max area 18 ft ² setback min 10 ft from Residential Zone				P	n/a

¹ Where the premises or part thereof is licensed under the Liquor Control Act, additional accessory off-street parking spaces may be required beyond the minimum required herein, in accordance with the Liquor Control Act.

4.1.3 COMMERCIAL ZONE BULK TABLE										
Minimum Subdivision Parcel Size		Building, Structure or Use		Minimum Yard Requirement – as measured from main building wall or structure to site line					Maximum	
				Front Yard (ft)	Side Yard (ft)		Rear Yard (ft)		Height whichever is the lesser of storeys /feet	Site Coverage (%)
Area (ft ²)	Width (ft)				Interior	Corner	Lane	No Lane		
20,000	50	Principal	abutting Residential Zones	20	20	20	30	30	2 storeys or 30 ft	80
			not abutting Residential Zones	0	0 ¹	15	15	25		
		Accessory ⁴	abutting Residential Zones	20	10	20	5	10	15 ft ¹	35
			not abutting Residential Zones	0	2	0	5	10		
			fence	0	0	0	0	0		

- ¹ Where the principal building contains an accessory dwelling unit, the minimum side yard shall be 5 feet.
- ² Where the accessory building is a detached single-family dwelling unit, the maximum height shall be 2 storeys or 30 feet.
- ³ Where the fence is chain link or the like and is required for security of outdoor storage and display, the fence height may be 8 feet in the front yard as well, provided the site-triangle is not compromised.
- ⁴ Accessory buildings shall be located a minimum of 10 feet from the principal building on the same zoning site.

4.2. OPEN SPACE, PARKS AND RECREATION ZONE (OS)

4.2.1 INTENT AND PURPOSE

The Open Space, Parks and Recreational Zone corresponds with the Open Space, Parks and Recreational Areas designation within the Village of Dunnottar Development Plan, and provides for undeveloped lands, *parks* and recreational facilities within the Village.

4.2.2 OPEN SPACE, PARKS AND RECREATION ZONE USE and PARKING REQUIREMENT TABLE					
PRINCIPAL USE	Parcel Size Required by Use		P or C	# OF PARKING SPACES REQUIRED	
	Area (ft ²)	Width (ft)			
<i>artist studio and/or gallery</i>	variable		C	1 per artist plus 1 visitor space	
community fair or the like	variable		P	n/a	
<i>farmers' market</i>	variable		P	1 ½ per producer selling products plus 5 visitor spaces	
heritage and archeological <i>buildings</i> , monuments or the like	variable		P	n/a	
horticultural gardens and displays	variable		P	n/a	
<i>museum</i>	20,000	50	P	whichever is greater: 1 per 400 feet ² or 1 per seat	
<i>place of assembly</i>	30,000	100	C	whichever is the greater: 1 per 6 seats, 1 per 50 ft ² or 1 per every 4 persons that can be accommodated at any time	
public	<i>parks, walkways or the like</i>		P	n/a	
	picnic areas		P	n/a	
	playgrounds, tot lots or the like		P	n/a	
	<i>public monument</i> - see General Provisions		P	n/a	
	public <i>parking area</i> - see General Provisions		C	n/a	
	public reserve		P	n/a	
public utilities and services see General Provisions		20,000	50	P	1 per 1075 feet ²
recreation facilities: ball diamonds, bowling greens, tennis courts or the like		1 acre	100	P	1 space per 4 seats plus 1 space per player capacity
ACCESSORY USE					
<i>buildings</i> or structures accessory to principal permitted or <i>conditional use</i> – see General Provisions			P	n/a	
communication utilities such as private television or radio antennae/aerial/satellite dishes			P	n/a	
parking and loading areas when accessory to permitted or <i>conditional use</i> – see General Provisions			P	n/a	
<i>Sign</i> – see General Provisions	max 1 non-illuminated <i>identification sign</i> , max area 18 feet ² and/or max 1 non-illuminated <i>direction sign</i> , max area 32 feet ²		P	n/a	

4.2.3 OPEN SPACE, PARKS AND RECREATION ZONE BULK TABLE									
Minimum Subdivision Parcel Size		Building, Structure or Use	Minimum Yard Requirement – as measured from main building wall or structure to site line					Maximum	
Area (ft ²)	Width (ft)		Front Yard (ft)	Side Yard (ft)		Rear Yard (ft)		Height whichever is the lesser of storeys/feet	Site Coverage (%)
				Interior	Corner	Lane	No Lane		
n/a	n/a	Principal	all uses except below	5	25	0		2 storeys or 30 ft	10
			place of assembly	45	25	25			60
			public parking area	20	15	25			n/a
		Accessory	all uses except below	20	15	10		30 ft	10
			place of assembly	45	15	10		25	10
			fence	0	0	0		3 ½ feet	n/a

4.3. RESIDENTIAL ZONES (R) (RL)

4.3.1 INTENT AND PURPOSE

Residential Zones are divided into 2 zones: Lakefront Residential (RL) and Residential (R). The Residential Zones correspond with the Residential Areas designation within the Village of Dunnottar Development Plan, and provides for single-family residential *development* consistent with the summer resort identity of the Village, as well as limited *compatible* non-residential *uses*.

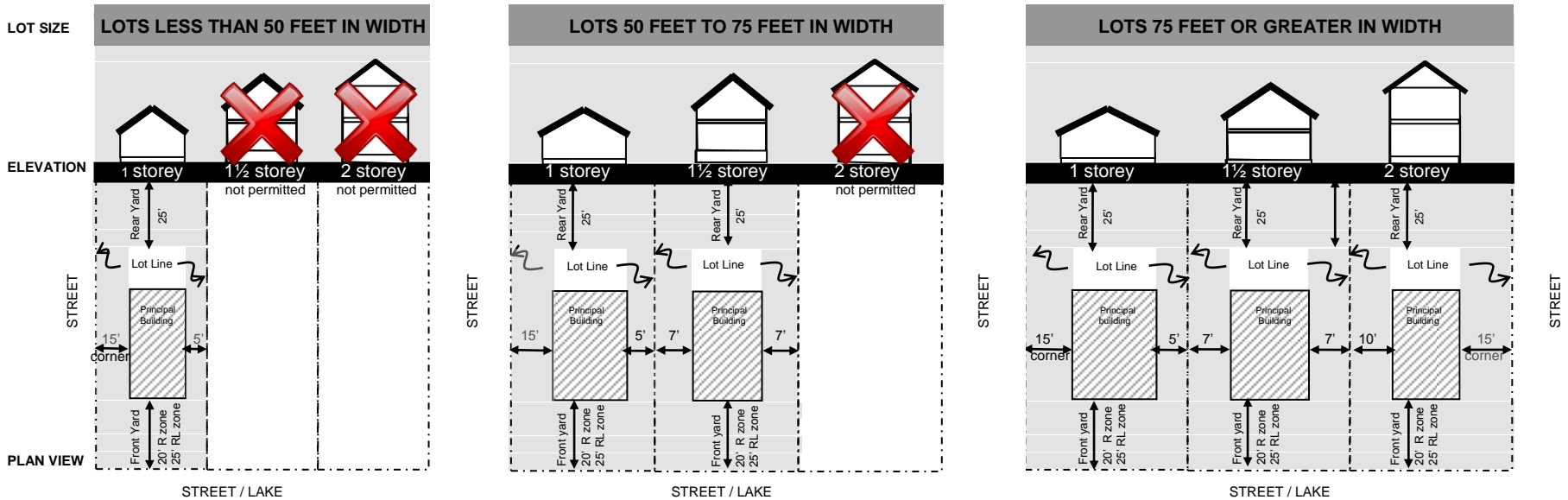
4.3.2 RESIDENTIAL ZONES USE and PARKING REQUIREMENT TABLE							
PRINCIPAL USE	Parcel Size Required by Use		P or C		# OF PARKING SPACES REQUIRED		
	Area (ft ²)	Width (ft)	R	RL			
agricultural land uses on undeveloped lands – limited to crop use	n/a		P	C	n/a		
artist's studio or gallery	20,000	50	P	C	1 per artist plus 1 visitor space		
library	10,000	50	P	C	2.5 per 1075 feet ²		
museum	20,000	50	P	C	whichever is greater: 1 per 400 feet ² or 1 per seat		
place of worship – small scale	20,000	100	P	C	1 per 5 seats in principal assembly area – min 10		
public	parks, walkways or the like		P	C	n/a		
	picnic areas		P	C	n/a		
	playgrounds, tot lots or the like		P	C	n/a		
	public monument - see General Provisions		P	C	n/a		
	public reserve		P	C	n/a		
residence	public utilities and services - see General Provisions		P	C	1 per 1075 feet ²		
	senior citizen home (min 400 feet ² per dwelling unit)		10,000 ¹	70	C	C	whichever is greater: 1 per 4 dwelling units or 1 per 4 beds
	single-family dwelling unit (min 600 feet ²) max 1 per zoning site – no mobile homes		7,500	50	P	P	1 per dwelling unit
ACCESSORY USE							
bed and breakfast operation – see General Provisions			C	C	1 per guest bedroom plus 1 per non-resident employee		
buildings or structures accessory to principal permitted or conditional use except gazebos – see General Provisions			P	P	n/a		
child day-care service: home-based – see General Provisions			C	C	1 customer pick-up/drop off plus 1 per non-resident employee		
communication utilities such as private television or radio antennae/aerial/satellite dishes			P	P	n/a		
eco-tourism			C	C	1 customer space plus 1 per non-resident employee		
gazebo			P	P ²	n/a		
home-based business – other than bed and breakfast operation, child care services and eco-tourism venture – see General Provisions			C	C	adequate space for customer parking (min 1 space) plus 1 per non-resident employee		
parking and loading areas when accessory to permitted or conditional use – see General Provisions			P	P	n/a		
sign	non-residential use: max 1 non-illuminated identification sign, max area 9 feet ²		P	P	n/a		
	residential use: max 1 non-illuminated identification sign, max area 2 feet ²		P	P			
sleeping cabin (max 320 feet ²) – see General Provisions			P	P	n/a		

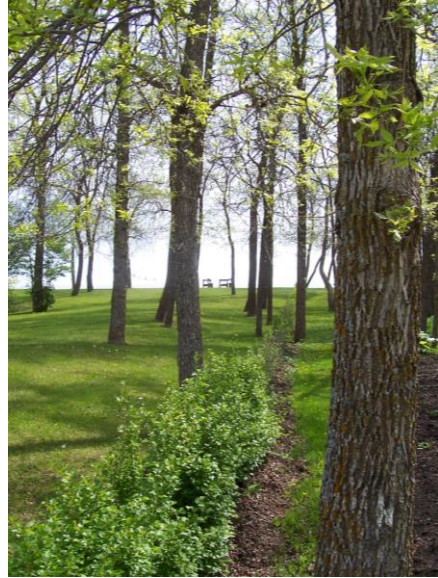
¹ 10,000 feet² for first 4 dwelling units plus 1,000 ft² per additional dwelling unit

² Where a gazebo is to be located in the lakefront yard in the RL zone, conditional use approval shall be required.

4.3.3		RESIDENTIAL ZONES BULK TABLE												
Minimum Subdivision Parcel Size Area (ft ²) Width (ft)		Building, Structure or Use	Minimum Yard Requirement – as measured from main building wall or structure to site line								Maximum			
			Front Yard (ft)	Lakefront Yard (ft)	Side Yard (ft)			Rear Yard (ft)		Height whichever is the lesser of storeys / feet	Site Coverage (%)			
R	RL				Interior Side Yard by Building Height / Lot Width			Corner	lane			no lane	RL	
					Building Height	<50	50 - <75	75 or >	all	R	RL			
7,500	75	Principal - Non-residential	30	25	n/a	15			20	25	25	2 storeys – 30 ft ⁴	60	
		Principal - Residential ¹ (single family dwelling unit shall be a min 600 ft ²)	20	25	1 storey	5 ³	5 ³	5 ³	15	25	25	2 storeys – 30 ft ⁴	20	
			1 ½ storeys	n/a	7 ³	7 ³								
			2 storeys	n/a	n/a	10 ³								
		Accessory ²	fence	0	0	0				0	0	0	4 ft front yard ^{5 6} 6 ft side and rear ^{5 6}	n/a
			flag pole	5	5	5				5	5	5	30 ft	
garage	not permitted in front yard		not permitted in front yard	5 ft - may be 2 ft if at rear of <i>principal</i> building				15	5	5	15	1 ½ storeys – 22 ft	10	
gazebo												15		1 storey – 15 ft
sleeping cabin (max 320 ft ²)		not permitted in front yard												
other														

- Senior citizen homes shall require a minimum of 10,000 feet² for first 4 dwelling units plus 1,000 ft² per additional dwelling unit – each dwelling unit shall be a min 400 feet².
- Accessory buildings shall be located a minimum distance of 10 feet from the principal building on the same zoning site.
- Senior citizen homes shall require a minimum side yard of 15 feet.
- Lot width must accommodate required side yard in accordance with building height.
- Fence height shall be a maximum of 4 feet in the front yard and along the side site line from the front face of the principal building to the front site line in the R zone.
- Fence height shall be a maximum of 4 feet in all yards in the RL zone.





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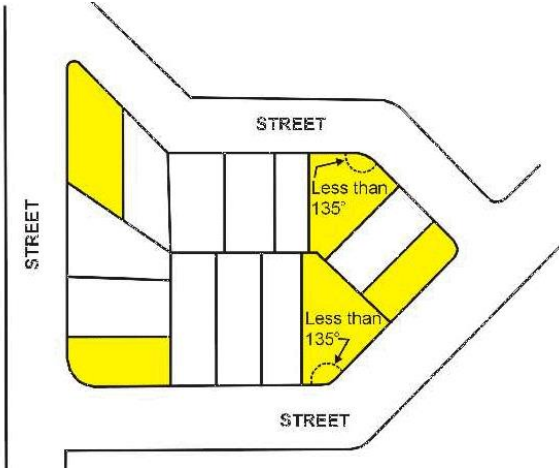
5.0 DEFINITIONS

Abut or abutting	means, with respect to a site, a site that physically touches upon another site or piece of land, and shares a <i>lot line</i> or boundary line with it.
Access	means of vehicular approach or entry to or exit from property.
Access Strip	means that portion of a flag or <i>panhandle lot</i> between the street onto which it has access and the point where a <i>lot</i> dimension parallel to the street first equals or exceeds the minimum <i>lot</i> width as specified in the bulk tables for the applicable zone.
Accessory	means a subordinate <i>building</i> , structure or <i>use</i> which is incidental and <i>accessory</i> to the <i>principal building</i> , structure or <i>use</i> , and located on the same <i>zoning site</i> as the <i>principal building</i> , structure or <i>use</i> .
Accessory Building, Structure or Use	means a <i>building</i> , structure or <i>use</i> which is <i>accessory</i> to that of the <i>principal building</i> , structure or <i>use</i> located on the same <i>zoning site</i> .
Agricultural Land Uses	means a use of land for agricultural purposes including farming, dairying, pasturage, aquaculture, agriculture, apiculture, floriculture, horticulture, and animal and poultry husbandry and the necessary accessory uses for packing, storing or treating the produce provided; however that the operation of any such accessory uses shall be secondary to that of the normal agricultural activity.
Alter or Alteration	means, with respect to a <i>building</i> or structure, a change or modification to an <i>existing building</i> or structure which unless otherwise provided for herein, does not increase the exterior dimensions with respect to height and area.
Ancillary	means subordinate and directly related to, and dependent upon, a <i>principal building</i> , structure or <i>use</i> .
Area Affected	means all that land within the boundaries of the Village of Dunnottar.
Artist Studio and Gallery	means <i>premises</i> used for creating and showing arts and crafts.
Attached	means a <i>building</i> otherwise complete in itself, which is dependent for structural support, or complete enclosure, upon a wall or walls shared in common with an adjacent <i>building</i> or <i>buildings</i> .
Awning or Canopy	means any roof-like structure, which may be constructed as an integral part of a <i>building</i> or <i>attached</i> in such a manner as not to be an integral part of a <i>building</i> , but is so constructed to provide shelter or shade over an entrance or window.
Basement	means the portion of a <i>building</i> between 2 floor levels which is partly underground.
Bed and Breakfast Operation	means a business conducted within a detached single-family <i>dwelling unit</i> or its <i>accessory building</i> by the residents thereof, that provides accommodation to paying customers, where said <i>use</i> is

secondary and incidental to the *principal use* of the *dwelling unit* as a residence.

Bedroom	means a habitable room located with a <i>dwelling unit</i> or sleeping cabin that is <i>used</i> primarily for sleeping.
Bicycle Parking Space	means an area designed and equipped for the purpose of parking and securing a bicycle.
Building	means a <i>building</i> as defined in <i>The Planning Act</i> .
Building Permit	See “Development Permit.”
Bulk	<p>means the following:</p> <ul style="list-style-type: none"> (a) the size (including height of building and floor area) of buildings and structures; (b) the area of the <i>zoning site</i> upon which a building is located, and the number of dwelling units or rooms within such building in relation to the area of the <i>zoning site</i>; (c) the location of exterior walls of buildings in relation to site lines, to other walls of the same building, to legally required windows, or to other buildings; and (d) all open areas relating to buildings and structures and their relationships thereto.
Child Day Care Service	means, where home-based, temporary care for compensation within a private residence for 3 or more children, excluding children of the operator (natural, adopted or foster) living in the home.
Communication Facility (private)	means antennas, aerials, receiving dishes or the like intended for the purpose of transmitting or receiving radio, television communication signals or the like.
Compatible	means a <i>building</i> or structure, activity or <i>use</i> that blends with, conforms to, or is harmonious with the surrounding ecological, physical, visual or cultural environment.
Conditional Use	means a <i>use</i> of land, <i>building</i> or structure which may be permitted in a particular zone, only at the discretion of <i>Council</i> and in accordance with <i>The Planning Act</i> .

Corner Lot means a *lot* which is situated at the intersection of 2 or more streets having an interior angle of intersection of not more than 135 degrees or where the street bends to create an interior angle of not more than 135 degrees.



Council means the Council of the Village of Dunnottar.

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

Designated Employee means an employee of the Village of Dunnottar who is designated to carry out a power or responsibility in accordance *The Planning Act*.

Developable Site means an area where the groundwater table under the surface of the land is no less than 7 feet below surface land.

Development means:

- (a) the *construction* of a *building* on, over or under land;
- (b) a change in the *use* or intensity of *use* of a *building* or land;
- (c) the removal of soil or vegetation from land; and
- (d) the deposit or stockpiling of soil or material on land and the excavation of land.

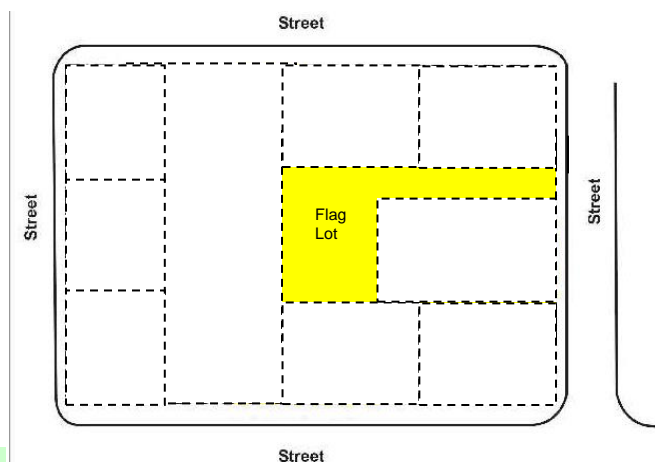
Development Permit means a permit issued by the Village of Dunnottar authorizing *development*, and may include a *building permit*.

Drainage means surface water runoff and the removal of surface water or groundwater from land by drains, grading, or other means including runoff controls to minimize erosion and sedimentation during and after *construction* or *development*, the means of preserving the water supply, and the prevention or alleviation of flooding.

Dwelling Unit means 1 or more rooms in a *building* designed for 1 or more persons as a single housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.

Eating Establishment means *premises* where food or beverage is prepared and offered for sale for consumption either on the *premises* for dine-in establishments or off the *premises* for take-out establishments.

Eco-Tourism Ventured	means a business providing tours related to educating participants about the environment or experiencing aspects of the environment.
Enlargement	means an addition to the <i>floor area</i> of an <i>existing building</i> or structure, or an increase in that portion of a <i>parcel of land</i> occupied by an <i>existing use</i> .
Existing Building	means a <i>building</i> or structure that, on the date of enactment of this zoning by-law, is lawfully under <i>construction</i> or a permit for the <i>construction</i> is in force and effect, and <i>construction</i> of the <i>building</i> is started by the deadline set out in the permit. <i>PA 86(1)</i>
Existing Parcel	means a <i>building</i> or structure that, on the date of enactment of this zoning by-law, conditional approval for a subdivision of the land has been issued by the approving authority and the subdivision is registered in the Land Titles Office by the deadline set out in the approval.
Existing Use	means a <i>use</i> for which, on the date of enactment of this zoning by-law, a permit or approval has been issued by the Village of Dunnottar authorizing the <i>use</i> of land or the intensity of the <i>use</i> of land.
Extension	means an increase in the amount of existing <i>floor area</i> used for an <i>existing use</i> , within an <i>existing building</i> .
Family	<i>means one or more individuals occupying a dwelling unit and living as a single household unit.</i>
Farmers' Market	means a market, usually held out-of-doors, in public spaces, where farmers can sell their produce to the public.
Fence	means a vertical physical barrier constructed to prevent visual intrusions, unauthorized access, or to provide sound abatement.
Flag Lot or Panhandle Lot	means a <i>lot</i> with a long and narrow access road leading to a <i>developable site</i> .



Flood Risk Area	divided into 2 parts: the floodway and the floodway fringe. The floodway includes the area where the majority of floodwaters pass. The floodway fringe includes the area outside the floodway which requires approved
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	flood protection measures due to periodic flooding or inundation by flood waters.
Floor Area	<p>means the sum of the gross horizontal areas of all floors in a particular building, with the average interior height of 6 ½ feet or more, measured from the exterior faces of the exterior walls or from the centerline of party walls. In particular, the floor area of a building includes:</p> <ul style="list-style-type: none"> (a) basements when used for residential, recreational, commercial or industrial purposes, but not including space used for storage or the housing of mechanical or central heating equipment; (b) hallways, closets, bathrooms, elevator shafts and stairwells at each storey, except shaft and stair bulkheads and exterior unroofed steps or stairs; (c) penthouses, mezzanines, lofts and attics when improved for human habitation and where there is an average structural headroom of 6 ½ feet or more; and (d) attached balconies, decks, patios, sun rooms and porches completely enclosed by walls and a roof, but not including attached garage or carport.
Frontage	means all that portion of a site fronting on a street.
Garage	means an <i>accessory building</i> or portion of a <i>principal building</i> , if <i>attached</i> , used by the occupants of the <i>premises</i> upon which it is located for the parking or temporary storage of private passenger <i>vehicles</i> and may include the incidental storage of other personal property.
Garage or Yard Sale	means the sale of personal property from <i>premises</i> containing a dwelling unit, community facility or the like.
Gazebo	means an accessory building consisting of a detached, covered, free-standing, open air structure not exceeding 300 feet ² .
Grade	means, where <i>used</i> to determine <i>building</i> or structure height, the average level of finished ground adjoining a <i>building</i> or structure at all exterior walls, as determined by the <i>designated employee</i> .
Greenhouse (commercial)	means a <i>building</i> for the growing of flowers, plants, shrubs, trees and similar vegetation for sale to the public.
Ground Water Pollution Hazard Area	means the area(s) where the carbonate rock or sand and gravel are at or near ground surface as defined by Manitoba Conservation.
Gross Floor Area	means the total area of all wholly enclosed floors in a <i>building</i> , above and below <i>grade</i> , measured from the exterior of the main walls or centre line of party walls at the level of each floor, including:

- (a) *basements* when used for residential, commercial or industrial purposes, but not including space used for storage or the housing of mechanical or central heating equipment, and *accessory off-street parking spaces*;
- (b) floor space use for mechanical equipment (with structural headroom of 6 feet or more except equipment, open or enclosed, located on the roof;
- (c) elevator shafts and stairwells at each story except safest and stair bulkheads and exterior unroofed steps or stairs; and
- (d) penthouses, mezzanines, or attics where there is a structural headroom of 7 feet or more.

Hazard Land means land subject to bank instability, flooding, ponding, *shoreline* erosion, or land that has flowing wells, high susceptibility to groundwater pollution or having poor subsoil characteristics that render bearing strength insufficient for *building* purposes.

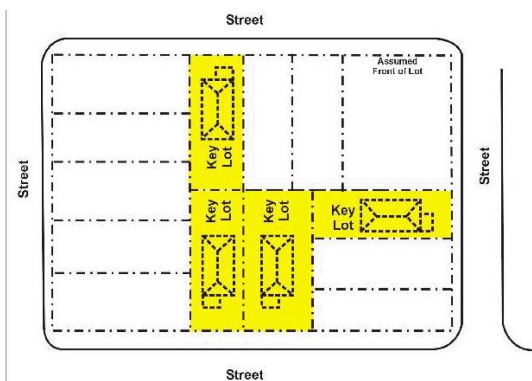
Heritage Site means *premises* included in the Province of Manitoba Inventory of Heritage Properties, as listed as being of historical, architectural, archeological or cultural heritage value or interest, or designated as such pursuant to the Manitoba Heritage Act.

Highway means a publicly owned street, road, lane, bridge, viaduct, and any other way open to use of the general population, but does not include a private right-of-way on a private *lot*.

Home-based Business means an occupation, trade, profession or craft which is operated out of the *principal single-family dwelling unit* or its *accessory building* or structure.

Interior Lot means any *lot* other than a corner or *through lot*.

Key Lot means a *lot* that *abuts* a *corner lot* and has, in whole or in part, a side *lot line* that is the rear *lot line* of the *corner lot*.



Lake means Lake Winnipeg.

Lakefront means the common boundary between Lake Winnipeg and an area of land.

Land	means land, messuages, tenements and hereditaments, whether corporeal and incorporeal of every kind and description, whatever the estate or interest therein, whether legal or equitable, and all trees and timber thereon, and all mines, minerals and quarries, unless specially excepted.
Lane	means a street not less than 20 feet or greater than 30 feet in width.
Landscape Buffer	means a strip of <i>landscaping</i> or vegetation used to provide a screen between sites in order to mitigate objectionable features between them.
Landscaping	means trees, shrubs, grass, flowers, vegetables, decorative stonework, walkways, screening or other horticultural or landscape-architectural elements, or any combination of these; but does not include driveways, loading or <i>parking areas</i> , and directly associated elements such as curbs or retaining walls.
Lane	means a street not less than 20 feet and no more than 30 feet in width which is a public right-of-way, and is not for general traffic circulation and which may provide an alternate means of access to <i>abutting lots</i> .
Light Trespass	means “spill” light illuminating objects beyond the property boundaries. <i>Light trespass</i> occurs when neighbour’s of an illuminated space are affected by the lighting systems inability to contain its light within the intended area. <i>Light trespass</i> occurs when a luminaire emits too much light at high angles or projects light too far from where it is intended.
Loading space	means an off-street space or berth on the same <i>zoning site</i> with a <i>building</i> or contiguous with a group of <i>buildings</i> , for the temporary parking of commercial <i>vehicles</i> while loading or unloading merchandise or materials, and which <i>abuts</i> upon a street, <i>lane</i> or other appropriate means of access.
Lot	means a single parcel or tract of land which may be conveyed in accordance with the provisions of <i>The Planning Act</i> of the Province of Manitoba, or which is described in a registered deed.
Lot Line	means the boundary of a <i>lot</i> .
Modular Home	means a <i>building</i> assembly or system of <i>building</i> sub-assemblies manufactured in its entirety or in substantial part off-site and transported to the point of <i>use</i> for installation on-site, with or without other specified components as a finished <i>building</i> or as part of a finished <i>building</i> in accordance with SCA <i>building</i> regulations. Modular homes need not have electrical, plumbing, heating, ventilation, insulation or other service systems, but when such systems are installed at the off-site manufacture or assembly point, they shall be deemed a part of such <i>building</i> assemblies. <i>Modular homes</i> do not include open frame <i>construction</i> which can be completely inspected on-site.

Museum	means <i>premises used</i> for the exhibition of objects of cultural, historical or scientific interest, and which may include the collection or preservation of such objects, primarily for the recreation or cultural education of the public.
Open Space	means the required portion of a <i>zoning site</i> at ground level, unless otherwise stated, unoccupied by <i>principal</i> or <i>accessory buildings</i> and available to all the occupants of the <i>buildings</i> , that is unobstructed to the sky and not <i>used</i> for service driveways or <i>accessory off-street parking space</i> or <i>loading space</i> , unless otherwise provided for herein, but which is <i>useable</i> for recreational and leisure activities normally carried on outdoors.
Open Storage	<i>means the use of lands for keeping or storing goods, materials, containers or equipment external to a wholly enclosed building; but does not include required parking.</i>
Owner	means, where applied to property, a person who is the <i>owner</i> of a freehold estate in the property and includes: <ul style="list-style-type: none"> (a) a person who is an <i>owner</i> with another person as joint tenant or tenant in common of a freehold estate; (b) a person who is registered under The Condominium Act as the <i>owner</i>, as defined in that Act, of a unit under that Act; and (c) a real <i>owner</i>, as defined in The Municipal Act.
Parcel of Land	means the aggregate of all land described in any manner in a certificate of title.
Park, Public	means an area open to the general population and reserved for outdoor recreational, scenic or conservation purposes.
Parking Area	means an area containing <i>parking spaces</i> , other than a street, for 2 or more <i>vehicles</i> , which is available for <i>public use</i> or as an accommodation for clients, customers, or residents, and which has adjacent <i>access</i> to a <i>public road</i> .
Parking Space	means an area which is <i>used</i> for the parking of a <i>vehicle</i> .
Parking Space Tandem	means a <i>parking space</i> which is positioned in such a manner that it is necessary to pass through 1 <i>parking space</i> to <i>access</i> the other from a street, <i>lane</i> or driveway.
Parking, Accessory Off-Street	means 1 or more <i>parking spaces</i> provided as a <i>principal use</i> on a <i>lot</i> and which is <i>ancillary</i> parking required for a <i>principal use</i> on another <i>lot</i> .
Performance	means a standard established to control noise, odour, smoke, toxic or noxious matter, vibration, fire and explosive hazards or glare or heat generated by, or inherent in, uses of land or buildings.
Place of Assembly -	means <i>premises</i> of a business establishment or non-profit

Social	organization <i>used</i> for fraternal or sororal, social, cultural or educational events and may include, but is not limited to, a banquet hall, union hall or <i>place of worship</i> hall; and also includes a community hall.
Place of Worship	means <i>premises used by a religious organization</i> for worship.
The Planning Act	means <i>The Planning Act</i> , L.M. 2005, c. 30, being the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.
Planning Commission	means a <i>Planning Commission</i> established under <i>The Planning Act</i> .
Premises	means the whole or part of lands, <i>buildings</i> or structures, or any combination of these.
Principal	means in relation to a <i>use</i> conducted or a <i>building</i> or structure constructed on a <i>lot</i> primary and most important.
Protective and Emergency Services	means <i>development</i> that is required for the public protection of persons and property from injury, harm, or damage together with the incidental storage of equipment and <i>vehicles</i> . Typical <i>uses</i> include police stations, fire stations, ambulance services and <i>ancillary</i> training facilities.
Public Monument	means a statue, cairn or other non-habitable structure erected in memory of a person, event or in recognition of a cultural or historical site or tradition.
Public Road	means a <i>highway</i> as defined in The Highway Traffic Act.
Public Service	means the provision of ambulance, fire protection, mail delivery, road maintenance, police service or the like.
Public Use	means <i>premises</i> operated by, or under the direct authority of the Village of Dunnottar, Province of Manitoba or Government of Canada, unless otherwise defined by this zoning by-law.
Public Utility	means any system, works, plant equipment or services which furnish services and facilities available at approved rates to or for the <i>use</i> of the inhabitants of the Village, including by not limited to: <ul style="list-style-type: none"> (a) communication – telephone, telegraph, television; (b) public transportation – bus or other <i>vehicle</i>; (c) production, transmission, delivery or furnishing of water, gas or electricity to the public at large; and (d) collection of sewage, garbage or other waste.
Public Utility Building	means a building used by a public utility.
Public Works Yard	means <i>premises</i> operated by, or under the direct authority of, the Village of Dunnottar, Province of Manitoba or Government of

	Canada, for the storage, manufacture, maintenance or <i>repair</i> of <i>buildings</i> , infrastructure, materials or equipment, or any combination of these; and it may include <i>uses</i> such as a machine shop, paint shop, <i>sign</i> shop, wood-working shop, <i>repair garage</i> or storage facility used in connection with public works.
Recreational Vehicle	means a motorized or towable <i>vehicle</i> that combines transportation and temporary living accommodations for travel, recreation and camping.
Religious Organization	means an association of persons that is registered as a charitable organization under Province of Manitoba legislation and organized for the advancement of religion and for the conduct of religious worship, services or ties.
Repair	means the renewal or <i>reconstruction</i> of any part of an existing structure for the purpose of maintenance or restoration.
Residential	means the <i>use</i> of a <i>dwelling unit</i> for: <ul style="list-style-type: none"> (a) the permanent domicile or home life of a person or persons, or (b) the occasional or seasonal occupancy of a <i>dwelling unit</i> by an <i>owner</i> who has a permanent domicile elsewhere or a non-paying guest of such an <i>owner</i>, and for these purposes an “<i>owner</i>” includes a tenant under a residential tenancy agreement.
Retail Sales	means a commercial <i>use</i> that consists of the selling of goods or merchandise on the <i>premises</i> directly to the consumer for personal, household, small business or office <i>use</i> , and including the incidental or subordinate rendering of services, processing or manufacturing of goods to be sold.
Reverse Corner	means a <i>corner lot</i> , the flanking street site line of which is substantially a continuation of the front site line of the first site to its rear.
Riparian	means the lush vegetation located adjacent to rivers, creeks, lakes, springs, wetlands and coulees that are a transition zone between the upland and aquatic ecosystems.
Senior Citizen Home	means living accommodation for senior citizens in a semi-independent living arrangement, primarily in bed-sitting rooms, other than a Seniors Community House, provided there is: <ul style="list-style-type: none"> (a) a maximum of 2 persons per bed-sitting room; (b) accommodation for 1 or more staff persons; (c) 1 or more common lounges and dining areas; and (d) food preparation facilities shared by all residents.
Sensitive Land	means:

- (a) land that is susceptible to flooding, permafrost, erosion or that has unstable slopes or poor drainage;
- (b) areas of special significance for animal, bird or plant life, including wetlands, forests and nesting areas; and
- (c) land which any *development* is likely to harm ecological diversity.

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

Setback means the distance that a *development* or a specified portion of it must be *separation distance* from a *lot line*.

Shoreline means the land immediately adjacent to waterbodies or watercourses and in the case of the Village of Dunnottar, shall include lands adjacent to Lake Winnipeg and Tugela Creek.

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, to identify or convey information, or to advertise or attract attention to a product, service, place, activity, person, institution or business. Without limiting the generality of the foregoing, *signs* shall include banners, placards and painted messages.

Abandoned means any *sign* which no longer correctly identifies a business or the products and services offered on the site where the *sign* is located, or any *sign* which is not in a readable state.

Advertising means a *sign* directing attention to a business, commodity, service, thing, message or entertainment conducted, sold, or offered elsewhere than upon the same *zoning site* on which the *sign* is located.

Bulletin Board means a sign of permanent character, but with movable letters, words or numerals indicating the named of person associated with, or events conducted upon, or products or services offered upon the premises upon which said sign is maintained, such as a church or community hall bulletin board or the like.

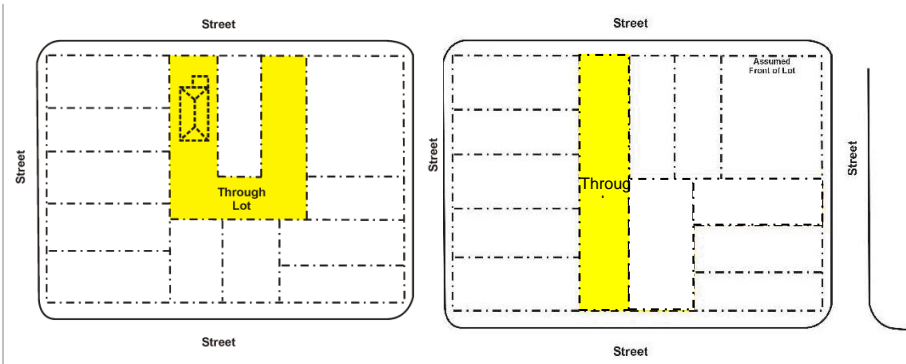
Business means a *sign* directing attention to a business, commodity, service, thing, message or entertainment conducted, sold, or offered upon the same *zoning site* on which that *sign* is located.

Construction means a temporary *sign* erected by an individual or a firm on the *premises* undergoing *construction* and upon which the *sign user* identifies a *construction* project and information relative thereto.

Directional means:

	(a)	a <i>sign</i> which directs the public to or denotes the name of any thoroughfare, route, educational institution, public <i>building</i> , historical site, or hospital;
	(b)	a <i>sign</i> which directs and regulates vehicular and pedestrian traffic;
	(c)	a <i>sign</i> which denotes any public transportation facility;
	(d)	a <i>sign</i> which gives direction to a private <i>premises</i> or its vehicular <i>use</i> area.
Identification		means a <i>sign</i> that identifies a business, <i>owner</i> , resident, or institution by name, logo or street address and which sets forth no other advertisement.
Real Estate		means a <i>sign</i> advertising the sale, rental or lease of the site where the <i>sign</i> is located.
Portable		means a <i>sign</i> greater than 5 feet ² in area mounted on a trailer, stand or other support structure which is designed in such a manner that the <i>sign</i> 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 <i>use</i> of attached characters, message panels or other means.
Temporary		means a <i>sign</i> with or without a structural frame and intended for a limited period of display, and for purposes of this zoning by-law shall not include a <i>portable sign</i> , except sandwich boards or the like.
Sign Area		means the entire area of the <i>sign</i> on which copy is intended to be placed. In the case of double-faced or multi-faced <i>signs</i> , only half of the area of each face of the <i>sign</i> used to display advertising copy shall be <i>used</i> in calculating the total <i>sign</i> area.
Single-Family Dwelling Unit		means a <i>building</i> designed for occupancy by 1 <i>family</i> , and for purposes of this zoning by-law, shall not include mobile homes or <i>modular homes</i> .
Site Area		means the calculated area contained within the <i>site lines</i> of a <i>zoning site</i> .
Site Coverage		means the percentage of the <i>site area</i> which is occupied by <i>buildings</i> , including <i>accessory buildings</i> or structures.
Site Depth		means the average horizontal distance between the front and rear <i>lot lines</i> of the site.
Site Frontage		means that portion of a <i>zoning site</i> fronting on a street and measured between side <i>site lines</i> .
Site Lines		means the boundary of a <i>lot</i> or site.

- Site Triangle means the area on either side of an access way at its junction with a public street forming a triangle within which clear visibility of approaching vehicular or pedestrian traffic must be maintained.
- Site Width means the horizontal distance between the side lot lines of a site, measured at right angles to the site depth at a point midway between the front and rear lot lines, or at 50 feet from the front lot line, whichever is the lesser.
- Sleeping Cabin means a building accessory to and subordinate to the permitted single-family dwelling unit designed to provide additional sleeping quarters without full baths and cooking facilities, for residents thereof or occasional guests of the owner.
- Storey means that portion of any building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of such floor and the ceiling above it.
- Half Storey means the a storey under a gable, hip or gambrel roof, the wall plates of which, on at least 2 opposite walls, are not more than 2 feet above the floor of such storey.
- Street means a street as defined in The Planning Act.
- Structural Alteration means the construction or reconstruction of supporting elements of a building or other structure.
- Structure means anything that is constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground and includes buildings, walls, fences, signs, billboards, poster panels, light standards and the like.
- Surface Water means any body of flowing or standing water, whether naturally or artificially created, including but not limited to a lake, river, creek, spring, swamp, wetland or marsh, including ice on any of them, but not including a dugout on the property of an agricultural operation.
- Temporary means, when referring to buildings, structures and uses, a building, structure or use for which a development permit has been issued for a limited time only.
- Through Lot means a lot other than a corner lot, which abuts 1 or more streets in more than 1 location.



Traffic Generation means the volume of vehicular traffic generated over a prescribed area within a prescribed time frame, which can be directly attributed to a particular *development* or geographic area.

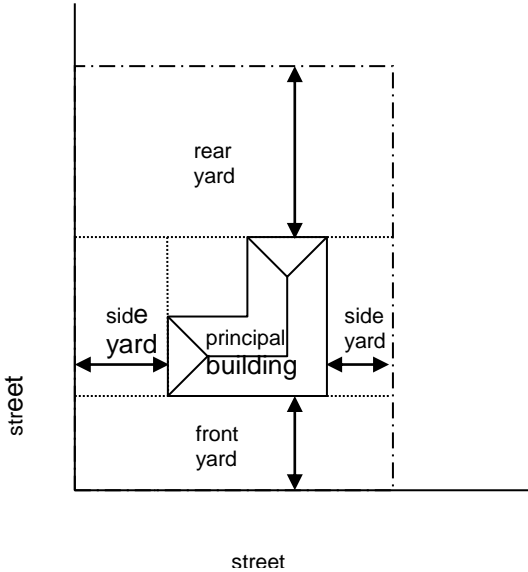
Travel Trailer means a trailer designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permits when towed by a motor vehicle.

Use means the purpose or activity for which a *building*, structure or *parcel of land* is designed, arranged, developed or intended, or for which it is occupied and maintained.

Vehicle means a wheeled or tracked device, either self-propelled or capable of being pulled by a self-propelled device, for moving persons or objects, or for *construction* or agriculture, or any combination of these.

Watercourse means a natural or manmade channel through which water flows, including but not limited to a lake, river, creek, spring, swamp, wetland or marsh.

Yard means the 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 by-law. A required yard extends along a site line or wall to a depth or width (measured from the site line or wall) as specified in the bulk table for the applicable zone.



Front Yard means an area that extends across the full width of a *lot* between the front *lot line* and the nearest main wall of a *building* that is closest to the front *lot line*.

'Lakefront' yard in the Residential Lakefront Zone (RL) shall refer to that yard adjacent to Lake Winnipeg.

Rear Yard	means an area that extends across the full width of a <i>lot</i> between the rear <i>lot line</i> and the nearest main wall of a <i>building</i> that is closest to the rear <i>lot line</i> . 'Rear' yard in the Residential Lakefront Zone (RL) shall refer to that yard adjacent to a public road.
Side Yard	means an area that extends from a <i>front yard</i> to a <i>rear yard</i> of a <i>lot</i> between the side <i>lot line</i> and the nearest main wall of a <i>building</i> that is closest to the side <i>lot line</i> .
Zoning site	means an area of land which: (a) is occupied, or intended to be occupied, by a <i>principal building</i> and <i>accessory buildings</i> , or used for the <i>principal use</i> or multiple <i>uses</i> , having <i>open spaces</i> as required by this zoning by-law; (b) has <i>frontage</i> on a street or has any lawful means of <i>access</i> satisfactory to the <i>Council</i> ; and (c) is of sufficient size to provide the minimum requirements of this zoning by-law for a permitted or <i>conditional use</i> in a zone where the <i>use</i> is located.



AMENDMENTS 7



