

Notice: All persons making use of this Consolidation are reminded that it has no legislative sanction; that the Amendments have been embodied only for the convenience of reference; and that the original By-law and Amendments should be consulted for all purposes of interpreting and applying the law.

**An Office Consolidation of**

**The R.M. of West St. Paul**

**Zoning By-law**

**By-law No. 2/99P**

Adopting By-law	Changes and Amendments	Content Affected		Remarks
		Text	Map	
1/2000"P"	Amend Part 7, Section 2 – Commercial Use Table 16 by adding “Residential Care Facilities” as conditional use in “CH”	X		3 <sup>rd</sup> Read. Apr. 12, 2001
	Rezoned from “RG” to “CH”		X	
1/2001"P"	Rezoned from “A80” to “CH”		X	3 <sup>rd</sup> Read. Jan 10/2001
2/2001"P"	Rezoned from “A80” to “M”		X	3 <sup>rd</sup> Read. June 14/2001
3/2001"P"	Rezoned from “RR” to “CH”		X	3 <sup>rd</sup> Read. June 14/2001
4/2001"P"	Rezoned from “CH” to “RR”		X	3 <sup>rd</sup> Read. July 12/2001
5/2001"P"	Amend Part 6, Section 2 – Residential Use Table 14 by adding “Golf Courses” as conditional use in “RR” & “RG”	X		3 <sup>rd</sup> Read. Dec 13, 2001
6/2001“P”	Amend Parts 3, 5 & 6 in regards to fencing materials and projections into required yards	X		3 <sup>rd</sup> Read. Dec 13, 2001
2/2002“P”	Amend Parts 6, 7, 8 & 10 in regards to mobile homes	X		3 <sup>rd</sup> Read. Sept. 12, 2002
2/2003“P”	Rezoned from “RR” to “RR Overlay”		X	3 <sup>rd</sup> Read. Oct 9, 2003
1/2004‘P’	Rezoned from “RR Overlay” to “RR”		X	3 <sup>rd</sup> Read. May. 13, 2004
2/2004“P”	Rezoned from “A80” to “CH”		X	3 <sup>rd</sup> Read. Mar. 9, 2004
3/2004‘P’	Amend Part 3.22. – “Planned Unit Development”, Tables 11, 14, 16 & 18 and Part 10.2. – Definitions - “Manufacturing”	X		3 <sup>rd</sup> Read. June 10, 2004
4/2004‘P’	Various Amendments to Parts 3, 5, 6, 7 & 10	X		3 <sup>rd</sup> Read. Aug. 12, 2004
1/2005“P”	<ul style="list-style-type: none"> <li>Rezoned from “RC” to “R3”</li> </ul>		X	
1/2006	Amend Part 3 General Provisions 3.22.6 Design Review Committee	X		3 <sup>rd</sup> Read. Sept 14, 2006
2/2006	Amend Part 8 Industrial to include “M2” & Part 3 by adding no front yard storage in M zones	X		3 <sup>rd</sup> Read Nov. 9, 2006
4-2006	Re-zone from A80-M2		X	3 <sup>rd</sup> Read Mar 8, 2007 3.16.5
5/2006	Amend Part 3 General Provisions 3.16.5 Lighting	X		3 <sup>rd</sup> Read 8-Feb-2007
1-2007	Re-Zone from A80 to RR		X	3 <sup>rd</sup> Read Aug 12, 2008
3/2007	Amend. Gen Prov. & RR & AR Regulations	X		3 <sup>rd</sup> Read Sept 13,

				2007
1/2008	Amend Part 3 General Provisions 3.8.8.1 Compliance with Zoning By-Law	X		June 12/08
1/2009”P”	Part 3 Gen Prov. Outdoor Solid Fuel Heating Systems Part 3 Gen Prov. Building Locations Certificates	X X		3 <sup>rd</sup> Read Nov 12, 2009
6/2010 “P”	Part 3 Gen Prov. Accessory Uses, Buildings and Structures	X		3 <sup>rd</sup> Read Feb 10, 2011
2011-12	Re-Zone from A80 to RRO		X	3 <sup>rd</sup> Read April 12, 2012
2011-14	Re-Zone from A80 to RR		X	3 <sup>rd</sup> Read June 14, 2012
2011-15	Re-Zone from A80 to RR		X	3 <sup>rd</sup> Read April 23, 2012
2011-17	Re-Zone from partially A80, M1, and CH to CH		X	3 <sup>rd</sup> Read March 8, 2012
2012-10	Re-Zone from A80 to A4		X	3 <sup>rd</sup> Read July 12, 2012
2013-06	Re-Zone from RRO to CH		X	3 <sup>rd</sup> Read April 18, 2013
2013-08	Re-Zone from A80 to RRO		X	3 <sup>rd</sup> Read April 18, 2013
2014-21	Re-zone from A80 to RRO		X	3 <sup>rd</sup> Read June 11, 2015
2015-10	Re-zone from A80 to RR		X	3 <sup>rd</sup> Read Sept. 10, 2015
2015-15	Text amendment for detached decks	X		3 <sup>rd</sup> Read August 13, 2015
2015-14	Amend Part 6.2	X		3 <sup>rd</sup> Read. Apr 28, 2016
2016-09	Amend Part 3, Table 3, Table 1, Table 11, 12, 14, 15	X		3 <sup>rd</sup> Read. Apr 14, 2016

West St. Paul  
West St. Paul  
Zoning By - Law  
Zoning By - Law  
Number 2/99P  
Number 2/99P

**FINAL July 1999**

**Rural Municipality of West St Paul  
In the Province of Manitoba  
By - Law Number 2/99P**

Being a By – Law to regulate the use and development of land within the Rural Municipality of West St. Paul.

WHEREAS Section 39 (1) of the Planning Act, Chapter P80, January 2, 1999, provides that a Zoning By – Law may be enacted by the Council of a municipality;

AND WHEREAS, it is deemed desirable and expedient to repeal By – Law number 7/92P, and all amendments thereto and substitute therewith a new Zoning By – Law;

RESOLVED that the Council of the R.M. of West St. Paul, in meeting duly assembled, enacts as follows:

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## **1. INTRODUCTION**

### **1.0. Contents**

1.1.	Title
1.2.	Area
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1.4.	Interpretation
1.5.	Relation to Other By-laws and Regulations
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### **1.1. Title**

- 1.1.1 This By-law may be cited as "The Rural Municipality of West St. Paul Zoning By-law".

### **1.2. Area**

- 1.2.1. The provisions of this zoning by-law shall apply to all lands within the limits of The Rural Municipality of West St. Paul in the province of Manitoba, as shown on the Zoning Map in Appendix A to this by-law.

### **1.3. Intent and Purpose**

- 1.3.1. The Council of the R.M. of West St. Paul may enact a zoning by-law which generally conforms to a development plan adopted for the area as per Section 39 of the Planning Act. The provisions established by this zoning by-law are deemed necessary in order to:
- 1.3.1.1. implement the objectives and policies of the Selkirk and District Planning Area Board Development Plan;
  - 1.3.1.2. define and limit the powers and duties of the Board, Council and Development Officers; and
  - 1.3.1.3. define and prescribe development standards including, but not limited to the following:
    - buildings and structures constructed and located hereafter, in accordance with the Buildings and Mobile Homes Act;
    - existing buildings and structures structurally altered and/or relocated hereafter;
    - uses of buildings, structures and land established hereafter; and

- changes of use of buildings, structures and land hereafter.

#### **1.4. Interpretation**

- 1.4.1. The provisions of this zoning by-law shall be interpreted to be the minimum requirements except where the abbreviation for or word "maximum" is used, in which case the maximum requirement shall apply.
- 1.4.2. Reference to the "Board" shall refer to the Selkirk & District Planning Area Board.
- 1.4.3. "Shall" is mandatory.
- 1.4.4. Units of measure are metric with imperial following in brackets. In cases where discrepancy between metric and imperial measure occurs, the metric unit shall prevail.

#### **1.5. Relation to Other By-laws and Regulations**

- 1.5.1. In the event of conflict between this zoning by-law and amendments thereto, and any restrictions imposed by a government authority having jurisdiction to make such restrictions, the most restrictive shall apply.

#### **1.6. References to Statutes**

- 1.6.1. References to statutes within this zoning by-law, unless otherwise specified, are Statutes of the Province of Manitoba and amendments thereto.

#### **1.7. Validity**

- 1.7.1. Should any section or part of a section of this zoning by-law or appendix attached hereto be declared invalid by a court of competent jurisdiction, the same shall not affect provisions of the zoning by-law as a whole or any part thereof beyond that which was declared invalid.



## **2. ADMINISTRATION**

### **2.0. Contents**

- |  |
|--|
| <ul style="list-style-type: none"><li>2.1. Selkirk &amp; District Planning Area Board Responsibilities</li><li>2.2. R.M. of West St. Paul Council Responsibilities</li><li>2.3. Development Officers' Responsibilities</li></ul> |
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### **2.1. Selkirk & District Planning Area Board Responsibilities**

The Selkirk & District Planning Area Board is responsible for the following:

- 2.1.1. administration and enforcement of this by-law;
- 2.1.2. acting as an appeal board as per Section 22(4) of the Planning Act;
- 2.1.3. administration and enforcement of the Planning Act, where applicable;
- 2.1.4. establishment of planning advisory committees in accordance with Section 90 of the Planning Act; and
- 2.1.5. establishment of a schedule of application fees and permit charges for the following:
  - conditional use orders;
  - development plan amendments;
  - subdivisions;
  - variation orders;
  - zoning by-law amendments;
  - zoning confirmation letters;
  - zoning compliance certificate;
  - zoning memoranda; and
  - other appropriate documents.

### **2.2. R.M. of West St. Paul Council Responsibilities**

Subject to the provisions of the Planning Act, the Council of the R.M. of West St. Paul is responsible for the following:

- 2.2.1. enactment of this By-law;
- 2.2.2. administration and enforcement of the Planning Act, where applicable;
- 2.2.3. adoption or rejection of proposed amendments or the repeal of this by-law;

- 2.2.4. approval or rejection of conditional uses and variation orders, and/or revocation of existing conditional uses and variation orders.

### **2.3. Development Officers' Responsibilities**

- 2.3.1. The Board shall appoint development officers, who on behalf of the R.M. of West St. Paul, shall carry out the administration and enforcement of this by-law. Duties of the development officers shall include items listed in 2.1.5.

### **3. GENERAL PROVISIONS**

#### **3.0. Contents**

- 3.1. INTENT
- 3.2. ACCESSORY USES, BUILDINGS AND STRUCTURES
- 3.3. AIRPORTS AND AIRCRAFT LANDING STRIPS
- 3.4. AMENDMENTS
- 3.5. BED AND BREAKFASTS
- 3.6. BULK REGULATIONS
- 3.7. CONDITIONAL USES
- 3.8. DEVELOPMENT PERMITS
- 3.9. DEVELOPMENT STANDARDS
- 3.10. ENFORCEMENT
- 3.11. EXTERIOR STORAGE ( fencing )
- 3.12. FLOOD PRONE OR HAZARD PRONE LANDS
- 3.13. GEOTECHNICAL REPORTS
- 3.14. HEIGHT EXCEPTIONS
- 3.15. HOME OCCUPATIONS
- 3.16. LANDSCAPE FEATURES ( fences and hedges )
- 3.17. LOADING SPACES
- 3.18. MINERAL EXTRACTION
- 3.19. MOBILE HOME DEVELOPMENT
- 3.20. NON-CONFORMANCE
- 3.21. PARKING
- 3.22. PLANNED UNIT DEVELOPMENTS
- 3.23. POOLS AND HOT TUBS
- 3.24. PROJECTIONS INTO REQUIRED YARDS
- 3.25. PUBLIC UTILITY
- 3.26. SIGNS
- 3.27. SUBDIVISION
- 3.28. TEMPORARY ADDITIONAL DWELLING
- 3.29. TEMPORARY USES, BUILDINGS AND STRUCTURES
- 3.30. VARIATIONS
- 3.31. ZONING COMPLIANCE CERTIFICATES
- 3.32. ZONING CONFIRMATION LETTERS
- 3.33. ZONING MEMORANDA

#### **3.1. INTENT**

- 3.1.1. The general provisions contained herein apply to all zones, except as otherwise specified herein.

## **3.2. ACCESSORY USES, BUILDINGS AND STRUCTURES**

### **3.2.1. Attached Accessory Structures**

Where a structure is attached to the main / principal building on a site by a roof, an open or enclosed structure, a floor; except a slab on grade or a foundation, it is to be considered as part of the main / principal building and shall be subject to the bulk regulations for main / principal buildings.

### **3.2.2. Construction Prior to Principal Building**

Accessory buildings or structures may not be constructed prior to obtaining a building permit for the principal building, notwithstanding Section 3.29.

### **3.2.3. Location**

#### **3.2.3.1. Building Separation from Principal Building (B/L 2015-15)**

Detached accessory buildings, excluding detached decks, above ground pools and hot tubs, shall be located a minimum of 3.048 metres (10 ft.) clear of all projections from the principal building (B/L 2016-09).

#### **3.2.3.2. Building Separation between Accessory Buildings**

Detached accessory buildings, excluding detached decks, above ground pools and hot tubs, shall be located a minimum of 0.914 metres (3 ft.) clear of all projections from other detached accessory buildings in the Residential and A4 zones (B/L 2016-09).

#### **3.2.3.3. Common Walls**

Buildings containing more than one unit with common party walls shall be considered as 1 building occupying 1 site for the purpose of side yard regulations. eg. duplexes or row housing.

#### **3.2.3.4. Easement or Right-of-way**

Detached accessory buildings and structures shall not be located within a dedicated easement or right-of-way.

#### **3.2.3.5. Front Yards**

Detached accessory buildings and structures shall be located in accordance with the Bulk tables for each zoning district.

Front yards for accessory buildings are not to be less than the front yard for the principal building. (B/L 5/2006)

#### **3.2.3.6. Water Front Lot**

Notwithstanding 3.2.3.5. above, detached accessory buildings and structures may be located in the front, side or rear yards where a lot has water frontage,

### 3.2.4. Number (B/L 6/2010)

On lots greater than 1.0 acres, the number of accessory buildings will be limited to a maximum of three (3) per certificate of title in all Residential zones, in addition to the “AR” Agricultural Restricted Zone. The number of accessory buildings allowed per certificate of title had previously been limited by development agreements enforced by the Municipality. Increases in the number of detached accessory buildings shall require amendments to the development agreements prior to consideration of variation order applications. (B/L 3/2007) (B/L 6/2010)

On lots less than 1.0 acres, the number of accessory buildings will be limited to a maximum of two (2) per certificate of title in all Residential Zones, in addition to the “AR” Agricultural Restricted zone. The number of accessory buildings allowed per certificate of title had previously been limited by development agreements enforced by the Municipality. Increases in the number of detached accessory buildings shall require amendments to the development agreements prior to consideration of variation order applications.

### 3.2.5. Uses

Accessory uses, buildings and structures may be permitted when on the same site as a permitted or conditional use as per Table 1.

**Table 1**  
**Accessory Uses, Buildings and Structures**

A = Agricultural    R = Residential    C = Commercial    M = Industrial    OS = Open Space  
P = Permitted        C = Conditional        - = Use is NOT Permitted

<b>Accessory Uses, Buildings and Structures</b>	<b>A</b>	<b>R</b>	<b>C</b>	<b>M</b>	<b>OS</b>
Aircraft landing strips and related storage facilities - accessory to farm	C	-	-	-	-
Buildings or structures necessary for the operation and maintenance of primary use i.e. farm buildings	P	-	P	P	P
Carport	P	P	P	-	-
Children's playhouse	P	P	-	-	-
Garage – private	P	P	P	-	-
Gazebo or garden house – private	P	P	-	-	-
Greenhouse – private	P	P	-	-	-
Home Occupation (B/L 4/2004‘P’)					-
Off-street parking and/or loading	P	P	P	P	P
Patio - detached, covered	P	P	P	-	-
Production, processing, cleaning, servicing, altering, testing or storage buildings or structures incidental to general agricultural, commercial or industrial use	P	-	P	P	-
Recreation building or structure	P	-	-	-	P

Signs	P	P	P	P	P
Single family dwelling - accessory. to primary use; may include staff dwellings	P	-	P	P	-
Storage - exterior: ( see fencing 3.11. )					
- domestic equipment and supplies	P	P	-	-	-
- goods used in or produced by primary use	P	-	P	P	-
- machinery and equipment used by primary use	P	-	P	P	-
Storage Containers (1) 6/2010	C	C	C	P	-
Swimming pools – private	P	P	P	-	-
Uses not listed	C	C	C	C	C

1. All storage containers require development permits for placement and are not permitted within required front yards. Applicants must supply detailed plans outlining the location, screening, landscaping and fencing in association with the placement of storage containers. Please note that storage containers are not be stacked.

### **3.3. Airports and Aircraft Landing Strips**

3.3.1. All buildings, structures or uses located in close proximity to licensed aircraft landing strips shall be governed by Transport Canada regulations. (See 3.14.2. Height Exceptions) and subject to conditions in table 2.

3.3.2. Noise Exposure Forecasts are contours produced to encourage compatible land use planning in the vicinity of airports. These contours are derived from air traffic volume and aircraft type and mix for 5 to 10 year period. The higher the contour level, the greater the disruption caused.

3.3.2.1 This land use tabulation should not be considered as an exhaustive listing, but merely as examples of how various land uses would be expressed in the Noise Exposure Forecast zones in terms of community response predictions.

**Table 2**  
**Noise Exposure Forecasts**

<b>Noise Exposure</b>	<b>40 Plus</b>	<b>40 - 35</b>	<b>35 - 40</b>	<b>Less than 30</b>
<b>Agriculture Uses</b>				
Dairy farms, Feed Lots, Livestock Pastures	J	Yes	Yes	Yes
Poultry Farms	I	I	Yes	Yes
Stockyards	J	Yes	Yes	Yes
<b>Commercial / Industrial Uses</b>				
Factories / Machine Shops	F	F	Yes	Yes
Outdoor Sales	E	H	Yes	Yes
Warehouses	Yes	Yes	Yes	Yes
<b>Recreation Uses – Outdoor</b>				
Athletic fields and playgrounds	No	G	H	Yes
Camping Grounds	No	No	No	K
<b>Residential</b>				
Single unit detached development	No	No	B	A
<b>Public Uses</b>				
Churches and Schools	No	No	D	C

#### 3.3.2.2. Explanation of Conditions

Yes -- The development is permitted without special noise insulation, subject to any following letter.

No -- The development is not permitted.

- A.- A marginal zone exists near the 30 NEF level where aircraft noise may begin to annoy some residents. It is recommended that developers be made aware of this fact and that they undertake to inform prospective tenants or purchasers of residential units.
- B.- The developer should be required to inform prospective tenants/buyers that aircraft noise may interfere with certain activities.
- C.- These facilities should not be located close to the 30 NEF contour unless the restrictions outlined in Note D are applied.
- D.- This land use shall not be permitted unless a detailed analysis of noise reduction is conducted and noise insulation features are considered by the architectural consultant.
- E.- When associated with a permitted land use, an office may be located in this zone provided that all relevant factors are considered and a detailed noise analysis is conducted to establish the noise reduction features required to provide an indoor environment suited to the specific office function.
- F.- Many of these uses would be acceptable in all NEF zones. However, consideration should be given to internally generated noise levels, and acceptable noise levels in the working area.
- G.- Undesirable if there is spectator involvement.
- H.- It is recommended that serious consideration be given to an analysis of peak noise levels and the effects of these levels on the specific land use under consideration.
- I.- The construction of covered enclosures should be undertaken if this use is to be newly introduced to the noise environment.
- J.- Research has shown that animals condition themselves to high noise levels. However, it is recommended that peak noise levels be assessed before this use is allowed.

\*Source: Modified from the Transport Canada publication TP-1247, amendment No. 1 91-12-20.

### **3.4. AMENDMENTS**

- 3.4.1. Amendments to this zoning by-law may be initiated by Council or by the owner of the area proposed to be changed or owner's agent(s).



- 3.4.2. Applications to amend the zoning by-law, including required information and fees, shall be filed with the Board.
- 3.4.3. Applications to amend the zoning by-law shall be processed, and if approved, enacted as per Section 47(2) of the Planning Act.
- 3.4.4. Approved amendments to the zoning by-law may, at Council's discretion, require that the owner enter into a development agreement as per Section 46(1) of the Planning Act.

### **3.5. BED AND BREAKFASTS**

- 3.5.1. Business Licenses and Development Permits  
Bed & breakfast establishments shall be registered with the Municipality.
- 3.5.2. Character - Secondary Use  
The bed & breakfast shall be operated by a live-in owner as a secondary use only and shall not change the principal residential character or external appearance of the dwelling.
- 3.5.3. Guest Bedroom Number  
Bed & breakfast establishments shall be limited to 4 guest bedrooms per dwelling.
- 3.5.4. Parking  
In addition to the parking requirements for the primary use, one additional parking space shall be provided for each guest bedroom.
- 3.5.5. Signs  
Signs for bed & breakfast establishments shall be limited to 1 identification sign:
- a maximum of 0.37 sq.m. (4.0 sq.ft.);
  - non-illuminated; and
  - compatible with the residential character of the area.
- 3.5.6. Traffic  
The bed & breakfast shall not generate traffic beyond what is normally characteristic of the area.

### **3.6. BULK REGULATIONS**

- 3.6.1. Separation Distances  
Separation distances shall be measured from building face to building face notwithstanding 3.2.3.1.

3.6.2. Site Coverage

Site coverage shall be the percentage of the lot area covered by the ground floor area of all buildings located thereon. For the purpose of lot coverage calculations, building shall mean any structure consisting of a wall, roof and floor or any one of them, or a structural system serving the same purpose.

3.6.3. Yard Requirements

3.6.3.1. Distance Measure

Yard measurements within the bulk tables shall be measured from the building face to the property line.

3.6.3.2. Yard Reductions

See 3.25.1. Bulk Requirements Reduced by Public Works and 3.27.1. Subdivision Bulk Regulations.

**3.7. CONDITIONAL USES**

3.7.1. Application to use land for a use listed as a conditional use in this zoning by-law may be filed by the owner or owner's agent subject to owners signature.

3.7.2. Application for approval of a conditional use, including required information and fees, shall be filed with the Board.

3.7.3. Applications for conditional use shall be processed, approved or rejected, and may be revoked as per Section 53 of the Planning Act.

3.7.4. When approving a conditional use as provided herein, Council may prescribe such additional conditions, beyond those specified in the zoning by-law and development plan, as are in its opinion necessary to secure the objectives of the zoning by-law and development plan; and the Council may revoke the conditional use authorized for violation of any conditions imposed by it, as per Section 53 of the Planning Act.

3.7.5. Applications for uses that require a license or permit from another level of government including any technical review committee reports must either obtain the necessary permits, or confirmation from the licensing authority that the permit will be issued, subject to the approval of the conditional use permit before proceeding with the application. (B/L 4/2004'P')

**3.8. DEVELOPMENT PERMITS**

3.8.1. Application Requirements

Development permit applications may require submissions as listed hereunder.

3.8.1.1. The applicant shall provide the complete legal description of the subject property.

3.8.1.2. The applicant shall provide 3 complete sets of blueprints of proposed construction illustrating:

- site plan including:
  - proposed setbacks from property lines of new construction and all existing buildings or structures on the site
  - proposed parking and loading spaces
  - proposed open space;
- foundation - dimensioned and fully detailed;
- building section - indicating all building materials;
- floor plans - all levels;
- elevations of completed structure.

3.8.1.3. proposals on flood prone or hazard prone land shall not be issued permits prior to submission as per 3.8.1.1., 3.8.1.2. above and the following:

- section through proposed building or structure or fill area;
- section through riverbank or the like, indicating geodetic elevations; and
- geotechnical engineering report as per 3.13.1., prepared by a certified professional geotechnical engineer stating that proposed development will not:
  - impede surface or subsurface water flow;
  - de-stabilize land including waterway bed; or
  - adversely alter waterway channels.

3.8.1.4. The applicant shall provide other information, if deemed necessary such as:

- proposed use of each building and structure;
- current copies of relevant titles, easements and caveats;
- surveyor's certificate prepared by a Manitoba Land Surveyor;
- existing conditions of the site; and
- number of dwelling units or rental units within the proposed building.

3.8.1.5. At the discretion of the designated officer or Council, a staking certificate with offset pins may be requested prior to foundation being poured (B/L 2016-09).

### 3.8.2. Combined Permit

A development permit may include a building permit and an occupancy permit.

### 3.8.3. Development Permits Required

No person shall construct, locate, relocate or structurally alter a building or structure unless in conformity with an approved development permit. No person shall alter land levels where it may affect surface drainage or bank stabilization. No person shall use nor change or intensify a use, unless in conformity with an approved development permit.

Development Permits are required for the following:

- 3.8.3.1. addition, extension, structural alteration or conversion of any building or structure; with the exception of 3.8.4.
- 3.8.3.2. change of use of land, buildings, or structures, except when a change is from one agricultural activity to another;
- 3.8.3.3. mineral extraction operations;
- 3.8.3.4. relocation, removal or demolition of any building or structure;
- 3.8.3.5. signs as per 3.26.4.
- 3.8.3.6. temporary uses, buildings or structures;
- 3.8.3.7. use of vacant buildings or structures, except in the case of farm buildings or structures used principally for agricultural activities; and
- 3.8.3.8. works done on or within floodprone or hazard prone lands such as:
  - building construction or demolition;
  - deposit, removal, alteration or disturbance of any material;
  - drainage alteration - surface or subsurface; and
  - diversion of waterway or waterway channels.
- 3.8.3.9. 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 stamped drawings. Please note temporary tents are exempt from all zoning requirements (e.g. site coverage, height, setbacks, etc.) (B/L 2016-09).

### 3.8.4. Development Permits Not Required

Development Permits are not required for the following, when in compliance with this zoning by-law:

- 3.8.4.1. accessory buildings not exceeding 11.148 sq. metres (120 sq. ft.);
- 3.8.4.2. driveways which are private and accessory to the principal use, building or structure;

- 3.8.4.3. fence or gate;
  - 3.8.4.4. landscaping where the existing grade and natural surface drainage pattern is not materially altered;
  - 3.8.4.5. light standard;
  - 3.8.4.6. patios and decks that are accessory to a development and detached from the main or principal dwelling, provided that they are less than 24 inches above normal grade;
  - 3.8.4.7. regular building maintenance and repair that does not include structural alterations;
  - 3.8.4.8. signs as per 3.26.5. ; and
  - 3.8.4.9. home occupations.
  - 3.8.4.10. 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. Please note temporary tents are exempt from all zoning requirements (e.g. site coverage, height, setbacks, etc.) (B/L 2016-09).
- 3.8.5. Development Permits Issued "Prior to"  
Development permits for buildings or structures that were in compliance with the zoning by-law prior to the effective date of this zoning by-law shall be permitted if acted upon within 12 months of issuance.
- 3.8.6. Expiration of Development Permit  
Development permits shall expire 12 months from the date of issuance if:
- work has not commenced within that time period; and / or
  - work has not continued at a reasonable pace thereafter.
- 3.8.7. Inspection of Premises  
Development officers may at all reasonable times and with the consent of the owner or occupier, but subject to Section 84 of the Planning Act, enter upon any land, building or structure within the jurisdiction of the Board for the purpose of implementing this zoning by-law.
- 3.8.8. Owner's Duties
- 3.8.8.1. Compliance with Zoning By-law (B/L 1/2008)  
Neither the granting of a development permit nor the approval of the blue prints, specifications or inspections made by development

officers shall relieve the owner of the responsibility of complying with the requirements of this zoning by-law or with any relevant by-laws of the Municipality.

\*\* Prior to the issuance of a development permit the applicant may be required to address any applicable infractions on the subject property.

3.8.8.2. Inspection by Development Officer

Owners shall not obstruct the development officer in his discharge of duties as per 3.8.7.

3.8.8.3. Other Licenses and Permits

Every owner shall be responsible for obtaining required permits or licenses for, but not limited to the following:

- blasting;
- buildings;
- electrical;
- environmental approvals;
- grades;
- highways;
- occupancy;
- plumbing;
- sewers or water supply systems;
- signs;
- streets;
- water rights for wells; and
- other government department approvals as required.

3.8.8.4. Work at Variance

Every owner shall notify the development officer and obtain approval prior to doing any work at variance with that for which a development permit was issued.

3.8.9. Street Frontage

Notwithstanding any other provisions contained in this By - Law and for the clarification thereof, no use permitted under this By - Law shall be established, erected or constructed unless the parcel of land on which it is located, in addition to complying with all other requirements of this By - Law has frontage on a street.

3.8.10. Suspension or Revocation of Permit

The development officer may suspend or revoke a development permit if:

- the applicant fails to comply with the terms and conditions of the permit issued; or

- any person undertakes, causes or permits development on the site which is contrary to the terms and conditions of the permit issued.

Development shall be discontinued forthwith upon receiving written notice from the development officer and shall not resume until a permit has been issued or reinstated.

### **3.9. DEVELOPMENT STANDARDS**

3.9.1. Developments within all zones shall comply with the development standards as established by Council in development agreements.

3.9.2. Local heritage buildings shall comply with any municipal or provincial heritage regulations.

#### **3.9.3 Outdoor Solid Fuel Heating Systems (B/L 1/2009)**

3.9.3.1 An outdoor solid fuel heating system is considered a self-contained unit designed to provide heating to the principal building or any other structure or area on the premises.

3.9.3.2 Only manufacturer approved material may be burned which may include such solid fuels as natural untreated wood, wood pellets, corn products, biomass pellets or other fuels permitted specific to manufacturer's specifications.

3.9.3.3 Heating materials, as listed above, must be stored in an orderly fashion at a distance of at least 10 ft. from the heating system.

3.9.3.4 The amount of heating material stored can not exceed the amount that would be used during a typical season, as interpreted and approved by Council and/or the designated Officer of Council.

3.9.3.5 The burning of treated wood, rubbish, garbage, any plastic material, rubber and rubber-like products, newspaper, cardboard, any paper with ink or dye products or any other materials not specifically outlined by the manufacturer are strictly prohibited.

3.9.3.6 Fuel materials shall not be stored within the same structure as the heating system.

3.9.3.7 Any outdoor solid fuel heating system is required to obtain a development permit from the Selkirk and District Planning Area Board, approval by the Municipal Engineer and by resolution of Council. Please note approval may be subject to conditions.

3.9.3.8 Outdoor solid fuel heating systems are not permitted in or within 1500ft. of any Residential ("RC", "R3", "RG", "RR") or Agricultural Restricted zone (A4).

3.9.3.9 Outdoor solid fuel heating systems shall not be permitted on parcels of land less than 4 acres in size.

3.9.3.10 An outdoor solid fuel heating system and chimney shall be laboratory tested and listed to appropriate safety standards such as UL (Underwriters Laboratory), CAN/CSA (Canadian National Standard/ Canadian Standards Association).

3.9.3.11 Outdoor solid fuel heating system buildings or structures shall;

- a) Be located behind the rear wall of the principal building on site;
- b) Be located at least 50 ft. clear of all projections;
- c) Be located at least 200 ft. from any property line;
- d) Be installed as per insurance requirements;
- e) Be installed as per manufacturers specification;
- f) If located within 300ft. of another residence not served by the furnace, the stack height must be 2 ft. higher than the peak of the neighbouring residence.

### **3.10. ENFORCEMENT**

#### 3.10.1. Enforcement

Enforcement of this by-law shall be as per Sections 80 - 81 of the Planning Act.

#### 3.10.2. Existing Violations

The adoption of this by-law shall not prevent any actions to abate, nor pending or future prosecution of, violations under the former zoning by-law, provided said violations are also violations of this zoning by-law.

### **3.11. EXTERIOR STORAGE**

#### 3.11.1. Exterior Storage Fencing Requirements

Fencing requirements for exterior storage resulting from permitted or conditional uses within the agricultural, commercial and industrial zones shall be as per 3.11.2., notwithstanding 3.11.1.1.

##### 3.11.1.1. Agricultural Zone Exemption

General and limited agricultural activities and associated exterior storage of materials, equipment and machinery shall be exempt from the fencing requirements under 3.11.2.

#### 3.11.2. Fencing

##### 3.11.2.1. Design

Any permitted or conditional use requiring outside storage shall be enclosed on all sides, with a minimum 1.83 m (6 ft.) to maximum 2.44 m (8 ft.) high solid wall or opaque .

Materials and maintenance shall be as per 3.11.2.2. and 3.11.2.3.

##### 3.11.2.2. Maintenance

A caveat may be filed against the title in order to ensure that the fence is maintained to municipal standards. The maintenance plan may require the posting of a performance bond.

##### 3.11.2.3. Materials - Permitted (B/L 6/2001 "P")

Permitted fencing materials include the following:



- minimum 1.905 cm. (3/4 in.) thick douglas fir, cedar or hemlock  
- rough sawn, pressure treated No. 2 common, tight knot;
- concrete;
- ornamental block;
- brick;
- metal excluding chain link;
- combination thereof; or
- any other material, subject to:
  - illustration by a certified professional engineer or architect,
  - approval by the Selkirk & District Planning Area Board.

The above fencing shall be uniformly painted and maintained.

3.11.2.4. Materials – May be Permitted (B/L 6/2001”P”)

The following materials may be permitted in the construction of fencing subject to entering into an agreement with the municipality:

- chain link;
- used materials which may include landscape ties, railway ties or utility poles.

3.11.2.5. Posts

Fence posts shall be wood, metal or concrete.

3.11.3 Front Yard Storage (B/L 2-2006)

No front yard storage shall be permitted in Industrial zones, unless permission is obtained from Council.

**3.12. FLOOD PRONE OR HAZARD PRONE LANDS**

Flood prone lands are those lands which are subject to flooding at the 100 year flood level as specified by the Water Resources Branch , with exceptions as listed below.

- Where levels exceed the 100 year flood level, the record flood level shall apply.
- Where lands are adjacent to the Red River, the 160 year flood level or 1997 Red River flood levels as per zoning map in Appendix A , whichever is the higher, shall apply.
- Where land is protected by flood control works, the flood level specified by the Water Resources Branch shall apply.

Hazard prone lands shall include lands :

- within a horizontal distance of 106.68 metres (350 ft.) or greater of the normal high water mark of the Red River; or

- that are subject to subsidence or are low-lying, marshy or unstable, or are otherwise unsuitable or hazardous for a proposed purpose by virtue of its soil or topography.

### 3.12.1. Application Requirements

#### 3.12.1.1. Permanent Buildings or Structures

Permanent buildings or structures shall not be located on flood prone or hazard prone lands unless in accordance with 3.8.1.

#### 3.12.1.2. Temporary Buildings or Structures

Temporary or movable buildings or structures may be located on or within flood prone or hazard prone lands subject to 3.8.1. and the developer entering into a development agreement with the Municipality.

### 3.12.2. Bank Stabilization

Bank stabilization works shall not be permitted, unless in accordance with 3.8.1.

### 3.12.3. Clearing and Cultivation

Clearing of natural vegetation and cultivation of land shall not be permitted within a horizontal distance of 15.24 metres (50 ft.) of the normal high water mark of the Red River, unless in accordance with 3.8.

### 3.12.4. Deposition of Material

Deposition of material shall not be permitted within a horizontal distance of 106.68 metres (350 ft.) of the normal high water mark of the Red River, unless in accordance with 3.8.

### 3.12.5. Permanent Buildings or Structures - Construction

#### 3.12.5.1. Basements

Basements in flood prone lands shall:

- not contain habitable space unless flood protection has been provided;
- not be used for storage of immovable materials or hazardous materials that are buoyant, flammable, explosive or toxic;
- not contain electrical circuit breaker panels;
- be provided with a sump pit; and
- have back-up valves in the sewer pipes or pipes leading to a holding tank or disposal field.

#### 3.12.5.2. Basement Floor Elevations

Basement floor elevations in flood prone lands shall:

- not be lower than 0.6 metres (2 ft.) below flood protection level if the fill material is pervious such as sand; or
- not be lower than 1.7 metres (5.5 ft.) below flood protection level if the fill material is impervious such as clay.

3.12.5.3. Flood Protection

Permanent buildings or structures shall be protected from flooding by raising the building site to the flood protection level. Flood protection levels shall be as listed below and as applicable.

- 100 year flood level plus 0.6 metres (2 ft.); or
- 160 year flood level or 1997 Red River flood levels as per zoning map in Appendix A plus 0.6 metres (2 ft.) or as specified by the Water Resources Branch.

3.12.5.4. Flood Protection - Exemptions

The following shall be exempt from flood protection requirements subject to the developer entering into a development agreement with the Municipality:

- structural alterations to legally existing buildings or structures; and
- buildings or structures accessory to a legally existing buildings or structures.

3.12.5.5. Surrounding Fill

The level of the surrounding fill at the building line shall not be less than the flood protection level, and shall:

- not slope more than .152 metres (6 in.) vertically to 4.572 metres (15 ft.) horizontally from the building line; and
- not more than 0.305 metres (1 ft.) vertically to 1.219 metres (4 ft.) horizontally thereafter.

In Lieu of Surrounding Fill

In lieu of fill, permanent buildings or structures shall:

- have the floor elevation of any finished space at least 0.914 metres (3 ft.) above the flood protection level; and
- have piles or other support system approved by a certified structural engineer.

### **3.13. GEOTECHNICAL REPORTS**

3.13.1. As per Section 3.8.3.9, geotechnical reports shall be prepared by a certified professional geotechnical engineer and may contain evidence of the following:

- test borings;
- ground water piezometer tests;
- slope indicators where necessary;
- identification of any sub-surface mining operations;
- river erosion analysis; and
- surface erosion analysis.

The conclusions provided within the above engineering study shall approve the proposed foundation design(s) and fully acknowledge soil conditions and proposed siting of the development.

### **3.14. HEIGHT EXCEPTIONS**

3.14.1. Height restrictions within the Bulk Tables do not apply to the following:

- antennae;
- chimneys;
- communication towers eg. television or radio towers;
- electrical apparatus or the mechanical operations of the building provided that no roof structure or space is usable floor space;
- electrical or telephone transmission lines;
- elevator shafts or stairway enclosures;
- flag poles;
- gravel piles or the like;
- lightning rods;
- lighting standards;
- mechanical equipment enclosures;
- ornamental domes;
- satellite dishes;
- silos;
- skylights;
- solar collectors;
- steeples;
- ventilators;
- water storage tanks; and
- windmills.

3.14.2. Notwithstanding 3.14.1. above, limitations prescribed or practices recommended by Transport Canada with respect to height limitations and appropriate lighting in the vicinity of airfields shall prevail.

### **3.15 HOME OCCUPATIONS AND HOME INDUSTRIES** (B/L 4/2004‘P’)

#### **3.15.1 General Characteristics**

Certain uses carried out within the confines of a residential dwelling unit or within an accessory building on a property zoned as Agricultural, Residential or Commercial, may be permitted if such uses are incidental to the primary use of the property, subject to the following criteria.

#### **3.15.2 Classification of Home Occupations and Home Industries**

Because of their diversity it is not possible to list all businesses that would be classified as either a Home Occupation or a Home Industry. The following list provides examples of Home Occupations and Home Industries. This list should be used only as a guide to judge the suitability of occupations not on the list. Uses of a similar nature would be considered as well.

##### **3.15.2.1 Home Occupations**

- Computer sales and programming
- Consulting service (engineering, computer, planning)
- Bookkeeping, accounting, investment counselling
- Business office associated with a permitted Home Industry
- Craft manufacturing & sales (paintings, stained glass, pottery, ceramics, jewellery)
- Drafting, computer graphics, interior design
- Dress making, sewing
- Electronics, and small household appliance sales and repair
- Photography
- Real estate and insurance
- Tutoring, music, dance and singing training
- Personal Services (hairdressing and barbering, licensed massage therapists, reflexology).

##### **3.15.2.2 Home Industries**

In addition to all businesses classified as Home Occupations, the following examples are types of business that would also be classified as Home Industries.

- Automobile repairs
- Agricultural commercial
  - Building trades (carpentry, electricians, plumbing)
  - Car brokerages \*
- Commercial printing
- Small engine and equipment sales and repair
- Large household appliances (stoves, dryers, etc.)
  - Printing services

- Upholstery (household & auto)
- Mobile signs

\* Maximum 2 D-registered vehicles on premises at any one time.  
None to be on display.

### **3.15.3 Required Conditions:**

#### **Home Occupations:**

##### 3.15.3.1 Character - Secondary Use

The home occupation shall be operated as an accessory use only, and shall not change the principal character or external appearance of the dwelling involved.

##### 3.15.3.2 Employees

Home occupations shall be carried on solely by the members of the family residing at the same dwelling unit and shall not employ other persons.

##### 3.15.3.3 Floor Area

The home occupation within the dwelling unit or accessory building shall not exceed 20% of the total floor area of such residence.

##### 3.15.3.4 Hazardous Materials

No toxic matter, explosive, flammable, combustible, corrosive, radioactive or other restricted material may be used, stored or produced.

##### 3.15.3.5 Location

Home occupations must be carried out within the confines of the occupant's residential dwelling unit or its accessory building.

##### 3.15.3.6 Noise

There shall be no mechanical or electrical equipment used which creates undue noise, or visible or audible interference in radio or television reception within adjacent dwellings.

##### 3.15.3.7 Parking

A home occupation shall not require parking in excess of that which is characteristic of the zone within which it is located.

##### 3.15.3.8 Pedestrian or Vehicular Traffic

The home occupation shall not generate undue pedestrian or vehicular traffic beyond that characteristic of a residential neighbourhood.

3.15.3.9 Public Nuisance

The home occupation shall not become offensive or obnoxious or create a public nuisance.

3.15.3.10 Sales

Articles sold or offered for sale are limited to those that are:

- produced therein; or
- produced elsewhere, but are pre-packaged and held on a temporary basis for distribution to customers.

3.15.3.11 Storage

There shall be no exterior storage of business equipment, materials, merchandise or inventory.

**Home Industries:**

3.15.3.12 Home Industries will only be permitted as a Conditional Use within Agricultural zones.

3.15.3.13 Home Industries must be carried out within the confines of an accessory building, except for a business office which may be permitted in the residential dwelling.

3.15.3.14 There shall be no exterior storage of business equipment, materials, merchandise or inventory, notwithstanding Section 3.10

3.15.3.15 Employment is restricted to a maximum of two residents of the premises.

3.15.3.16 Signs for home industries shall be limited to 1 identification sign:

- a maximum of 0.37 sq. m. (4.0 sq. ft.);
- non-illuminated; and
- compatible with the residential character of the area.

3.15.3.17 Additional parking requirements for customers may be provided in the rear yard. No additional parking spaces will be permitted in any front yard or side yard.

3.14.3.18 The home industry shall not generate pedestrian or vehicular traffic in excess of that which is characteristic of the zone in which it is located.

3.15.3.19 No toxic matter, explosive, flammable, combustible, corrosive, radioactive, or other restricted material may be used, stored, or produced.

3.15.3.20 The home industry shall have all outdoor lighting located and arranged on the property so that no rays of light are directed at any adjacent property.

3.15.3.21 In no case shall the Home Industry be open to the public at times earlier than 8:00 a.m. nor later than 10:00 p.m. unless agreed to by Council.

3.15.4 Zoning Use Tables

The individual Zone Use Tables in Sections 5 to 9 outline which uses will be allowed as permitted or conditional uses. Permitted uses will not require Council's approval, while Conditional uses must follow the procedure outlined in Section 3.6 of this By-law.

3.15.5. Business Licence

Permits for Home Occupations and Home Industries must be obtained from the Municipality prior to the commencement of the business.

### **3.16. LANDSCAPE FEATURES**

3.16.1. Exterior Storage See 3.11.

3.16.2. Fences / Hedges

Fences shall not include barbed wire fences except in agricultural, industrial and commercial zones; and shall not include electric fences except in agricultural zones. Fences, hedges and the like shall be permitted in all yards and shall be limited in height as per Table 3 (B/L 2016-09).



**Table 3**  
**Fence / Hedge Height**

*Measurements in Metric followed by Imperial in brackets*

*A = Agricultural*

*R = Residential*

*C = Commercial*

*M = Industrial*

*OS = Open Space*

Zone	Front Yd. Max . or Range	Side Yd. Max. or Range	Rear Yd.. Max
A	unlimited	unlimited	unlimited
R	1.219 m.(4 ft.)	1.981 m. (6 ft.-6")	1.981 m. (6 ft. -6")
C	1.829 m. (6 ft.) to 2.438 m. (8 ft.)	1.981m. (6 ft. -6")to 2.438 m. (8 ft.)	1.981m. (6 ft. -6")to 2.438 m. (8 ft.)
M	1.829 m. (6 ft.) to 2.438 m. (8 ft.)	1.981m. (6 ft. -6")to 2.438 m. (8 ft.)	1.981m. (6 ft. -6")to 2.438 m. (8 ft.)
OS	1.219 m.(4 ft.)	1.981m. (6 ft. -6")to 2.438 m. (8 ft.)	1.981m. (6 ft. -6")to 2.438 m. (8 ft.)

Bulk regulations for accessory structures shall not include fences / hedges; these are to conform to Table 3 Fence / Hedge Height. (B/L 6/2001 "P")

### 3.16.3. Highway Allowance

Landscape features shall be set back in accordance with the Highway Protection Act.

### 3.16.4. Ponds and Fountains - lined

Ponds and fountains on the property of a single family dwelling, which are lined and have a water capacity exceeding 0.6096 metres (2 ft.), shall be deemed private pools and shall be subject to the:

- Manitoba Building Code regulations; and
- bulk requirements for accessory buildings and structures.

### 3.16.5 Lighting (B/L 5/2006)

Lighting requirements apply to uses other than residential.

3.16.5.1. Wall mounted lights must have fully shielded luminaries to direct light downward

3.16.5.2. No owner may install or maintain a light source that is directed outward toward property boundaries or adjacent right-of-way.

3.16.5.3. Lighting must be directed downward except for low-voltage architectural, landscape and decorative lighting, which is subject to subsection below.

3.16.5.4. Architectural, landscape and decorative lighting may be directed upward to illuminate flags, statues or any other objects but must use a narrowly directed light whose light source is not visible from adjacent residential properties.

3.16.5.5. All light sources must be shielded to prevent glare.

**3.17. LOADING SPACES**3.17.1. Access

Accessory off-street loading areas shall have access to a street or public lane.

3.17.2. Calculation - Number of Required Spaces

Accessory off-street loading spaces shall be provided and maintained in accordance with Table 4.

**Table 4**  
**Loading Space Table**

*Measurements in Imperial only*

<b>Use</b>	<b>Floor Area</b>	<b>Number of Loading Spaces required</b>
Colleges, Trade Schools, Clubs, religious institutions, nursing homes and personal care homes, hospitals	Less than 10,000 sq ft	0
	10,000 sq ft to 199,999 sq ft	1
	200,000 sq ft or more	1 additional for each 200,000 sq ft in excess of 200,000 sq ft.
Financial Institutions, clinics, business or professional offices, banquet halls parish halls, curling rinks and similar recreation facilities	Less than 20,000 sq ft	0
	20,000 sq ft to 199,999 sq ft	1
	200,000 sq ft or more	1 additional for each 200,000 sq f in excess of 200,000 sq ft.
Uses not defined above and primarily concerned with the handling of goods	Less than 20,000 sq ft	1
	20,000 sq ft to 39,999 sq ft	2
	40,000 sq ft to 59,999 sq ft	3
	60,000 sq ft to 79,999 sq ft	4
	80,000 sq ft or more	1 additional for each 50,000 sq ft in excess of 50,000 sq ft.

3.17.3. Dimension

Minimum dimensions for loading areas shall be 3.658 x 9.144 metres (12 x 30 ft.) with a minimum vertical clearance of 4.267 metres (14 ft.).

3.17.4. Location

3.17.4.1. All required accessory off-street loading shall be located on the same zoning site as the use served, unless permitted by variance to locate elsewhere.

3.17.5. Standards

See 3.21.7.

### **3.18. MINERAL EXTRACTION**

#### 3.18.1. Application Requirements

Development permits are required for the establishment of commercial pits or quarry operations. Development permit applications shall require submissions as listed hereunder.

3.18.1.1. proof of Provincial Lease or Casual Permit in the case of Crown quarry minerals;

3.18.1.2. plan of operation including the:

- manner in which extraction or development will occur;
- visual buffer;
- noise and dust protection;
- rehabilitation of site upon cessation; and

3.18.1.3. proof of Environmental Act License in accordance with the Manitoba Environment Act.

#### 3.18.2. Location

Buildings or structures shall not be located within 152.4 metres (500 ft.) of an active mine or quarry site unless a development agreement has been entered into with the Municipality.

#### 3.18.3. Location - Exemption

Buildings or structures necessary for the operation of mines or quarry sites are exempt from 3.17., 3.18.2. and 3.21.

### **3.19. MOBILE HOME DEVELOPMENT**

3.19.1. *Not applicable to R.M. of West St. Paul*

### **3.20. NON-CONFORMANCE**

#### 3.20.1. Certificates

A Zoning compliance certificate may be issued upon application of any person having an interest therein, describing the land, building or structure, or the use or intensity of use of land or a building or structure that was lawfully in existence at the date of the enactment of this zoning by-law, and stating that it may continue to exist although it does not conform to the zoning by-law as per Section 48(3) of the Planning Act.

#### 3.20.2. Change in Ownership

The legal status of a use of land, building or structure is not affected by change of ownership, tenancy or occupancy of land, building or structure.

### 3.20.3. Existing Lots

Parcels of land with less than minimum area or width that were registered at the Land Titles Office at the effective date of this zoning by-law, shall be deemed to be legal non-conforming parcels and subject to all applicable zoning regulations.

### 3.20.4. Existing Buildings or Structures

All buildings and structures legally existing at the effective date of this zoning by-law are deemed to conform to the bulk regulations.

#### 3.20.4.1. Accessory Buildings

Buildings accessory to existing legal non-conforming uses, buildings or structures shall be permitted provided that such are in compliance with bulk regulations.

#### 3.20.4.2. Structural Alteration or Relocation

Any structural alteration or relocation of existing non-conforming buildings shall conform to Section 51(3) of The Planning Act.

### 3.20.5. Existing Uses

A non-conforming use of land, building or structure may continue, if the use was legal at the effective date of this zoning by-law and if the use was not discontinued for a period exceeding 12 consecutive months.

Legal non-conforming uses may be altered by variation order as per Section 51(3) of the Planning Act.

### 3.20.6. Existing Violations

See 3.10.2.

## **3.21. PARKING**

### 3.21.1. Access

An accessory off-street parking area shall be provided with a driveway having access on to a street or to a public lane. The minimum width shall be 2.5 metres (8 ft.).

### 3.21.2. Calculation - Number of Required Spaces

Accessory off-street parking spaces shall be provided and maintained at the time of construction of any principal building or structure in accordance with Tables 5 and 6. Any expansion of a use at a later date shall comply with the requirements in Tables 5 and 6.

**Table 5**  
**Parking Space Table**

Use	Number of Parking Spaces required	Parking Group Number
Single - Family and two family dwellings	1 per dwelling unit; maximum of 4 spaces per unit	1
Multiple - family dwellings a) row - dwellings with no common parking area b) multiple - family dwellings for senior citizens or handicapped persons	1 per dwelling unit  1 per 5 dwelling units	
Boarding, rooming and lodging houses	1 per 2 rooming units	
Athletic fields	1 for each 5 seats	2
Religious institutions a) churches, chapels, sanctuaries and similar places of worship, including offices for the administration of a religious institution, but not a parish hall (for parish hall, or similar facility used for receptions, banquets or entertainment, see Parking Group No. 6) b) Funeral chapels	1 for each 5 seats in the principal assembly area, but not less than 10 spaces	
Convents, seminaries, monasteries and retreats	1 for every 20 resident persons	

Use	Number of Parking Spaces required	Parking Group Number
<p>Schools, including public, parochial, private and secondary schools:</p> <p>a) elementary - junior high*</p> <p>b) senior - high*</p> <p>c) school auditoriums*</p> <p>* In a building where a) and c), or b) and c) occur, the clause requiring the largest number of parking spaces shall apply</p>	<p>1 for each faculty members plus 1 for each 4 employees</p> <p>1 for each 2 faculty members plus 1 for each 4 employees plus 1 for each 10 students</p> <p>1 for each 6 fixed seats</p>	3
<p>Residential care facility, nursing homes, group home</p>	<p>1 guest parking space per 20 residents plus 1 for every 3 employees on the maximum shift</p>	4
<p>Libraries and museums</p>	<p>1 for each 1,000 square feet of gross floor area, but not less than 2 spaces</p>	5
<p>Places of assembly (except Parking Group No's 2,3 and 10), including the following: arenas, auditoriums, banquet halls, billiard parlours, cinemas, clubs, lodges and similar organizations, community centres, dance halls, eating or drinking places (except drive through establishments), parish halls, public auction rooms, rinks (indoor or outdoor ice skating rinks, roller skating rinks), stadiums and swimming pools</p>	<p>1 for each 100 square feet of gross floor area, but not less than 2 spaces</p>	6

Use	Number of Parking Spaces required	Parking Group Number
<p>Hotels, apartment hotels</p> <p>Motels</p>	<p>2 for every 3 guest rooms plus 1 for every 8 seats in all auxiliary rooms, including eating or drinking places, beverage rooms, cocktail bars, banquet halls and meeting rooms</p> <p>1 per dwelling unit plus 1 for every 8 seats in all auxiliary rooms, as required for hotels above</p>	7
Government administrative buildings	1 for each 550 square feet, inclusive of assembly and conference rooms containing not more than 2,000 square feet of floor area, but not less than 2 spaces	8
Offices, office buildings	1 for each 750 square feet of floor area, but not less than 2 spaces per tenant	9
<p>Bowling alley, curling rinks</p> <p>Tennis courts</p>	<p>5 per lane or curling sheets of ice</p> <p>1 per court</p>	10
<p>General retail and service establishments (except eating or drinking establishments), wholesale establishments dealing directly with consumer, banks, medical and dental clinics and laboratories</p> <p>Drive in banks, drive through restaurants, stores and vendors, automobile washing establishments</p>	<p>1 for each 250 square feet of floor area, but not less than 4 spaces per establishment</p> <p>queuing space for 5 vehicles</p>	11



Use	Number of Parking Spaces required	Parking Group Number
Miscellaneous uses: a) manufacturing plants, food products and other processing industries, laboratories (except medical or dental laboratories) and other industrial uses including warehouses	1 for every 1000 square feet of floor area	12
Colleges, and trade schools	1 for every 5 classroom seats	13
Shopping centres	1 per 200 square feet of gross leasable floor space	14

- 3.21.2.1 Where different types of uses are located within a building (for example: retail and service uses in a hotel or office building, or offices combined with warehousing uses), the number of parking spaces required shall be the aggregate of the spaces required for each use established on the zoning site.

**Table 6  
Handicapped Parking Space Table**

Total Number of Spaces Required by Table 5	Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 and over	20 plus 1 for each 100 over 1000

### 3.21.3. Calculation - Methodology

#### 3.21.3.1. Assembly Places

- Benches or Pews  
Where benches, pews or other similar seating facilities are used, each .5 metres (20 in.) of such seating shall be counted as 1 seat.
- Combined - Fixed Seats and Open Assembly Area  
Where both fixed seats and open assembly area are combined, the requirements for each shall be calculated separately and added together.
- Movable Seats  
Where movable seats or chairs are used, 1 seat per .56 square metres (6 sq.ft.) of assembly area shall be required.

#### 3.21.3.2. Floor Area - GFA

Where floor area is the unit for determining the required number of accessory off-street parking spaces, said unit shall mean the gross floor area, not including any area used for parking within the principal building and shall not include any area used for incidental service storage, installations of mechanical equipment, penthouse housing ventilators and heating systems, and similar uses.

#### 3.21.3.3. Fraction of a Parking Space

Where the calculation of the number of accessory off-street parking spaces required results in a fractional parking space, any fraction less than 1/2 of a parking space may be disregarded, but any fraction greater than 1/2 of a parking space shall be counted as 1 parking space.

#### 3.21.3.4. Mixed Uses

Where different types of uses are located within a single building, the number of parking spaces required shall be the aggregate of the spaces required for each use established on the zoning site.

### 3.21.4. Dimension

#### 3.21.4.1. Angle Spaces

Except where the angle of parking varies from that shown below, minimum dimensions for parking areas shall be as per Table 7. Angle parking shall be measured between the centreline of the parking space and the centre line of the aisle.

**Table 7**  
**Angle Space Dimensions**

*Measurements in Metric followed by Imperial in brackets*

Size of Space - Min.	Aisle Width - Min.	Parking Angle	Vertical Clearance
2.438 x 6.096 m. (8x20 ft.)	6.096 m. (20 ft.)	75 - 90 degrees	2.134 m. (7 ft.)
2.438 x 6.096 m. (8x20 ft.)	5.486 m. (18 ft.)	50 - 74 degrees	2.134 m. (7 ft.)
2.438 x 6.096 m. (8x20 ft.)	3.658 m. (12 ft.)	< 50 degrees	2.134 m. (7 ft.)

3.21.4.2. Handicapped Parking Spaces

Handicapped parking spaces shall have a width of 3.658 metres (12 ft.).

3.21.4.3. Parallel Spaces

Minimum dimensions of parallel parking spaces shall be 2.438 x 7.010 m. (8 x 23 ft.), except for open end spaces wherein the length may be 6.096 m. (20 ft.)

3.21.4.4. Waiting Spaces

The length of waiting parking spaces shall be 2.438 x 6.096 m. (8x20 ft.).

3.21.5. Location

3.21.5.1. All required accessory off-street parking shall be located on the same zoning site as the use served, unless permitted by variance to locate elsewhere.

3.21.5.2. *(B/L 6/2001 "P")*

3.21.6. Small Car (compact)

A maximum of 25% of the total number of parking spaces may be reduced in length to 4.877 metres (16 ft.) and designated for small cars only.

3.21.7. Standards

Development standards shall be established within development agreements between the developer and the Municipality, and may include requirements as listed hereunder.

3.21.7.1. Fencing

Notwithstanding 3.14. where a parking area abuts a residential zone, an opaque fence 1.219 - 1.829 metres (4 - 6 ft.) in height shall be erected and maintained along the abutting lot line.

3.21.7.2. Lighting

Lighting used to illuminate accessory off-street parking areas shall be arranged and shielded so as not to reflect directly onto residential lots.

3.21.7.3. Screening

Screening may be required along the interior of required yards by one of the following:

- landscape greenery;
- light-proof fencing; or
- landscape berm.

3.21.7.4. Surfacing

All off-street parking and loading areas, including driveways, access aisles and manoeuvring areas, shall be surfaced as per municipal standards.

**3.22. PLANNED UNIT DEVELOPMENTS (B/L 3/2004‘P’)**

A Planned Unit Development (PUD) is primarily a major land development project which, because of its size or complexity, high density, mixture of land uses or other unusual characteristics, is planned as a single entity in accordance with an overall site plan. PUDs can include:

- Mixed use projects and subdivision layouts characterized by an open space nature, clustered developments, preservation of natural features, diverse building types and a high proportion of public and private amenity space.
- Planned Building Groups such as shopping centres and industrial developments with a higher proportion of landscaping and parking amenities, less exterior storage and building designs which are more compatible with adjacent uses and more visually pleasing.

Planned Unit Developments are listed as conditional uses in appropriate zones and shall be subject to the following requirements:

3.22.1 Site Plan

An overall site plan shall be prepared showing lighting, landscaping design as well as the physical layouts of all structures, roads, parking areas and community sanitary facilities.

3.22.2. Exceptions to Zone Requirements

Specific zone regulations shall not apply to Planned Unit Developments. Uses permitted within a PUD include: residential, commercial, recreation and open space. However, the project shall produce an environment of stable and desirable character, and shall incorporate at least equivalent standards of building separation, parking, height and other requirements and provisions of

this By-law. While areas zoned as “Open Space”, may be incorporated into Planned Unit Developments, only those structures permitted in the “Open Space” zones will be allowed.

3.22.3. Title Registration

Planned Unit Developments shall be regulated through a site plan agreement or development agreement which is caveated against the title at the Winnipeg Land Titles Office.

3.22.4 Design Review Committee (B/L 1/2006)

P.U.D.s may be subject to review and recommendation by the design advisory committee, as per Section 71(3) of The Planning Act, and the municipal engineer.

**3.23. POOLS AND HOT TUBS**

3.23.1. Private swimming pools and hot tubs shall comply with the regulations listed hereunder.

3.23.1.1. Fencing

Private swimming pools shall be completely enclosed by a fence with a minimum height of 1.524 metres (5 ft.) and shall comply with the Manitoba Building Code:

3.23.1.2. Gates

Gates shall be a minimum height of 1.524 metres (5 ft.) and shall be self-closing with a lockable latch to prevent unauthorized entry.

3.23.1.3. Location

Private swimming pools shall be located according to bulk regulations for accessory uses, building or structures.

3.23.1.4. Pool Equipment

Pool filters, pumps and heaters and the like, shall be located as per 3.24

**3.24. PROJECTIONS INTO REQUIRED YARDS (B/L 6/2001”P”)**

**Table 8 is intentionally left blank.**

3.24.1. The following may project into the required yards the amount as indicated below, notwithstanding all applicable Manitoba fire and building code

restrictions. Notwithstanding the dimensions shown below any projection of any structure shall not be closer than one foot from the property lines, regardless of the projections permitted below, except for projections in the commercial zones unless approved by variation. Required yards shall be provided and maintained unobstructed from ground level to the sky, except as follows:

- 3.24.1.1 **Cantilevers** (no more than 2 feet projection and no more than 10 feet total along a building wall) within the RC zone only, **chimneys/chases, eaves, and fireplaces** may project into a required front, side or rear yard not more than three (3) feet; provided that any projection is not closer than one foot from the side or rear site line (B/L 2016-09).
- 3.24.1.2 **Fire escapes** may project into any required front, side or rear yard not more than four (4) feet; provided that any projection is not closer than one foot from the side or rear site line.
- 3.24.1.3 **Open, unenclosed stairways or balconies**, not covered by a roof or canopy, may project into a required rear yard not more than four (4) feet and **balconies** may extend into a required front yard not more than thirty (30) inches.
- 3.24.1.4 **Open, unenclosed decks, platforms or porches**, not covered by a roof or canopy, higher than two feet above the average level of the grade of the site and attached to the main building, may project into any required front, side or rear yard provided that any projection is not closer than one foot from the side or rear site line.
- 3.24.1.5 **Open arbours, lighting fixtures, steps, landscape architectural features or guard railing, trellises or uncovered walks** may be located in any required yard provided that any projection is not closer than one foot from the side or rear site line.
- 3.24.1.6 **Fences and hedges** may be permitted in a required front, side or rear yard.
- 3.24.1.7 **Air conditioners and pool equipment** within the RC zone only: 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/L 2016-09).
- 3.24.1.8 Where the yards in the commercial zones are reduced to 0 feet, the encroachments can be to the site line.

### **3.25. PUBLIC UTILITY**

#### **3.25.1. Public Utility, Services, Monuments and Statuary**

Any building, structure or use shall be in compliance with yard and coverage requirements applicable to the zone.

### **3.26. SIGNS**

#### **3.26.1. Location**

3.26.1.1. Signs shall not obstruct or confuse the view of any authorized traffic sign, signal or device.

3.26.1.2. Signs shall not obstruct or confuse the view of any street or highway intersection or railroad crossing.

3.26.1.3. Signs shall not be located on, over or above any land or right-of-way belonging to the Municipality unless such right is established by agreement with the Municipality.

3.26.1.4. Signs located within the control circles and boundary lines of Provincial Roads or Provincial Trunk Highways shall require approval from the appropriate provincial authority.

3.26.1.5. Signs shall be set back a minimum of 0.305 metres (1 ft.) from property lines.

#### **3.26.2. Maintenance**

Signs shall be maintained in a proper state of repair. Signs that have fallen into an unacceptable state of repair may be removed or repaired by the Municipality at the expense of the owner.

#### **3.26.3. Number of Signs**

There shall be a limit of 1 free-standing sign per zoning site. There shall be one mobile sign per zoning site, except that, when more than one (1) use occupies a lot each use may have a mobile sign, provided that the total number of mobile signs located on the zoning site at one time does not exceed two (2).

#### **3.26.4. Permits Required**

Permits are required for the following:

- new sign construction or placement, notwithstanding 3.26.5.; and
- re-location of existing signs.

### 3.26.5. Permits Not Required

Permits are not required for the following:

- real estate signs;
- construction signs;
- political campaign signs as per municipal by – law;
- window signs;
- home identification, home sale/lease/rent;
- non-commercial memorial signs, commemorative plaques or building cornerstones;
- municipal bulletin boards;
- temporary event signs - civic, non-commercial health, safety or welfare, educational or religious signs;
- municipal traffic control, parking, street name and direction signs;
- official public notice signs;
- municipal street decoration; and
- signs erected or maintained by law or government order, rule or regulation.

### 3.26.6. Rotating Beam Or Flashing Signs

3.26.6.1. Beams or rotating beams in connection with any sign display shall not be permitted.

3.26.6.2. Flashing signs shall not be permitted in any zone, with the exception of 3.26.6.3. below.

3.26.6.3. Flashing signs shall be permitted in the Commercial Zones if:

- located beyond 91.4 metres (300 ft.) of any residential zone or Provincial Road or Provincial Trunk Highway; and
- lights do not resemble an emergency light.

### 3.26.7. Surface Area and Height Calculation

#### 3.26.7.1. Building Face Signs

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.

#### 3.26.7.2. Free-standing or Mobile Signs

Sign surface area shall be calculated to be the area of 1 side as per 3.26.7.1.

#### 3.26.7.3. Multi-faced or 3-Dimensional



Sign surface area shall be calculated to be 1.5 times the area of one face as calculated according to 3.26.7.1.

3.26.7.4. Sign Height

The height of the sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.

3.26.8. Types - definitions

3.26.8.1. Advertising

sign directing attention to a business, commodity or service conducted, sold or offered elsewhere.

3.26.8.2. Bulletin

permanent sign with movable copy indicating community events or names associated with events located on-site.

3.26.8.3. Business

sign directing attention to a business, commodity, service or entertainment conducted, sold or offered on-site.

3.26.8.4. Construction

sign identifying a construction project and information relative thereto.

3.26.8.5. Directional

sign directing attention to:

- any thoroughfare or route;
- community attraction or event;
- educational institution, public building, historical site or hospital;
- pedestrian or vehicular traffic;
- public or transportation facility; or
- emergency exits, parking, loading zones or visitors only etc.

3.26.8.6. Identification

sign identifying a residence or institution by name, logo or street address only.

3.26.8.7. Mobile

sign which is mounted on a trailer, vehicle, stand or similar support structure which is designed so that the sign can be readily relocated to another location, and which may include movable copy or panels.

3.26.8.8. Real Estate

sign advertising the sale, rental or lease of the site on which it is located.

**3.26.8.9. Undefined Sign**

when a sign cannot be clearly defined as any of the sign types defined in this section, or is deemed to be a combination of types, the development officer shall determine the sign type and the regulations applicable thereto.

**3.26.9. Two Properties - one sign**

Where a sign straddles two zoning sites, the maximum size for 1 sign shall apply.

**3.26.10. Use Table & Size Table**

**Table 9**  
**Sign Use Table**

Measurements are in Metric followed by Imperial in Brackets

A = Agricultural      R = Residential      CH = Commercial      M = Industrial      OS = Open Space  
P = Permitted      C = Conditional      T = Temporary

Type / Use	A	R	CH	M	OS	Area (sq.ft.)	Height.
<i>Advertising</i> (B/L 3/2004 'P')	P	C	P	P	P	5.946 sq.m. (64 sq.ft.)-	*
Bulletin	P	P	P	P	P	2.973 sq.m. (32 sq.ft.)	*
Business	P	C	P	P	C	2.973 sq.m. (32 sq.ft.)	*
Construction	T	T	T	T	T	5.946 sq.m. (64 sq.ft.)	*
Directional	P	P	P	P	P	As required	*
Identification	P	P	P	P	P	Table 10	*
Mobile	P	P	P	P	P	5.946 sq.m. (64 sq.ft.)	*
Real Estate	P	P	P	P	P	1.486 sq.m. (16 sq.ft.)	*

\* Sign height shall be as per height restrictions within the bulk tables.

**Table 10**  
**Identification Sign Size Table**

*Measurements are in Metric followed by Imperial in Brackets*

Zone	Size
A	0.372 sq.m. (4 sq. ft.)
R	0.372 sq.m. (4 sq. ft.) for residential uses
CH	20% of building face; or 5.946 sq.m. (64 sq. ft.) if free standing
M	20% of building face; 18.58 sq.m. (200 sq. ft.)
OS	18.58 sq.m. (200 sq. ft.)

### **3.27. SUBDIVISION**

#### **3.27.1. Subdivision Bulk Regulations**

Subdivisions according to the Development Plan shall comply with the regulations listed hereunder.

##### **3.27.1.1. Existing Buildings - Yard Requirements – Variation Order required**

Where subdivision results in new property lines which reduce yards adjacent to existing buildings below the minimum required by this zoning by-law, yard variations shall be required.

##### **3.27.1.2. Existing Buildings - Yard Requirements - Variation Order not required**

Where subdivision does not alter property lines adjacent to existing legal non-conforming buildings, yard variations shall not be required.

##### **3.27.1.3. Unaltered Site Width - VO not required**

Where subdivision does not alter widths of existing lots, site width variations shall not be required.

##### **3.27.1.4. Undersized Residual - VO not required**

Where subdivision according to Subdivision Policy 7 of the Selkirk & District Development Plan results in a residual parcel being undersized in site area or site width, variation shall not be required.

#### **3.27.2. Subdivision Conformity**

All subdivisions shall conform to the provisions of the:

- The Planning Act;
- Selkirk and District Planning Area Development Plan; and
- This zoning by-law.

### 3.27.3 Design Review Committee (B/L 1/2006)

Multi-lot subdivision located within Residential Zones as indicated in Section 4.2.2 may be subject to review and recommendation by the design advisory committee, as per Section 71(3) of The Planning Act, and the municipal engineer.

#### 3.27.3.1 Subdivision Public Hearings (B/L 6/2010)

When a subdivision proposal is presented to Council, a Public Hearing will also be held, with the exception of properties within the “A80” Agricultural Zone, and those that are a one lot subdivision along an existing roadway that meets the minimum site area and width requirements on any residential and agricultural zone. (B/L 2016-09).

#### 3.27.3.2 Subdivision Deposit Fee (B/L 6/2010)

Where a multi-lot subdivision is proposed, the applicant must pay a deposit fee to the municipality dependent on the number of lots created as an administration fee established by Council for the development agreements associated with the proposal. The deposit fee must be paid prior to consideration by Council.

## 3.28. TEMPORARY ADDITIONAL DWELLING

3.28.1. Detached, removable, self-contained single family dwellings units may be placed on the same site as a permanent principal single family dwelling, provided it is in compliance with the regulations listed hereunder.

#### 3.28.1.1. Applicants

Only owner(s) or occupiers of the principal dwelling, with consent of owner(s), are permitted to place a temporary additional dwelling.

#### 3.28.1.2. Area - minimum

Properties shall be a minimum of 0.558 ha (1.377 acres).

#### 3.28.1.3. Foundation

The additional dwelling shall be temporary in nature and not be deemed an accessory building or structure for the purpose of this section. It shall be placed on pad and post foundation only.

#### 3.28.1.4. Occupancy

Occupancy shall be for an elderly parent(s) or other family member(s) who require or provide care and assistance from or for the occupants of the principal dwelling.

A caveat is to be placed on the subject property by the Municipality at the expense of the applicant, advising that the temporary additional dwelling is temporary in nature and that it must be removed upon cessation of occupancy for which it was intended.

3.28.1.5. Separation

Minimum separation distance between detached buildings and the principal dwelling or temporary additional dwelling shall be 3.048 metres (10 ft.).

3.28.1.6. Size

Temporary additional dwellings shall be a minimum of 69.675 sq.m. (750 sq. ft.) and a maximum of 97.545 sq. m. (1050 sq.ft.).

3.28.1.7. Yard Requirements

Temporary additional dwellings shall comply with front, side and rear yard requirements for the principal dwelling.

### **3.29. TEMPORARY USES, BUILDINGS AND STRUCTURES**

3.29.1. Application Requirements

See 3.8.1.

3.29.2. Uses

Temporary uses, buildings and structures may be permitted for the purposes listed hereunder.

3.29.2.1. Accommodation

Temporary uses, buildings and structures may be permitted for the accommodation for:

- a caretaker, watchman, farm workers or other workers employed on the same site; and / or
- the owner and family during the construction of a dwelling unit on the same site for a maximum 12 month period.

3.29.2.2. Office Space

Temporary uses, buildings and structures may be permitted for office space for contractor or developer on the same site for a maximum 12 month period.

3.29.2.3. Storage

Temporary uses, buildings and structures may be permitted for storage of construction materials and equipment incidental to and necessary for construction on the same site for a maximum 12 month period.

### **3.30. VARIATIONS**

- 3.30.1. Bulk regulations shall not be varied from the maximum or minimum, except by variation, notwithstanding 3.27.1.2., 3.27.1.3. and 3.27.1.4.
- 3.30.2. Application for variation orders, including required information and fees may be filed by the owner(s) or owner's agent, shall be filed with the Board.
- 3.30.3. Applications for variation orders shall be processed and approved or rejected.
- 3.30.4. Minor Variations  
Development officers may approve in-office with or without conditions, minor variations not exceeding 10 % of the requirements of this by-law governing front, side, rear or any other yard requirements as per Section 56 of The Planning Act.

### **3.30.5 Building Location Certificates (B/L 1/2009)**

Where deemed appropriate the Selkirk and District Planning Area Board staff as administrators of the variation order application process in consultation with the RM of West St. Paul may require additional information in the form of a building location certificate in order to verify the number and placement of structures on site.

### **3.31. ZONING COMPLIANCE CERTIFICATES**

- 3.31.1. Development officers may, upon receipt of such proof as deemed necessary, issue zoning compliance certificates in order to confirm that the building, structure or use of land, building or structure was lawfully in existence at the effective date of this zoning by-law and amendments thereto and confirm that it may continue to exist as legal non-conforming as per Section 48(3) of the Planning Act.

### **3.32. ZONING CONFIRMATION LETTERS**

- 3.32.1. Development officers may issue zoning confirmation letters in order to confirm the zoning bulk and use regulations of a property.

### **3.33. ZONING MEMORANDA**

- 3.33.1. Development officers may, upon receipt of building location certificates, issue zoning memoranda confirming that buildings or structures are located in compliance with this zoning by-law and amendment thereto as per Section 47(3) of the Planning Act.

## **4. ZONES**

### **4.1 ZONES**

- 4.1.1. For the purpose of this zoning by-law, all land within the Rural Municipality of West St. Paul is divided into the following zones, and shown on the zoning map which form Appendix A of this zoning by-law.

### **4.2. ZONES**

#### 4.2.1. Agricultural Zones

- A80 Agricultural - 80 acre parcels
- A4 Agricultural - 4 acre parcels

#### 4.2.2. Residential Zones

- RR Residential Rural with RR Overlay
- RG Residential General
- RC Comprehensive Residential
- R3 Multi-Family Dwelling

#### 4.2.3. Commercial Zones

- CH Commercial Highway

#### 4.2.4. Industrial Zones

- M1 Rural Industrial
- M2 Heavy Industrial (B/L 2-2006)

#### 4.2.5. Open Space Zones

- OS Open Space

### **4.3. ZONING MAP**

- 4.3.1. All plan references pertain to plans filed in the Winnipeg Land Titles Office.

#### 4.3.2. Abbreviations

- Blk. = Block
- Gov't. Rd. All'ce = Government Road Allowance
- Pcl. = Parcel
- Rge = Range
- R.L. = River Lot
- R.M.= The Rural Municipality of West St. Paul
- Sec. = Section
- Twp = Township
- EPM = East of the Principal Meridian
- PR = Provincial Road

PTH = Provincial Trunk Highway

#### **4.4. USE REGULATIONS**

4.4.1. No land shall be used or occupied and no structure shall be erected, altered, used or occupied, except for the uses listed in the Use Tables. See 3.20. Non-conformance.

#### **4.5. ZONE BOUNDARY INTERPRETATION**

4.5.1. Boundaries are indicated on the appendix A with solid lines. Where the zone boundary line is broken by a street name, it shall be interpreted to continue through same.

4.5.2. The regulations contained within this zoning by-law may not apply to streets, lanes and public utility right-of-ways within zone boundaries.

4.5.3. Boundaries shall be the centre line when indicated as following a:

- highway;
- street or lane;
- watercourse;
- creek; or
- stream.

4.5.4. Boundaries shall be the centre line when indicated as following a:

- right-of-way of a railway;
- electrical line;
- gas line; or
- oil transmission line.

4.5.5. Boundaries indicated as following municipal limits shall follow said limits.

4.5.6. Boundaries shall follow lot lines as shown on registered plans of subdivision or boundaries of parcels registered in the Land Titles Office on the date of passing of this zoning by-law.

4.5.7. Boundaries shall run substantially parallel to streets and the distance from the street where not indicated shall be determined according to the appendix scale.

4.5.8. Boundaries indicated as following a street that has been closed shall follow the former centre line with the land in the said street being included in the zone of the adjoining land.

4.5.9. Boundaries indicated as following the shoreline shall be deemed to follow the ordinary high water mark.



**5. AGRICULTURAL ZONES**

**5.1. INTENT**

The A80 zone is intended to conserve land for general agricultural activities within the Agricultural Area 1 designations of the Development Plan.

The A4 zone is intended to accommodate rural and limited agricultural uses on smaller lot areas within the Agriculture Restricted Designations of the Development Plan.

**5.2. USE REGULATIONS**

**Table 11  
Agricultural Use Table**

*P = Permitted      C = Conditional      P/C = see table 1      - = Not Permitted*

Use	A80	A4	Parking Group See Table5
<b><u>A</u></b>			
Accessory uses, buildings or structures ( as per table 1 )	P/C	P/C	N/A
<b>Agricultural:</b>			
- bulk fuel and oil storage and sales	C	-	N/A
- farm activities general – no livestock (B/L 4/2004‘P’)	P	P	N/A
- farm activities - with livestock (B/L 4/2004‘P’) <10 A.U. (subject to 5.3.2.) 10 – 250 A.U. *	P	C	N/A
- farm implement dealer	C	-	11
- feed / fertilizer sales and storage	C	-	N/A
- chemical sales and storage	C	-	N/A
- grain elevator	C	-	N/A
- produce sales - limited	P	P	N/A
- seed cleaning plants	C	-	N/A
Amusement Enterprises outdoors or enclosed building	C	-	N/A
Animal shelters	C	C	N/A
Apiaries (B/L 2016-09)	P	P	N/A
Aviaries	P	C	N/A
<b><u>B</u></b>			
Bed & Breakfasts	P	P	1
<b><u>C</u></b>			
Cemeteries & mausoleums (B/L 4/2004‘P’)	-	-	N/A
Churches, convents & monasteries (BL3/07)	C	C	2

\* Existing legal non-conforming operations that have been established prior to the passage of this by-law are hereby permitted to expand beyond 250 AU to a maximum of 500 AU without Conditional Use approval. Conditional Use approval will be required for any expansion over 500 AU. (B/L 4/2004‘P’)

Use	A80	A4	Parking Group See Table5
Conservation areas	P	P	N/A
Contractor's establishment:			
- enclosed within a building	C	C	12
- outdoor storage ( see 3.11. Exterior storage)	C	C	N/A
Crematoriums	C	C	N/A
<b><u>E</u></b>			
Education:			
- educational facilities (BL3/07)	C	C	3
- public or private schools (BL3/07)	C	C	3
Equestrian:			
- commercial stables	P	C	N/A
- private stables - See 5.3.2 A.U. not applicable	P	C	N/A
<b><u>F</u></b>			
Fair and exhibition grounds	C	C	N/A
Farm vacations	C	-	7
Funeral homes	-	C	2
<b><u>G</u></b>			
Golf courses	C	C	N/A
Gun clubs and shooting ranges	C	-	N/A
<b><u>H</u></b>			
Halls:			
- private i.e. church hall or service club hall (BL3/07)	C	C	6
- public i.e. community hall	P	P	6
Home Occupations (B/L 4/2004'P')	P	P	(see 3.15.3.7)
Home Industries (B/L 4/2004'P')	C	C	(see 3.15.3.17)
<b><u>K</u></b>			
Kennels - hobby or commercial	C	-	N/A
<b><u>L</u></b>			
Landscape:			
- landscaping or garden centres	C	C	11
- landscape contractors (B/L 4/2004'P')	C	C	11
<b><u>M</u></b>			
Mineral extraction operations	C	C	N/A
<b><u>P</u></b>			
Public:			
- buildings (BL3/07)	C	C	8
- parks (BL3/07)	C	C	N/A

Use	A80	A4	Parking Group See Table5
- recreation areas (BL3/07)	C	C	N/A
- utilities and / or storage compounds	P	C	N/A
<b><u>R</u></b>			
Recreational facilities			
- buildings or structures (BL3/07)	C	C	6, 10
- outdoor rinks (BL3/07)	C	C	N/A
- sport fields - baseball, football, soccer etc. (B/L 3/2004‘P’)	C	C	N/A
Residential:			
- day care centres and nurseries (B/L 3/2004‘P’)	C	C	N/A
- family and group day care homes (B/L 3/2004‘P’)	C	C	N/A
- group homes	C	C	4
- neighbourhood care home(B/L 4/2004‘P’)	C	C	4
- neighbourhood rehabilitation home(B/L 4/2004‘P’)	C	C	4
- private home day care(B/L 4/2004‘P’)	P	P	4
- residential care facility	P	P	N/A
- single family dwelling	P	P	1
- senior citizen home(BL 3/07)	C	C	N/A
- temporary additional dwelling – (see 3.28.) (B/L 6/2001’’P’)	C	C	1
<b><u>S</u></b>			
Sewage disposal lagoons, facilities and package plants	C	C	N/A
Storage Compounds outdoors or enclosed building ( see 3.11. Exterior storage)	C	C	N/A
Storage Containers <sup>1</sup> (B/L 2016-09)	C	C	
<b><u>T</u></b>			
Temporary Uses (see 3.29.2)	P	P	N/A
<b><u>V</u></b>			
Veterinary clinics & compounds, animal boarding facility (BL 3/07)	C	C	N/A
<b><u>W</u></b>			
Waste disposal grounds	C	-	N/A
		-	
<b>Any other Agricultural use not listed in this table</b>	C	C	see table 5

\* Storage containers will be considered as conditional uses only on lots zoned agricultural with an area greater than 1.4 acres (B/L 2016-09).

### **5.3. BULK REGULATIONS**

**Table 12  
Agricultural Bulk Table**

*Bulk regulations are in Metric (metres) followed by Imperial (feet) in Brackets*

Building Type	Front Yard	Side Yd Interior	Side Yd Corner	Rear . Yard	Height Max.	Site Coverage	Unit Area Sq. Ft.
<b>A80</b>	<i>Min.</i>	<i>Min.</i>	<i>Min.</i>	<i>Min.</i>	<i>Max.</i>	<i>Max.</i>	<i>Min.</i>
Main	30.48 (100)	7.62 (25)	15.24 (50)	7.62 (25)	10.668 (35)	N/A	92.9 (1000)
Temporary	30.48 (100)	7.62 (25)	15.24 (50)	7.62 (25)	10.668 (35)	N/A	- See 3.28.
Accessory	30.48 (100)	7.62 (25)	15.24 (50)	7.62 (25)	10.668 (35)	N/A	-* (B/L 4/2004'P')
<b>A4</b>							
Main	15.24 (50)	7.62 (25)	9.144 (30)	7.62 (25)	10.668 (35)	N/A	92.9 (1000)
Temporary	15.24 (50)	7.62 (25)	9.144 (30)	7.62 (25)	10.668 (35)	N/A	- See 3.28.
Accessory	15.24 (50)	3.048 (10)	9.144 (30)	7.62 (25)	4.572 (15)	N/A	<u>Max.</u> 111.48 (1200)
Zone						Site Area	Site Width
<b>A80</b>						Ha (ac).	m (ft)
Subdivisions <u>except</u> as per Development Plan Resource And Agricultural Areas - Subdivision Policy 7						32.376 (80 ac)	91.44 (300 ft)
Subdivisions as per Development Plan Resource And Agricultural Areas - Subdivision Policy 7						0.809 - 1.62 (2 – 4 ac)	91.44 (300 ft)
<b>A4</b>							
Subdivisions as per Development Plan						1.619 (4 ac)	60.350 (198 ft)

*\* For lots 10 acres or less in site area the maximum size of an accessory building shall be 1200 square feet. (B/L 4/2004'P')*

#### 5.3.1. Livestock - Animal Units

Animal units shall be calculated according to Table 13. The Department of Agriculture shall provide animal unit calculations for any livestock not included within Table 13.

#### 5.3.2. Livestock on Small Lots (B/L 4/2004'P')

Livestock may be kept on lots in agricultural zones having less than 10 acres in size based on the following criteria:

Number of Permitted Animal Units:

- |                   |                                |
|-------------------|--------------------------------|
| • < 4 ac.         | 0 A.U. (notwithstanding 5.3.3) |
| • 4ac. – 6 ac.    | 2 A.U.                         |
| • >6ac. – 8 ac.   | 3 A.U.                         |
| • >8 ac. – 10 ac. | 4 A.U.                         |

5.3.3. Private Equestrian Stables Site Area (B/L 4/2004‘P’)

Site area including residence, shall require:

- a minimum of 4 acres for a maximum of 2 horses; and
- an additional 2 acres for each additional horse.

**Table 13**  
**Animal Unit (AU) Summary Table**

*Source: Manitoba Agriculture Farm Practices Guidelines*

Livestock	AU produced by 1 livestock	Livestock producing 1 AU
Dairy		
Milking cow, including associated livestock	2.00	0.50
Beef		
Beef cows, including associated livestock	1.20	0.83
Feeders, 100 day backgrounder	0.45	2.22
200 day backgrounder	0.50	2.00
Summer pasture	0.60	1.67
Short keep	0.80	1.25
Long keep	0.70	1.43
Hogs		
Sows, farrow to finish	1.25	0.80
Sows, farrow to weanling	0.33	3.00
Sows, farrow to nursery	0.25	4.00
Weanlings	0.02	50.00
Feeders	0.14	7.00
Chickens -		
Broilers	0.0059	170.00
Roasters	0.0091	110.00
Layers	0.01	100.00
Pullets	0.0033	300.00
Broiler Breeder Pullets	0.0033	300.00
Broiler Breeder Hens	0.01	100.00
Turkeys		
Broilers	0.0083	120.00
Heavy Toms	0.0143	70.00
Heavy Hens	0.0083	120.00
Horses (PMU)		
Mares, including associated livestock	1.33	0.75
Sheep		
Ewes, including associated livestock	0.20	5.00
Feeder lambs	0.10	10.00
	AU produced by 1000 kg live animal weight	Kg live animal weight producing 1 AU
Other livestock (except poultry)	2.50	400.00
Other Poultry	7.50	130.00

**6. RESIDENTIAL ZONES**

**6.1 INTENT**

The Residential Zones are intended to provide sufficient land for various types of residential development within the residential designations of the Development Plan.

**6.2. USE REGULATIONS**

**TABLE 14**  
**Residential Use Table**

*RR, RG, RC & R3 = Residential Zones*  
*P = Permitted C = Conditional P/C = see table 1 - = Not Permitted*

Use	RR	RG	RC	R3	Parking Group See Table5
<b><u>A</u></b>					
Accessory uses, buildings or structures ( as per table 1 )	P/C	P/C	P/C	P/C	N/A
Agricultural:					
- farm activities - limited	P	-	-	-	N/A
- produce sales – limited	C	-	-	-	N/A
<b><u>B</u></b>					
Bed & Breakfasts	C	C	-	-	11
<b><u>C</u></b>					
Cemeteries & mausoleums (B/L 4/2004‘P’)	-	-	-	-	N/A
Churches, convents & monasteries (B/L 4/2004‘P’)	C	C	-	-	2
<b><u>E</u></b>					
Education:					
- education facilities	P	C	C	C	3
- public or private schools	P	C	C	C	3
Equestrian:					
- private stables - See 6.3.1 A.U. not applicable	C	-	-	-	N/A
<b><u>G</u></b>					
Golf courses (B/L 5/2001‘P’)	C	C	C	C	N/A
<b><u>H</u></b>					
Halls:					
- private i.e. church hall or service club hall	P	P	P	P	6
- public i.e. community hall	P	P	P	P	6
Home Occupations (B/L 4/2004‘P’)	C	C	C	C	(see 3.15.3.7)
Home Industries (B/L 4/2004‘P’)	-	-	-	-	(see 3.15.3.17)
<b><u>M</u></b>					
Marina – including gas sales accessory to	C	C	C	C	N/A
<b><u>P</u></b>					
Planned Unit Development (B/L 3/2004‘P’)	C	C	-	C	1, 11

<b>Public:</b>
- buildings and structures

P	P	P	P	8

Use	RR	RG	RC	R3	Parking Group See Table5
- parks and recreation areas	P	P	P	P	N/A
- utilities and / or storage compounds ( see 3.11. Exterior storage)	C	C	P	P	N/A
<b><u>R</u></b>					
<b>Recreational facilities:</b>					
- buildings or structures	C	C	C	C	6, 10
- outdoor rinks	C	C	C	C	N/A
- temporary additional dwellings (see 3.28.) (B/L 6/2001”P”)	C	-	-	-	N/A
<b>Residential:</b>					
- day care centres and nurseries	C	C	C	C	N/A
- family and group day care homes	P	C	C	C	N/A
- nursing homes	C	C	C	C	4
- private home day care(B/L 4/2004‘P’)	P	P	P	P	4
- residential care facility	C	-	-	C	4
- multi family dwelling (see note below)*	-	-	-	P	1
- single family dwelling	P	P	P	P	1
- senior citizens home	C	C	C	C	1
- temporary additional dwellings (see 3.28.) (B/L 6/2001”P”)	C	-	-	-	N/A
<b><u>S</u></b>					
Storage Containers 1 (B/L 6/2010)	C	-	-	-	N/A
<b><u>T</u></b>					
Temporary Uses (see 3.29.2)	P	P	P	P	N/A
<b>Any other Residential use not listed in this table</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>See Table 5</b>

\*Residential Zones, Residential Use Table 14, is hereby amended by adding an “RC” Comprehensive Residential Zone and an “R3” Multi-Family dwelling Zone to Table 14.

1. All storage containers require development permits for placement and are not permitted within required front yards. Applicants must supply detailed plans outlining the location, screening, landscaping and fencing in association with the placement of storage containers. Please not that storage containers are not to be stacked. (B/L 6/2010)



2. Storage containers will be considered for conditional use only on lots with an area greater than 1.4 acres in the RR zone. Storage containers are not allowed on lots smaller than 1.4 acres in the RR zone.

## 6.2 USE REGULATIONS

**Table 15**  
**Residential Bulk Table**

Bulk regulations are in Metric (metres) followed by Imperial (feet) in Brackets

Building Type	Front Yard*	Side Yd Interior	Side Yd Corner	Rear Yard	Height Max.	Max. Site Coverage	Unit Area Sq. Ft.
<b>RR</b>						%	<u>Min.</u>
Main	15.24 (50)	4.572 (15)	9.144 (30)	7.62 (25)	10.668 (35)	10	92.9 (1000)
Temporary	15.24 (50)	4.572 (15)	9.144 (30)	7.62 (25)	10.668 (35)	10	92.9 (1000) See 3.28.
Accessory	21.336 (70)	1.524 (5)	9.144 (30)	3.048 (10)	4.572 (15)	15	<u>Max.**</u> 111.48 (1200)
<b>RG</b>							<u>Min.</u>
Main	12.192 (40)	1.524 (5)	4.572 (15)	7.62 (25)	10.668 (35)	20	92.9 (1000)
Accessory	12.192 (40)	1.524 (5)	4.572 (15)	0.914 (3)	4.572 (15)	15	<u>Max.**</u> 74.32 (800)
<b>RC</b>							<u>Min.</u>
Main	6.096 (20)	1.524 (5)	3.048 (10)	7.62 (25)	10.668 (35)	40	92.9 (1000)
Accessory	6.096 (20)	1.524 (5)	3.048 (10)	0.914 (3)	4.572 (15)	15	<u>Max.**</u> 74.32 (800)
<b>R3</b>							
Main	15.24 (50)	4.572 (15)	9.144 (30)	7.62 (25)	13.72 (45)	40	55.74 (600)
Accessory	21.336 (70)	1.524 (5)	9.144 (30)	3.048 (10)	4.572 (15)	15	<u>Max.**</u> 111.48 (1200)

\*NOTE

\* **Front Yard** Please note that the front yard requirements in the residential zones, must comply with the respective requirement as per the bulk table. Where a property is located along one of the roadways identified below, new dwellings shall be located within the specified front yard range for the setback as follows:

- Addis Avenue – 60 feet to 120 feet
- Balderstone Road – 50 feet to 70 feet

- Billingham Row– 50 feet to 75 feet
- Bridgman Bay – 50 feet to 75 feet
- Burns Road – 50 feet to 120 feet
- Corrunna Avenue – 75 feet to 100 feet
- Dearman Road - 75 feet to 125 feet
- Grassmere Road (north) – 100 feet to 125 feet
- Grassmere Road (south) – 75 feet to 100 feet
- Griffin Way - 50 feet to 75 feet
- Herdy Place - 50 feet to 75 feet
- Hiawatha Avenue - 50 feet to 70 feet
- Jackman Road – 75 feet to 100 feet
- Kenabeek Street – 40 feet to 140 feet
- Maddock Avenue – 40 feet to 60 feet
- Magalas Avenue – 50 feet – 75 feet
- Miller Road (between Hwy 8 and 9) – 100 feet to 125 feet
- Minic Road – 50 feet to 90 feet
- Minnehaha Avenue – 50 feet to 70 feet
- Moore Road – 60 feet to 130 feet
- Northumberland Road (South Side - between Hwy 8 and 9) – 100 feet to 150 feet
- Northumberland Road (North Side - between Hwy 8 and 9) – 50 feet to 75 feet
- Northumberland Road (West of Hwy 8) – 100 feet to 150 feet
- Oakley Street - 50 feet to 75 feet
- Rushman Road - 120 feet to 200 feet
- Paterson Street - 50 feet to 75 feet
- Pipeline Road – 100 feet to 150 feet
- Poneida Road – 70 feet to 230 feet
- Seiler Road – 75 feet to 110 feet
- Slater Road - 50 feet to 75 feet
- Toshack Road – 70 feet to 140 feet
- Wheatland Road – 60 feet to 120 feet
- Willis Road – 65 feet to 110 feet

**\*\* Unit Area Sq. Ft.** Please Note that the unit area is a maximum per structure depending on the amount of square feet noted per zone. Please note that the most restrictive of the unit maximum and maximum site coverage will be enforced (B/L 2016-09).

Zone	Site Area	Site Width
<b>RR</b>	sq.m.(ac)	m.(ft)
Subdivisions as per Development Plan	5,574 (1.377ac)	60.350 (198 ft)
Subdivisions as per Development Plan and shown as an RR Overlay zone on the Zoning Maps in Appendix A	8,094 (2 ac)	37.795 (124 ft)
<b>RG</b>	sq.m.	m.
Subdivisions as per Development Plan	1393.5 (15,000sq.ft)	22.86 (75 ft)
<b>RC</b>	sq. m. (ac.)	m. (ft.)
Subdivisions as per Development Plan	743 (8000 sq. ft.)	18.29 (60)
<b>R3</b>	sq. m.(ac.)	m.(ft.)
Subdivisions as per Development Plan	5,574 (1.377 ac.)	60.35 (198 ft.)

Note: RR Overlay Zone

The RR Overlay Zone is a special zoning district, which is applied only in conjunction with its underlying zone designated herein as RR Rural Residential and may grant additional requirements upon the underlying zoning district. These additional requirements are shown in the Residential Bulk Table 15 respecting site area and site width.

### **RC Comprehensive Residential Zone**

The “RC” Comprehensive Residential Zone is a special zone that provides for single family housing with an overall site and building plan to be characterized by an open space nature, preservation of natural features, staggered setbacks and a mixture of housing styles, to the satisfaction of the design advisory committee and the municipal engineer. The maximum allowable residential density in this zone shall be **4 dwelling units per gross acre**.

### **R3 Multi-family dwelling zone**

The “R3” Multiple family dwelling zone provides for the development of medium to high density multiple family housing developments for seniors such as duplexes, triplexes, fourplexes, town or row housing, low rise and high rise apartments, in accordance with an overall site and building plan to the satisfaction of the design advisory committee and the municipal engineer. The maximum allowable residential density in this zone is **15 dwelling units per gross acre**.

### **6.3.1 Private Equestrian Stables Site Area**

Site area including residence, shall require:

- a minimum of 2 acres for a maximum of 1 horse; and
- an additional 2 acres for each additional horse.

## 7. COMMERCIAL ZONES

### 7.1. INTENT AND PURPOSE

7.1.1. The Commercial Zones are intended to provide sufficient land for various types of commercial development within the commercial designations of the Development Plan.

### 7.2. USE REGULATIONS

**Table 16**  
**Commercial Use Table**

*P = Permitted      C = Conditional      P/C = see table 1      - = Not Permitted*

Use	CH	Parking Group See Table5
<b><u>A</u></b>		
Accessory uses, buildings or structures ( as per table 1 )	P/C	N/A
Agricultural:		
- implement sales and service	P	11
- value added processing equipment sales and service - wholesale or retail	P	11
Amusement enterprise		
- outdoor	C	N/A
- within enclosed building	P	6
Animal shelter	C	N/A
Automobile:		
- sales & service	C	11
- service station	C	11
- storage compounds ( see 3.11. Exterior storage)	C	N/A
- supplies	C	11
- repairs	C	11
- washing establishments	C	11
<b><u>B</u></b>		
Bed & Breakfasts	C	1
<b><u>C</u></b>		
Cabarets and cocktail lounges	C	6
Campgrounds	C	N/A
Cemeteries & mausoleums (B/L 4/2004‘P’)	-	N/A
Child care services		
- family and group day care homes	P	N/A
- day care centres and nurseries	P	N/A

Use	CH	Parking Group See Table5
Churches, convents & monasteries	P	2
Clinics - medical & dental	P	9
Contractor's establishment:		
- enclosed within a building	P	12
- outdoor storage ( see 3.11. Exterior storage)	C	N/A
<b><u>D</u></b>		
Dispatch services:		
- cleaning, couriers, taxi and similar services	P	9
<b><u>E</u></b>		
Education:		
- educational facilities	P	3
- public or private schools	P	3
<b><u>F</u></b>		
Funeral chapel , parlour	P	2
<b><u>H</u></b>		
Halls:		
- private i.e. church hall or service club hall	P	6
- public i.e. community hall	P	6
Hotels and motels	P	7
<b><u>L</u></b>		
Landscape:		
- contractors establishments	C	12
- landscaping or garden centres	C	12
Lumber & building supply:		
- enclosed within building	P	11
- outdoor storage ( see 3.11. Exterior storage)	C	N/A
<b><u>M</u></b>		
Manufacture and sales:		
- carpentry or cabinetry	P	11
- monument and memorial products	P	11
Manufacture and sales not listed	C	11
Marina - including gas sales accessory to	C	N/A
<b><u>O</u></b>		
Offices - business or professional	P	8, 9
<b><u>P</u></b>		
Personal service establishment	P	11
Planned Unit Development (B/L 3/2004'P')	C	1, 11
Planned Unit Development See 3.22.	-	N/A
Public:		
- buildings	P	8, 9
- utilities and / or storage compounds	C	N/A

Use	CH	Parking Group See Table 5
<b><u>R</u></b>		
Recreation vehicles – including boats:		
- manufacture & sales	P	12
- sales & service	P	12
Recycling depot		
- enclosed within building	P	12
- outside storage ( see 3.11. Exterior storage)	C	N/A
Residential:		
- within rear 1/2 or second storey	P	1
- single family dwelling	P	1
- residential care facilities (B/L 1/00”P”)	C	4
Restaurants and coffee shops:		
- concessions	P	6
- drive-in	C	11
- eat-in	P	6
Retail - other than that listed below	P	11
- gift shop	P	11
- grocery	P	11
- outdoor	C	N/A
<b><u>T</u></b>		
Temporary Uses (see 3.29.2.)	P	N/A
Truck terminals	C	N/A
<b><u>V</u></b>		
Veterinary clinics and compounds	C	11
<b><u>W</u></b>		
Warehousing:		
- enclosed within building	P	12
- outside storage ( see 3.11. Exterior storage)	C	N/A
Wrecking yards	C	N/A
<b>Any other Commercial use not listed in this table</b>	<b>C</b>	<b>see table 5</b>

### **7.3 Bulk Regulations**

**Table 17** (B/L 2/2002" P")  
**Commercial Bulk Table**

*Bulk regulations are in Metric (metres) followed by Imperial (feet) in Brackets*

Building Type	Front Yard	Side Yd Interior	Side Yd Corner	Rear . Yard	Height Max.	Site Coverage	Unit Area Sq. Ft.
<b>CH</b>							
Main	12.20 (40)	1.524 (5)	4.572 (15)	7.62 (25)	10.668 (35)	N/A	N/A
Temporary	12.20 (40)	1.524 (5)	4.572 (15)	7.62 (25)	10.668 (35)	N/A	N/A
Accessory	12.20 (40)	1.524 (5)	4.572 (15)	3.048 (10)	4.572 (15)	N/A	N/A

Zone	Site Area	Site Width
<b>CH</b>	sq.m.(ac)	m (ft)
Subdivisions as per Development Plan	5,574 (1.377 ac)	30.48 (100 ft)

### **7.4. Development Standards**

- 7.4.1. Development standards shall be addressed through development agreements between the Municipality and the developer. See 3.9. Development Standards and 3.11. Exterior Storage.



## 8. INDUSTRIAL ZONES

### 8.1 INTENT AND PURPOSE

8.1.1. The Industrial Zones are established to provide sufficient land in suitable locations for industrial uses within industrial designations of the Development Plan.

### 8.2. USE REGULATIONS

**Table 18** (B/L 2-2006)  
**Industrial Use Table**

*P = Permitted      C = Conditional      P/C = see table 1      - = Not Permitted*

Use	M1	M2	Parking Group See Table5
<b><u>A</u></b>			
Accessory uses, buildings or structures( as per table 1 )	P/C	P/C	N/A
Agricultural:			
- building manufacture, sales and service	P	P	N/A
- bulk fuel and oil storage and sales	C	C	N/A
- farm equipment repair	P	P	N/A
- implement manufacture & sale	P	P	11
- implement sales & service	P	P	11
- produce processing plants	C	C	11
- seed cleaning plants	C	P	N/A
Automobile:			
- installation	P	P	11
- repairs	P	P	11
- sales & service	P	P	11
- service station	P	P	11
- fenced storage compounds (see 3.11 Exterior storage)	P	P	N/A
- supplies	P	P	11
- washing establishments	C	C	11
<b><u>C</u></b>			
Contractor's establishment:			
- enclosed within a building	P	P	12
- outdoor storage ( see 3.11. Exterior storage)	C	P	N/A
<b><u>E</u></b>			
Education facilities	C	C	3
<b><u>H</u></b>			
Heavy Equipment Sales & Service	C	C	

Use	M1	M2	Parking Group See Table5
<b><u>L</u></b>			
Landscape:			
- contractors	P	P	12
- gardening supply sales	P	P	12
Lumber & building supply:			
- enclosed within building	P	P	11
- outdoor storage ( see 3.11. Exterior storage)	P	P	N/A
<b><u>M</u></b>			
Manufacturing - enclosed within building, except as listed hereunder	P	P	11
- brick and / or concrete plants incl. brick or concrete products	-	C	N/A
<b><u>O</u></b>			
Offices - business or professional	P	P	8, 9
<b><u>P</u></b>			
<i>Planned Unit Development (B/L 3/2004‘P’)</i>	C	C	11, 12
Public:			
- buildings	P	P	8, 9
- fenced utilities and / or storage compounds	P	P	N/A
<b><u>R</u></b>			
Recreation vehicles - including boats:			
- manufacture & sales	P	P	12
- sales & service	P	P	12
Recreation facilities:			
- athletic fields (B/L 3/2004‘P’)	C	C	6, 10
- building or structures	-	C	
Recycling depot including outside storage	C	C	N/A
Restaurants in conjunction with industrial use	C	C	6, 11
Retail:			
- sales in conjunction with an industrial use	P	P	11
<b><u>S</u></b>			
Storage garage	P	P	N/A

Use	M1	M2	Parking Group See Table5
<b>T</b>			
Temporary Uses ( <i>see 3.29.2</i> )	P	P	N/A
Tire re-treading plants	C	C	N/A
Truck terminals	C	P	N/A
<b>V</b>			
Veterinary clinics & compounds ( <i> see 3.11. Exterior storage</i> )	C	C	11
<b>W</b>			
Warehousing - industrial/commercial goods except as listed below. (B/L 3/2004‘P’)	P	P	12
<i>Any other Industrial use not listed in this table</i>	C	C	<i>see table 5</i>

**8.3. INDUSTRIAL BULK REGULATIONS**

**Table 19  
Industrial Bulk Table**

*Bulk regulations are in Metric (metres) followed by Imperial (feet) in Brackets*

Building Type	Front Yard	Side Yd Interior	Side Yd Corner	Rear Yard	Height Max.	Site Coverage	Unit Area Sq. Ft.
<b>M1 &amp; M2</b>							
Main	12.20 (40)	1.524 (5)	4.572 (15)	7.62 (25)	10.668 (35)	N/A	N/A
Temporary	12.20 (40)	1.524 (5)	4.572 (15)	7.62 (25)	10.668 (35)	N/A	N/A
Accessory	7.62 (25)	1.524 (5)	4.572 (15)	3.048 (10)	4.572 (15)	N/A	N/A

Zone	Site Area	Site Width
<b>M1 &amp; M2</b>	sq.m. (ac)	m (ft)
Subdivisions as per Development Plan	5,574 (1.377 ac)	30.48 (100 ft)

**8.4. DEVELOPMENT STANDARDS**

8.4.1. Development standards shall be addressed through development agreements between the Municipality and the developer. See 3.9. Development Standards and 3.11. Exterior Storage.

## 9. OPEN SPACE ZONES

### 9.1. INTENT AND PURPOSE

9.1.1. The Open Space Zones are intended to provide sufficient land for schools, parks and recreation uses in keeping with the provisions of the Development Plan.

### 9.2. USE REGULATIONS

9.2.1. No land shall be used or occupied and no structure shall be erected, altered, used or occupied, except for the uses listed in Table 20.

**Table 20**  
**Open Space Use Table**

*P = Permitted      C = Conditional      P/C = see table 1      - = Not Permitted*

Use	OS	Parking Group See Table5
<b><u>A</u></b>		
Accessory uses, buildings or structures ( as per table 1 )	P/C	N/A
Arena and sports complexes	P	6
<b><u>C</u></b>		
Campgrounds	C	N/A
Child care services	P	N/A
Churches, convents & monasteries	P	2
<b><u>D</u></b>		
Docks - boats or fishing	P	N/A
<b><u>E</u></b>		
Education facilities	P	3
<b><u>F</u></b>		
Fair and exhibition grounds	P	N/A
<b><u>H</u></b>		
Halls:		
- private i.e. church halls or service club halls	P	6
- public i.e. community hall	P	6
Heritage & archaeological buildings & sites	P	N/A
<b><u>L</u></b>		
Libraries	P	5
<b><u>M</u></b>		
Marina - including gas sales accessory	C	N/A
Museums	P	5
<b><u>N</u></b>		
Nature and wildlife reserves	P	N/A

Use	OS	Parking Group See Table5
<b><u>P</u></b>		
Public:		
- buildings and structures	P	8
- parks and recreation areas	P	N/A
- utilities and storage compounds ( see 3.11. Exterior storage)	P	N/A
<b><u>R</u></b>		
Recreation facilities:		
- athletic fields	P	N/A
- building or structures	P	6, 10
Restaurants and coffee shops:		
- concessions	P	6
- drive-in	P	11
- eat-in	P	6
Retail:		
- gift shop	P	11
<b><u>T</u></b>		
Temporary Uses (see 3.29.2)	P	N/A
<b>Any other Open Space use not listed in this table</b>	<b>C</b>	<b>see table 5</b>

**9.3 Bulk Regulations**

**Bulk Table 21  
Open Space**

*Bulk regulations are in Metric (metres) followed by Imperial (feet) in Brackets*

Building Type	Front Yard	Side Yd Interior	Side Yd Corner	Rear . Yard	Height Max.	Site Coverage	Unit Area Sq. Ft.
<b>OS</b>							
Main	12.20 (40)	1.524 (5)	4.572 (15)	7.62 (25)	10.668 (35)	N/A	N/A
Temporary	12.20 (40)	1.524 (5)	4.572 (15)	7.62 (25)	10.668 (35)	N/A	N/A
Accessory	7.62 (25)	1.524 (5)	4.572 (15)	3.048 (10)	4.572 (15)	N/A	N/A
<b>Zone</b>						<b>Site Area</b>	<b>Site Width</b>
<b>OS</b>						sq.m.(ac)	m.(ft)
Subdivisions as per Development Plan						20,234.3 (5 ac)	91.44 (300 ft)

## **10. DEFINITIONS**

### **10.0. Contents**

- |                             |
|-----------------------------|
| 10.1. Rules of Construction |
| 10.2. Definitions           |

### **10.1. Rules of Construction**

10.1.1 The following rules of construction apply to the text of this by-law.

- 10.1.1.1 Words, phrases and terms defined herein shall be given the defined meaning.
- 10.1.1.2. Words, phrases and terms not defined herein but defined in the Act and the Building By-laws of the Rural Municipality of West St. Paul shall be construed as defined in such Act and By-laws.
- 10.1.1.3. Words, phrases and terms neither defined herein nor in the Building, Electrical or Plumbing By-laws of the Rural Municipality of West St. Paul shall be given their usual and customary meaning except where, in the opinion of Council, the context clearly indicates a different meaning.
- 10.1.1.4. The phrase "used for" includes "arranged for", "designed for", or "occupied for".
- 10.1.1.5. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and", "or" or "either-or", the conjunction shall be interpreted as follows:
- "and" indicates that all the connected items, conditions, provisions or events shall apply in any combination.
  - "or" indicates that the connected items, conditions, provisions or events may apply singly, or in combination.
  - "either-or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- 10.1.1.6. 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.

## 10.2. Definitions

### **A**

#### Accessory Use, Building or Structure

use, building or structure which:

- is subordinate to the principal building;
- is subordinate in area, extent, or purpose to the principal building, structure or use;
- contributes to the comfort, convenience or necessity of occupants of the principal building, structure or use; and
- is located on the same zoning site as the principal building, structure or use.

#### Act

The Planning Act, being Chapter P80 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.

#### Agricultural Implement Sales and Services

display, sale and / or rental of new or used farm implements and where minor incidental repair work is done.

#### Agricultural Use

a use of land, building or structure for agricultural activities as defined in *Farm Activities general*.

#### Aircraft Landing Strips

tract of land or water that is maintained for the landing and takeoff of aircraft and for receiving and discharging passengers and cargo and that usually has facilities for the shelter, supply and repair of planes.

#### Alter - building or structure

when used in reference to a building or structure or part thereof, to change any one or more of the external dimensions of such building or structure or to make any change in the supporting members or to the type of construction of the exterior walls or roof thereof or the moving of a building or structure from one location to another.

#### Alter - lot

when used in reference to a lot to change the lot area, lot frontage or lot depth thereof; to change the width, depth or area of any required yard, landscaped open space or parking area; or to change the location of any boundary of such lot with respect to a street or a lane, whether such alteration is made by conveyance or alienation of any portion of such lot or otherwise.

#### Alter - use

when used in reference to a use, to discontinue and replace a use with a use which is defined herein as being distinct from the discontinued use.

Amusement enterprise

a place where 3 or more coin or token operated machines, devices, contrivances or games are provided for public amusement, but does not include:

- any machine that provides exclusively musical entertainment, rides, food or drink;
- premises licensed to serve alcohol under the appropriate statute;
- premises of a non-profit organization, association, institution or club which is operated for social, recreational, educational, religious or fraternal purposes;
- an amusement park.

Animal shelter

a lot and/or building or part thereof used for the care of lost, abandoned or neglected animals.

Animal waste unit

an amount of animal waste or waste equivalent as set out in this by – law.

Arbour

a structure of latticework which may be covered by vines or shrubs.

Arena

a facility for sport activities and includes ice surfaces for sporting activities.

Attached to Principal Building

a structure is considered to be a part of the principal building and is subject to all regulations applicable to the principal building, where it is attached to the principal building by any of the following:

- roof;
- floor, except a slab on grade;
- open or enclosed structure above grade;
- foundation which is above grade; or
- any structure below grade which allows access between buildings such as a parking garage or corridor / passageway connecting the buildings.

Auction Mart

a site, or space where there are goods offered for sale to the highest bidder, whether outdoors or in a wholly enclosed building.

Auditorium

a building or structure where facilities are provided for athletic, civic, education, political, religious or social events.

Automobile

- compact automobile (small)  
an automobile 4.8 metres (15.748 ft.) or less in length and 1.8 metres (5.905 ft.) or less in width.



- full size  
an automobile greater than 4.8 metres in length and greater than 1.8 metres in width.

Automobile Repair

general repair, rebuilding or reconditioning of engines, motor vehicles or trailers such as collision service, body repair and frame straightening; painting and upholstery; vehicles steam cleaning; and undercoating.

Automobile service station

building or portion thereof and land used for the sale of fuel, oil and accessories for motor vehicles at retail direct to the customer, and for the servicing and repair of motor vehicles.

Automobile storage compound

an open space either used or required for the standing of motor vehicles held for sale or rental.

Automobile or trailer sales

building or portion thereof and land used for the sale or display of new or used automobiles or trailers

Automobile Washing Establishment

see *Car Wash*.

Automobile Wrecking Facilities

see *Wrecking Facilities Automobile*

Awning

a movable shelter supported entirely from the exterior wall of a building and of a type which can be retracted, folded or collapsed against the face of a supporting building.

## **B**

Banquet hall

a building or part thereof used for the purpose of entertaining a large group of people where food and liquor are generally provided.

Basement

a storey of a building in which the floor level above is located not more than 2 metres above grade. A crawl space shall be considered a basement where:

- it exceeds 180 cm in height;
- it is used for any occupancy including storage;
- it is used as a plenum in combustible construction;
- it is used for the passage of flue pipes;
- a crawl space shall be considered a basement, as defined in the Manitoba Building Code.

### Batching plant - asphalt or concrete

an industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, used in building or construction and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt or concrete products.

### Bed and Breakfast

any residential dwelling in which not more than 4 rooms are rented to paying guests on an overnight basis.

### Board

the Selkirk and District Planning Area Board as established under Section 14 of the Planning Act.

### Boarding house

a dwelling in which the proprietor supplies for a fee, sleeping accommodation with board for 3 to 10 persons excluding the proprietor, members of the proprietor's family and servants of the establishment, but does not include a hostel.

### Building

includes any well, pipe line, excavation, cut, fill, transmission line or other erection or structure, or any part thereof, and also includes any addition to or extension of a building and any chattel that is attached to any structure or land or that is installed therein or thereon.

- Accessory  
See *accessory use, building or structure*
- Main or Principal  
building in which is conducted the principal uses of the lot on which it is situated. In any residential zone, a dwelling containing one or more dwelling units shall be deemed to be a main or principal building on the lot which it is situated.
- Temporary  
building intended for removal or demolition within a prescribed time, as set out in a building permit.

### Building Area

the maximum projected horizontal area of a building above grade measured to the centre of a party walls and to the outside of other walls including air wells, and all other spaces within the building, but excluding open air porches, verandas, steps, cornices, chimneys, fire escapes, exterior stairways, breezeways, accessory buildings, ramps and open loading platforms.

Building face

any exterior wall of a building exposed to public view.

Building height

vertical distance measured from the finished grade and the exterior surface of a flat roof, the deck line of a mansard roof or the mean height between the bottom of the eaves and the highest point of the roof surface for any other type of roof. The Development Officer shall determine the height of an irregularly shaped roof.

Building separation

the least horizontal distance permitted between the nearest portions of any building envelope on a lot.

Business, professional office or administrative office

a building or part thereof in which 1 or more persons are employed in the management, direction or conducting of a business or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatment and may include the administrative offices of a non-profit or charitable organization.

## C

Campground

an area of land containing camp sites managed as a unit providing short term over night camping experiences from tenting to serviced trailer sites and including accessory facilities which support the use, such as administration offices, laundry facilities, but not including the use of mobile homes or trailers on a permanent year-round basis.

Carport

a permanent roofed structure which is attached to the principal building, and not completely enclosed, to be used for the parking of privately owned automobiles.

Car wash

building or portion thereof wherein facilities are provided for the washing, cleaning and polishing of motor vehicles. See *automobile washing establishment*.

Club

an association of persons, whether incorporated or not, united by some common interest, meeting periodically for co-operation or conviviality. Club shall also mean, where the context requires, premises owned or occupied by members of such associations within which the activities of the clubs are conducted.

Compatible

a building or structure, activity or use that blends with, conforms to, or is harmonious with the surrounding ecological, physical, visual or cultural environment.

### Conditional use

the use of land or building which may be permitted in any particular zoning district as provided for in a zoning by-law.

### Conservation Area

the use of land which is intended to remain open in character, with the priority use given to the preservation of its natural state or special environmental quality and may include non-commercial recreational uses only if conservation of the resource is not jeopardized.

### Contractor's Establishment

a premises where a construction contractor operates a business and where related equipment and materials may be stored, including: wood construction, cabinet making, carpentry, house builders, mobile home and "ready to move" house construction, package home or garage construction, kitchen or bathroom renovating, general contracting, heating contractors, air-conditioning and refrigeration contractors, insulating contractors, painting contractors, plumbers, sheet metal contractors, roofers, drillers and well contractors, septic tank installation, foundation contractors, excavators, stucco contractors, siding contractors, brick laying, fencing contractors, ventilating contractors, window and door installation, road, bridge, concrete and stucco contractors and other like uses.

### Convent

a building used as a residence, operated as a single housekeeping unit, solely by and for a group of women who have professed vows in a religious order and who live together as a community under the direction of a local supervisor designated by the order.

### Conversion

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

### Council

the Council of the Rural Municipality of West St. Paul.

### Crematorium

a building fitted with the proper appliances for the purposes of the cremation of human remains and includes everything incidental or ancillary thereto.

## **D**

### Day care centre

premises that receives more than 5 children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding 24 hours where the children are under 18 years of age in the case of a day nursery for children with a developmental handicap, under 10 years of age in all other cases.

Deck

a structure abutting a dwelling unit with no roof or walls except for visual partitions and railings which is constructed.

Development Officer

officers appointed by the Board in accordance with the provisions of the Act.

Development Permit

a permit issued under a zoning By – law, authorizing development and may include a building permit.

Development Plan

means the Selkirk and District Planning Area Development Plan adopted by By-law No. 122 of the Selkirk and District Planning Area and amendments thereto.

Dispatch Services

services provided for the dispatching of courier, delivery, cleaning, taxi or similar services.

District

means the Selkirk & District Planning Area.

Drive-in establishment / Drive through establishment

An establishment with facilities for attracting and servicing prospective customers travelling in motor vehicles, which are driven onto the site where the customer may or may not receive service in the vehicle.

Dwelling

a building or portion thereof designed for residential occupancy but shall not include a travel trailer, a motor home or a mobile home as defined herein.

- single-family  
a detached building designed for and used by one (1) family.
- two-family  
a detached building designed for and used by two (2) families, each having exclusive occupancy of a dwelling unit.
- Dwelling, multiple-family  
a building containing three (3) or more dwelling units, each unit designed for and used by one (1) family.

**E**Existing

existing on the effective date of this By-law.

### Extension

an increase in the amount of existing floor area used for an existing use, within an existing building.

## **F**

### Fair and Exhibition grounds

the use of land, or building, or structure where the temporary exhibition of music, art, goods, wares, vehicles, and the like are displayed and made available for sale and shall include a midway and a place of amusement.

### Family

one or more persons occupying a dwelling unit and maintaining a household. The term "family" shall not be construed to mean fraternity, sorority, club or institutional group.

### Family Day Care Home (B/L 4/2004‘P’)

means premises in which either day care alone, or in combination with parental care, is provided at any time, to not more than eight (8) children of whom not more than five (5) are less than six (6) years of age and not more than three (3) are less than two (2) years of age; and which is the home of the person providing or offering the day care. (See also neighbourhood care home, neighbourhood rehabilitation home, group day care home and private home day care, care home, day care centre)

### Farm Activities - general

use of land for agricultural purposes including:

- farming;
- dairying;
- pasturage;
- apiculture;
- floriculture;
- horticulture;
- animal and poultry husbandry; and
- 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 activities.

### Farm Activities - limited

any agricultural activities limited to such uses as field crops, berry or bush crops, bee keeping, orchards and tree farms.

### Farm Implement Dealer

an establishment for the repair or sale of agricultural implements and including the sale of lubricants for agricultural equipment on the same premises as an accessory use.

### Farm Vacation

location in the Rural Zones where opportunity is provided to experience farm life. Farm vacations may provide day tours or extended visits. Accommodation may include:

- rooms within the main residence
- campgrounds - maximum of 10 sites

### Flood Prone Lands

flood prone lands are those lands which are subject to flooding at the 100 year flood level as specified by the Water Resources Branch, with exceptions as listed below.

- Where levels exceed the 100 year flood level, the record flood level shall apply.
- Where lands are adjacent to the Red River, the 160 year flood level or 1997 Red River flood levels as per zoning map in Appendix A, whichever is the higher, shall apply.
- Where land is protected by flood control works, the flood level specified by the Water Resources Branch shall apply.

### Flood Protection Level

land and buildings that are protected against flooding by raising the building site to the flood protection level. Flood protection levels shall be as listed below:

- 100 year flood level plus 0.6 metres (2 ft.); or
- 160 year flood level or 1997 Red River flood levels plus 0.6 metres (2 ft.); or
- as specified by the Water Resources Branch; or

### Floor Area

the total habitable area on one storey within a building which area is measured between the exterior faces of the exterior walls or from the centre line of a common or party wall, but excluding any private garage, breezeway, porch, veranda, balcony, sun room attic or basement.

### Floor Area Gross, (GFA)

the total floor area of all storeys within a building or structure, contained within the outside surface of the exterior and basement walls, provided that in the case of a wall containing windows, the glazing line of windows may be used.

### Floor Area, Net

the *gross floor area* of the building, structure or part thereof measured from the glazing line or interior wall lines whether above, below or at grade, excluding attics, stairwells, elevators, balconies, boiler rooms, electrical vaults, mechanical floors, penthouses or rooms, unfinished vertical service shafts, 75% of non-rental common corridors and toilets.

### Floor Area, Net Ratio

the numerical value of the gross floor area of the building or structure located upon a lot or building site, excluding:

- basement areas used exclusively for storage or service to the building
- parking areas below grade
- floor areas devoted exclusively to mechanical or electrical equipment servicing the development, divided by the area of the site.

#### Frontage Street

all that portion of a zoning site or parcel abutting on a public street which provides principal access to, or visibility for the premises.

## **G**

#### Garage, private

an accessory building, attached or detached, used by the occupants of the premises upon which it is located for the parking or temporary storage of private passenger motor vehicles and may also include the incidental storage of other personal property.

#### Grade

the average level of finished grade calculated at the perimeter of a site, or for structures the average level at the base of the exterior walls, or as determined by the development officer.

#### Greenhouse, Private

a building for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouses, and are for personal use which goods are not offered for sale.

#### Group day care home

premises of the person providing the day care in which day care is provided any time to more than 8 children but not more than 12 children of whom not more than 3 are less than 2 years of age.

#### Group Home

a single housekeeping unit in a residential dwelling in which three to ten residents (excluding staff or receiving household) live under responsible supervision consistent with the requirements of its residents. The home shall be licensed or approved under Provincial statute.

## **H**

#### Habitable Space

a place, site or space in a dwelling which could be used for human occupancy.

#### Hazard Prone Land

when used in this By-law means land where actual effects of hazards have occurred, and without limiting the generality of the word, hazard includes but is not limited to the following:

- flooding of watercourses or waterbodies except local ponding;



- erosion or cutting of land due to action of water in an adjacent watercourse or waterbody;
- river bank instability or slumping;
- landslides including mud slides;
- subsidence; and
- local ponding due to improper surface drainage.

#### Health services

a building or part thereof primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of a physician, dentist, or other health practitioners, medical and dental laboratories, out patient care facilities and miscellaneous types of medical supplies and services.

#### Home occupation / business

an accessory use which:

- is carried on in a dwelling unit or its accessory building;
- is carried on solely by the members of the family residing at the same dwelling unit or mobile home without the employment of other persons;
- is incidental to or secondary to the use of the dwelling unit or mobile home;
- has no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the principal or accessory building except as provided for herein;
- does not become offensive, or obnoxious or create a public nuisance;
- does not cause the generation of undue traffic and congestion in the neighbourhood; and
- articles sold or offered for sale are limited to those produced therein or articles that are produced elsewhere but are pre-packaged and held only on a temporary basis for distribution to customers outside the dwelling unit or mobile home.

#### Hotel

a building or part thereof wherein accommodation is provided for transient lodgers, in any individual room or apartment, with or without cooking facilities. Permitted accessory uses include but are not limited to, restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

## **K**

#### Kennel

any premises on which three (3) or more animals are boarded, bred, trained or cared for, in return for remuneration or are kept for the purpose of sale. A kennel shall not include a veterinary clinic, animal hospital or animal pound.

## **L**

#### Landfill Site

land licensed by the Ministry of Environment for the disposal of solid or liquid waste.

### Livestock

farm animals kept for use, propagation or intended for profit and includes,

- dairy and beef cattle;
- swine, goats, sheep and horses;
- hens, chicken, turkeys, turkey broilers, geese and ducks; and
- foxes, mink and rabbits.

### Livestock production operation

an operation where livestock are confined, fed or raised, but does not include:

- an operation for the slaughter or processing of livestock;
- an operation for the grading or packing of livestock or livestock products;
- an operation for transporting livestock or livestock products;
- a hatchery;
- a livestock auction market;
- pasturing cattle.

### Loading Space

an off-street space or berth located on the same lot as a permitted use and used for the parking of a commercial vehicle loading or unloading merchandise or materials pertinent to such permitted use.

### Lodge

an establishment catering to the vacationing public by providing meals and sleeping accommodation with at least 5 guest rooms or cabins, but shall not include any establishment otherwise defined or classified herein.

## **M**

### Manufacturing (B/L 3/2004‘P’)

means the use of land, buildings or structures for the purpose of making, preparing, assembly, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale of any goods, substance, article, thing or service.

### Marinas

an area or structure used specifically in connection with the docking storage, servicing and rental of boats and motors.

### Mobile home (B/L 2/2002”P”)

a transportable, single – or multiple – section single family dwelling conforming to the CAN/CSA-Z240 MH Series at the time of manufacture.

### Motel

a group of attached or detached buildings or part thereof, wherein sleeping accommodation is provided for transient lodgers. Permitted accessory uses include but are not limited to restaurants, licensed beverage rooms, banquet halls, ballrooms and meeting rooms.

## N

### Neighbourhood care home (B/L 4/2004‘P’)

means a building or portion thereof used for the boarding or other residential accommodation plus care or treatment of more than (6) six persons but not more than twelve (12) persons and in which care or treatment is not provided to any persons not resident in the care home and that complies with the Provincial Government’s licensing requirements for Neighbourhood Care Homes. (See also neighbourhood rehabilitation home, family day care home, group day care home, private home day care, care home, day care centre)

### Neighbourhood Rehabilitation Home (B/L 4/2004‘P’)

means a building or portion thereof used for the boarding or other residential accommodation plus penal or other mandatory supervision or treatment of not more than twelve (12) persons in which supervision or treatment is not provided to any persons not resident in the rehabilitation home and that complies with the Provincial Government’s licensing requirements for Neighbourhood Rehabilitation Homes. (See also neighbourhood care home, family day care home, group day care home, private home day care, care home, day care centre)

### Non-conformity

one, or a combination of one, or more, of the following:

- parcel of land,
- a building or structure,
- a use of a building or structure
- a use of land,

Which lawfully existed prior to the effective date of this By-law or amendments thereto, but does not conform to the provisions contained within this By-law or amendments thereto.

### Non-conforming building or structure

any lawful building or structure which does not comply with one (1) or more of the applicable bulk regulations on the effective date of this By-law, or amendments thereto.

### Non-conforming parcel

any lawful parcel of land which does not comply with the site area, site width or site depth requirements of the zone in which it is located on the effective date of this By-law, or amendments thereto, and was on record in the Land Titles Office and in separate ownership prior to the effective date of this By-law, or amendments thereto.

### Non-conforming use

any lawful use of a building or structure or of a parcel of land, or portion thereof, which does not conform to any one or more of the applicable use regulations of the zone in which it is located on the effective date of this By-law, or amendments thereto.

Nursing homes

any premises in which persons are cared for and lodged, where in addition to sleeping accommodation and meals, personal care, nursing services or medical care and treatment are provided or made available.

**P**Parks and outdoor recreation areas

An area consisting largely of open space, which may include a recreational area, playground, play field or similar use, but shall not include a mobile home park, a campground or trailer park.

Parking area

an open area of land other than a street or lane or an area within a structure used for the parking of vehicles.

Parking area, public

a parking area used for the temporary parking of vehicles and is available for public use whether free, for compensation or as an accommodation for clients, customers, employees or visitors.

Parking Garage

an accessory building or structure, or any portion of a principal building or structure, containing communal parking spaces used for the parking or temporary storage of motor vehicles and which may include facilities for repairing or servicing such vehicles where such are permitted or conditional in this by-law.

Parking space

a space on a parking area, public parking area or zoning site for the temporary parking or storage of a vehicle.

Patio

see *deck*

Personal service establishment

A building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and without limiting the generality of the foregoing may include such establishments as barber shops, beauty parlors, hair-dressing shops, hand laundries, shoe repair and shoe shining shops, tailor and dressmaking shops, valets and depots for collecting dry cleaning and laundry.

Planned unit development

- A planned unit development as defined in the Act.
- a land development project planned as an entity in accordance with an overall site plan which permits flexibility in the setting of buildings, mixture

of housing types and/or land uses, usable open spaces and the preservation of significant natural features.

#### Ponds and fountains

Ponds and fountains on the property of a single family dwelling, which are lined and have a water capacity exceeding 0.6096 metres (2 ft.), shall be deemed private pools and shall be subject to the:

- Manitoba Building Code regulations; and
- bulk requirements for accessory buildings and structures.

#### Produce sales – limited

sales limited to goods produced by market gardeners in nurseries or in greenhouses.

#### Projection

any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, including roof overhangs, mansards, unenclosed exterior balconies, marquees, bay windows, immovable awning, canopies, pilasters, facias, and the like, but not including signs.

#### Public utility

means any system, works, plant, equipment or service which furnishes services or facilities at approved rates to or for the use of residents of the Municipality including but not limited to:

- Communication, by way of telephone, telegraph, wireless or television services or facilities;
- Public transportation, by bus or other vehicle;
- Production, transmission, delivery or furnishing of water, gas or electricity to the public at large;
- Collection of sewage, garbage or other waste; or
- Municipal public works yard.

#### Public works

*see Public utility*

## **R**

#### Recreation building or structure

i.e.. golf clubhouse, arena.

#### Residential care facility

the use of any building or structure or part thereof, however named, which is advertised, announced or maintained for the express or implied purpose of providing lodging, meals, care and supervision or transitional services to persons not related by blood, marriage or adoption to the operator nor to each other but does not include a facility which is licensed or designated by the Province of Manitoba.

Restaurant

a building used for the purpose of serving food and/or refreshments including a licensed establishment, and may include take-out food facilities as an accessory use.

Retail business

an established use or part use of an enclosed building or piece of land from which goods, wares or merchandise are sold in limited quantities directly to the public as opposed to the wholesale, storage and disposal of such commodities.

RR Overlay Zone

The RR Overlay Zone is a special zoning district, which is applied only in conjunction with its underlying zone designated herein as RR Rural Residential and may grant additional requirements upon the underlying zoning district. These additional requirements are shown in the Residential Bulk Table 15 respecting site area and site width.

**S**School

a school under the jurisdiction of a Board as defined in The Education Act, a college, university or any other education establishment including, but not necessarily restricted to, a nursery school or a boarding school having accessory dormitory facilities.

Public School

a school under the jurisdiction of a public agency.

Private School

a school, other than a public school or a commercial school, under the jurisdiction of a private board or trustees or governors, a religious organization or charitable institution.

Senior citizen home

a multiple-family dwelling or a building containing individual rooms where elderly people live independent of personal care.

Separation Distances

open space around dwellings separating them from adjacent buildings or activities, and providing daylight, ventilation and privacy.

Service shop - establishment

an enclosed building or part thereof whether conducted in conjunction with retail shopping or not, for the repair, sale and servicing of articles or materials as opposed to the manufacturing of the same.

### Setback

the shortest horizontal distance measured at right angles from the centre line of the travelled street abutting the specified yard, to the nearest part of any building, or structure on an abutting lot.

### Signs

- Advertising

sign directing attention to a business, commodity, service or conducted, sold or offered elsewhere, e.g., gas station, food services, sleeping accommodations.

- Bulletin board

permanent sign with movable copy indicating community events or names associated with events located on-site, e.g. school, church, community centre bulletin board, etc.

- Business

sign directing attention to a business, commodity, service or entertainment conducted, sold or offered on-site, e.g., gas station, food services, sleeping accommodations.

- Construction

sign identifying a construction project and information relative thereto.

- Directional

sign directing attention to:

- any thoroughfare or route;
- community attraction or event;
- educational institution, public building, historical site or hospital;
- pedestrian or vehicular traffic;
- public or transportation facility; or
- emergency exits, parking, loading zones or visitors only etc.

- Identification

sign identifying a residence or institution by name, logo or street address only.

- Mobile

sign which is mounted on a trailer, vehicle, stand or similar support structure which is designed so that the sign can be readily relocated to another location, and which may include movable copy or panels.

- Real Estate

sign advertising the sale, rental or lease of the site on which it is located.

- Undefined Sign

when a sign cannot be clearly defined as any of the sign types defined in this section, or is deemed to be a combination of types, the development officer shall determine the sign type and the regulations applicable thereto.

Site

a zoning site as defined herein unless the context indicates otherwise.  
an area of land consisting of 1 or more abutting lots.

Site area

the computed area contained within the site lines.

Site Corner

a site situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

Site Coverage

Site coverage shall be the percentage of the lot area covered by the ground floor area of all buildings located thereon. For the purpose of lot coverage calculations, building shall mean any structure consisting of a wall, roof and floor or any one of them, or a structural system serving the same purpose.

Site Depth

the horizontal distance between the centre points in the front and rear site lines.

Site Frontage

all that portion of a zoning site fronting on a street and measured between side site lines.

Site Interior

a site other than a corner site or a through site.

Site lines

- Front, site line

that boundary of a site which is along an existing or designated street. For a corner site, a line separating the narrowest street frontage of the site from the street.

- Rear, site line

that boundary of a site which is most nearly parallel to the front site line and in the case of a site in which the side site lines intersect, such as a triangular site, a line ten (10) feet in length within the site, parallel to and at the maximum distance from the front site line.

- Side, site line

any boundary of a site which is not a front or rear site line.

Site, Irregular

an irregular shaped site which cannot have its site lines defined by the foregoing definitions, the front, rear and side site lines shall be determined by the Development Officer.



Site, Through

a site having a pair of opposite site lines along two (2) more-or-less parallel streets. On a through site having vehicular access across both frontages, both street lines shall be deemed front site lines.

Site, Width

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

Site Zoning

a parcel of land with frontage on a street (excluding a lane) and of such sufficient size to provide the minimum requirements for use, area, yards and other open space as are required within this By-law.

Stable private (B/L 4/2004‘P’)

means a detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

Stable riding or boarding

a stable where more than (3) horses for hire, sale or boarding are kept.

Storage Container (B/L 6/2010)

Means a prefabricated unit not requiring any construction or assembly placed on a property for the purpose of storage and includes rail cars and semi trailers and similar type containers but does not have wheels.

Street (B/L 4/2004‘P’)

means any public highway, lane, park, square, subway, bridge, wharf, or any other improved thoroughfare or way or part thereof, of sufficient width to accommodate the passage of emergency vehicles.

Structural Alteration

the construction or reconstruction of supporting elements of a building or other structure.

Structure

anything 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 similar items.

Subdivision

the division of a parcel by an instrument including a plan of subdivision, conveyance, deed or mortgage.

## **T**

### Tandem Parking

two parking spaces, one behind the other, with a common or shared point of access to the manoeuvring aisle.

### Temporary additional dwelling

a temporary single detached dwelling containing bathroom and kitchen facilities that may be accessory to an existing single detached dwelling and that is designed to be portable.

### Truck terminal

the use of land buildings or structures for the purpose of storing, servicing, repairing or loading trucks, transportation trailers and / or buses but does not include automobile service stations.

## **V**

### Variation Order

the altering of any of the requirements found in this zoning by-law in accordance with the Planning Act.

### Veterinary Clinic

a building or part thereof with or without related structure wherein animals of all kinds are treated or kept for treatment by a registered veterinarian.

## **W**

### Warehouse

a building or part thereof which is used primarily for the housing, storage, adapting for sale, packaging or distribution of goods, wares, merchandise, foodstuff, substances, articles or things, and includes the premises of a warehouse watchperson, but does not include a fuel depot.

### Wrecking Facilities, Automobile

an area of land deemed as a Class 2 development as per section 11 of the Environment Act which is used for the storage and processing of wrecked automobiles.

## **Y**

### Yard

an open area, on the same zoning site with a building or structure which yard is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted herein. A yard extending along a site line to a depth or width (measured from the site line) specified in the yard requirement for the zone in which such zoning site is located.

**Yard Front**

a yard extending all the full length of the front site line between the side site lines.

**Yard Rear**

a yard extending along the full length of the rear site line between the side site lines.

**Yard Side**

a yard extending along the side site line from the front yard to the rear yard.

**Z****Zone**

a designated area of land use shown on Appendix A hereto.

**Zoning Compliance Certificate**

may be issued upon application of any person having an interest therein, describing the land, building or structure, or the use or intensity of use of land or a building or structure that was lawfully in existence at the date of the enactment of this zoning by-law, and stating that it may continue to exist although it does not conform to the zoning by-law as per Section 48(3) of the Planning Act.

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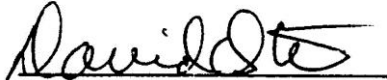
**12. Repeal and Effective Date**

12.1.1. By – Law 7/92 ‘P’, being a By – law adopting the R. M. of West St. Paul Zoning By – law, and all By – laws adopted from time to time amending said By – law are hereby repealed.

12.2.1. This By – law is hereby adopted and shall come into full force, on, from and after the date on which it receives third reading by the Council of the R. M. of West St. Paul.

DONE AND PASSED in Council assembled this 14<sup>th</sup> day of October A.D. 1999

THE RURAL MUNICIPALITY OF WEST ST. PAUL

  
Reeve

  
Chief Administrative Officer

Read a first time this 23<sup>rd</sup> day of July A.D. 1999

Read a second time this 23<sup>rd</sup> day of September A.D. 1999

Read a third time this 14<sup>th</sup> day of October A.D. 1999



**APPENDIX “A”**

***MAP GOES HERE***