

[2022]

LAST UPDATED: June 9, 2022

**R.M. of West St. Paul
Zoning By-law 2/99P**

An Office Consolidation of
The R.M. of West St. Paul
Zoning By-law
By-law No. 2/99P



[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.

Adopting By-law	Changes and Amendments	Content Affected		Remarks
		Text	Map	
1/2000P	Amend Part 7, Section 2 – Commercial Use Table 17 by adding “Residential Care Facilities” as conditional use in “CH”	X		3 rd Read. Apr. 12, 2001
	Rezoned from “RG” to “CH”		X	
1/2001P	Rezoned from “A80” to “CH”		X	3 rd Read. Jan 10/2001
2/2001P	Rezoned from “A80” to “M”		X	3 rd Read. June 14/2001
3/2001P	Rezoned from “RR” to “CH”		X	3 rd Read. June 14/2001
4/2001P	Rezoned from “CH” to “RR”		X	3 rd Read. July 12/2001
5/2001P	Amend Part 6, Section 2 – Residential Use Table 15 by adding “Golf Courses” as conditional use in “RR” & “RG”	X		3 rd Read. Dec 13, 2001
6/2001P	Amend Parts 3, 5 & 6 in regards to fencing materials and projections into required yards	X		3 rd Read. Dec 13, 2001
2/2002P	Amend Parts 6, 7, 8 & 10 in regards to mobile homes	X		3 rd Read. Sept. 12, 2002
2/2003P	Rezoned from “RR” to “RR Overlay”		X	3 rd Read. Oct 9, 2003
1/2004P	Rezoned from “RR Overlay” to “RR”		X	3 rd Read. May. 13, 2004
2/2004P	Rezoned from “A80” to “CH”		X	3 rd Read. Mar. 9, 2004
3/2004P	Amend Part 3.22. – “Planned Unit Development”, Tables 13, 16, 18 & 20 and Part 10.2. – Definitions - “Manufacturing”	X		3 rd Read. June 10, 2004
4/2004P	Various Amendments to Parts 3, 5, 6, 7 & 10	X		3 rd Read. Aug. 12, 2004
1/2005P	Rezoned from “RC” to “R3”		X	3 rd Read. June 28, 2006
1/2006P	Amend Part 3 General Provisions 3.22.6 Design Review Committee	X		3 rd Read. Sept 14, 2006
2/2006P	Amend Part 8 Industrial to include “M2” & Part 3 by adding no front yard storage in M zones	X		3 rd Read Nov. 9, 2006
4-2006P	Re-zone from A80-M2		X	3 rd Read Mar 8, 2007.16.5
5/2006P	Amend Part 3 General Provisions 3.16.5 Lighting	X		3 rd Read 8-Feb-2007
1-2007P	Re-Zone from A80 to RR		X	3 rd Read Aug 12, 2008
3/2007P	Amend. Gen Prov. & RR & AR Regulations	X		3 rd Read Sept 13, 2007

Adopting By-law	Changes and Amendments	Content Affected		Remarks
		Text	Map	
1/2008P	Amend Part 3 General Provisions 3.8.8.1 Compliance with Zoning By-Law	X		June 12/08
1/2009P	Part 3 Gen Prov. Outdoor Solid Fuel Heating Systems	X		3 rd Read Nov 12, 2009
	Part 3 Gen Prov. Building Locations Certificates	X		
6/2010P	Part 3 Gen Prov. Accessory Uses, Buildings and Structures	X		3 rd Read Feb 10, 2011
2011-12P	Re-Zone from A80 to RRO		X	3 rd Read April 12, 2012
2011-14P	Re-Zone from A80 to RR		X	3 rd Read June 14, 2012
2011-15P	Re-Zone from A80 to RR		X	3 rd Read April 23, 2012
2011-17P	Re-Zone from partially A80, M1, and CH to CH		X	3 rd Read March 8, 2012
2012-10P	Re-Zone from A80 to A4		X	3 rd Read July 12, 2012
2013-06P	Re-Zone from RRO to CH		X	3 rd Read April 18, 2013
2013-08P	Re-Zone from A80 to RRO		X	3 rd Read April 18, 2013
2013-13P	Re-zone from RR to CH		X	3 rd Read July 14, 2016
2014-09P	Secondary Suites	X		3 rd Read. June 12, 2014
2014-21P	Re-zone from A80 to RRO		X	3 rd Read June 11, 2015
2015-05P	Re-zone A80 to M2		X	3 rd Read June 11, 2015
2015-10P	Re-zone from A80 to RR		X	3 rd Read Sept. 10, 2015
2015-15P	Text amendment for detached decks	X		3 rd Read August 13, 2015
2015-14P	Amend Part 6.2	X		3 rd Read. Apr 28, 2016
2015-22P	Re-zone from A4 to R3		X	3 rd Read, Apr. 14, 2016
2015-24P	Re-zone from RR to CH		X	3 rd Read. June 28, 2016
2016-02P	Re-zone from RG & A80 to RC		X	3 rd Read May 12, 2016
2016-09P	Amend Part 3, Table 3, Table 1, Table 13, 14, 16, 17	X		3 rd Read. Apr 14, 2016
2016-12P	Re-zone from A80 to OS		X	3 rd Read January 12, 2017
2016-19P	Text amendments- RS, RMF-1, RMF-2 zones	X		3 rd Read May 9, 2017
2017-05P	Re-zone RC to RS		X	3 rd Read Aug 24, 2017
2017-06P	Re-zone A80 to RS, RMF-1, RMF-2, and OS		X	3 rd Read Oct. 3, 2017

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**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:

1. INTRODUCTION

1.0. CONTENTS

- | |
|---|
| <ul style="list-style-type: none">1.1. Title1.2. Area1.3. Intent and Purpose1.4. Interpretation1.5. Relation to Other By-laws and Regulations1.6. References to Statutes1.7. Validity |
|---|

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 *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 Red River Planning District 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 Red River Planning District 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">2.1. Red River Planning District Responsibilities2.2. R.M. of West St. Paul Council Responsibilities2.3. Development Officers' Responsibilities |
|---|

2.1. RED RIVER PLANNING DISTRICT BOARD RESPONSIBILITIES

The Red River Planning District 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 *The Planning Act*;
- 2.1.3. administration and enforcement of *The Planning Act*, where applicable;
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 OFFICER'S 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

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- 3.1. Intent
- 3.2. Accessory Uses, Buildings and Structures
- 3.3. Airports and Aircraft Landing Strips
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- 3.24. Projections into Required Yards
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- 3.27. Signs
- 3.28. Subdivision
- 3.29. Temporary Additional Dwelling
- 3.30. Temporary Uses, Buildings and Structures
- 3.31. Variations
- 3.32. Zoning Compliance Certificates
- 3.33. Zoning Confirmation Letters
- 3.34. 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 3.30. **(BL 2016-09P)**

3.2.3. Location

3.2.3.1. Building Separation from Principal Building (BL 2015-15P)

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 **(BL 2016-09P)**.

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 **(BL 2016-09P)**.

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. **(BL 5/2006P)**

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 (BL 6/2010P)

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 “A4” Agricultural - 4 Acre Parcels 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. **(BL 3/2007P) (BL 6/2010P) (BL 2022-05 P)**

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 “A4” Agricultural - 4 Acre Parcels 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. **(BL 2022-05 P)**

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. **(BL 6/2010P)**

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

Accessory Uses, Buildings and Structures	A	R	C	M	OS
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	-	-	-
Indoor Participant Recreation Service (BL 2022-05 P)	P	-	-	-	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	-
Signs	P	P	P	P	P

Accessory Uses, Buildings and Structures	A	R	C	M	OS
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) 6/2010P	C	*	C	P	-
Swimming pools – private	P	P	P	-	-
Uses not listed	C	C	C	C	C

* see Table 15, Residential Use Table

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

Noise Exposure	40 Plus	40 - 35	35 - 40	30 Less than
Agriculture Uses				
Dairy farms, Feed Lots, Livestock Pastures	J	Yes	Yes	Yes
Poultry Farms	I	I	Yes	Yes
Stockyards	J	Yes	Yes	Yes
Commercial / Industrial Uses				
Factories / Machine Shops	F	F	Yes	Yes
Outdoor Sales	E	H	Yes	Yes
Warehouses	Yes	Yes	Yes	Yes

Noise Exposure	40 Plus	40 - 35	35 - 40	Less than 30
Recreation Uses – Outdoor				
Athletic fields and playgrounds	No	G	H	Yes
Camping Grounds	No	No	No	K
Residential				
Single unit detached development	No	No	B	A
Public Uses				
Churches and Education Services	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) (45(1)) 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) (49(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 3.28.1. 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 owner's 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 *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 *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. **(BL 4/2004P)**

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 (**BL 2016-09P**).

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 3.27.1.2;
- 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.) **(BL 2016-09P)**.

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; signs as per 3.27.1.7.; and, home occupations.

3.8.4.8. 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.) (**BL 2016-09P**).

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 *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 (BL 1/2008P)

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. Development Agreement (BL 2022-05 P)

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

3.9.2. Municipal Design Review Prior to Permit Application (BL 2022-05 P)

3.9.2.1 When a permit is required for multi-family, commercial, institutional, or industrial development, prior to submitting any formal development applications to the Red River Planning District, the applicant shall submit design plans to the R.M. for approval. The site plans shall include parking areas, equipment and material storage areas, refuse or recycle bins, and

circulation areas, floor plans, building elevations, landscape plans including any fencing and berming, and if required, a sample of building materials. Additional municipal design review considerations are stipulated in section 3.9.6.

3.9.2.2 The R.M. of West St. Paul Chief Administrative Officer (or delegate) is responsible for the review and municipal approval of these development standards.

3.9.2.3 Once the R.M. of West St. Paul has approved the plans and informed the Red River Planning District of its decision, the applicant can initiate the formal development application process with the Red River Planning District.

3.9.3 Single-Family Dwellings (BL 2022-05 P)

3.9.3.1 Orientation:

- a) Main entry to be located on the façade of the dwelling. Where no front facing entry is proposed, side entries require variance approval.

3.9.3.2 Attached Garage:

- a) Single-family dwellings are limited to one (1) attached garage.

3.9.4 Standards for Storage Containers (BL 2022-05 P)

Notwithstanding the other regulations of this by-law, the following provisions apply to storage containers:

3.9.4.1 Subject to review by municipal administration prior to permit application.

3.9.4.2 Any clarification for subjective language contained herein shall be at the determination of R.M. of West St. Paul Chief Administrative Officer (or delegate).

3.9.4.3 To be used for accessory storage.

3.9.4.4 Maximum size of 9 ft wide by 40 ft long.

3.9.4.5 To be located in a rear yard if it is:

- a) Screened from view from any public street and abutting properties.
- b) Painted a uniform neutral tone within 30 days of placement, unless placed in the winter months in which case the storage container will be painted within 30 days of the return of suitable weather for painting.
- c) Complies with the site coverage and setback requirements of the zone.
- d) Not located in any required yard; and
- e) Not located in any required parking areas or landscape buffer.

3.9.4.6 In all Agricultural and Commercial Zoning Districts and in the Rural Residential zone:

- a) To be located on properties 1.4 acres in site area or greater.

3.9.4.7 Unit area to be include in all calculations to determine maximum site coverage.

3.9.4.8 No stacking of materials on top of container.

3.9.4.9 The maximum number of storage containers shall be limited to:

- a) 1 in all Agricultural Zones and only on properties with an area greater than 1.4 acres.
- b) 1 in the Rural Residential Zone and only on properties with an area greater than 1.4 acres.
- c) 1 in all Commercial Zones.

3.9.4.10 Notwithstanding the above, when actively used for the transportation of goods and materials within all Industrial Zoning Districts there is no maximum number of storage containers and Storage Containers to be situated as permitted within related General Provisions and related Bulk tables.

3.9.4.11 Notwithstanding the above, a ‘POD’s container may be permitted for temporary use, provided it meets the requirements for temporary buildings and structures in this by-law and does not remain more than 14-days.

3.9.4.12 Notwithstanding the above, a storage container may be permitted for temporary use on construction sites, provided it meets the requirements for temporary buildings and structures in this by-law.

3.9.5 Municipal Design Standards (BL 2022-05 P)

Wherever Municipal Design Standards are referenced herein, the City of Winnipeg Standard Constructions Specifications and amendments thereto shall apply.

3.9.6 Serviced Area Design Standards (BL 2022-05 P)

3.9.6.1 Owners must complete development in accordance with the design standards in sections 3.9.6.3 through 3.9.6.6 unless those standards are otherwise provided by another section of this By-law or by a Variance Order.

3.9.6.2 Intent

- a) The intent of the design standards in this section is to (a) implement high-quality design in Serviced Area; (b) ensure that the design of multi-building complexes integrate circulation systems for automobiles, bicycles, and pedestrians; and (c) to ensure that the design quality of multi-family, commercial, institutional, mixed use, and industrial developments protects and enhances the image of surrounding developments.

3.9.6.3 Multi-Family Residential Development

Each principal building or development in which most of the gross floor area is occupied by multi-family dwellings use must comply with the standards set out in this section:

3.9.6.3.1 Municipal Design Review Considerations

Municipal design review of development, redevelopment, or expansion is intended to ensure the thoughtful integration of such proposals into their local context and consistency with Zoning By-law 2/99 “P”. Design review will focus on a proposal’s consistency and compatibility with the standards of Zoning By-law 2/99 “P”, with highest levels of scrutiny where multi-family uses meet/mix with non-multi-family uses and where appropriate and reasonable.

3.9.6.3.2 Facades and Articulation

Each multi-family principal building, must:

- a) Orient main entrances to be front facing.
- b) Incorporate architectural articulation of the front façade and at entryways.
- c) In cases where there are multiple buildings on-site, facades must be diversified to avoid ‘blank-face’ or ‘cookie-cutter’ aesthetics, yet compatible with other buildings on-site.
- d) Build with facia and finishing materials that are durable.

3.9.6.3.3 Rooftop Equipment Screening

- a) Rooftop mechanical equipment and appurtenances must be screened so that they are not visible from adjacent public streets or adjacent properties less than 200 feet away when viewed from 5 feet above grade level.
- b) Screening enclosures must be constructed of a material similar in appearance to at least one of the materials used in the facades of the principal building and one of the same colours used in the principal building.
- c) All air conditioning compressors must be completely screened.
- d) Any rooftop equipment generating noise that can be heard outside the boundaries of the lot must also be buffered or otherwise attenuated to direct unavoidable noise upward.
(See Illustration 1.)

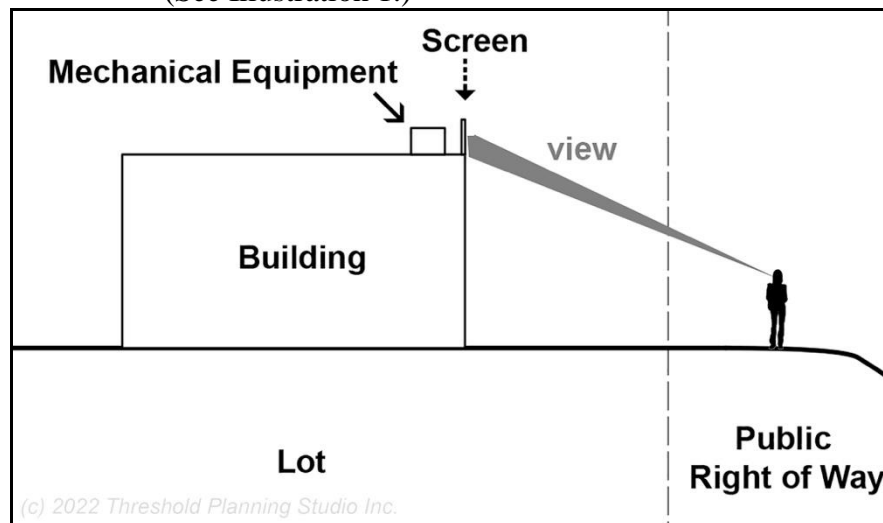


Illustration 1: Rooftop Equipment Screening

3.9.6.3.5 Pedestrian and Bicycle Access

- a) Each multi-family dwelling development containing more than 50 dwelling units, whether developed in a single or multiple phases, and whether in a single or multiple principal buildings, must comply with the following standards, where applicable:

i. Paths and Pathways

Pedestrian and bicycle paths and pathways must be developed to connect to existing or proposed Municipal pathways. Paths and pathways must be designed and constructed to Municipal Design Standards;

ii. Bicycle Access

Bicycle access routes must be provided between public bicycle lanes, paths, or pathways and on-site bicycle parking areas. Sites should be designed by a registered Landscape Architect or other suitable design professional to avoid or minimize all conflicting bicycle/motor vehicle and bicycle/pedestrian movements. All bicycle paths and pathways connecting to the municipality's path and pathway system must comply with Municipal Design Standards;

iii. Visibility of Common Areas

To promote public safety, primary multi-family dwelling buildings and landscaping must be located and designed so that clear sight lines are provided to and between common open spaces, circulation paths, and access points into the development, where applicable.

3.9.6.4 Commercial or Institutional Development

Each principal building or development in which most of the gross floor area is occupied by commercial or institutional use must comply with the standards set out in this section, unless the provisions of section 3.9.6.6 Commercial Mixed-Use Development Apply:

3.9.6.4.1 Municipal Design Review Considerations

Review of development, redevelopment, or expansion is intended to ensure the thoughtful integration of such proposals into their local context and consistency with Zoning By-law 2/99 "P". Design review will focus on a proposal's consistency and compatibility with the standards of Zoning By-law 2/99 "P", with highest levels of scrutiny where commercial or institutional uses meet/mix with non-

commercial or non-institutional uses and where appropriate and reasonable.

3.9.6.4.2 Notwithstanding other provisions of this By-law, the following uses shall not be allowed as a primary/main use in the Commercial Zones when located in the Serviced Area:

- a) The establishment of a Single Family Dwelling;
- b) Auto/light truck/motorcycle, repair and service;
- c) Auto/light truck/motorcycle, sales and rental;
- d) Drive-in or drive-through;
- e) Parking, surface.

3.9.6.4.3 Notwithstanding other provisions of this By-law, the following uses may be approved only as conditional uses, where they are otherwise permitted, in the Commercial Zones when located in the Serviced Area:

- a) Fuel sales;
- b) Car wash;
- c) Parking, structured;
- d) Drive-in or drive-through (as an accessory use).

3.9.6.4.4 Dimensional Standards

Notwithstanding other provisions in this By-law, when located in the Commercial Zones in the Serviced Area, development must comply with the dimensional standards in this subsection.

3.9.6.4.4.1 Height of Principle Buildings

For properties zoned “CM” Commercial Mixed Use:

- 45 feet, only for developments meeting the following criteria;
 - a) The use is primarily multi-family dwelling;
 - b) The lot area is a minimum of 9,000 square feet;
 - c) The fourth story is setback from the street, at a distance equal to or greater than the height of the fourth story (see Illustration 2);
- 35 feet, in all other instances.

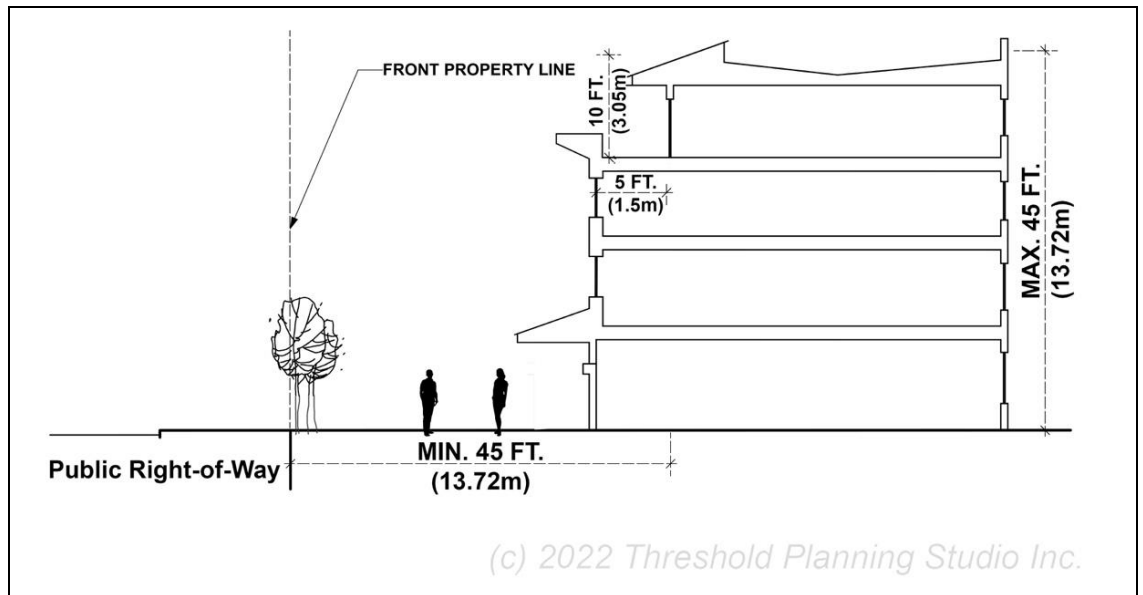


Illustration 2

3.9.6.4.4.2 Facades and Articulation

Each commercial or institutional principal building, other than large commercial retail buildings, as defined in subsection 3.9.6.4.4.5 below, must meet at least two of the following four standards, with the choice of those standards to be at the option of the owner:

1. Transparency Option

a minimum of 10 percent of each façade area that faces a street must be composed of transparent materials. At least ½ of this amount must be provided so that the lowest edge of the transparent materials is no higher than 4 feet above the street level (See Illustration 3);



Illustration 3: Transparency

In this example, windows and doors with a transparent surface area equal to 10 percent of the façade surface area are provided on the front façade. Transparent materials should be located to provide visual interest to pedestrians, with the bottom edge of at least half of them located no higher than 4 feet above grade.

2. Wall Plane Articulation Option

each façade greater than 100 feet in length abutting a street, measured horizontally, must incorporate architectural features such as wall plane projections, recesses, or other building material treatments and textures that visually interrupt the wall plane. No uninterrupted length of any façade must exceed 100 horizontal feet.

3. Vertical Articulation Option (for Buildings Taller than 30 Feet)

each principal building taller than 30 feet in height must be designed so that the massing or façade articulation of the building presents a clear base, middle, and top (See Illustration 4.);

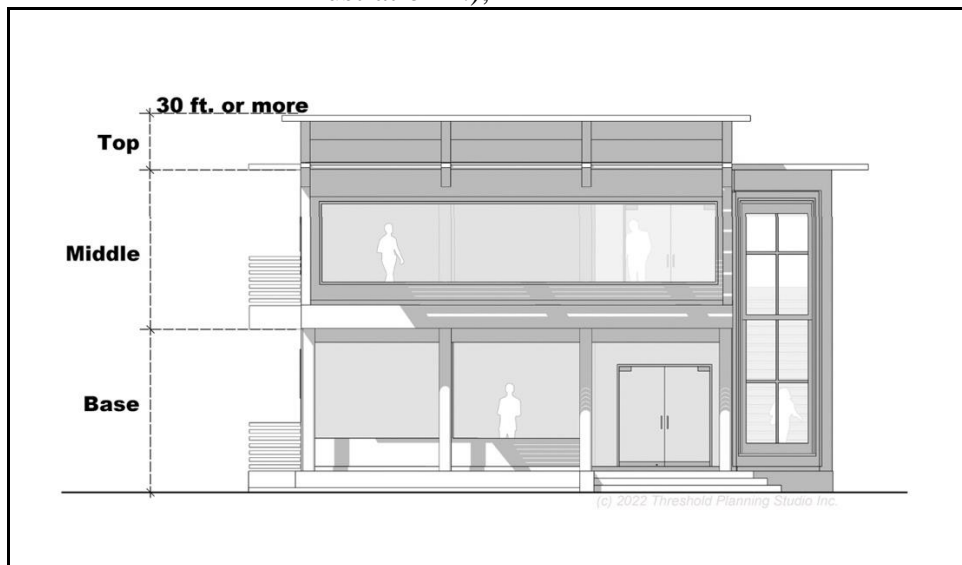


Illustration 4: Example of Vertical Articulation

4. Roof Articulation Option

where sloping roofs are used, at least one projecting gable, hip feature, or other break in the horizontal line of the roof ridgeline must be incorporated for each 60 lineal feet of roof. Where flat roofs are used, the design or height of the parapet must include at least one change in setback or height of at least 3 feet along each 60 lineal feet of façade. (See Illustration 5.)



Illustration 5: Example of Roof Articulation

3.9.6.4.4.3 Entryway Design and Location

Each principal building must have clearly defined, highly visible main entrances for occupants and/or customers with features designed to emphasize the importance of the entrance, which must include at least two of the following features, with the choice of the features to be at the option of the owner:

- a) a canopy or portico;
- b) a roof overhang;
- c) a horizontal recess or projection;
- d) an arcade or arch;
- e) a peaked roof form;
- f) an outside patio;
- g) a display window;
- h) architectural tilework or mouldings integrated into the building design;
- i) integrated planters or wing walls that incorporate landscaped areas or seating areas; or
- j) another architectural feature not found on the remainder of that building façade.

3.9.6.4.4.4 Rooftop Equipment Screening and Projections

a) Rooftop Equipment Screening

Rooftop mechanical equipment and appurtenances must be screened so that they are not visible from adjacent

public streets or adjacent properties less than 200 feet away when viewed from 5 feet above grade level. Screening enclosures must be constructed of a material similar in appearance to at least one of the predominant materials used in the facades of the principal building and one of the predominant colours used in the principal building. All air conditioning compressors must be completely screened. Any rooftop equipment generating off-site noise must also be buffered or otherwise attenuated to direct unavoidable noise upward when adjacent to residential or institutional zoning districts.

b) Building Projections

All building projections that remain visible from abutting public streets after the screening required by subsection 3.9.6.4.4(a) above, including but not limited to chimneys, flues, vents, gutters, and down spouts, must match the colour of the surface from which they project, the building's trim colour, or be constructed of materials such as brick or stone that match materials used on the building.

3.9.6.4.4.5 Additional Standards for Large Commercial Retail Buildings

In addition to meeting the standards in subsections 3.9.6.1 through 3.9.6.4. above single-storey retail buildings containing 65,000 square feet or more of gross floor area in must meet the following additional standards:

a) Façade Articulation

Each building façade must have a repeating pattern that includes no less than three instances of at least one of the following:

- i. colour change;
- ii. texture change;
- iii. material module change; or
- iv. expression of an architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.

b) Pedestrian Oriented Design Features

Ground-floor façades that face public streets must have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length (See Illustration 6.).



Illustration 6: Example of Pedestrian Oriented Design Features

c) Pedestrian and Bicycle Access

each commercial or institutional development containing more than 100,000 square feet of gross floor area, whether in a single or multiple phases, and whether in a single or multiple principal buildings, must comply with the following standards, where applicable.

Paths and Pathways

- i. Where applicable, pedestrian and bicycle paths and pathways must be developed, as determined by the Municipality. The path/pathway must be designed and developed to Municipal Design Standards;

Bicycle Access

- i. Bicycle access routes must be provided between public bicycle lanes, paths or pathways and on-site bicycle parking areas, as determined by the

Municipality. Sites should be designed by a registered Landscape Architect or other similar design professional to avoid or minimize all conflicting bicycle/motor vehicle and bicycle/pedestrian movements. All bicycle paths and pathways connecting to the Municipality's path and pathway system must comply with the Municipality's Design Standards.

3.9.6.5 Industrial Development

Each principal building or development in which most of the gross floor area is occupied by uses categorized in the Industrial Use Table must comply with the following standards, unless the provisions of section 3.9.6.6, Commercial Mixed-Use Development, apply.

a) Municipal Design Review Considerations

Review of development, redevelopment, or expansion is intended to ensure the thoughtful integration of such proposals into their local context and consistency with Zoning By-law 2/99 "P". Design review will focus on a proposal's consistency and compatibility with the standards of Zoning By-law 2/99 "P", with highest levels of scrutiny where industrial uses meet/mix with non-industrial uses and where appropriate and reasonable.

b) Façade Articulation

Each industrial principal building must meet at least one of the following three standards, with the choice of the standard to be at the option of the owner:

i. Wall Plane Horizontal Articulation Option

each façade greater than 100 feet in length abutting a street, measured horizontally, must incorporate architectural features such as wall plane projections, recesses, or other building material treatments and textures that visually interrupt the wall plane. No uninterrupted length of any facade may exceed 100 horizontal feet.

ii. Vertical Articulation Option (for Buildings Taller than 30 Feet)

each principal building greater than 30 feet in height must have a change in cladding material or surface plane. No single cladding material or surface plane (as applicable) may extend for an uninterrupted vertical distance of more than 30 feet;

iii. Parapet Variation Option

all facades visible from a public street must include a parapet that varies in height by at least 3 feet for each 60 lineal feet of façade length. (See Illustration 7.)

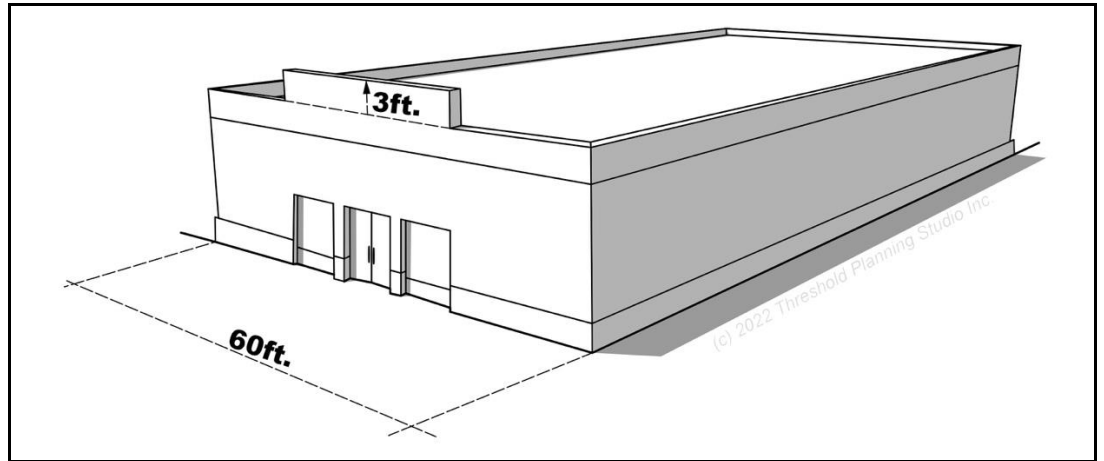


Illustration 7: Example of Parapet Variation Option

c) Entryway Design

Each principal building must have clearly defined, highly visible main entrances for occupants and/or patrons with features designed to emphasize the importance of the entrance, including at least one of the following elements, with the choice of the element to be at the option of the owner:

- i. a canopy or portico;
- ii. a roof overhang;
- iii. a horizontal recess or projection;
- iv. an arcade or arch;
- v. a peaked roof form;
- vi. an outside patio;
- vii. a display window;
- viii. architectural tilework or mouldings integrated into the building design;
- ix. integrated planters or wing walls that incorporate landscaped areas or seating areas; or
- x. a similar architectural feature not found on the remainder of that building façade.

3.9.6.6 Commercial Mixed-Use Development

In a commercial mixed-use development, each principal building must comply with the standards of sections 3.9.6.3, 3.9.6.4, and/ or 3.9.6.5, as applicable, unless the applicant chooses to request alternative design treatment pursuant to subsections (a) or (b) below.

- a) If a commercial mixed-use development contains a single principal building containing a mix of
 - i. principal multi-family uses and
 - ii. principal uses categorized in the Commercial Use Table,

the owner may choose to comply with either the standards of section 3.9.6.3 or the standards of section 3.9.6.4.

- b) If commercial mixed-use development contains a single principal building containing a mix of
 - i. principal uses categorized in the Commercial Use Table, and
 - ii. principal uses categorized in the Industrial Use Table, the owner may choose to comply with either the requirements of section 3.9.6.4 or the requirements of section 3.9.6.5.
- c) Regardless of which option is selected, all development subject to the large commercial retail design standards in subsection 3.9.6.4.4.5 above must comply with all standards applicable to such development.

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

3.9.8 Outdoor Solid Fuel Heating Systems (BL 1/2009P)

- 3.9.8.1. 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.
- 3.9.8.2. 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.
- 3.9.8.3. Heating materials, as listed above, must be stored in an orderly fashion at a distance of at least 10 ft. from the heating system.
- 3.9.8.4. 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.
- 3.9.8.5. 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.
- 3.9.8.6. Fuel materials shall not be stored within the same structure as the heating system.
- 3.9.8.7. Any outdoor solid fuel heating system is required to obtain a development permit from the Red River Planning District, approval by the Municipal Engineer and by resolution of Council. Please note approval may be subject to conditions.
- 3.9.8.8. Outdoor solid fuel heating systems are not permitted in or within 1500ft. of any Residential ("RC", "R3", "RMF-1", "RMF-2", "RG", "RR") or Agricultural Restricted zone (A4). (2016-19P)
- 3.9.8.9. Outdoor solid fuel heating systems shall not be permitted on parcels of land less than 4 acres in size.
- 3.9.8.10. 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).

3.9.8.11. 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 *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 (BL 6/2001P)

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 Red River Planning District Board.

The above fencing shall be uniformly painted and maintained.

3.11.2.4. Materials – May be Permitted (BL 6/2001P)

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 (BL 2/2006P)

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

3.12. FLOOD PRONE OR HAZARD PRONE LANDS (BL 2022-05 P)

Flood prone lands are those lands which are subject to flooding at the 200 year flood level as specified by provincial authority having jurisdiction. Where levels exceed the 200 year flood level, the record flood level 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 (BL 2022-05 P)

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.

- **200 year** flood level plus 0.6 metres (2 ft.) or as specified by the provincial authority having jurisdiction.
- elevation of 722 ft., Geodetic Survey of Canada Datum for lands adjacent to Lake Winnipeg.

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 (BL 2022-05 P)

3.13.1. As per Section 3.8.1.3., 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;
- lightening 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 (BL 4/2004P)

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 3.11.

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.

3.15.3.18. 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 3.7 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 (**BL 2016-09P**).

Table 3: Fence/Hedge Height (BL 2016-09P)

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(BL 2016-09P)	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.)

Measurements in Metric followed by Imperial in brackets (BL 2016-09P)

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

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 Landscaping in Multi-Family Residential Zones (BL 2018-04P)

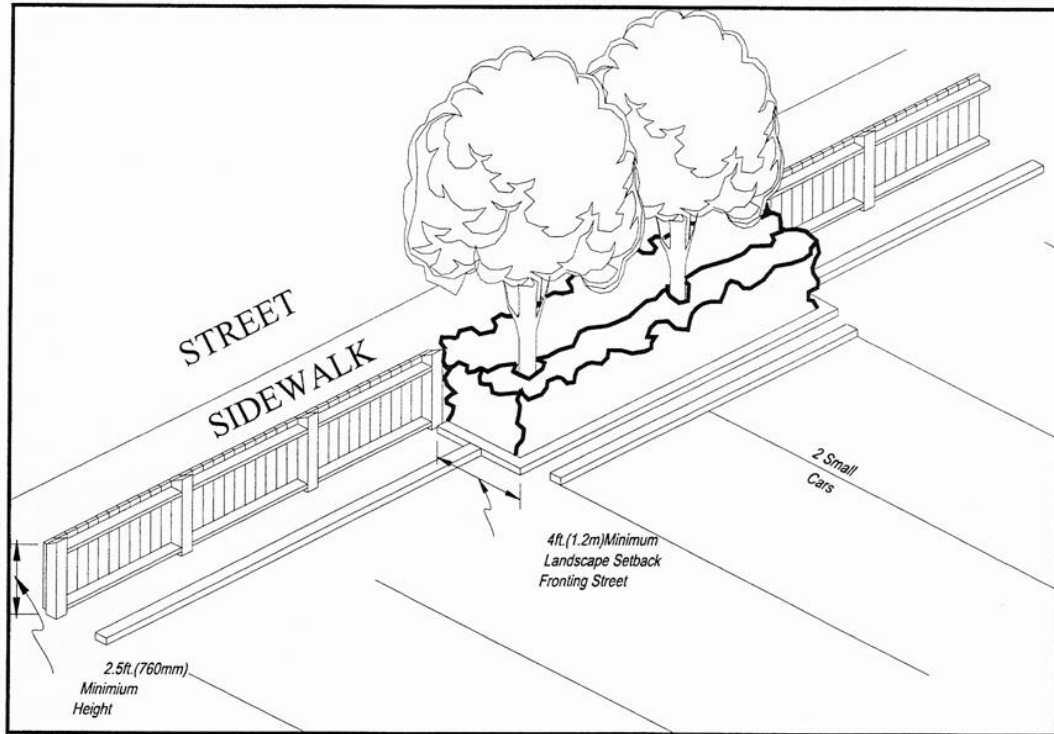
3.16.5.1 A landscaping plan is required and no landscaping work shall be commenced unless the landscaping plan is approved by the

Designated Officer.

- 3.16.5.2 A landscaping plan shall contain the following information for the site and adjacent boulevards:
- a) all physical features, existing or proposed, including vegetation, berm contours, walls, fences, outdoor furniture and fixtures, surface utilities, garbage & recycling collection, and paving;
 - b) all shrubs and trees, whether existing or proposed, labelled by their common name, botanical name, and size; and
 - c) a description of the compatibility of all physical features, existing or proposed, with adjacent sites.
- 3.16.5.3 Notwithstanding the provisions of Section 3.16.5.2(b) above, the Designated Officer may consider an application if, in the Designated Officer's opinion, the development is of such a nature as to enable the decision to be made on the application without all of the information.
- 3.16.5.4 In the event that planting material required in an approved development is inappropriate or fails to survive, the Designated Officer may allow or require alternative materials to be substituted.
- 3.16.5.5 The owner shall be responsible for landscaping and proper maintenance. The Designated Officer may require, as a condition of approval, that the applicant provide an irrevocable letter of credit in the amount of 100.00 percent of the estimated landscaping cost, the condition of the said irrevocable letter of credit being that if the landscaping is not completed in accordance with this By-law and the plan within one growing season after the completion of the development, then the amount required to complete the landscaping shall be paid to the Municipality from the said irrevocable letter of credit.
- 3.16.5.6 Where landscaping is required to be provided on a site in any residential zone, trees shall be provided on the basis of a minimum one tree for each 41.81 sq. m. (450.00 sq. ft.) of any required yard at grade.
- 3.16.5.7 Where landscaping is required to be provided on the site of a residential zone all required yards and all open spaces, excluding parking spaces, on-site circulation, outdoor storage, display and service areas, shall be landscaped in accordance with the landscaping plan. This shall include appropriate screening of utility facilities.
- 3.16.5.8 All plant material required shall be hardy to the location on the site where they are planted. The horticultural standards of the Canadian Nursery Trades Association shall be used as a reference in selecting

plants.

- 3.16.5.9 Deciduous trees shall be at least 50.00 mm. (2.00 in.) caliper when planted and evergreen trees shall have a minimum height of 2.44 m. (8.00 ft.) when planted.
 - 3.16.5.10 Plant materials located within 6.10 m. (20.00 ft.) of a public street must be of a salt- tolerant species.
 - 3.16.5.11 The owners shall maintain all landscaping and buffering areas required by this By-law free from refuse and debris and with a neat appearance, and shall maintain plant materials including lawns and naturalized landscaping, in a healthy condition. The owner shall replace any plant material required by this By-law that dies or becomes diseased.
- 3.16.6 Landscaping for Parking and Storage Areas in Multi-Family Residential Zones (BL 2018-04P)
- 3.16.6.1 Where off-street parking for fifty or more vehicles is provided at grade on a site, there shall be landscaped open space within the parking area. Landscaped open space in the parking areas shall be provided in the minimum amount of 1.50 sq. m. (16.15 sq. ft.) for each parking space. The required landscaping shall not be located in one area, and shall be placed within the parking area so as to break up large areas of parking and to provide visual relief.
 - 3.16.6.2 A parking area having eight or more parking spaces and which is visible from an abutting site in a residential district, shall be fenced or have a screen planting. The location, length, thickness and height of such fence or screen planting shall be in accordance with the landscaping plan.

**Illustration 8: Parking**

- 3.16.6.3 Garbage collection, loading, storage or outdoor service areas shall be fenced or have a screen planting, consisting of evergreen trees or shrubs, or flowering trees or shrubs, or a combination thereof, in accordance with the landscaping plan and:
- shall be located to the rear of a line adjacent to and parallel with the front wall of the principal building; and
 - shall be maintained to provide effective screening from any public roadway or adjacent sites.
- 3.16.6.4 Where, because of conditions not conducive to good horticultural practices, a screen planting cannot reasonably be expected to survive, the Designated Officer shall require a masonry wall, wood fence or earth berm, or combination thereof, to be substituted for the requirements of Section 3.16.6.3 above.
- 3.16.6.5 Any screen planting required shall consist of evergreen trees or shrubs, or flowering trees or shrubs, or both. All screen plantings shall be maintained to provide effective screening from the ground to a height of 2.00 m. (6.56 ft.), unless located in a front yard where all screen plantings shall be maintained to provide effective screening from the ground to a height of 1.22 m. (4.00 ft.).
- 3.16.6.6 Notwithstanding any of the above requirements, the landscaping plan shall take into account requirements for Flood Prone or Hazard Prone Lands, and, shall seek to protect and/or enhance any related Flood

Prone or Hazard Prone Lands, and may be subject to Geotechnical Reports.

3.16.7. Lighting (BL 5/2006P)

Lighting requirements apply to uses other than residential.

- 3.16.7.1. Wall mounted lights must have fully shielded luminaries to direct light downward.
- 3.16.7.2. No owner may install or maintain a light source that is directed outward toward property boundaries or adjacent right-of-way.
- 3.16.7.3. Lighting must be directed downward except for low-voltage architectural, landscape and decorative lighting, which is subject to subsection below.
- 3.16.7.4. 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.
- 3.16.7.5. 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

Use	Floor Area	Number of Loading Spaces required
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, Professional, Financial And Office Support Services, 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.

Measurements in Imperial only

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 *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 *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 *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 (BL 2018-04P; BL 2020-15P)	2.0 per dwelling unit. For multiple-family dwellings with a common parking area, 10% of the required parking spaces must be guest parking.	
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	
Education Services, including public, parochial, private and secondary schools: a) elementary - junior high* b) senior - high* c) school auditoriums* * In a building where a) and c), or b) and c) occur, the clause requiring the largest number of parking spaces shall apply	1 for each faculty members plus 1 for each 4 employees 1 for each 2 faculty members plus 1 for each 4 employees plus 1 for each 10 students 1 for each 6 fixed seats	3

Use	Number of Parking Spaces required	Parking Group Number
Residential care facility, nursing homes, group home	1 guest parking space per 20 residents plus 1 for every 3 employees on the maximum shift	4
Libraries and museums	1 for each 1,000 square feet of gross floor area, but not less than 2 spaces	5
Places of assembly (except Parking Group No's 2,3 and 10), including the following: arenas, Spectator Entertainment Establishments, 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	1 for each 100 square feet of gross floor area, but not less than 2 spaces	6
Hotels, apartment hotels	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	7
Motels	1 per dwelling unit plus 1 for every 8 seats in all auxiliary rooms, as required for hotels above	
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

Use	Number of Parking Spaces required	Parking Group Number
Offices, office buildings	1 for each 750 square feet of floor area, but not less than 2 spaces per tenant	9
Bowling alley, curling rinks	5 per lane or curling sheets of ice	10
Tennis courts	1 per court	
General retail and service establishments (except eating or drinking establishments), wholesale establishments dealing directly with consumer, banks, medical and dental clinics and laboratories	1 for each 250 square feet of floor area, but not less than 4 spaces per establishment	11
Drive in banks, drive through restaurants, stores and vendors, automobile washing establishments	queuing space for 5 vehicles	
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

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.)

Measurements in Metric followed by Imperial in brackets

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. (BL 6/2001P)

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 for Non-Residential Developments (BL 2018-04P)

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 (BL 3/2004P)

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 (BL 1/2006P)

P.U.D.s may be subject to review and recommendation by the design advisory committee, as per *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 (BL 6/2001P)

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 10 feet total along a building wall), in residential zones only, may project into any required yard not more than two (2) feet. **(BL 2016-09P; BL 2020-15P)**

3.24.1.2. Chimneys/chases, eaves, and fireplaces may project into any required yard not more than three (3) feet. **(BL 2020-15P)**

3.24.1.3. 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.

- 3.24.1.4. 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.
- 3.24.1.5. Open, unenclosed decks, platforms or porches, not covered by a roof or canopy, not 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. **(BL 2020-15P)**
- 3.24.1.6. 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.
- 3.24.1.7. Fences and hedges may be permitted in a required front, side or rear yard.
- 3.24.1.8. Air conditioners and pool equipment, in residential zones only, may project 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. **(BL 2016-09P; BL 2020-15P)**
- 3.24.1.9. Where the yards in the commercial zones are reduced to 0 feet, the encroachments can be to the site line.
- 3.24.1.10. Exterior finish on buildings may project into any required yard not more than four (4) inches. **(BL 2020-15P)**

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. SECONDARY SUITES (BL 2014-09P)

3.26 Secondary Suites (attached), as defined within this By-law, may be placed on a site in a zone permitting a Secondary Suite, and in compliance with the regulations listed hereunder.

3.26.1.1. Amount

Only one (1) Secondary Suite may be located within, or attached to, a principal dwelling on one (1) zoning site.

3.26.1.2. Potable Water and Wastewater Services

Where available, Secondary Suites will be required to connect to municipal services (municipal water and/or wastewater system). Where municipal services are not available, Secondary Suites will be required to adhere to Provincial regulations for potable water and onsite wastewater treatment.

3.26.1.3. Building Requirements

Secondary Suites shall be constructed in accordance with the requirements outlined in the Manitoba Building Code.

3.26.1.4. Floor Area

The maximum floor area for a Secondary Suite shall be no greater than 80m² (861 sq. ft.), or no greater than 80% of the floor space of the existing Single-Family Dwelling, whichever is more restrictive.

3.26.1.5. Parking

A minimum of one (1) off-street parking space must be provided for a Secondary Suite.

3.26.1.6. Amenity Space

An exterior, private amenity space such as a deck, patio, or landscaped area, shall be provided for the Secondary Suite.

Minimum Area: 80 sq. ft.

Minimum Dimension (length or width): no less than 5 ft.

3.27. SIGNS

3.27.1. General Provisions

The following standards apply to signs:

3.27.1.1 Compliance with Sign Regulations Required

No person may commence or cause to be commenced on site the construction, erection, alteration, relocation, or repair, other than normal maintenance, of any sign, except in compliance with the provisions of Section 3.27, Signs, unless exempted by this By-law. For purposes of this subsection (1), normal maintenance includes a change of sign insert for new tenant, for an update to branding, if the sign face is damaged, etc.

3.27.1.2 Development Permit Required

No person may commence or cause to be commenced on site the construction, erection, alteration, relocation, or repair, other than normal maintenance, of any sign, unless a development permit has been approved, or unless exempted by this By-law.

3.27.1.3 Unspecified Signs

The Designated Officer may permit signs of types that are not specified in this By-law under the sign type regulations that most nearly reflect the characteristics of the unspecified sign, as determined by the Designated Officer.

3.27.1.4 Abandoned Signs

When an owner of a sign can no longer be located and the sign no longer correctly directs attention to or includes any person, advertising of a business, lessor, owner, product or activity conducted, or product available, on the premises where such a sign is displayed, the Designated Officer may

serve notice on the owner of the land that either the copy area of the sign or the sign itself be removed.

3.27.1.5 Adjacent Lots in Related Use

Where adjacent lots are in related use, the lots have cross-access easements and/or shared parking agreements so that they have the appearance and function of a single lot development, signage that is accessory to a principal use on any of the lots will not be considered advertising signage simply because it is erected on another of the lots.

3.27.1.6 Signs Not Subject to this By-law

The following types of signs are not subject to the provisions of this By-law:

- a) Signs installed by the Municipality/Province for traffic control, public transit, parking, street names and direction;
- b) Street decorations installed by or authorized by the Municipality;
- c) Signs required to be erected or maintained by law or governmental order;
- d) Window signs, unless such signs occupy more than 50 per cent of a window surface (calculated between mullions) on any façade of the principal building in which case they are treated as fascia signs; and
- e) Election signs during Federal, Provincial, Municipal, and School Board election periods and up to 7 days after the election.

3.27.1.7 Signs Permitted in All Districts Without Permits

An owner may erect or maintain the following signs in all zoning districts without first obtaining a permit, provided such signs are not illuminated, flashing, scintillating or animated, unless otherwise noted:

- a) Official public notice signs;
- b) One fascia or free-standing real estate sign, per zoning lot (i.e., for sale or lease sign), illuminated or non-illuminated, not exceeding 32 square feet in sign surface area, with a maximum height of 12 feet. The sign must be removed within 15 days of conclusion of the purpose for which the sign is erected;
- c) Non-illuminated construction signs not exceeding 108 square feet in total sign surface area, to be located within the zoning lot, or attached to a fence or hoarding, with a maximum height of 12 feet. The sign must be permitted from the date a development application is made until 80 percent of the building(s) is/are occupied, or a Zoning Compliance Certificate is issued confirming compliance with all rules, agreements and orders;
- d) Temporary signs not exceeding 32 square feet in sign surface area or banners related to civic, non-commercial health, safety or welfare campaigns or to campaigns by educational or religious organizations, with a maximum height of 12 feet.

- The signs must be removed within 15 days following the date of the event and the signs are not erected earlier than the official date of the commencement of the above campaigns;
- e) Non-advertising memorial signs, commemorative plaques and corner-stones of bronze, brass, stone or other non-combustible materials when built into or attached to the walls of a building or other structure provided they bear only the name of the owner, the name and use of the building, the date of erection of the building and/or reading matter commemorating a person or event;
 - f) Bulletin boards not exceeding 18 square feet in sign surface area;
 - g) For a single-family dwelling and each dwelling unit of a two-family dwelling, one illuminated or non-illuminated fascia sign up to a maximum of 2 square feet in sign surface area indicating the address, name of occupant, or a permitted use;
 - h) For each use other than a single- or two-family dwelling, one identification fascia sign with illuminated or non-illuminated letters or logo, up to a total of 4 square feet in sign surface area identifying the civic address and the name of the building; and
 - i) Any A-board sign that meets all regulations of 3.27.1.9.12. Mobile Signs, is near the entrance of the business to which the sign pertains and is taken inside the business to which the sign pertains at the close of the business hours of that business; and
 - j) Any sign that cannot be seen from off the premises.

3.27.1.8 Signs Permitted in Accessory Off-Street Parking and Loading Areas

The owner may erect and maintain the following types of signs for accessory off-street parking areas in the R3 and RMF-2 zoning district, the commercial and industrial zoning districts, and on any lot containing a permitted non-residential principal use in the A80, A4, RR, RG, RC, RS, and RMF-1 zoning districts:

- a) One illuminated or non-illuminated sign designating each entrance and exit, limited to a maximum of 6 square feet in sign surface area per sign and a maximum height of 6½ feet above curb or grade; and
- b) Illuminated or non-illuminated directional signs for control of traffic movement; limited to a maximum of 6 square feet in sign surface area and a maximum height of 6½ feet above curb or grade; and
- c) Illuminated or non-illuminated parking area sign or signs identifying the parking area and setting forth the rules governing the use of a parking area (i.e., “No Parking,” “Public Parking,” “Private Parking,” etc.), limited to a maximum of 6 square feet in sign surface area and a maximum height of 6½ feet above curb or grade; and
- d) Warning signs, provided that the sign surface area must not exceed 6 square feet.

3.27.1.9 Regulations for Specific Types of Signs

The following standards apply only to the specific types of signs listed below:

3.27.1.9.1 Signs Obstructing Views

No sign, including a mobile sign, may be erected, re-erected, or altered that may interfere with, obstruct the view of, or be confused with any authorized traffic signal, warning sign, or other regulatory or information device.

3.27.1.9.2 Flashing, Scintillating and Rotating Signs

- a) Flashing signs, scintillating signs, rotating signs or beacons are not permitted in any zoning district except the CH, M1, and M2 zoning districts.
- b) A Conditional Use Order is required for the erection of a flashing sign or scintillating sign that has copy height of more than 9 inches, or any rotating sign or beacon.
- c) Flashing features, scintillating features, rotating features and beacons are not permitted on mobile signs.

3.27.1.9.3 Illuminated Signs in Certain Yards

No owner may place an illuminated sign, in a yard in a commercial and institutional or manufacturing zoning district that abuts a lot line in an agricultural or residential district, or on a wall overlooking such a lot line.

3.27.1.9.4 Roof Signs

Roof signs, other than signs on mansard style roofs, are not permitted. On mansard roofs, roof signs may be attached to the sloping portions of the roof, but must not extend beyond the parapet height, and must not be located on the horizontal portion of the roof.

3.27.1.9.5 Fascia Signs

Fascia signs may have an emblem, logo, or other unique features projecting above the building wall if the sign projection is not more than 2 feet above the building wall or parapet wall and the total projection does not exceed 25 square feet. The area of the projection must be counted towards the total sign area allowed.

3.27.1.9.6 Projecting Signs

The minimum height above-grade to the bottom edge of projecting signs must be 9 feet.

3.27.1.9.7. Accessory Signs

The owner may erect and maintain accessory signs to all sites and uses other than single and two-family dwellings, and excepting billboards, subject to the following standards:

a) Location

Each free-standing accessory sign must be set back from each

side lot line of an adjoining use, and/or from the centre line of an abutting right-of-way, a distance equal to at least 50 percent of the height of that sign.

b) District-Specific Regulations

All signs, accessory to any use, must be consistent with the standards shown in Table 8. In Table 8, the first column indicates a zoning district or districts. The second column indicates the sign type. The third and fourth columns indicate dimensional requirements for each sign type. Signs must comply with all dimensional standards applicable to the zoning district where the property is located.

Table 8: District-Specific Sign Regulations

DISTRICT	TYPE [note a]	MAXIMUM HEIGHT	PERMITTED SURFACE AREA PER ZONING LOT
A80, A4	Freestanding	25 feet above grade	100 sq. ft.
	Attached to Building	Wall height	25% of building wall
RR, RG, RC, R3 RS, RMF-1	Freestanding or Attached to Building	20 feet for lot containing a permitted non-residential principal use	48 sq. ft. per lot containing a permitted non-residential principal use [note c]
	Attached to Building	Wall height	1.5 sq. ft. per dwelling unit
OS, RMF-2	Freestanding	8 feet above grade [note b]	48 sq. ft. maximum [note c]
	Attached to Building	Wall height	25% of building wall maximum
CH, CM	Freestanding	30 feet above grade	1.25 sq. ft. per foot of frontage to a maximum of 323 sq. ft. per frontage [note d]
	Attached to Building	Wall height	25% of building wall maximum
M1, M2	Freestanding	20 feet above grade	1.25 sq. ft. per foot of frontage to a maximum of 323 sq. ft. per frontage
	Attached to Building	Wall height	25% of building wall maximum

NOTE:

a. Signs “attached to buildings” include fascia signs, projecting signs, awning signs, marquee signs, and canopy signs.

b. Maximum height of a sign accessory to a school or community centre is 20 feet

c. Maximum sign surface area of a sign accessory to a school, community centre or religious institution is 100 square feet if a bulletin board or digital reader board is included.

d. No individual sign may exceed a sign surface area of 323 square feet.

e. Maximum size of digital static copy signs in all CH, CM, OS, RMF-1, RMF-2, RR, RG, RC, R3, RS zoning districts, and all digital reader boards in CH, CM, and A zoning districts, is 16 square feet.

3.27.1.9.8 Digital moving copy signs, digital reader boards, digital static copy signs, and digital static copy, 24-hour hold signs

The following standards apply to digital moving copy signs, digital reader boards, digital static copy signs, and digital static copy, 24-hour hold signs:

- a) All digital signs accessory to any use must be consistent with locations shown in Table 9.

Table 9: Digital Accessory Sign Locations

DISTRICT	DIGITAL READER BOARDS	DIGITAL STATIC COPY SIGNS	DIGITAL MOVING COPY SIGNS
A80, A4	Allowed	Not Allowed	Not Allowed
CH, CM, M1, M2	Allowed	Allowed	Not Allowed
RR, RG, RC, R3 RS, RMF-1, RMF-2, OS	Allowed [note a]	Allowed [note a] [note b]	Not Allowed
NOTES: a. For schools, community centres, golf courses and religious institutions only. b. Must be turned off from 10:00 PM to 7:00 AM every day of the week.			

b) **Maximum Number of Signs**

Maximum number of free-standing digital signs allowed per lot is 1, except in:

- i. Commercial districts, where the maximum is 2; and
- ii. Industrial districts, where the maximum is the greater of 1 per frontage or 2.

c) **Operational Standards**

Digital moving copy signs, digital reader boards, digital static copy signs, and digital static copy, 24-hour hold signs must comply with the following standards for the display of sign messages:

- i. Must not display graphics which imitate or resemble any traffic control device;
- ii. Must have a minimum hold time of 6 seconds except in all OS and Residential districts, where a hold time of 60 seconds is required;
- iii. Must have a maximum transition time of 0.25 seconds;
- iv. Must not exceed a brightness level of 0.3 foot-candles above ambient light conditions; and
- v. Must utilize automatic dimming.

d) **Separation Distance From Traffic Decision Locations**

- i. Digital moving copy signs, digital reader boards and digital static copy signs must not be located within Restricted Areas as depicted in illustrations 9 (a-f), 10 (a-f), and 11 (a-f).
- ii. A digital static copy, 24-hour hold sign must not be located within Restricted Areas as depicted in illustrations 9(a-f), 10(a-f), and 11(a-f) unless the Municipality first provides written approval.

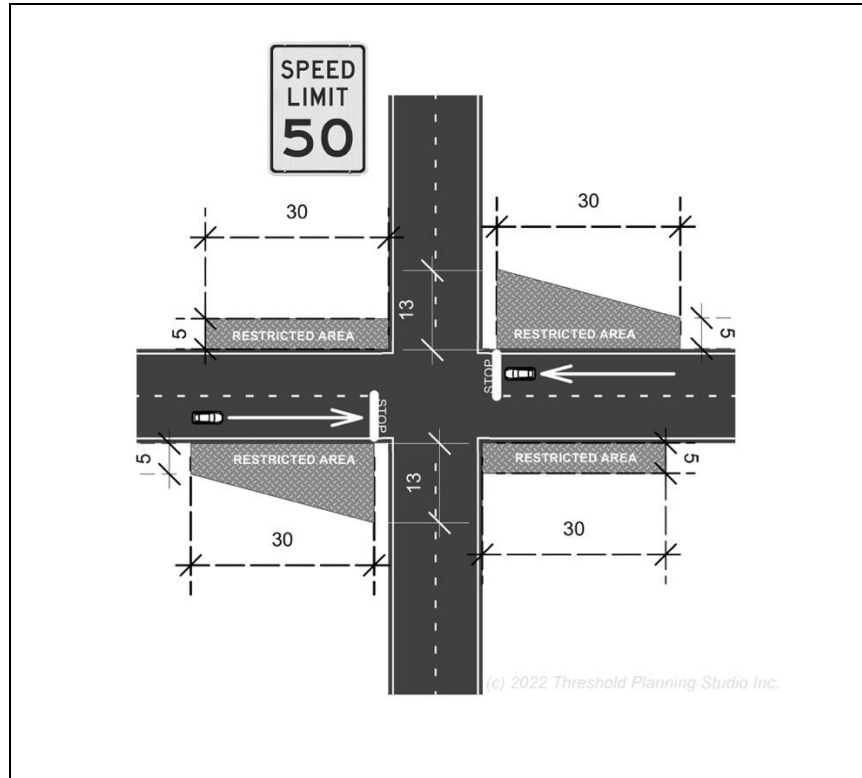


Illustration 9 (a): Separation Distance From Intersections With Traffic Signals - Speed Limit 50 km/hr

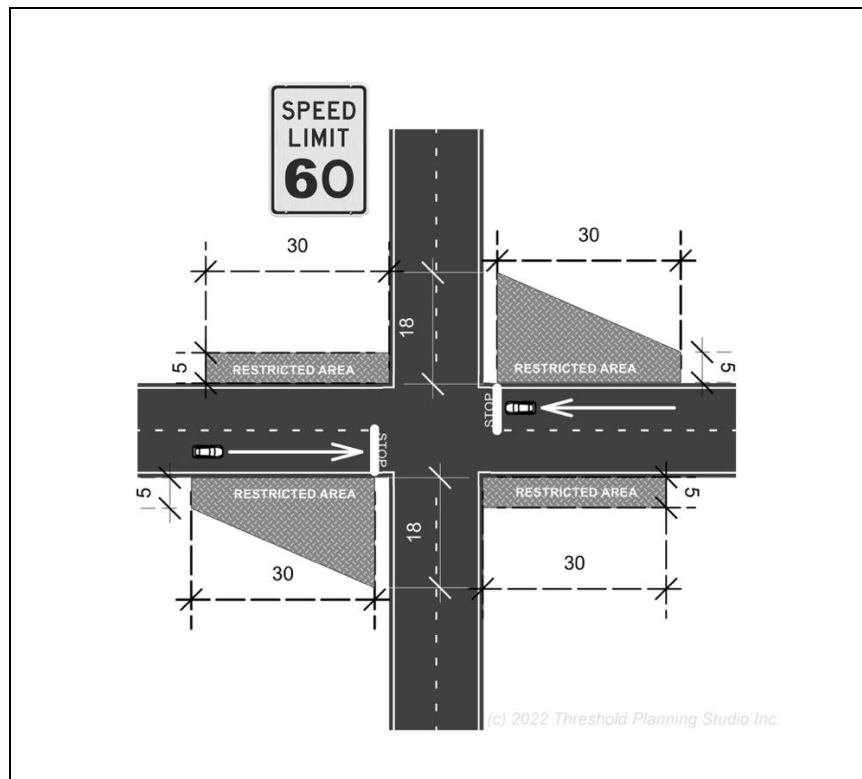
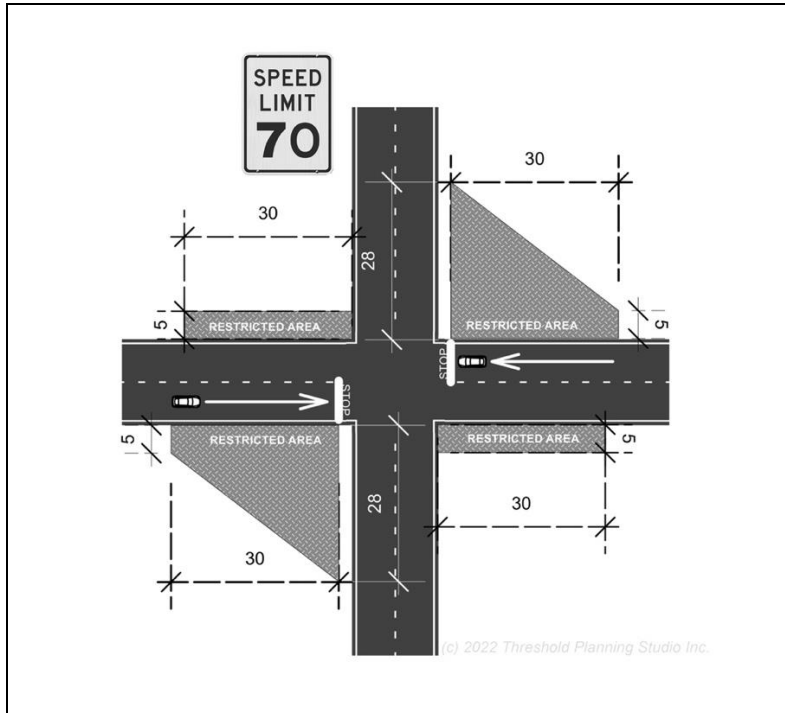


Illustration 9 (b): Separation Distance From Intersections With Traffic Signals - Speed Limit 60 km/hr



**Illustration 9 (c): Separation Distance From Intersections With Traffic Signals
- Speed Limit 70 km/hr**

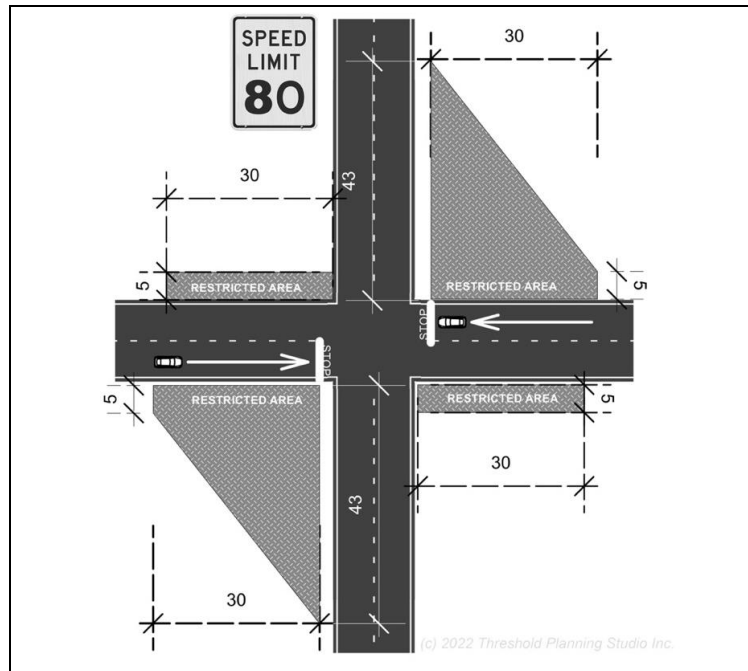


Illustration 9 (d): Separation Distance From Intersections With Traffic Signals
- Speed Limit 80 km/hr

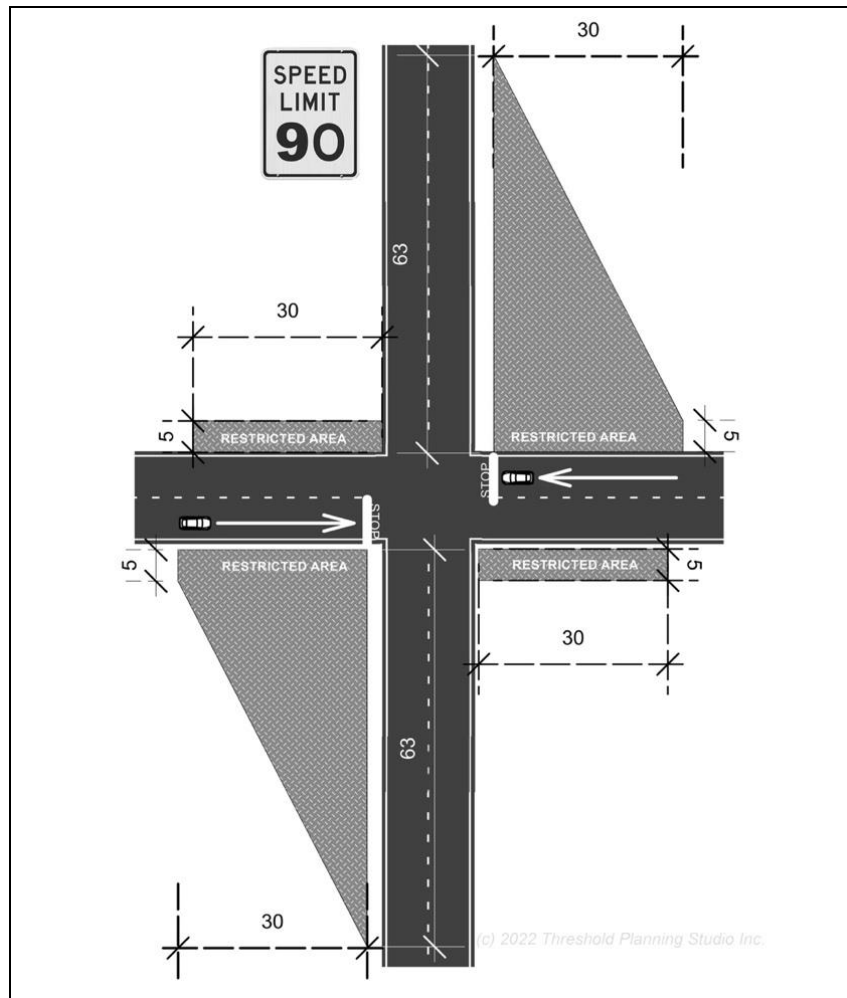
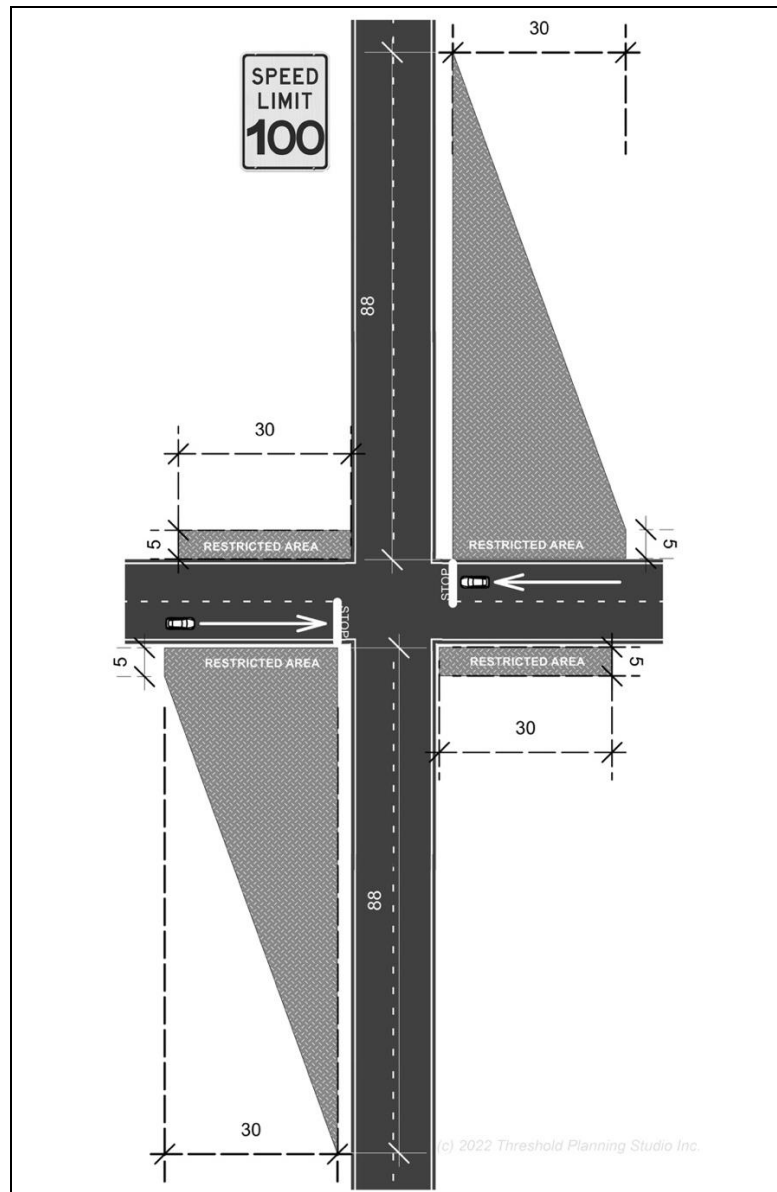
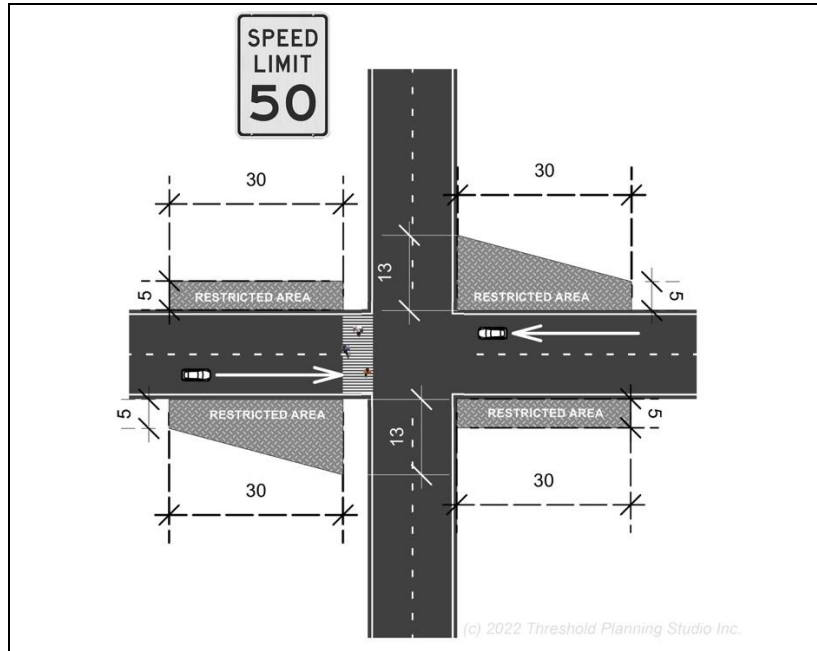


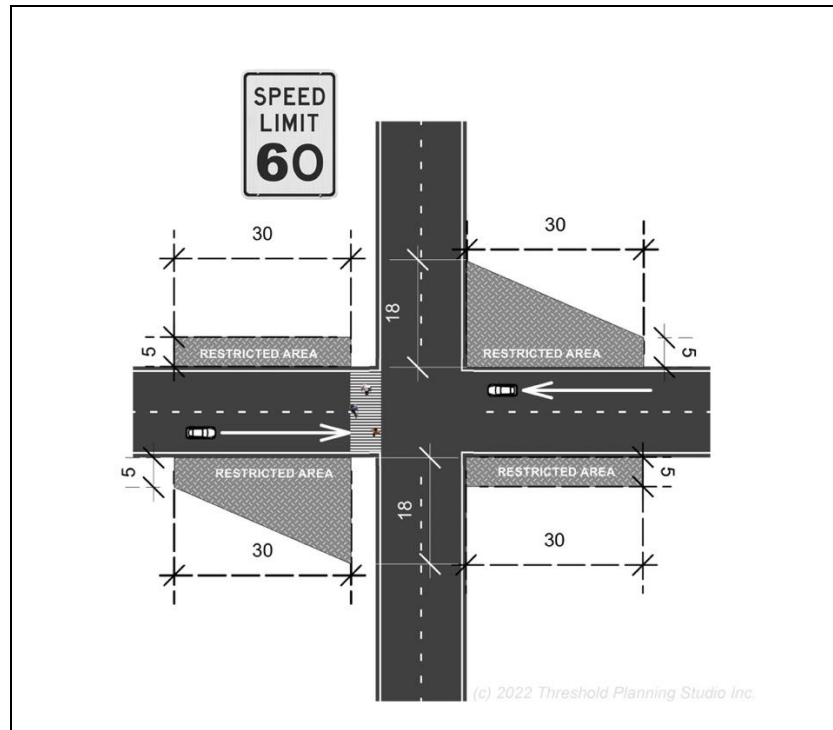
Illustration 9 (e): Separation Distance From Intersections With Traffic Signals
- Speed Limit 90 km/hr



**Illustration 9 (f): Separation Distance From Intersections With Traffic Signals
- Speed Limit 100 km/hr**



**Illustration 10 (a): Separation Distance From Pedestrian Corridors –
Speed Limit 50 km/hr**



**Illustration 10(b): Separation Distance From Pedestrian Corridors –
Speed Limit 60 km/hr**

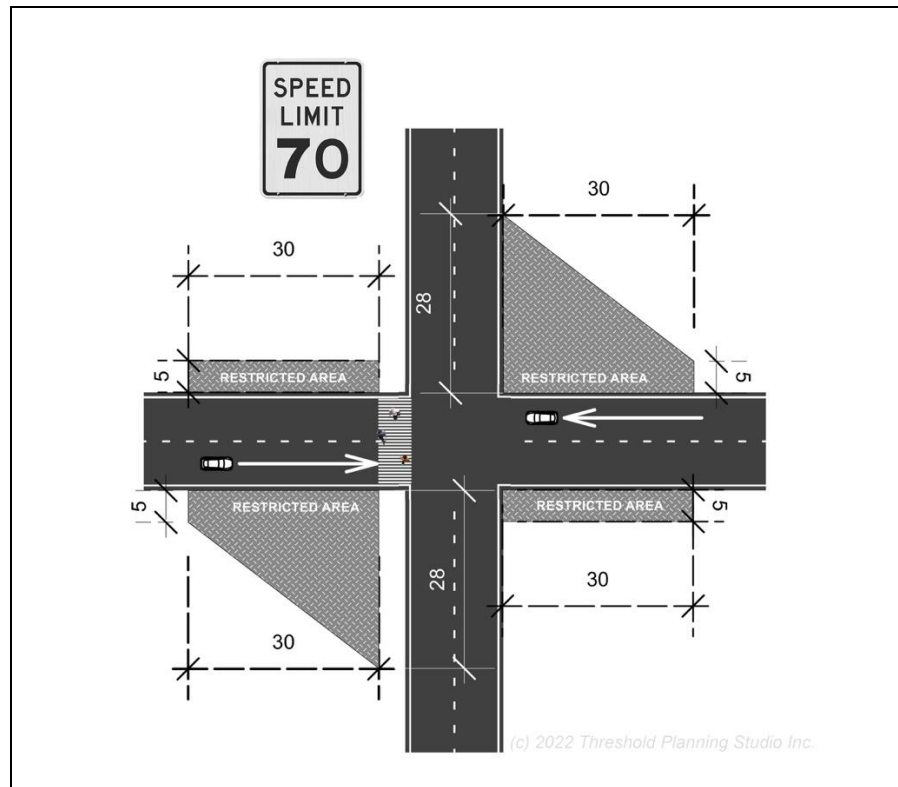


Illustration 10 (c): Separation Distance From Pedestrian Corridors – Speed Limit 70 km/hr

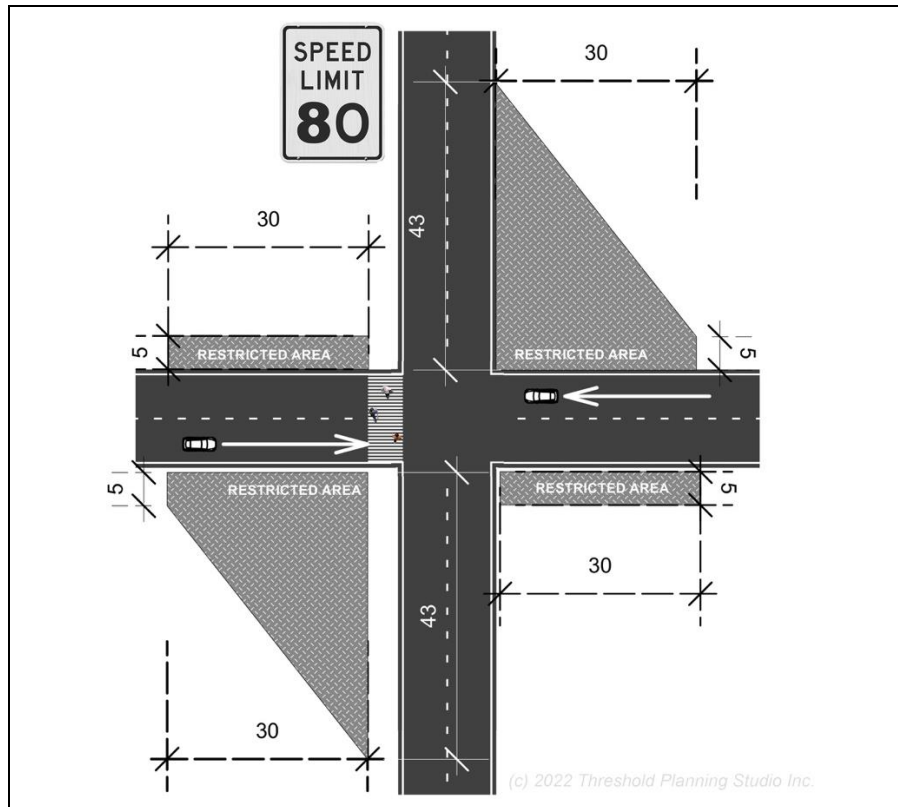
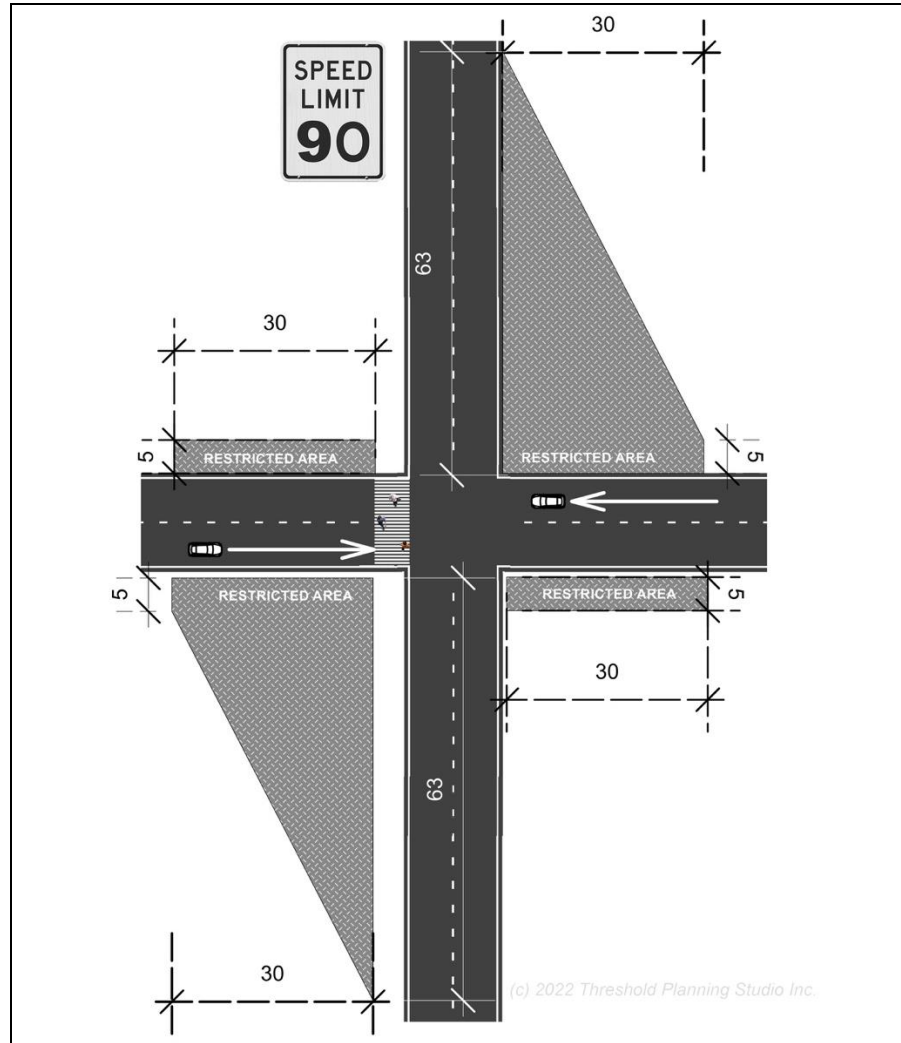


Illustration 10 (d): Separation Distance From Pedestrian Corridors – Speed Limit 80 km/hr



**Illustration 10 (e): Separation Distance From Pedestrian Corridors –
Speed Limit 90 km/hr**

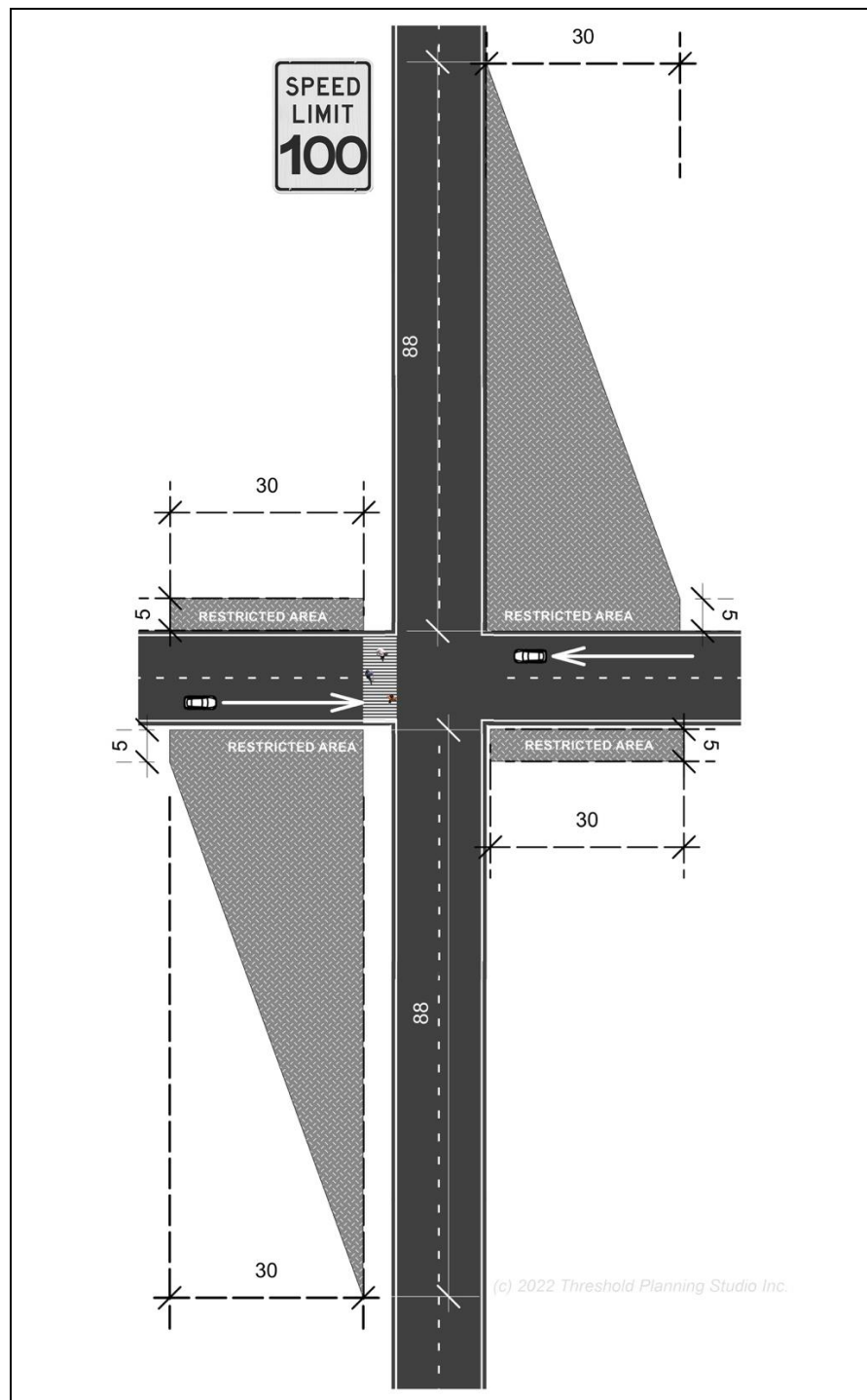
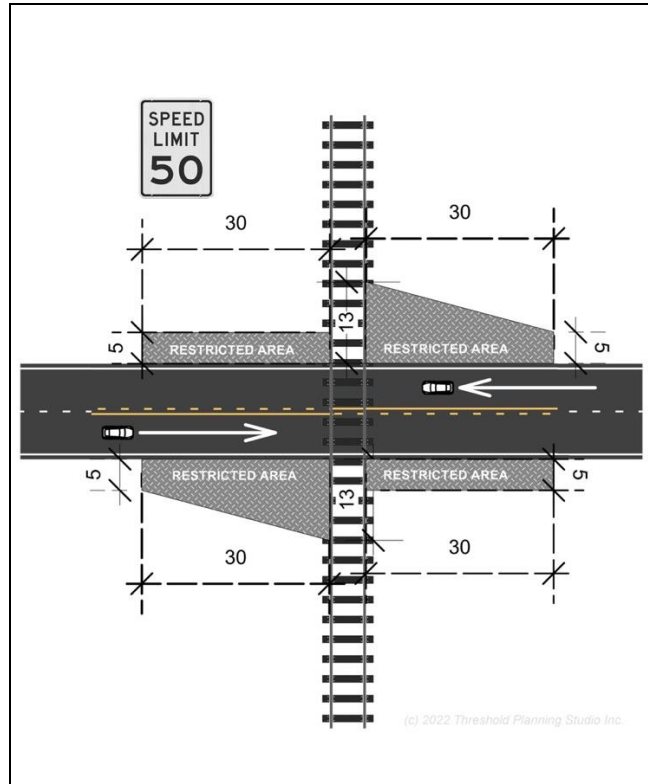
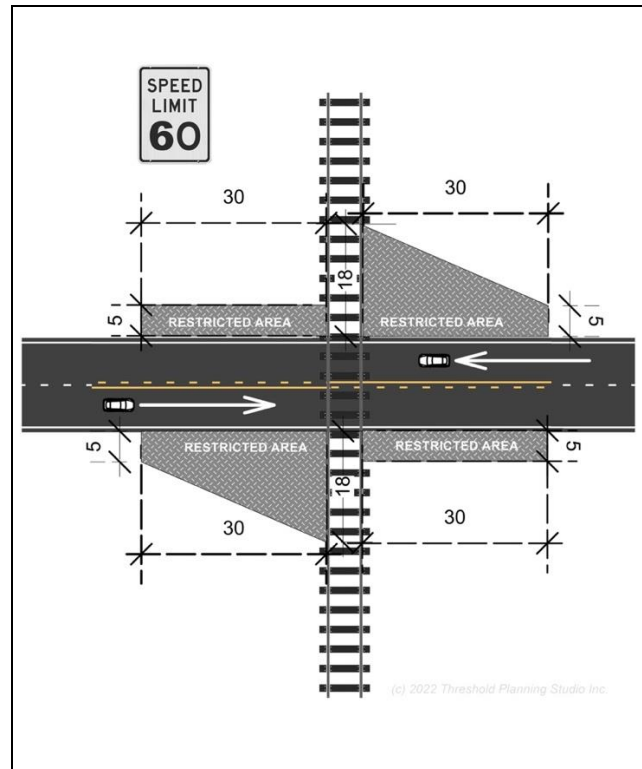


Illustration 10 (f): Separation Distance From Pedestrian Corridors – Speed Limit 100 km/hr



**Illustration 11 (a): Separation Distance From Railway Crossings –
Speed Limit 50 km/hr**



**Illustration 11 (b): Separation Distance From Railway Crossings –
Speed Limit 60 km/hr**

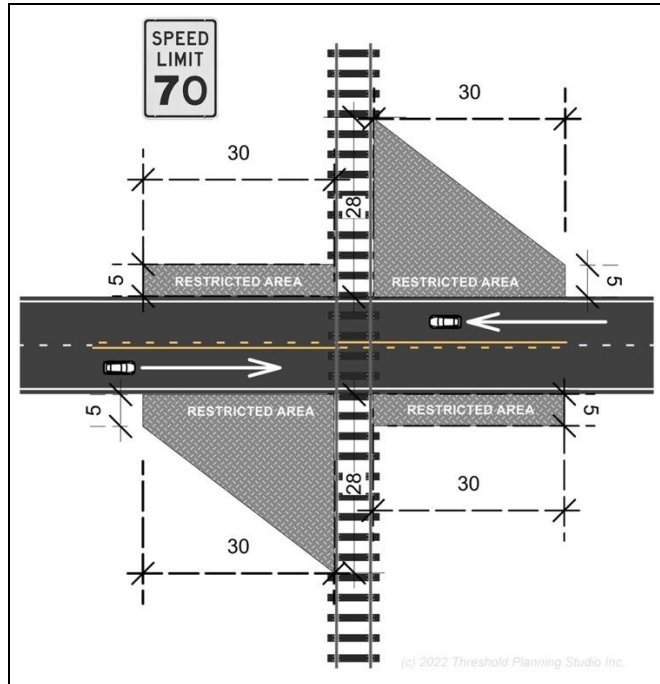


Illustration 11 (c): Separation Distance From Railway Crossings – Speed Limit 70 km/hr

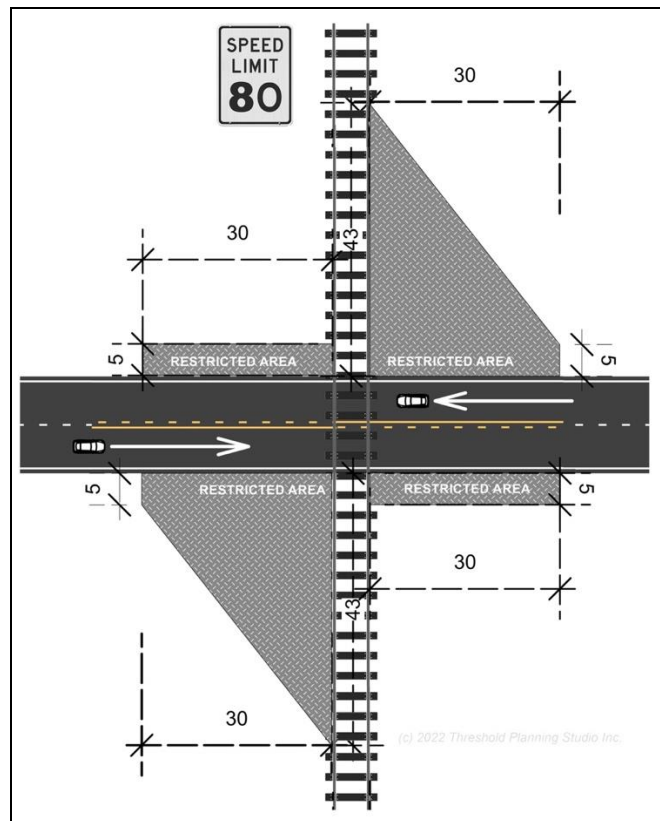
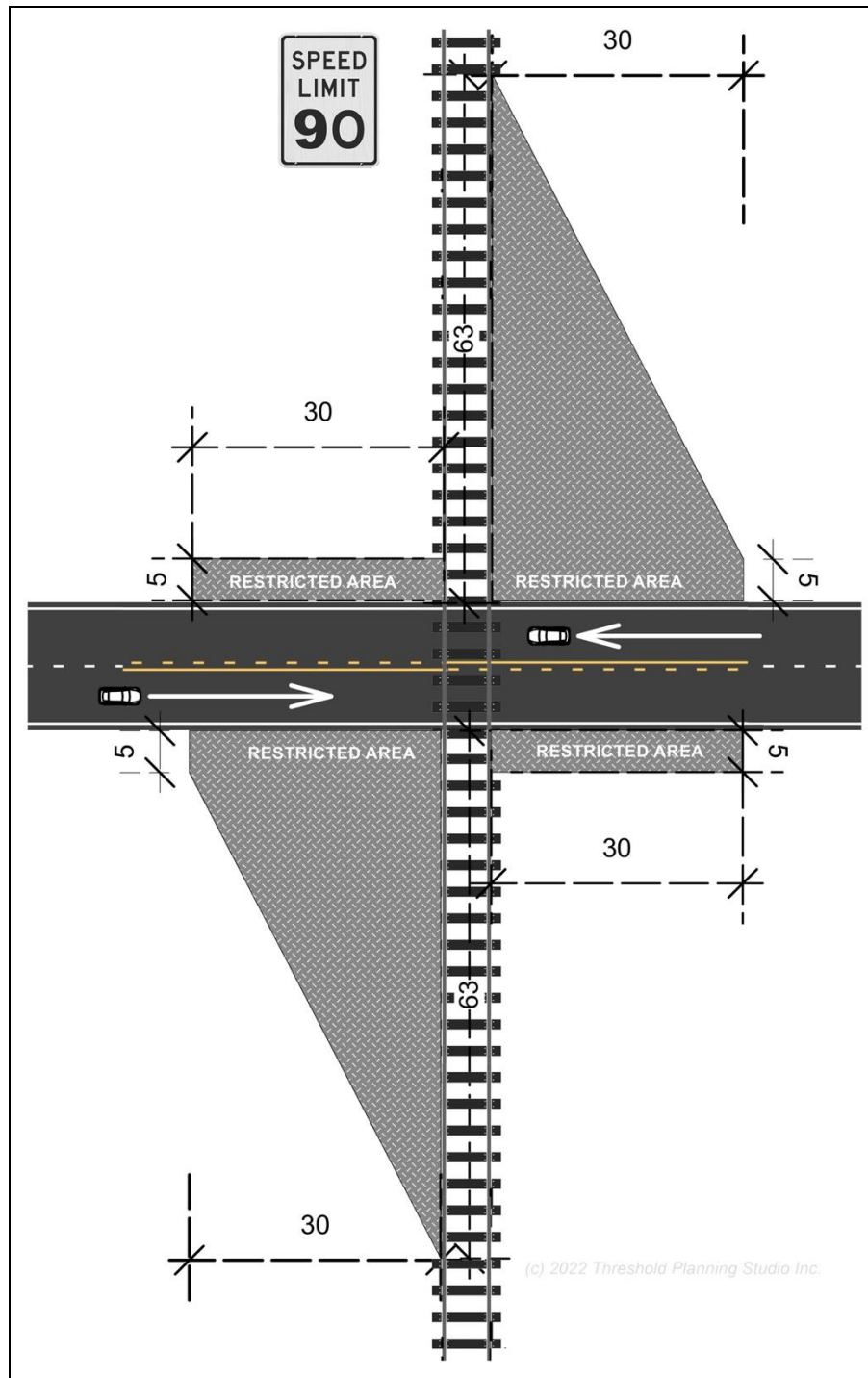
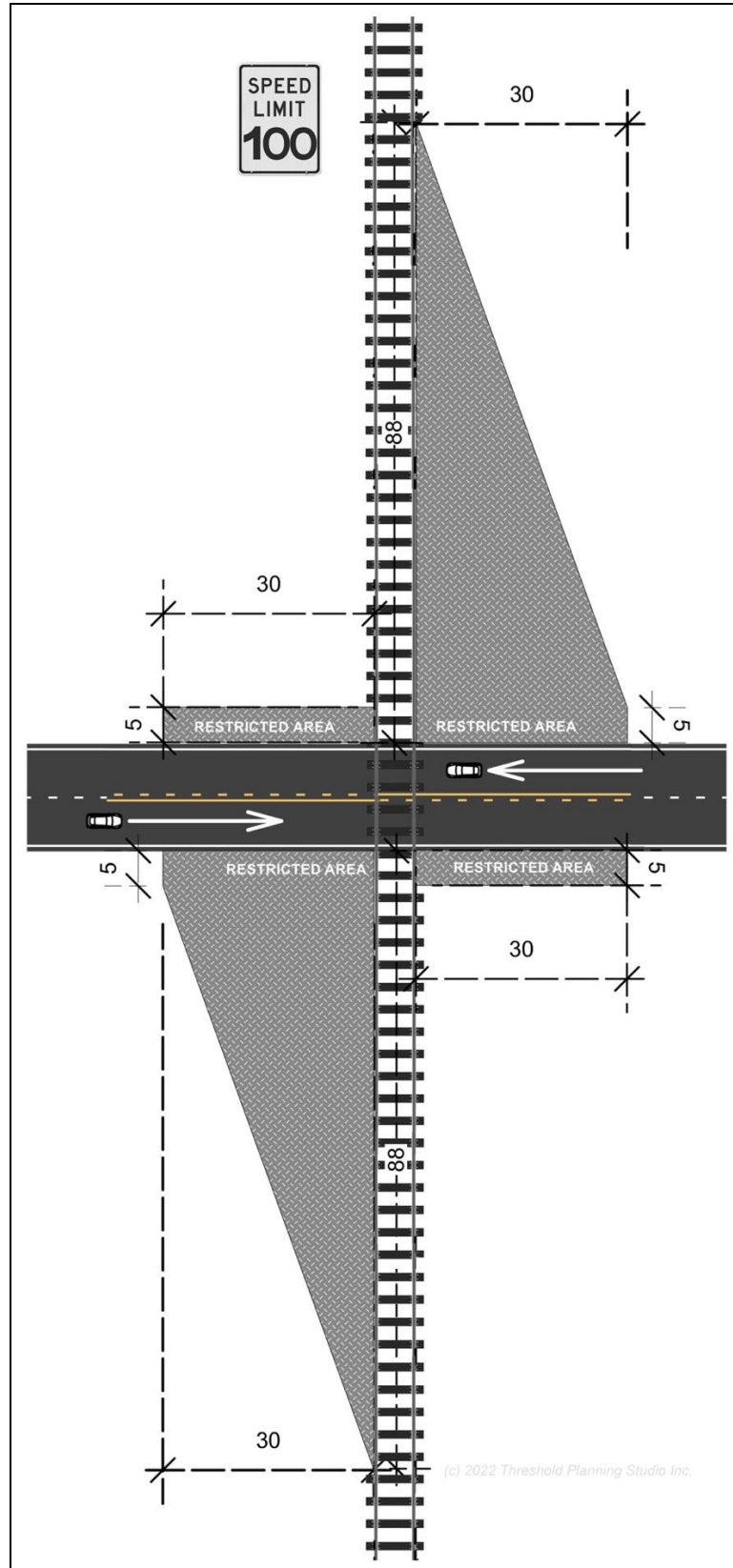


Illustration 11 (d): Separation Distance From Railway Crossings – Speed Limit 80 km/hr



**Illustration 11 (e): Separation Distance From Railway Crossings –
Speed Limit 90 km/hr**



**Illustration 11 (f): Separation Distance From Railway Crossings –
Speed Limit 100 km/hr**

3.27.1.9.9. Mobile Signs

An owner of property may only place, maintain, or permit the placement or maintenance of mobile signs on the owner's property if the placement and maintenance of such signs complies with the provisions of this section:

a) Permit Required

An owner, agent, firm, corporation or person having charge or control of a mobile sign must not locate, erect, place or display a mobile sign on a zoning lot, a lot or a site, unless:

- i. A mobile sign permit has been issued by the Designated Officer for that numbered sign setting out the expiry date of that permit.

Where a digital moving copy sign, a digital reader board, a digital static copy sign or a digital static copy 24-hour hold sign in respect of a use, lessee or tenant is located on a zoning lot, a mobile sign in respect of that use, lessee or tenant is not permitted on the zoning lot.

b) Length of Time for Display**i. Small Mobile Signs**

Subject to issuance of a mobile sign permit, an owner is authorized to locate or erect, or permit to be located or erected, a small mobile sign on a zoning lot, lot or site for a period of time that does not exceed the time limits identified in Table 10.

Table 10: Length of Time for Display

Type	Maximum Length of Time for Display per calendar year
Flag, pole mounted	No maximum
Flag, zipline	90-days
Banner	90-days
Inflatable	(2) 14-days periods
Feather	(2) 14-days periods
A-Board	No Maximum

ii. Standard Mobile Signs

Subject to issuance of a mobile sign permit, an owner is authorized to locate or erect, or permit to be located or erected, a standard mobile sign on a zoning lot, lot or site for no more than three periods of 90 consecutive days, with a minimum of 30 consecutive days between such periods where the sign is removed from the zoning lot, lot or site.

c) **Maximum Number of Signs**

The number of temporary signs located or erected on a zoning lot, lot or site must not exceed:

- i. 1 standard mobile sign per use located on the zoning lot, lot or site, to a maximum of 2 standard mobile signs; and
- ii. 1 banner sign, 1 inflatable sign or 2 feather signs.

Despite clause (i), the maximum number of A-board signs permitted on a zoning lot, lot or site is 1 A-board sign per individual use located on the zoning lot, lot or site.

Table 11: Mobile Sign Dimensional Standards

MOBILE SIGN TYPE		Maximum Sign Surface Area	Maximum Height
Standard	Character and Graphic	50 sq. ft.	9 ft. [note a]
Small	Flag, Pole Mounted	3 ft. x 8 ft.	N/A
	Flag, zip-tie	3 ft. x 5 ft.	[note b]
	Banner	50 sq. ft.	N/A
	Inflatable	2 ft. diameter	15 ft.
	Feather	2 ft. width	15 ft.
	A-board	2 ft. x 3 ft.	N/A
Notes:			
a. Including any sign toppers or logos			
b. Must be mounted within the bottom half of a pole			

d) **Separation Distance from other Signs**

A standard mobile sign must not be located within 65 linear feet, measured along the street, of another standard mobile sign, unless otherwise approved in writing by a designated officer.

e) **Separation Distance from Traffic Decision Locations**

A standard mobile sign or a small mobile sign must not be located within Restricted Areas as shown in Illustrations 9 (a-f), 10 (a-f), and 11 (a-f).

f) **Location of Signs**

- i. Standard mobile signs must not be located within 10 linear feet, and feather signs or inflatable signs must not be located within 15 linear feet, of an exit or entrance driveway which gives access to a zoning lot, lot or site, measured from the nearest part of the exit or entrance driveway.
- ii. Inflatable signs must be mounted to the ground and must be separated by a minimum distance equivalent to the inflatable sign's height from any public or private street, lane, sidewalk, pathway or active transportation

route.

- iii. A standard mobile sign or a small mobile sign must be fully contained within the zoning lot, lot or site on which it is located and must not encroach on the street.
- iv. A standard mobile sign or a small mobile sign must comply with the following standards:
 - 1. where the mobile sign is located on a zoning lot, lot or site within a commercial and industrial zoning district that abuts an agricultural zoning district or a residential zoning district, the mobile sign must comply with the yard requirements of the abutting agricultural zoning district or residential zoning district;
 - 2. mobile sign must not be located within a residential zoning district;
 - 3. a mobile sign must not be located within an agricultural zoning district unless the mobile sign relates to permitted non-residential use;
 - 4. a mobile sign must not be located within any landscaped area required pursuant to a development agreement, including any schedule thereto, or under a variance order or a conditional use order made in accordance with *The Planning Act*;
 - 5. despite subclauses (i) through (iv), and subject to the issuance of a mobile sign permit, a school, government building, community club, park, golf course, curling club or Religious Assembly is permitted to locate a mobile sign on a zoning lot, lot or site under its control for no more than 2 periods of no longer than 14 consecutive days and for the sole purpose of advertisement of a special event; and
 - 6. off-site mobile signs are permitted in all commercial, and industrial zoning districts.

g) Lettering Regulations

- i. All lettering on a mobile sign must be black, white and a maximum of 2 other colours, on a black or white sign background
- ii. Despite the above, a sign topper is permitted to contain graphic display copy.

h) Copy Restrictions

Digital moving copy signs, digital reader boards, digital static copy signs and digital static copy, 24-hour hold signs are prohibited on mobile signs.

i) Condition of Mobile Signs

All standard mobile signs and small mobile signs must be maintained in a state of good repair, as determined by and to the satisfaction of a designated employee, and must not be broken, damaged, dented, torn, frayed, unsightly, faded in colour, hazardous or otherwise in disrepair. Any standard mobile sign that is not located on a trailer or vehicle must be mounted either in-ground or on-ground if the footings are flush with the ground.

3.27.1.10 Measurement of Sign Surface Area

3.27.1.10.1 Signs Attached to Building

Sign surface area is calculated as follows for signs attached to a building:

- a) Sign surface area includes the entire area of the smallest rectangle that encloses the extreme limits of any writing, representation or emblem forming part of the display, and includes 10 percent of the area of the wall outside of that rectangle where a colour or material is applied that is a colour or material in that fascia sign (see Illustration 12);

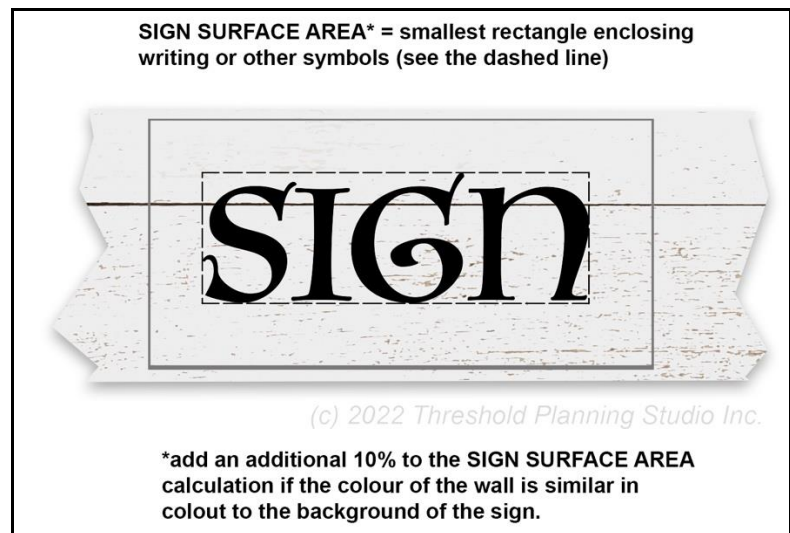


Illustration 12: Surface Area for Signs Attached to Buildings

- b) Sign surface area does not include non-illuminated signs visible through windows in the building façade, provided that such signs do not exceed 30 percent of the glazed surface on any façade of the building. Allowable window signage is not transferable to the glazed surface on another façade of the building;
- c) In calculating wall area for purposes of determining maximum sign surface area, only the first storey or 15 feet (whichever is lower) of the building may be used. Allowable sign surface area is not transferable to another wall;

- d) Readograph or bulletin board sign areas are not included in calculation of sign surface area if they comply with the following:
 - i. are a maximum of 25 percent of the overall size of the sign;
 - ii. incorporate the same background colour as the sign;
 - iii. do not exceed 15 square feet in area; and
 - iv. are designed as an integral part of the sign (not an add on).

3.27.1.10.2 Free-Standing and Mobile Signs

Sign surface area is calculated as follows for free-standing and mobile signs:

- a) Sign surface area includes the entire area of the smallest rectangle that encloses the extreme limits of any writing or symbol, background colour or material, and any embellishment of the supporting structure forming part of the display;
- b) Sign surface area includes the total area of all faces exhibited or intended for display, except where two faces are parallel and located back-to-back, sign surface area includes the area of only one such face, and if the two parallel, back-to-back faces are not equal, then the sign surface area is the larger of such faces (see Illustration 13);
- c) The maximum allowed surface area for free-standing signs is not transferable to any frontage other than that from which its maximum size was calculated pursuant to Table 8, District-Specific Sign Regulations;
- d) Readograph or bulletin board sign areas are not included in calculation of sign surface area if they comply with the following:
 - i. is a maximum of 25 percent of the overall size of the sign;
 - ii. incorporates the same background colour as the sign;
 - iii. does not exceed 15 square feet in area; and
 - iv. is designed as an integral part of the sign (not an add on).

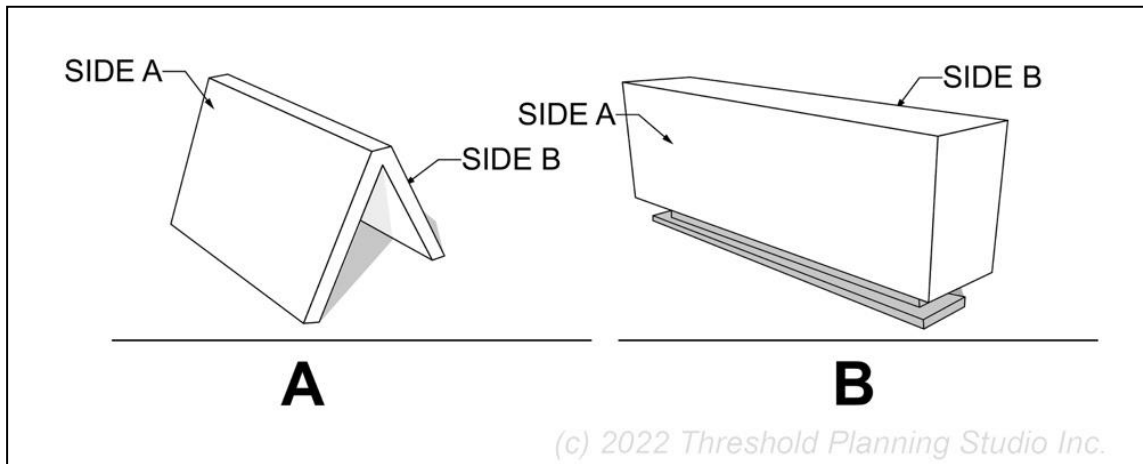


Illustration 13: Surface Area Measurement for Freestanding Signs

The two sides of sign “A” are back-to-back but are not parallel. As such, both sides are included in the surface area calculation. The two sides of sign “B” intended to include copy (the larger faces) are back-to-back and parallel. As such, only one side is included in the surface area calculation.

3.27.1.10.3. Three-Dimensional Sign

When a three-dimensional sign has no easily measurable faces the sign surface area of said sign is half the sum of the area of the vertical faces of the smallest right-angled rectangle encompassing the sign. (See Illustration 14).

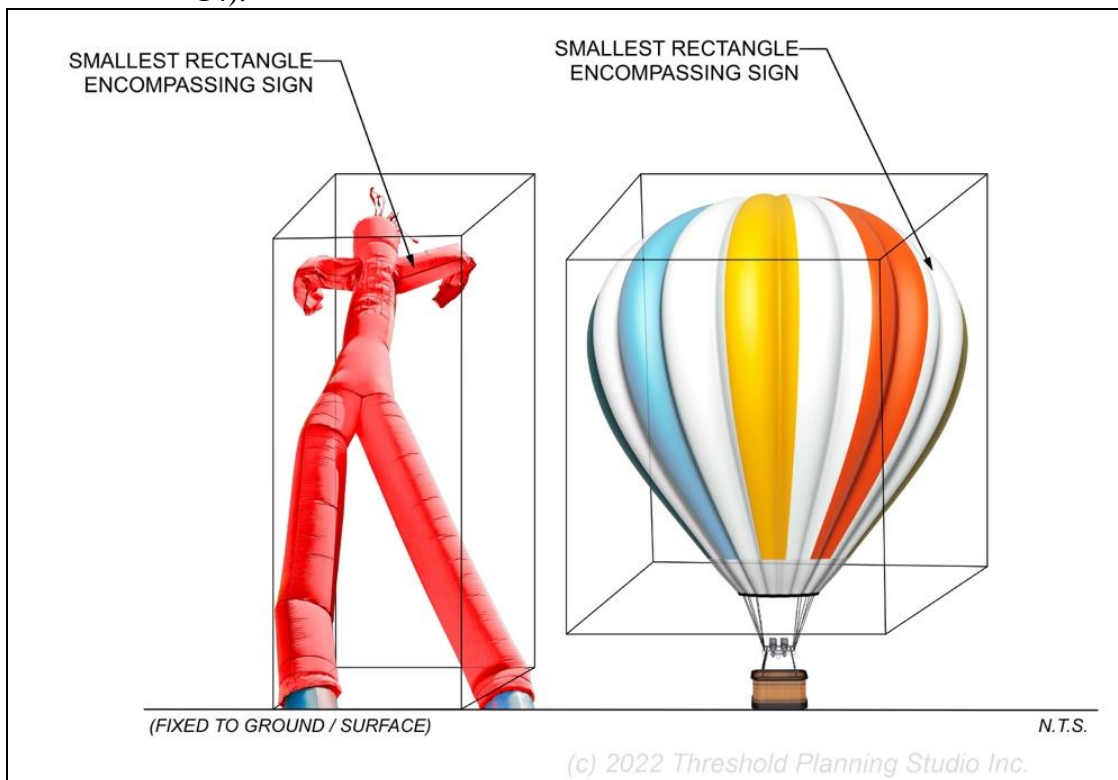


Illustration 14: Three-Dimensional Sign

3.28. SUBDIVISION

3.28.1. Subdivision Bulk Regulations

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

3.28.1.1. 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.

3.28.1.2. 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.

3.28.1.3. Unaltered Site Width - VO not required

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

3.28.1.4. Undersized Residual - VO not required

Where subdivision according to Subdivision Policy 4.1.14 of the Red River Planning District Development Plan Resource and Agriculture designation results in a residual parcel being undersized in site area or site width, variation shall not be required.

3.28.2. Subdivision Conformity

All subdivisions shall conform to the provisions of the:

- *The Planning Act*;
- Red River Planning District Development Plan; and
- This zoning by-law.

3.28.3. Design Review Committee (BL 1/2006P)

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.

3.28.3.1 Subdivision Public Hearings (BL 2016-19P)

Public Hearings for subdivisions will be in accordance with the provisions of the *The Planning Act*.

3.28.3.2. Subdivision Deposit Fee (BL 6/2010P)

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.

3.29. TEMPORARY ADDITIONAL DWELLING

3.29.1. 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.

3.29.1.1. Applicants

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

3.29.1.2. Area - minimum

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

3.29.1.3. 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 a temporary foundation, examples of which include a pad and post or screw-in anchor foundation.

3.29.1.4. 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.

3.29.1.5. Separation

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

3.29.1.6. 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.).

3.29.1.7. Yard Requirements

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

3.30. TEMPORARY USES, BUILDINGS AND STRUCTURES

3.30.1. Application Requirements

See 3.8.1.

3.30.2. Uses

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

3.30.2.1. 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.

3.30.2.2. 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.

3.30.2.3. 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.

3.31. VARIATIONS

3.31.1. Bulk regulations shall not be varied from the maximum or minimum, except by variation, notwithstanding 3.28.1.2., 3.28.1.3. and 3.28.1.4. (**BL 2016-09P**)

3.31.2. 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. (**BL 2016-09P**)

3.31.3. Applications for variation orders shall be processed and approved or rejected. (**BL 2016-09P**)

3.31.4. Minor Variations

Development officers may approve in-office with or without conditions, minor variations not exceeding 15% of the requirements of this by-law governing front, side, rear or any other yard requirements as per *The Planning Act*, with the exception of any approval for a main or principal dwelling not involving a party wall that would result in a yard of less than 4 feet measured to the closest building wall or as otherwise exempted under the by-law.

3.31.5. Building Location Certificates (BL 1/2009P)

Where deemed appropriate the Red River Planning District staff as administrators of the variation order application process in consultation with the R.M. 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.

3.32. ZONING COMPLIANCE CERTIFICATES

3.32.1. 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 *The Planning Act*.

3.33. ZONING CONFIRMATION LETTERS

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

3.34. ZONING MEMORANDA

3.34.1. 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 *The Planning Act*.

4. ZONES

4.1 ZONING DISTRICTS

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 Zone
- RG Residential General
- RC Comprehensive Residential (**BL 1/2005P**)
- R3 Multi-Family Dwelling (**BL 1/2005P & BL 2016-09P**)
- RS Serviced Residential (**BL 2016-19P**)
- RMF-1 Serviced Multi-family Residential 1 (**BL 2016-19P**)
- RMF-2 Serviced Multi-family Residential 2 (**BL 2016-19P**)

4.2.3. Commercial Zones

- CH Commercial Highway
- CM Commercial Mixed-Use (**BL 2022-05 P**)

4.2.4. Industrial Zones

- M1 Rural Industrial
- M2 Heavy Industrial (**BL 2-2006P**)

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 Resource and Agriculture 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

No land shall be used or occupied and no structure shall be erected, altered, used or occupied, except for the uses listed in Table 12.

Table 12: Agricultural Use Table

P = Permitted C = Conditional

P/C = see Table 1

- = Not Permitted

Use	A80	A4	Parking Group See Table 5
A			
Accessory uses, buildings or structures (as per Table 1)	P/C	P/C	N/A
Agricultural:			
- bulk fuel and oil storage and sales	C	-	N/A
- farm activities general – no livestock (BL 4/2004P)	P	P	N/A
- farm activities - with livestock (BL 4/2004P)			
<10 A.U. (subject to 5.3.2.)	P	C	N/A
10 – 250 A.U. *	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 (BL 2016-09P)	P	P	N/A
Aviaries	P	C	N/A
B			
Bed & Breakfasts	P	P	1
C			
Cemeteries & mausoleums (BL 4/2004P)	-	-	N/A

* 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. (**BL 4/2004P**)

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 (BL 4/2004P)	-	-	N/A
E			
Education Service	C	C	3
Equestrian:			
- commercial stables	P	C	N/A
- private stables - See 5.3.2 A.U. not applicable	P	C	N/A
F			
Fair and exhibition grounds	C	C	N/A
Farm vacations	C	-	7
Funeral homes	-	C	2
G			
Golf courses	C	C	N/A
Gun clubs and shooting ranges	C	-	N/A
H			
Home Occupations (BL 4/2004P)	P	P	(see 3.15.3.7)
Home Industries (BL 4/2004P)	C	C	(see 3.15.3.17)
K			
Kennels - hobby or commercial	C	-	N/A
L			
Landscape:			
- landscaping or garden centres	C	C	11
- landscape contractors	C	C	11
(BL 4/2004P)			
M			
Mineral extraction operations	C	C	N/A
O			
Outdoor Participant Recreation Service	C	C	N/A
P			
Public:			
- buildings (BL3/2007P)	C	C	8
- parks (BL3/2007P)	C	C	N/A
- utilities and / or storage compounds	P	C	N/A
Place Of Assembly	C	C	2,3,6

Use	A80	A4	Parking Group See Table 5
R			
Recreational facilities			
- buildings or structures (BL3/2007P)	C	C	6, 10
- outdoor rinks (BL3/2007P)	C	C	N/A
- sport fields - baseball, football, soccer etc. (BL 3/2004P)	C	C	N/A
Residential:			
- day care centres and nurseries (BL 3/2004P)	C	C	N/A
- family and group day care homes (BL 3/2004P)	C	C	N/A
- group homes	C	C	4
- neighbourhood care home (BL 4/2004P)	C	C	4
- neighbourhood rehabilitation home (BL 4/2004P)	C	C	4
- private home day care (BL 4/2004P)	P	P	4
- residential care facility	P	P	N/A
- single family dwelling	P	P	1
- senior citizen home (BL 3/2007P)	C	C	N/A
- temporary additional dwelling – (see 3.29.) (BL 6/2001P)	C	C	1
Religious Assembly	C	C	2,3,6
S			
Sewage disposal lagoons, facilities and package plants	C	C	N/A
Storage Compounds outdoors or enclosed building (see 3.11. Exterior storage) (BL 2016-09)	C	C	N/A
Storage Containers (BL 2016-09P)	C	C	
T			
Temporary Uses (see 3.30.2) (BL 2006-01P)	P	P	N/A
V			
Veterinary clinics & compounds, animal boarding facility (BL 3/2007P)	C	C	N/A
W			
Waste disposal grounds	C	-	N/A
		-	
Any other Agricultural use not listed in this Table	C	C	see Table 5

5.3. BULK REGULATIONS

Table 13: 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 Coverag e	Unit Area Sq. Ft.
A80	Min.	Min.	Min.	Min.	Max.	Max.	Min.
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 3.29.
Accessory	30.48 (100)	7.62 (25)	15.24 (50)	7.62 (25)	10.668 (35)	N/A	-* (BL 4/2004P)
A4							
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 3.29.
Accessory	15.24 (50)	3.048 (10)	9.144 (30)	7.62 (25)	4.572 (15)	N/A	Max. 111.48 (1200)

Zone	Site Area	Site Width
A80	Ha (ac).	m (ft)
Subdivisions except as per Development Plan Resource And Agricultural designation policy no. 4.1.14	32.376 (80 ac)	91.44 (300 ft)
Subdivisions as per Development Plan Resource And Agricultural designation policy no. 4.1.14	0.809 - 1.62 (2 – 4 ac)	91.44 (300 ft)
A4		
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. (BL 4/2004P)*

5.3.1. Livestock - Animal Units

Animal units shall be calculated according to Table 14. The Department of Agriculture shall provide animal unit calculations for any livestock not included within Table 14.

5.3.2. Livestock on Small Lots (BL 4/2004P)

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 (BL 4/2004P)

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 14: Animal Unit 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 AND PURPOSE

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

No land shall be used or occupied and no structure shall be erected, altered, used or occupied, except for the uses listed in Table 15.

Table 15: Residential Use Table

P = Permitted C = Conditional P/C = see Table 1 - = Not Permitted

Use	RR	RG	RC	R3	RS	RMF-1	RMF-2	Parking Group See Table 5
A								
Accessory uses, buildings or structures								
- Storage Containers (BL 6/2010 & BL 2016-09P)	C	-	-	-	-	-	-	N/A
- as per Table 1	P/C	P/C	P/C	P/C	P/C	P/C	P/C	N/A
Agricultural:								
- farm activities - limited	P	-	-	-	-	-	-	N/A
- produce sales – limited	C	-	-	-	-	-	-	N/A
B								
Bed & Breakfasts	C	C	-	-	-	-	-	N/A
C								
Cemeteries & mausoleums (BL 4/2004P)	-	-	-	-	-	-	-	N/A
E								
Education Service	P	C	C	C	C	C	C	3
Equestrian:								
- private stables - See 6.3.1 A.U. not applicable	C	-	-	-	-	-	-	N/A
H								
Home Occupations (BL 4/2004P)	C	C	-	-	C	C	C	(See 3.15.3.7)
Home Industries (BL 4/2004P)	-	-	-	-	-	-	-	(See 3.15.3.17)
N								
Neighbourhood Commercial	-	C	C	C	C	C	C	9,11
O								
Outdoor Participant Recreation Service	C	C	C	C	C	C	C	6,10

[illegible]

6.3 BULK REGULATIONS

Table 16: Residential Bulk Table

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

-	Front Yard*	Side Yd Interior	Side Yd Corner	Rear Yard	Height Max.	Max. Site Coverage (BL 6/2001P)	Unit Area Sq. Ft.	Unit Area Sq. Ft.
RR						%	Min.	Max.
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 3.29.	-
Accessory	21.336 (70)	1.524 (5)	9.144 (30)	3.048 (10)	4.572 (15)	15	Max.** 111.48 (1200)	-
RG							Min.	Max.
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	Max.** 74.32 (800)	-
RC (BL 03/2007P)							Min.	Max.
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	Max.** 74.32 (800)	-
R3 (BL 03/2007P; BL 2020-15P)							Min.	Max.
Main	15.24 (50)	4.572 (15) See Note b)	9.144 (30)	7.62 (25)	13.72 (45)	40	55.74 (600)	-
Accessory	21.336 (70)	1.524 (5) See Note b)	9.144 (30)	3.048 (10)	4.572 (15)	15	Max.** 111.48 (1200)	-
RS (BL 2016-19P)							Min.	Max.
Main	6.1m (20.0ft) See Note a)	1.2m (4.0ft)	1.5m (5.0ft)	7.6m (25.0ft)	10.7m (35.0ft)	50.0	92.9m ² (1000.0ft ²)	-
Accessory	6.1m (20.0ft)	1.2m (4.0ft)	1.5m (5.0ft)	0.9m (3.0ft)	4.6m (15.0ft)	-	-	46.45m ² (500.0ft ²)

-	Front Yard*	Side Yd Interior	Side Yd Corner	Rear Yard	Height Max.	Max. Site Coverage (BL 6/2001P)	Unit Area Sq. Ft.	Unit Area Sq. Ft.
RMF-1 (BL 2016-19P, BL 2020-15P)							Min.	Max.
Main	4.6m (15.0ft)	1.2m (4.0ft) See Note b)	2.4m (8.0ft)	6.1m (20.0ft)	10.7m (35.0ft)	70.0	-	-
Accessory	4.6m (15.0ft)	0.9m (3.0ft) See Note b)	1.5m (5.0ft)	1.5m (5.0ft) See Note c)	4.6m (15.0ft)	15.0	-	-
RMF-2 (BL 2016-19P, BL 2020-15P)							Min.	Max.
Main	7.6m (25.0ft)	4.6m (15.0ft) See Note b)	7.6m (25.0ft)	7.6m (25.0ft)	13.7m (45.0ft)	50.0	-	-
Accessory	7.6m (25.0ft)	1.5m (5.0ft) See Note b)	7.6m (25.0ft)	3.1m (10.0ft)	4.6m (15.0ft)	15.0	-	-

* **Front Yard (BL 2015-14P)**

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:

i)

- 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
- ii) in the case of a new multi-lot development, where applicable, new dwellings shall be located with a front yard setback as specified in the development agreement registered on title.

**** 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 (**BL 2016-09P**).

Notes: (BL 2016-19P; BL 2020-15P)

- a) In the RS zone, the minimum front yard requirement for portions of the front façade that include an attached garage, serviced by a driveway that leads to the street, is 5.5 m (18.0 ft.).
- b) In the R3, RMF-1, & RMF-2 zones, the minimum side yard along party walls shared by two or more dwelling units facing the street, and / or, shared by two or more detached accessory units facing the rear lane, is 0.0 m.
- c) In the RMF-1 zone, accessory structures may only be located in the rear yard and shall be set back a minimum of 2.4 m (8.0 ft.) from the rear property line if there is rear lane access.

Zone	Site Area	Site Width
RR	sq.m.(ac)	m.(ft)
Subdivisions as per Development Plan	5,574 (1.377ac)	37.795 (124 ft)
Subdivisions as per Development Plan and shown as an RR Overlay zone on the Zoning Maps in Appendix A	8,094 (2 ac)	60.350 (198 ft)
RG	sq.m.	m.
Subdivisions as per Development Plan	1393.5 (15,000sq.ft)	22.86 (75 ft) (BL 2/2002“P”)
RC (BL 3/2007)	sq. m. (ac.)	m. (ft.)
Subdivisions as per Development Plan	743 (8000 sq. ft.)	18.29 (60)
R3 (BL 3/2007)	sq. m.(ac.)	m.(ft.)
Subdivisions as per Development Plan	5,574 (1.377 ac.)	60.35 (198 ft.)
RS (BL 2016-19P)		
Subdivisions as per Development Plan and compliance with Middlechurch Secondary Plan	408.8 m² (4,400.0ft²)	13.41 m (44.0ft)
RMF-1 (BL 2016-19P)		
Subdivisions as per Development Plan and compliance with Middlechurch Secondary Plan	223.0 m² (2,400.0ft²)	7.3m (24.0ft) See Note a)
RMF-2 (BL 2016-19P)		
Subdivisions as per Development Plan and compliance with Middlechurch Secondary Plan	4,046.9 m² (1.0ac)	54.9m (180.0ft)

Notes: (BL 2016-09P)

- a) The minimum lot width and area for a RMF-1 Zone interior lot with two party wall divisions between Townhouse units is 22.0ft. and 2,200 ft² respectively.

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 16 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 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.

RS Serviced Residential Zone (BL 2016-19 P)

The “RS” Serviced Residential Zone is a zone that provides for single family housing that is fully serviced with municipal water and wastewater. The overall intent of the “RS” Serviced Residential Zone is to create vibrant and inclusive neighbourhoods with a variety of housing options for all life stages within close proximity to community services and parks. “RS” Serviced Residential Zone shall only be applied to lands located within the Serviced Area (**BL 2022-05 P**).

RMF-1 Serviced Multi-Family Residential Zone (BL 2016-19 P)

The “RMF-1” Serviced Multi-Family Dwelling Zone provides for the development of medium density multi-family housing developments that are fully serviced with municipal water and wastewater. Such development may include semi-attached, duplexes and townhomes where each dwelling unit has direct access to ground level and will be developed in accordance with an overall site and building plan. The maximum allowable residential density in this zone is 1 unit per 2400 ft² of site area for multi-family housing units having direct access to ground level. The “RMF-1” Serviced Multi-Family Dwelling Zone shall only be applied to lands located within the Serviced Area (**BL 2022-05 P**).

RMF-2 Serviced Multi-Family Residential Zone (BL 2016-19 P)

The “RMF-2” Serviced Multi-Family Dwelling Zone provides for the development of medium to high density multiple family housing developments that are fully serviced with municipal water and wastewater. Such development may include multi-storey, multi-unit residential such as low rise apartments to a maximum of 45 ft., and will be developed in accordance with an overall site and building plan. The maximum allowable residential density in this zone is 1 unit per 1,250 square feet of site area for low rise apartments. The “RMF-2” Serviced Multi-Family Dwelling Zone shall only be applied to lands located within the Serviced Area (**BL 2022-05 P**).

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

The following commercial zones are hereby established to provide sufficient land for various types of commercial development within the commercial designations of the Development Plan and any applicable Secondary Plan:

1. **“CH” Highway Commercial Zone** provides for appropriate commercial uses adjacent to the main highways for the purpose of servicing the travelling public and for providing commercial space for those businesses which, by their nature, require a highway location for access and/or display purposes.

2. **“CM” Commercial Mixed-Use Zone** provides for the development of mixed uses containing commercial and residential components. This zone can accommodate mixed uses in two forms. First, single buildings with commercial and retail uses located on the ground floor with residences located on upper floors. Second, uses can be mixed on a single site in separate buildings.

7.2. USE REGULATIONS

No land shall be used or occupied and no structure shall be erected, altered, used or occupied, except for the uses listed in Table 17.

Table 17: Commercial Use Table

<i>P = Permitted</i>	<i>C = Conditional</i>	<i>P/C = see Table 1</i>	<i>- = Not Permitted</i>
Use	CH	CM	Parking Group See Table 5
A			
Accessory uses, buildings or structures (as per Table 1)	P/C	P/C	N/A
Agricultural:			
- implement sales and service	C	-	11
- value added processing equipment sales and service - wholesale or retail	C	-	11
Amusement enterprise			
- outdoor	C	C	N/A
- within enclosed building	P	C	6
Animal shelter	C	C	N/A

Use	CH	CM	Parking Group See Table 5
A			
Automobile:			
- sales & service	C	-	11
- service station	C	-	11
- storage compounds (see 3.11. Exterior storage)	-	-	N/A
- supplies	C	-	11
- repairs	C	-	11
- washing establishments	C	-	11
B			
Bed & Breakfasts	C	C	1
C			
Cabarets and cocktail lounges	C	C	6
Campgrounds	-	-	N/A
Cemeteries & mausoleums	-	-	N/A
Child care services			
- family and group day care homes	P	C	N/A
- day care centres and nurseries	P	P	N/A
Clinics - medical & dental	P	P	9
Contractor's establishment:			
- enclosed within a building	P	-	12
- outdoor storage (see 3.11. Exterior storage)	C	-	N/A
D			
Dispatch services:			
- cleaning, couriers, taxi and similar services	P	C	9
Drive-Through Facility	C	C	11
E			
Eating And Drinking Establishment	P	P	6
Education Service	P	P	3
F			
Funeral chapel, parlour	P	P	2
G			
General Storage	C	-	N/A
H			
Heavy Equipment Sales And Service	-	-	N/A
Hotels and motels	P	P	7
Home Occupations (B/L 4/2004 P)	C	C	
I			
Indoor Participant Recreation Service	C	C	6,8,9,10
L			
Landscape:			
- contractors' establishments	C	-	12

Use	CH	CM	Parking Group See Table5
Lumber & building supply:			
- enclosed within building	P	C	11
- outdoor storage (see 3.11. Exterior storage)	C	-	N/A
M			
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
N			
Neighbourhood Commercial	P	P	9,11
O			
Outdoor Participant Recreation Service	C	C	6, 10
P			
Parking, Surface Lot	C	C	N/A
Personal Service Shop	P	P	11
Place of assembly	P	P	2,3,6
Planned Unit Development (BL 3/2004P)	C	C	1, 11
Planned Unit Development See 3.22.	-	-	N/A
Professional, Financial And Office Support Service	P	P	8,9
Public:			
- buildings	P	P	8, 9
- utilities and / or storage compounds	C	C	N/A
R			
Recreation vehicles – including boats:			
- manufacture & sales	P	-	12
- sales & service	P	-	12
Recycling depot			
- enclosed within building	C	-	12
- outside storage (see 3.11. Exterior storage)	C	-	N/A
Religious Assembly	P	C	2,3,6
Residential:			
- within rear 1/2 or second storey	P	P	1
- single family dwelling	P	-	1
- above first floor of a mixed-use building	-	P	
- residential care facilities	C	C	4
- nursing homes	P	P	4
- neighbourhood care home	-	C	4
- neighbourhood rehabilitation home	-	C	4
- multi-family dwelling	-	P	1
- daycare centres and nurseries	-	P	N/A

Use	CH	CM	Parking Group See Table 5
Residential, con't:			
- family and group day care homes	-	P	N/A
- private home daycare	-	P	4
- senior citizens home	-	P	1
Retail - other than that listed below	P	P	11
- gift shop	P	P	11
- grocery	P	P	11
- outdoor	C	C	N/A
S			
Self-Service Storage Facility			
- Enclosed within a Building	P	C	N/A
- Exterior Storage	-	-	N/A
Shopping Centre/Strip Mall	P	C	11,14
Spectator Entertainment Establishment	C	C	6
T			
Temporary Uses (see 3.29.2.)	P	P	N/A
Truck Operation	C	N/A	6
Truck Service And Repair	C	N/A	6
Truck Terminals	-	-	N/A
V			
Veterinary clinics and compounds	C	C	11
W			
Warehousing:			
- enclosed within building	P	C	12
- outside storage (see 3.11. Exterior storage)	C	-	N/A
Wrecking Yards	-	-	N/A
Any other Commercial use not listed in this Table	C	C	see Table 5

7.3 BULK REGULATIONS

Table 18: Commercial Bulk Table (BL 2/2002P)

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.
CH							
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
CM							
Main	12.20 (40)	1.524 (5) [note a]	4.572 (15)	7.62 (25)	10.668 (35) [note b]	N/A [note c]	N/A [note d]
Accessory	12.20 (40)	1.524 (5)	4.572 (15)	3.048 (10)	4.572 (15)	N/A	N/A

[note a] when adjacent to a residential zone, the interior side yard is 15ft

[note b] for multi-family residential uses, max height shall be 45ft

[note c] for multi-family residential uses, max site coverage shall be 50%

[note d] for multi-family residential uses, unit area sq. ft. shall be in accordance with the standards of the RMF-2 Zone noting that minimums and maximums are stipulated therein.

Zone	Site Area	Site Width
CH	sq.m.(ac)	m (ft)
Subdivisions as per Development Plan	5,574 (1.377 ac)	30.48 (100 ft)
CM		
Subdivisions as per Development Plan	1,133 (0.28 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

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

No land shall be used or occupied and no structure shall be erected, altered, used or occupied, except for the uses listed in Table 19

Table 19: Industrial Use Table

P = Permitted C = Conditional P/C = see Table 1 - = Not Permitted

Use	M1	M2 (2/2006P)	Parking Group See Table5
A			
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
C			
Contractor's establishment:			
- enclosed within a building	P	P	12
- outdoor storage (see 3.11. Exterior storage)	C	P	N/A
Crematorium (BL 2017-10P)	C	C	N/A
D			
Drive-Through Facility	C	C	6, 11
E			
Eating And Drinking Establishment	C	C	6, 11
Education Service	C	C	3
F			
Funeral Chapel, Parlour (BL 2017-10P)	P	P	2
H			
Heavy Equipment Sales & Service	C	C	

Use	M1	M2	Parking Group See Table5
G			
General Storage	C	P	N/A
I			
Indoor Participant Recreation Service	-	C	6, 8, 9, 10
L			
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
M			
Manufacturing - enclosed within building, except as listed hereunder	P	P	11
- brick and / or concrete plants incl. brick or concrete products	-	C	N/A
O			
Offices - business or professional	P	P	8, 9
Outdoor Participant Recreation Service	C	C	6, 10
P			
Planned Unit Development (BL 3/2004P)	C	C	11, 12
Public:			
- buildings	P	P	8, 9
- fenced utilities and / or storage compounds	P	P	N/A
R			
Recreation vehicles - including boats:			
- manufacture & sales	P	P	12
- sales & service	P	P	12
Recycling depot including outside storage	C	C	N/A
Retail:			
- sales in conjunction with an industrial use	P	P	11
S			
Self-Service Storage Facility			
- Enclosed Within Building	P	P	N/A
- Exterior Storage	C	C	N/A
Shopping Centre/Strip Mall	C	C	N/A
T			
Temporary Uses (see 3.29.2)	P	P	N/A
Tire re-treading plants	C	C	N/A
Truck Operation	C	P	N/A
Trucking Service And Repair	P	P	N/A
Truck Terminals	C	P	N/A

Use	M1	M2	Parking Group See Table 5
V			
Veterinary clinics & compounds (see 3.11. Exterior storage)	C	C	11
W			
Warehousing - industrial/commercial goods except as listed below. (BL 3/2004P)	P	P	12
Any other Industrial use not listed in this Table	C	C	see Table 5

8.3 INDUSTRIAL BULK REGULATIONS

Table 20: Industrial Bulk Table (BL 2/2006P)

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.
M1 & M2 (BL 2/2002P and 2/2006P)							
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
M1 & M2 (BL 2/2002P and 2/2006P)	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

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

No land shall be used or occupied and no structure shall be erected, altered, used or occupied, except for the uses listed in Table 21.

Table 21: Open Space Use Table

P = Permitted C = Conditional P/C = see Table 1 - = Not Permitted

Use	OS	Parking Group See Table 5
A		
Accessory uses, buildings or structures (as per Table 1)	P/C	N/A
C		
Campgrounds	C	N/A
Child care services	P	N/A
D		
Docks - boats or fishing	P	N/A
Drive-Through Facilities	P	11
E		
Eating And Drinking Establishments	P	6
Education facilities	P	3
F		
Fair and exhibition grounds	P	N/A
I		
Indoor Participant Recreation Service	P	6, 8, 9, 10
L		
Libraries	P	5
M		
Museums	P	5
N		
Nature and wildlife reserves	P	N/A
O		
Outdoor Participant Recreation Service	P ¹	6, 10

¹ if “marina - including gas sales accessory” requires Conditional Use approval

Use	OS	Parking Group See Table 5
P		
Place Of Assembly	P	2, 3, 6
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
R		
Religious Assembly	P	2, 3, 6
Retail:		
- gift shop	P	11
T		
Temporary Uses (see 3.29.2)	P	N/A
Any other Open Space use not listed in this Table	C	see Table 5

9.3 BULK REGULATIONS

Table 22: Open Space 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.
OS							
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
OS	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.
 - 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.

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 upholstering; vehicles steam cleaning; and undercoating.

Automobile service station

means a building or portion thereof and land used for the servicing, washing and repairing of vehicles; and the sale of gasoline, other petroleum products and a limited range of vehicle parts and accessories. Service Stations may include Eating and Drinking Establishments. Typical uses include car washes, truck stops and highway service stations.

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.

BBanquet 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 productions 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 Red River Planning Board as established under *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.

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.

Cannabis (BL 2018-10P)

means cannabis as defined in *The Cannabis Act* (Canada).

Cannabis concentrate (BL 2018-10P)

means the hashish, cannabinoids, or any alkaloid, salt, derivative, preparation, compound, or mixture, whether natural or synthesized, of cannabinoids.

Cannabis distributor (BL 2018-10P)

means a person who holds a cannabis distributor licence issued under *The Liquor, Gaming and Cannabis Control Act*.

Cannabis-infused product (BL 2018-10P)

means a product infused with cannabis that is intended for use or consumption other than by smoking, including but not limited to, edible product, ointments and tinctures.

Cannabis retail store (BL 2018-10P)

means the premises specified in a retail cannabis licence where the retail sale of cannabis is authorized.

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.

DDay 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 Red River Planning District Development Plan adopted by By-law No. 272/19 of the Red River Planning District and amendments thereto.

Dispatch Services

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

District

means the Red River Planning Area.

Drive-Through Facility

means any use designed or operated to allow patrons, while outside on the premises in motor vehicles, to order, request, exchange, donate, or receive goods, wares, merchandise, products, foods, beverages or services, including but not limited to a drive-through restaurant, coffee shop or Automated Teller Machine (ATM)/bank

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

Eating And Drinking Establishment

means the sale to the public of prepared foods, for consumption within the premises or off the site. This includes licensed drinking establishments, restaurants, cafés, delicatessens, tea rooms, banquet catering, lunch rooms and take-out restaurants. This does not include drive-through facilities which provide services to customers who remain in their vehicles, refreshment stands, or mobile catering food services.

Education Service

means a development which is privately or publicly supported or subsidized involving public assembly for educational, training or instructing purposes, and includes administration offices required for the provision of such services on either the same site or elsewhere on the same zoning site. This use class includes public and private schools, community colleges, technical and vocational schools and associated administrative offices and dormitories, which may also be established as accessory uses

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 (BL 4/2004P)

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 Level

means the 200-year flood level, the level of a known flood exceeding the 200-year flood, or a level as determined to be appropriate by Council in consultation with the provincial authority having jurisdiction

Flood Prone Lands

flood prone lands are those lands which are subject to flooding at the 200-year flood level as specified by the provincial authority having jurisdiction, with exceptions as listed below.

- Where levels exceed the 200-year flood level, the record flood level shall apply.
- Where land is protected by flood control works, the flood level specified by the provincial authority having jurisdiction 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:

- 200-year flood level plus 0.6 metres (2 ft.);
- or as specified by the provincial authority having jurisdiction

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.

GGarage, 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.

General Storage

means a development used exclusively for temporary indoor or outdoor storage of goods, materials and merchandise. This use class does not include vehicle storage compounds, automobile wrecking yards, salvage yards, scrap metal yards or the storage of hazardous goods or waste.

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.

HHabitable 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.

I

Indoor Participant Recreation Service

means a development providing facilities within an enclosed building for sports and active recreation where patrons are predominately participants. Typical uses include athletic clubs; health and fitness clubs; curling, roller skating and hockey rinks; swimming pools; archery or shooting ranges; bowling alleys and racquet clubs

Industrial hemp (BL 2018-10P)

means the growing of industrial hemp plants (those containing 0.3 per cent THC or less) and associated activities.

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.

Local sale means

- (a) the sale of liquor from retail liquor premises or licensed premises in a municipality; and
- (b) the sale of cannabis from a cannabis store in a municipality.

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.

MManufacturing (BL 3/2004P)

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.

Micro-cultivation (BL 2018-10P)

means the small-scale growing of cannabis plants and harvesting material from those plants, as well as associated activities.

Micro-processing (BL 2018-10P)

means the small-scale manufacturing, packaging and labelling of cannabis products destined for sale to consumers, and the intra-industry sale of these products, including to provincially/territorially authorized distributors, as well as associated activities.

Mobile home (BL 2/2002P)

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.

NNeighbourhood care home (BL 4/2004P)

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 Commercial

means a small-scale neighbourhood-oriented commercial use which may be allowed within a residential zone subject to Council approval. Uses include convenience retail stores, health services, personal service shops, or professional, financial or office support services which would not significantly alter the residential character of the surrounding neighbourhood. Specialty food services and eating establishments may also be allowed if less than 1,000 square feet (92.9 sq.m.). The establishment of a neighbourhood commercial use is listed as a conditional use in residential zones

Neighbourhood Rehabilitation Home (BL 4/2004P)

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.

Nursery, cannabis (BL 2018-10P)

means the growing of cannabis plants to produce starting material (seed and seedlings) and associated activities.

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.

OOutdoor Amusement Establishment

means a commercial development providing facilities for entertainment and amusement activities which primarily takes place out of doors and where patrons are primarily participants. Typical uses include amusement parks, go-cart tracks, racetracks, moto-cross and all-terrain vehicle tracks, miniature golf, outdoor concert facilities and similar uses.

Outdoor Participant Recreation Service

means a development providing facilities which are available to the public at large for sports and active recreation conducted outdoors. Typical uses include golf courses, driving ranges, shooting ranges, ski hills, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, outdoor swimming pools, bowling greens, riding stables and trails.

PParking, Surface Lot

means an unenclosed area where motor vehicles may be stored for purposes of temporary, daily or overnight off-street parking as a principal use

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 Shop

means a building or part of a building in which persons are employed in furnishing services and otherwise administering to personal needs and the repair and maintenance of personal effects, including such establishments as barber shops, beauty salons, shoe

repair shops, tailor and dressmaking shops, pet grooming (not including kennels), dry cleaning establishments and laundromats.

Place Of Assembly

means a public or privately owned auditorium, hall or similar facility developed for the purpose of accommodating groups of persons for meetings, exhibitions, shows, trade fairs, public meetings, banquets, conferences and similar activities

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.

Professional, Financial And Office Support Service

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

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

Religious Assembly

means a place of worship and related activities. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries. Accessory uses can include associated schools, day-care facilities, parish halls, cemeteries and like uses.

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 cannabis licence (BL 2018-10P)

means a licence to be issued under *The Liquor, Gaming and Cannabis Control Act*.

Retail Sales And Services

mean developments used for the retail sale of groceries, baked goods, meats, beverages, household goods, furniture and appliances, hardware, printed matter, confectionary, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, computers, cell phones, stationary and similar goods from within an enclosed building. Associated services and repair including postal services, film processing, movie rentals and similar uses are included. This use class does not include developments used for the sale of gasoline, heavy agricultural or industrial equipment, cannabis, pawn shops, adult entertainment establishments or adult sales stores.

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 16 respecting site area and site width.

S

Secondary Suite (BL 2014-09P)

A secondary suite (attached) is a self-contained accessory dwelling unit located within, or attached to, a permanent single-family detached dwelling that is a single real estate entity. A secondary suite contains a single housekeeping unit and has its own separate access,

cooking, sleeping, heating and sanitary facilities which are separate from and not shared with those of the principal dwelling.

Self-Service Storage Facility

means a building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property

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.

Serviced Area

means any area of development that is fully serviced with municipal water and/or wastewater

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

Notwithstanding anything else in this By-law, the following terms are defined for the purposes of Section 3.27, Signs:

- **“billboard, digital moving copy”** means a sign or billboard with copy displayed utilizing electronic screens, televisions, computer video monitors, liquid crystal displays, light emitting diode displays, or any other electronic technology where the sign copy displays moving images, and which directs attention to a business, commodity, service, thing, message, or entertainment conducted, sold, or offered elsewhere than upon the same zoning lot on which that sign is located.
- **“billboard, digital static copy”** means a sign or billboard capable of changing the message or copy on the sign electronically, where all the sign copy is fixed for a set period, and which directs attention to a business, commodity, service, thing, message, or entertainment conducted, sold, or offered elsewhere than upon the same zoning lot on which that sign is located.

- “**billboard, poster**” means a sign or billboard that does not utilize digital message technology, and that directs attention to a business, commodity, service, thing, message, or entertainment conducted, sold, or offered elsewhere than upon the same zoning lot on which that sign is located.
- “**A-board sign**” means an A-shaped sign which is set upon the ground and has no external supporting structure.
- “**alteration**” means a structural modification of a sign but does not include routine maintenance, painting or change in face, copy or lettering.
- “**animated sign**” means a sign which uses movement or change of lighting to depict action or create special effects or a pictorial scene but does not include a clock.
- “**automatic dimming**” means technology that continually adjusts the brightness of a sign in relation to ambient light levels.
- “**auxiliary sign**” means a sign of any type which is attached to the face, copy, backing, lighting, or supporting structure of any sign.
- “**awning sign**” means an awning which incorporates a sign painted on, or affixed flat to the surface of the awning and which does not extend vertically or horizontally beyond the limits of such awning. The awning itself may or may not be illuminated.
- “**banner sign**” means a temporary sign constructed of lightweight, non-rigid material such as cloth, canvas, PVC, or similar material and that is affixed to a wall or fence.
- “**billboard sign**” means the following:
 - billboard, digital moving copy;
 - billboard, digital static copy; or
 - billboard, poster.
- “**bulletin board sign**” means a sign of permanent character, but with movable letters, words or numerals indicating the names of persons associated with, or events conducted upon, or products or services offered upon the premises upon which such sign is located.
- “**business sign**” means a sign directing attention to a business, commodity, service, or entertainment conducted, sold, or offered upon the same zoning lot on which that sign is located.
- “**canopy sign**” means a canopy or free-standing canopy which utilizes or incorporates a sign.

- “**character display**” means sign copy that can be changed using removable individual characters or panels and that is affixed to a mobile sign, standard.
- “**clearance**” means the shortest vertical distance between the underside of a sign and grade immediately below.
- “**community identification sign**” means a sign which states the name of a residential, commercial, or industrial community area and may contain a logo or symbol which is related to the community name.
- “**construction sign**” means a temporary sign erected by an individual or a firm on the premises undergoing construction and upon which the sign user identifies a construction project and information relative thereto.
- “**copy**” means letters, graphics, or characters that comprise the sign message.
- “**copy area**” means that area of a sign covered by a single rectangle drawn around the extremities of the message contained on the sign and in the case of a multi-face sign comprises one-half of the total area of all sign faces.
- “**digital moving copy**” means a sign with copy displayed utilizing electronic screens, televisions, computer video monitors, liquid crystal displays, light emitting diode displays, or any other electronic technology where the sign copy is not fixed for a set period.
- “**digital reader board**” means a changeable copy sign that uses light emitting diodes. Messages are composed of an ordered sequence of alphanumeric characters on a black or dark background.
- “**digital static copy**” means a sign with copy displayed utilizing electronic screens, televisions, computer video monitors, liquid crystal displays, light emitting diode displays, or any other electronic technology where all the sign copy is fixed for a set period.
- “**digital static copy, 24-hour hold**” means a sign with copy displayed utilizing electronic screens, televisions, computer video monitors, liquid crystal displays, light emitting diode displays, or any other electronic technology where the sign copy is fixed for 24 hours using a factory pre-set that is not adjustable to the user and cannot be altered without the assistance of the manufacturer.
- “**directional sign**” means:
 - a sign which directs the public to or denotes the name of any thoroughfare, route, educational institution, public building, historical site, or hospital;
 - a sign which directs and regulates traffic;
 - a sign which denotes any public or transportation facility;

- a sign which gives direction to a private premises or its vehicular use area.
- **“double-faced sign”** means a sign having two faces, with each face being of equal area and in identical proportion to the other, and with each face located on the structure to be parallel and opposite to and facing away from each other.
- **“encroaching sign”** means a sign which extends, in whole or in part, into or over a public right-of-way or other public place.
- **“fascia sign”** means a sign, or individual letters attached to, marked, or inscribed on, or erected or placed against a wall or other surface, whether forming part of a building or not, and having the exposed face of the sign on a plane approximately parallel to the plane of such wall or other surface and projecting not more than 18 inches from the face of such wall.
- **“feather sign”** means a temporary sign composed of lightweight, non-rigid material such as cloth, canvas, PVC, or similar material and that is free-standing.
- **“flag sign, pole mounted”** mean a temporary sign composed of lightweight, non-rigid material, such as cloth, canvas, PVC, or similar material, and is affixed to a pole.
- **“flag sign, zip tie”** means a temporary sign composed of lightweight, rigid material, such as plastic or similar material, that is affixed to a pole.
- **“flashing sign”** means a sign which contains an intermittent or flashing light source but does not include a digital moving copy sign, a digital reader board, a digital static copy sign or a digital static copy, 24-hour hold sign.
- **“free-standing sign”** means a sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure, including a sign that is attached to a fence.
- **“graphic display”** means sign copy that is composed of printed imagery and does not utilize character display or digital message technology.
- **“hold time”** means the length of time a sign message is fixed in place before changing to a different sign message.
- **“identification sign”** means a sign that identifies a business, owner, resident, or institution by name, logo, or street address, and which sets forth no other advertisement.
- **“illumination”** means the lighting of any sign by artificial means.
- **“illumination, direct”** means the lighting of any sign face from a light source located on or near the exterior of the sign.

- **“illumination, indirect”** means the lighting of any sign face by reflected light.
- **“illumination, internal”** means the lighting of any sign face from a light source located within the sign or behind the copy.
- **“inflatable sign”** means an inflated three-dimensional device which may incorporate a sign and is anchored or affixed to a building or site and is approved as a mobile sign.
- **“maintenance”** means the cleaning, painting, repair, or replacement of any defective parts of a sign in a manner that does not alter the basic design or structure of the sign and does not include a change in copy.
- **“mansard roof sign”** means a sign attached to the face of or located on the sloping roof of a mansard roof in the manner of a fascia sign.
- **“marquee sign”** means a sign attached to a marquee.
- **“mobile sign, small”** means a flag sign, a banner sign, an inflatable sign, a feather sign, or an A-board sign.
- **“mobile sign, standard”** means a temporary sign that is mounted on a trailer, vehicle, stand or similar support structure and that is designed or intended to be readily relocated to another location, and that may include graphic display copy or character display copy.
- **“multi-tenant sign”** means a sign containing copy for 3 or more tenants or occupants located on a site.
- **“owner of sign”** means a person or his authorized agent in lawful control of a sign.
- **“painted wall sign”** means a sign which is painted directly upon any outside surface of a building or other integral part of a building.
- **“projecting sign”** means a sign, other than a fascia or canopy sign, the exposed face or faces of which are not necessarily parallel to a wall and which is attached to a building and extends as a projection of a line of that building or beyond the surface of that portion of the building to which it is attached.
- **“reado-graph sign”** means a sign on which the copy can be changed manually using attachable letters, numerals or pictorial panels.
- **“real estate sign”** means a temporary sign advertising real estate that is “for sale”, “for lease”, or “for rent”, or real estate that has been “sold”.

- “**roof sign**” means a sign which projects above a roof line to which the sign is attached or is erected upon or above a roof or parapet of a building to which the sign is attached, except that a sign that projects above the roof line by not more than 2 feet at the point of attachment the total projection of which does not exceed 25 square feet is not included within the definition of a roof sign.
- “**rotating sign**” means a sign or portion of a sign which moves in a revolving manner but does not include a clock or a traditional barber pole sign 2 feet or less in height that meets all other standards of this By-law.
- “**sign**” means any writing (including letter, word, or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol, logo, or trademark), flag (including banner, or pennant but not the flag of any nation or government), and anything designed or intended to, or having the effect of, announcing, identifying, directing attention to, or advertising any building or use.
- “**sign height**” means the vertical distance measured from the highest point of the sign or sign structure to grade.
- “**sign message**” includes any image, written copy, structure, graphics, pictures, logos, symbols, or letters used or intended to be used for advertising or for calling attention to any business, person, matter, object, or event.
- “**sign surface area**” means the entire area of a sign within a single continuous perimeter enclosing the extreme limits of writing, representation, or emblem.
- “**sign topper**” means a sign that is affixed to the top of a mobile sign, standard.
- “**transition time**” means the length of time it takes to change from one sign message to another.
- “**under-canopy sign**” means a sign which is suspended beneath a canopy or beneath a portion of a building.
- “**wall-mounted sign**” means a sign which is mounted or fixed to or supported by a wall, by any means.
- “**warning sign**” means a sign displayed to warn the public about a physical danger present in its surrounding, or associated with some feature, or activity on a specific site, such as “Danger, Look out for Cars”.
- “**window sign**” means a sign which is painted on, attached to, or installed on a window, for the purpose of being viewed from outside the premises.

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.

Spectator Entertainment Establishment

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

Stable private (BL 4/2004P)

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.

Standard cultivation (BL 2018-10P)

means the large-scale growing of cannabis plants and harvesting material from those plants, as well as associated activities.

Standard processing (BL 2018-10P)

means the large-scale manufacturing, packaging and labelling of cannabis products destined for sale to consumers, and the intra-industry sale of these products, including to provincially/territorially authorized distributors, as well as associated activities.

Storage Container (BL 6/2010P)

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 (BL 4/2004P)

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.

TTandem 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 Operation

means a building or land used for a smaller trucking business whose fleet does not exceed 15 trucks (e.g. semi-truck & trailer, flatbed truck, box truck / cube van, etc.) or buses per acre, to a maximum of 30 trucks or buses. The business may also involve the storage and loading of cargo either within a building or onsite, as well as the repair and servicing of the business fleet vehicles.

Truck Service and Repair

means a building or premises used for the servicing or repair of trucks (e.g. semi-truck, dump truck, tow truck, etc.), transportation trailers and / or buses.

Truck terminal

means a building or land used for a larger trucking business whose fleet exceeds 15 trucks (e.g., semi-truck & trailer, flatbed truck, box truck / cube van, etc.) or buses per acre, or 30 trucks or buses in total. The business may also involve the storage and loading of cargo either within a building or onsite, as well as the repair and servicing of the business fleet vehicles.

VVariation 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.

WWarehouse

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 1 development as per section 10 of *the Environment Act* which is used for the storage and processing of wrecked automobiles.

YYard

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.

ZZone

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*.

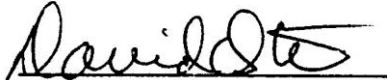
11. REPEAL AND EFFECTIVE DATE

11.1.1. 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.

11.2.1. 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 14th day of October A.D. 1999

THE RURAL MUNICIPALITY OF WEST ST. PAUL

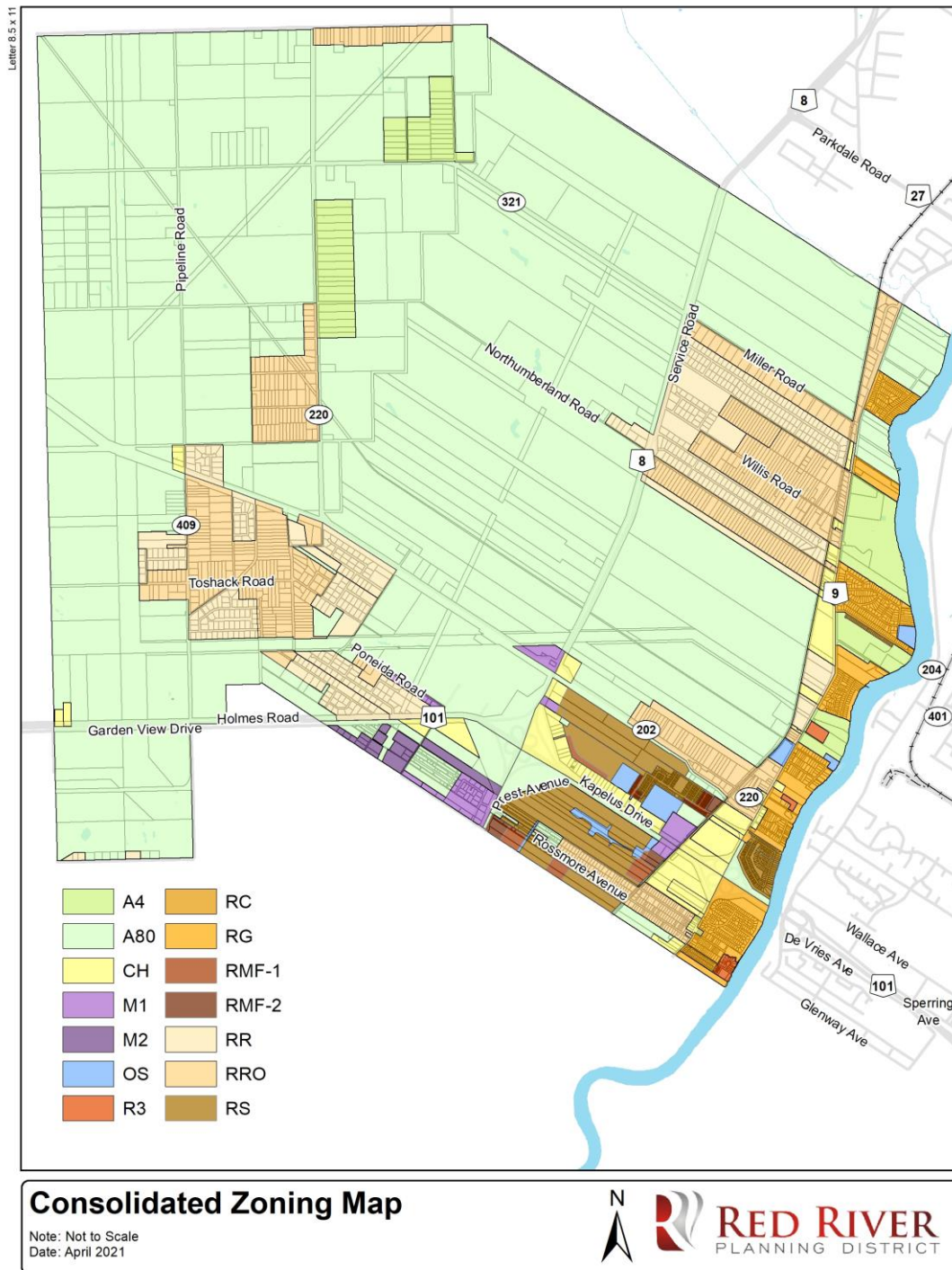

Reeve


Chief Administrative Officer

Read a first time this 23rd day of July A.D. 1999

Read a second time this 23rd day of September A.D. 1999

Read a third time this 14th day of October A.D. 1999

APPENDIX A: CONSOLIDATED ZONING MAP

Note: To view an on-line map, please go to www.redriverplanning.com