

# [2023]

LAST UPDATED: JANUARY 11, 2023

**R.M of East St. Paul  
Zoning By-law 2009-04**

An Office Consolidation of  
**The R.M. of East St. Paul  
Zoning By-law**  
By-law No. 2009-04



## [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.



# RURAL MUNICIPALITY OF EAST ST. PAUL

ZONING BY-LAW  
NO. 2009-04

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# THE RURAL MUNICIPALITY OF EAST ST. PAUL BY-LAW NO. 2009-04

A By-law of the RM of East St. Paul, in the Province  
of Manitoba, to regulate and control the use and development  
of land and buildings within the Municipal limits of the RM of East St. Paul.

WHEREAS The Planning Act (the Act) provides that the Council of a Municipality may enact a Zoning By-law which generally conforms to a Development Plan adopted for the area;

AND WHEREAS pursuant to the provisions of the Act, the RM of East St. Paul has, by By-law, adopted The Rural Municipality of East St. Paul Development Plan By-law 2007-14;

AND WHEREAS the Act provides that the Council of a Municipality shall enact a Zoning By-law upon the adoption of a Development Plan for the area;

NOW THEREFORE the Municipal Council of the RM of East St. Paul, in meeting duly assembled, enacts as follows:

1. The RM of East St. Paul Zoning By-law No. 96-22, and all amendments thereto, are hereby rescinded.
2. The Zoning By-law, attached hereto and marked as Schedule "A", is hereby adopted.
3. This By-law shall be known as the RM of East St. Paul Zoning By-law.
4. The RM of East St. Paul Zoning By-law shall take force and effect on the date of Third Reading of this By-law.

DONE AND PASSED in Council assembled in Council Chambers, in East St. Paul, Manitoba, this 4<sup>th</sup> day of November, A.D. 2009.

Read a First time this 1<sup>st</sup> day of April, A.D. 2009.

Read a Second time this 3<sup>rd</sup> day of June, A.D. 2009.

Read a Third time this 4<sup>th</sup> day of November, A.D. 2009.

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Mayor

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Chief Administrative Officer



THE RURAL MUNICIPALITY OF EAST ST. PAUL  
ZONING BY-LAW

BEING SCHEDULE “A” ATTACHED

TO BY-LAW NO. 2009-04

OF

THE RURAL MUNICIPALITY OF EAST ST. PAUL

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**NOTICE OF AMENDMENTS TO BYLAW- 4-2009**

<b>BYLAW NUMBER</b>	<b>AMENDMENT</b>	<b>DATE OF THIRD READING</b>
2013-12	Map amendment from CN to CH for SE corner of Hwy 101 and Henderson Highway (Roll #22455)	23-Apr-14
2013-13	Text amendment to CH table to include Animal Shelter and Vet as conditional use.	19-Nov-13
2014-05	Map amendment from RR5 and LCRMU to RR2 (Roll #102800, 101790 and 102200)	27-May-15
2015-01	Map amendment from DR to R117 (Roll # 21100 and 21060) Sperring Ave.	6-May-15
2015-06	Map amendment for 2600 Wenzel from RR5 to CN, and include indoor participant recreation as a conditional use in the CN zone.	9-Dec-15
2015-11	Text amendment to remove fences from requiring permits and excluding decks from Building separation distances	17-Nov-15
2015-12	Map amendment for 3200 Birds Hill from R1-17 to RM	22-Mar-16
2016-01	Various Text Amendments	26-Apr-16
2016-07	Map amendment for 84040 & 84050 (Birds Hill Rd) from R1-17 to RM	24-Jan-17
2016-10	Various Text Amendments	28-Mar-17
2017-09	Map amendment for 92850 (2934 Sperring Ave.) from R1-17 to CH	26-Sept-17
2017-07	Map amendment for 84700 (2018 Burton Ave.) from R1-17 to RM	24-Oct-17

<b>BYLAW NUMBER</b>	<b>AMENDMENT</b>	<b>DATE OF THIRD READING</b>
2018-03	Secondary Suites and Housekeeping	26-Jun-18
2018-08	Cannabis and cannabis related use, definitions and list retail uses as Conditional Use in all Commercial Zones	17-Jul-18
2019-10	Map amendment for 77309 (3580 Andrews Rd.) from RR2 to RR1	11-Feb-20
2020-09	Map Amendment for 94500 (2829 McGregor Farm Rd from DR to IG	15 Dec-20
2021-15	Map Amendment for 70200 (4009 Rebeck Road), 70210 (4027 Rebeck Road), 70220 (4041 Rebeck Road), 70230 (4000 Rebeck Road), 70250 (4020 Rebeck Road) from RR2 – to RR1	8- March 2022
2022-08	Map and text amendment [new R1-8 zone] Rolls 21200 and 22700 from “R1-10” to “R1-8” and “PR”	19 <sup>th</sup> July 2022

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## **OPERATIVE AND INTERPRETIVE CLAUSES**

### **1.0 Title and Contents**

#### **1.1 Title**

This By-law may be cited as the Rural Municipality (RM) of East St. Paul Zoning By-law.

#### **1.2 Intent and Purpose**

The regulations and requirements established by this By-law are deemed necessary in order:

- 1) To implement the objectives and policies of the Rural Municipality of East St. Paul Development Plan No. 2007-14.
- 2) To outline the powers and duties of Council, the Designated Officer and the landowner and/or developer as they relate to this By-law.
- 3) To regulate the following:
  - a) all buildings and structures erected hereafter;
  - b) all uses or changes in use of all buildings, structures and land established hereafter;
  - c) all structural alterations or relocations of existing buildings and structures occurring hereafter; and
  - d) all enlargements or additions to existing buildings, structures and uses.

#### **1.3 Contents of the By-law**

The contents of this By-law include:

- a) Part I, comprising of Section 1 to Section 7, outlines the Operative and Interpretive Clauses.
- b) Part II, comprising of Section 8 to Section 33, outlines all of the Zone clauses.
- c) Part III, comprising of Section 34 to Section 77, outlines General Administrative Clauses, General Development Regulations and Special Land Use Provisions.
- d) Part IV comprising the Zoning Map.

#### **1.4 Headings and Titles**

Notwithstanding any other provision of this By-law or any other By-law passed by Council to the contrary, headings and titles within this By-law shall be deemed to form a part of the text of this By-law.

#### **1.5 Units of Measurement**

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

#### **1.6 Effective Date**

This By-law shall be in full force and effect when the Council of the RM of East St. Paul has given it Third Reading.

### 1.7 Control of Development

No development, other than that designated in Section 37.1, shall be undertaken in the Municipality unless an application has been approved and the development permit has been issued.

### 1.8 Relationship to Other Laws and By-laws

The adoption of this By-law shall not prevent any pending or future legal action to deal with any existing zoning violations.

### 1.9 Interpretation

- 1) Words, phrases and terms defined herein shall be given the defined meaning.
- 2) Words, phrases and terms neither defined herein nor defined in By-laws of the RM of East St. Paul shall be given their usual and customary meaning except where, in the opinion of Council, the context indicates a different meaning.
- 3) The phrase used for includes arranged for; maintained for; designed for; or occupied for.
- 4) The provisions of this By-law shall be interpreted to be the minimum regulations except where the abbreviation for, or word, maximum is used, in which case the maximum regulation shall apply.
- 5) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunctions and, or, or either- or, the conjunctions shall be interpreted as follows:
  - a) and indicates that all the connected items, conditions, provisions or events shall apply;
  - b) or indicates that all the connected items, conditions, provisions or events may apply singly or in combination; and
  - c) either-or indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- 6) The word includes shall not limit a term to the specified examples, but is intended to extend the meaning to all instances or circumstances of the like kind or character.
- 7) Drawings and illustrations form part of this By-law and are provided to assist in interpreting and understanding the By-law. Where any conflict or inconsistency arises between a drawing or illustration and the text of the By-law, the text governs.
- 8) Where any requirement of this By-law results in a fraction of a unit, a fraction of one-half or more is considered a whole unit and a fraction of less than one-half, is disregarded.
- 9) If a use is not specifically listed in the zones or deemed similar by the Designated Officer as provided for in Section 7.0 4) of this By-law, the use is not permitted.



### 1.10 Validity

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

### 1.11 Regulation of Uses

- 1) Notwithstanding Section 5.2 of this By-law, no land, building or structure shall be constructed, enlarged, placed, used or occupied except for a use that is:
  - a) listed in the Zoning District clauses as:
    - i) a Permitted Use development;
    - ii) a Conditional Use development, subject to approval as such; or
  - b) an accessory use; or
  - c) has been granted a use variance as per Section 97(2) of the Act.
- 2) Where any land, building or structure is used for more than one purpose, all provisions of the By-law relating to each use shall apply. Where there is a conflict, the more restrictive regulations shall prevail, except as otherwise approved by Council.

## 2.0 Non-Conforming Buildings, Structures, Lots and Uses

- 1) When on or before the day on which this By-law or any By-law for the amendment of it comes into force, a development permit has been issued, and the enactment of the By-law would render the development in respect of which the permit was issued a non-conforming building, structure, lot, or use, the development permit continues in effect notwithstanding the enactment of the By-law.
- 2) Any lawful building or structure which does not conform to one or more of the applicable yard requirements of the Zone in which it is located, either on the effective date of this By-law or amendments thereto, shall be deemed to be a lawfully existing permitted building or structure and shall be used as if it conformed to all such requirements, in accordance with Clause (5) hereof.
- 3) Any legal existing lot which does not conform to the minimum site area, site width, front yard or access requirements hereof for the zone where it is located, shall be deemed to be a permitted lot and shall be used as if it conformed to all such requirements, in accordance with Clause (5) hereof.
- 4) Any lawful use of a building, structure or lot, or portion thereof, which does not conform to one or more of the applicable use regulations of the Zone in which it is located, either on the effective date of this By-law or amendments thereto, shall be deemed to be a permitted use and shall be used as if it conformed to all such requirements, in accordance with Clause (5) hereof.
- 5) A non-conforming use of land or a non-conforming use of a building may be continued, but if that use is discontinued for a period of twelve consecutive months or more, any future use of the land or building shall conform with the provisions of this By-law.

- 6) A non-conforming use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot and no additional buildings shall be erected upon the lot while the non-conforming use continues.
- 7) A non-conforming use of part of a building shall not be extended throughout the building and the building, whether or not it is a non-conforming building shall not be enlarged or added to and no structural alterations shall be made thereto or therein.
- 8) A non-conforming building may continue to be used, but the building shall not be enlarged, added to, rebuilt or structurally altered except:
  - a) as may be necessary to make it a conforming building, or
  - b) as the Designated Officer considers necessary for the routine maintenance of the building or to make safe as per the building code.
- 9) Where a building or structure that does not conform to the provisions of this By-law or amendments thereto is destroyed or damaged to an extent that in the opinion of Council, is 50.00 percent or more of the replacement value of the building or structure above its foundation, the building or structure shall not be repaired or rebuilt except in conformity with the provisions of this By-law.
- 10) The use of land or the use of a building is not affected by change of ownership, tenancy or occupancy of the land or building.
- 11) Notwithstanding the above regulations, a non-conformity may be altered by way of a variation order by Council pursuant to the provisions of the Act.
- 12) Any owner may apply to the Designated Officer for a Non-Conforming Certificate in accordance with provisions of the Act.

### **3.0 The Zoning Map**

The Zoning Map is Part IV of this By-law. It divides East St. Paul into zones and specifies provisions applying to particular lands.

#### **3.1 Zoning District Boundaries**

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

- 1) Where a Zone boundary is shown as approximately following the centre of streets, lanes or other public thoroughfares, it shall be deemed to follow the centre line thereof;
- 2) Where a Zone boundary is shown as approximately following the boundary of a site, the site boundary shall be deemed to be the boundary of the Zone for that portion of the Zone boundary which approximates the site boundary;
- 3) Where a Zone boundary is shown approximately following municipal limits, it shall be deemed to be following municipal limits.
- 4) Where a Zone boundary is shown as approximately following the centre of pipelines, railway lines, or utility easements, it shall be deemed to follow the centre line of the right-of-way thereof;

- 5) Where a Zone boundary is shown as approximately following the edge or shore lines of the Red River, it shall be deemed to follow such lines, and in the event of change in such edge or shorelines, it shall be deemed as moving with the same;
  - 6) Where a Zone boundary is shown as being parallel to or as an extension of features noted above, it shall be so construed;
  - 7) Where a Zone boundary is shown as approximately following a topographic contour line or a top-of-bank line, it shall be deemed to follow such line, and in the event of change in such line, it shall be deemed as moving with that line;
  - 8) Where features on the ground are at variance with those shown on the Zone Map or in other circumstances not mentioned above, the Designated Officer shall interpret the Zone boundaries. Any such decision may be appealed to Council; and
  - 9) Where a Zone boundary is not located in conformity to the provisions of Clauses (1) to (8) of this Section, and in effect divides or splits a registered parcel of land into more than one Zone:
    - a) the disposition of the said boundaries shall be determined by dimensions indicated on the Zoning Map or by measurements directly scaled from the Zoning Map; and
    - b) each such portion of the said parcel of land shall be used in accordance with the applicable Zone regulations of this By-law as if it were a separate site.
- 3.2 Right-of Way Boundaries
- 1) Notwithstanding anything contained in this By-law, no Land Use Zone shall be deemed to apply to any public roadway and any public roadway may be designed, constructed, widened, altered, redesigned and maintained in such manner as may be determined by Council.
  - 2) Where any public roadway is closed pursuant to the provisions of the Municipal Act, as amended, the land contained therein shall there upon be deemed to carry the same Land Use Zone as the abutting land.
  - 3) Notwithstanding Clause 3.2(2) above, where such abutting lands are governed by different Land Use Zones, the centre line of the public right-of-way shall be deemed to be the Land Use Zone boundary.

#### **4.0 Approval Required for Development**

No person:

- 1) Shall commence, or cause or allow to be commenced, a development without a development permit which has been issued under the provisions of this By-law, or
- 2) Shall carry on, or cause or allow to be carried on a development without a development permit which has been issued under the provisions of this By-law.

## 5.0 Compliance with Other Legislation

### 5.1 Compliance

- 1) A person applying for, or in possession of, a valid development permit is not relieved from full responsibility for ascertaining and complying with or carrying out the development in accordance with:
  - a) the RM of East St. Paul Building By-law, the National Building Code and applicable provincial building code regulations;
  - b) the RM of East St. Paul Development Plan;
  - c) any other appropriate federal, provincial or municipal legislation; and
  - d) the conditions of any caveat, covenant, site plan, development agreement, variance or conditional use order, easement or other instrument affecting a building or land.
- 2) Whenever provisions contained in any appropriate federal, provincial or municipal legislation impose overlapping regulations, laws or policies over the use of land, buildings or structures, or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest standard shall apply.
- 3) Whenever the provisions of a special agreement or development agreement entered into between the RM of East St. Paul and a developer impose overlapping regulations over the use of land, buildings or structures, or contain any restrictions covering any of the same subject matter contained in this By-law, the most restrictive or highest standard shall govern.
- 4) The Province of Manitoba and the Government of Canada are not bound or restricted by any regulation of this By-law. The said governments are encouraged, however, to permit only those developments that are consistent with the regulations of this By-law.
- 5) Nothing in this By-law shall relieve any development from conforming with the provisions of the RM of East St. Paul Development Plan.

### 5.2 Public Utilities and Services

Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of the facilities of any public utility or public service, as defined in this By-law.

## **6.0 Definitions**

### **6.1 General Definitions**

Terms and words in this By-law which are defined in The Planning Act have the meaning expressed in that Act. Other terms and words, unless the context otherwise requires, are defined as follows:

#### **A**

- 1) **Abut or abutting** means immediately continuous to or physically touching, and when used with respect to a lot or site, means that the lot or site physically touches upon another lot, site, or piece of land, and shares a property line or boundary line with it.
- 2) **Accessibility** means the ability of persons with disabilities to enter and use facilities without having to avoid significant obstacles that are not inherent in the design of the facility.
- 3) **Accessory** means, when used to describe a use or building, a use or building naturally or normally incidental, subordinate, and exclusively devoted to the principal use or building, and located on the same lot or site.
- 4) **Act** means The Planning Act, being Chapter P80 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.
- 5) **Alteration** means a change or modification to an existing building, structure or use which, unless otherwise provided for herein, does not increase the exterior dimensions with respect to height and area.
- 6) **Animal Unit (A.U.)** means the number of animals of a particular category of livestock that will excrete 73.00 kg. (160.93 lb.) of total nitrogen in a twelve month period.
- 7) **Applicant** means a registered owner or an owner's authorized agent, who has filed an application subject to the provisions of this By-law.
- 8) **Aquifer** means a water bearing geological formation that is capable of producing water to wells or springs in quantities that are economically useful.
- 9) **Attached**, when used in reference to a building, means a building which is dependent for structural support upon a wall or walls shared in common with an adjacent building or buildings.
- 10) **Automated Teller Machine** means a device that dispenses cash and conducts limited banking transactions for customers using a credit card, bank card, or other similar personal banking card.

#### **B**

- 11) **Basement** means the portion of a building or structure which is wholly or partially below grade, having above grade no more than 1.85 m. (6.07 ft.) of its clean height which lies below the finished level of the floor directly above or being a minimum depth of 1.14 m. (3.70 ft.).

- 12) Bedroom means a habitable room located within a dwelling unit that is used primarily for sleeping.
  - 13) Bedroom Suite means a bedroom located within a dwelling unit that contains washroom facilities for the exclusive use of the occupants thereof.
  - 14) Blank Walls means exterior walls containing no windows, doors or other similar openings.
  - 15) Buffer Strip means a strip of landscaping or vegetation used to provide a screen between sites in order to mitigate objectionable features between them.
  - 16) Building means any structure used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment.
  - 17) Building Inspector means the officer or employee of the Municipality charged with the duty of enforcing the Municipal Building By-law and any applicable Provincial and National Building Codes or regulations.
  - 18) Building Permit means a permit issued by the Municipality authorizing the construction or alteration of all or part of any building or structure, in accordance with the applicable codes and standards.
  - 19) Bulk Fuel Storage Tank means a tank used for the bulk storage of petroleum products or other flammable liquids which are being stored within a structure or establishment which is incidental to the primary use of the premises.
- C**
- 20) Calliper means the trunk diameter of a tree measured at a point 300.00 mm. above the top of the root ball.
  - 21) Cannabis means cannabis as defined in *The Cannabis Act* (Canada) (**BL 2018-08**).
  - 22) Cannabis concentrate means the hashish, cannabinoids, or any alkaloid, salt, derivative, preparation, compound, or mixture, whether natural or synthesized, of cannabinoids (**BL 2018-08**).
  - 23) Cannabis-infused product 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 (**BL 2018-08**).
  - 24) Carport means a building which is attached to the principle dwelling for the shelter of privately owned automobiles.
  - 25) Commercial Rental Unit (CRU) means a single, commercial space available on the market as a self-sufficient, independent unit, equipped, zoned and intended to be used for commercial purposes.

- 26) Common Element means all property within a condominium except the condominium units.
- 27) Conditional Use Order means those uses of land, buildings or structures which may be permitted in a particular Zoning District but only at the discretion of Council in accordance with the Act.
- 28) Condominium means individual ownership of a unit in a multi-unit structure where expenses common to all parties are shared.
- 29) Condominium Bare Land Unit means a unit of land defined by delineation of its horizontal boundaries without reference to any buildings on a condominium plan.
- 30) Condominium Unit means a part of the land or building and is designated as a unit by the condominium plan, and is comprised of the space enclosed by its boundaries and all the material parts of the land within this space at the time the condominium declaration and plan are registered.
- 31) Construction or Constructed means the physical location, erection, increase or decrease in size of any building or structure or ground including any excavation, building, drilling, digging, alteration, addition, extension, location, relocation, demolition, replacement and/or development.
- 32) Conversion means a change in use of land or a building or an act done in relation to land or a building that results, or is likely to result, in a change in the use of such land or building without involving major structural alterations.
- 33) Cord Wood means wood that has been cut into lengths of four feet so that it can be stacked into cords.
- 34) Council means the Council of the R.M. of East St. Paul.
- 35) Curb Cutting means the cutting or lowering of a curb, sidewalk or boulevard, or any of them, to provide a driveway for vehicular and pedestrian access to a site.

D

- 36) Dangerous Goods (or Materials) means a product, substance or organism that
  - (a) is prescribed, designated or classified as a dangerous good or hazardous waste by the Province of Manitoba, or
  - (b) by its nature conforms to the classification criteria for one or more classes of dangerous goods or hazardous wastes set out in Provincial Government regulations.
- 37) Designated Officer shall mean the Chief Administrative Officer, or Operations Manager (**BL 2016-10**) or Planning Services Manager or Development Officer or delegate of the Municipality.
- 38) Development Officer means the Development Officer as appointed by Council for the RM of East St. Paul in accordance with the Act.

- 39) Development Permit means a permit issued by the RM of East St. Paul authorizing development, and may include a building permit.
- 40) Development Plan means the R.M. of East St. Paul Development Plan adopted by By-law No. 2007-14 and amendments thereto.
- 41) Double Fronting Site means a site which abuts two public roadways, which are parallel or nearly parallel in the vicinity of the site.
- 42) Dwelling Unit means one or more self-contained rooms provided with sleeping and cooking facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for a household.
- 43) Dwelling Unit Area means the total floor area of the dwelling unit contained within the outside surface of the exterior walls. This calculation shall exclude basement or other areas that are below-grade.

**E**

- 44) Elevation, Lot Grade means either the elevation of the finished ground surface at any specific reference point, at any point on the slope between two specific reference points on a lot, or a combination thereof, calculated in accordance with the East St. Paul Lot Grading By-law.
- 45) Enlargement means the addition to the floor area of an existing building or structure, or an increase in that portion of land occupied by an existing use.
- 46) Extension means an increase in the amount of floor area used for an existing use, within an existing building.
- 47) Environmental Impact Statement means a study prepared in accordance with established procedures to identify and assess the impacts of development on a specified feature or system.

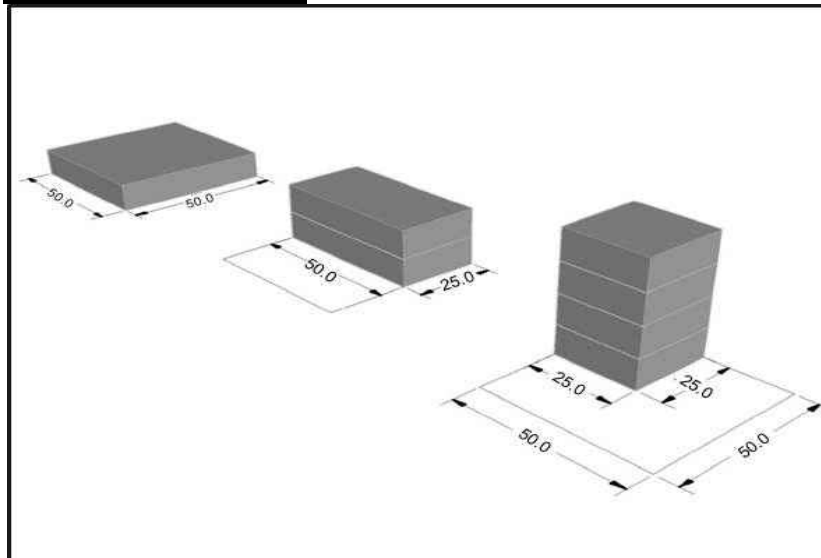
**F**

- 48) Family means one or more persons related by blood or marriage or common law marriage, or group of not more than three persons who may not be related by blood or marriage occupying a dwelling unit and living and living together as a single housekeeping unit.
- 49) Floodplain means the area adjoining a river or stream which has been or may be covered by flood water.
- 50) Flood Proofed means the measures taken to ensure that a structure or building is safe from the effects of flooding and includes no openings of any kind such as windows, doors and vents, or electrical meeting equipment etc. being permitted below the flood datums.



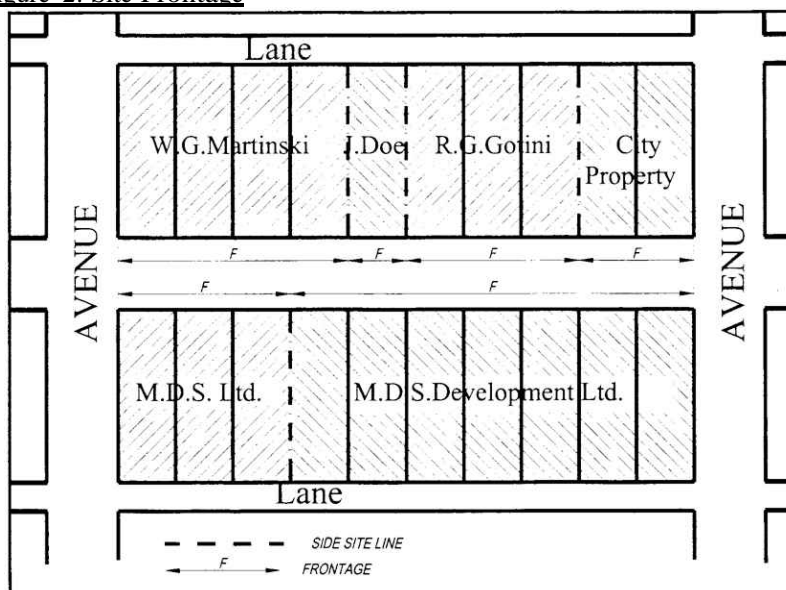
- 51) Flood Risk Area means that land adjacent to a watercourse that is divided into two parts: the floodway and the floodway fringe. The floodway includes the area where the majority of floodwaters pass. The floodway fringe includes the area outside the floodway that may be subjected to periodic flooding or inundation of floodwaters.
- 52) Floor Area Ratio means the numerical value of the gross floor area of the building or structure located upon a lot or building site, excluding: (a) basement areas used exclusively for storage or service to the building, (b) parking areas below grade, and (c) floor areas devoted exclusively to mechanical or electrical equipment servicing the development, divided by the area of the site.

Figure 1: Floor Area Ratio



- 53) Frontage means all that portion of a zoning site fronting on a street and measured between side lot lines.

Figure 2: Site Frontage

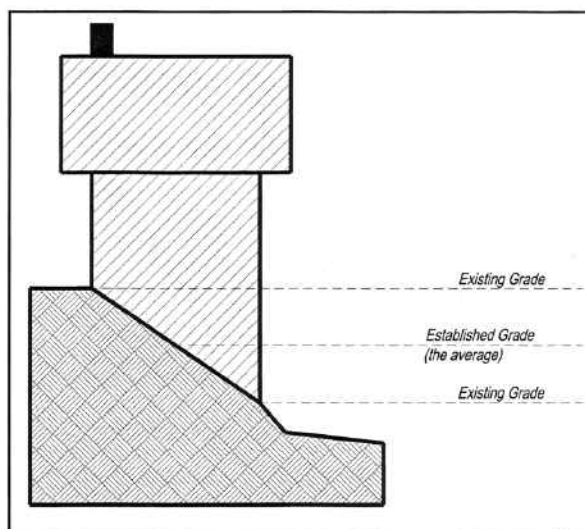


- 54) Fuel Tank Storage means a tank for the bulk storage of petroleum products or other flammable liquids which are being legally kept in a retail store or storage tank which is incidental to the primary use of the premises.

## G

- 55) Garage means an accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.
- 56) Grade, Building Lot means the lot grade elevation of the finished ground surface immediately adjacent to the foundation of a building in accordance with the East St. Paul Lot Grading By-law.

Figure 3: Established Grade of a Building

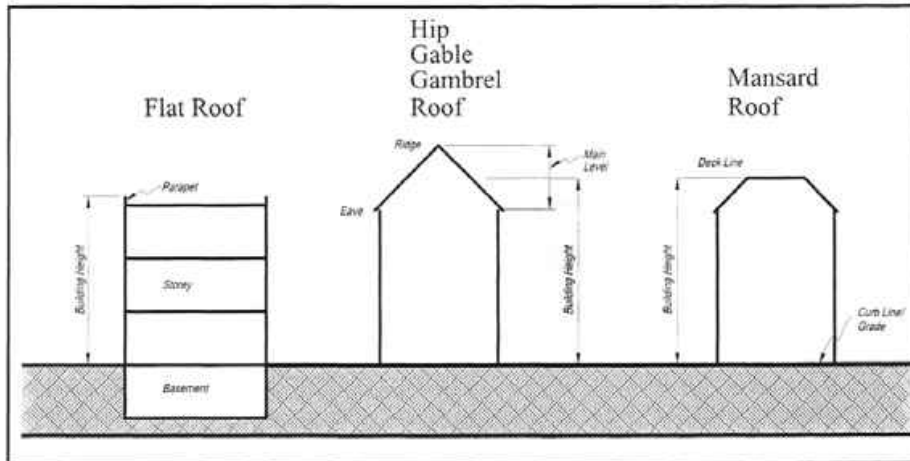


- 57) Groundwater means water below the surface of the ground.

## H

- 58) Habitable Room means any room in a Dwelling other than a Non-Habitable Room.
- 59) Hard Surfacing means a finished surface of either concrete, paving stone or gravel (**BL 2016-01**).
- 60) Height means, when used with reference to a building or structure, the vertical distance between the horizontal plane through grade and a horizontal plane through:
- the highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than 20.00 degrees;
  - the average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slope of more than 20.00 degrees; provided that in such cases the ridge line of the roof shall not extend more than 1.50 m. (4.92 ft.) above the maximum permitted building height of the Zone.

Figure 4: Height of Buildings



- 61) Household means one person or two or more persons voluntarily associated, plus any dependents, living together as an independent, self-governing single housekeeping unit.

I

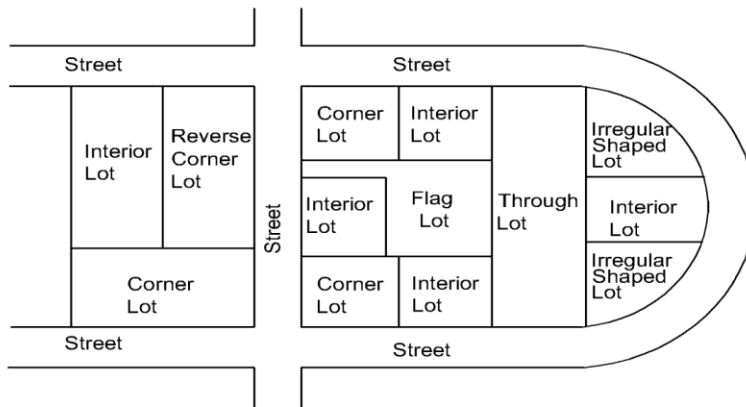
- 62) Institution means a building or part of a building used for a non-commercial purpose by an incorporated body or society for promoting a particular object or cause, but does not include Private Clubs.

L

- 63) Landscaping means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property or to provide a screen between properties.
- 64) Lane means a street not over 10.06 m. (33.00 ft.) in width.
- 65) Loading Space means an off-street space on the same lot with a building, or contiguous with a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
- 66) Lot, Corner means a lot located at the intersection of two public roadways, the interior angle of such intersection not exceeding 135.00 degrees.
- 67) Lot, Flag means a lot so shaped and designed that the main building site is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.
- 68) Lot, Interior means any site other than a corner lot or through lot.
- 69) Lot, Reverse Corner means a corner lot, the flanking street site line of which is a continuation of the front site line of the first site to its rear.

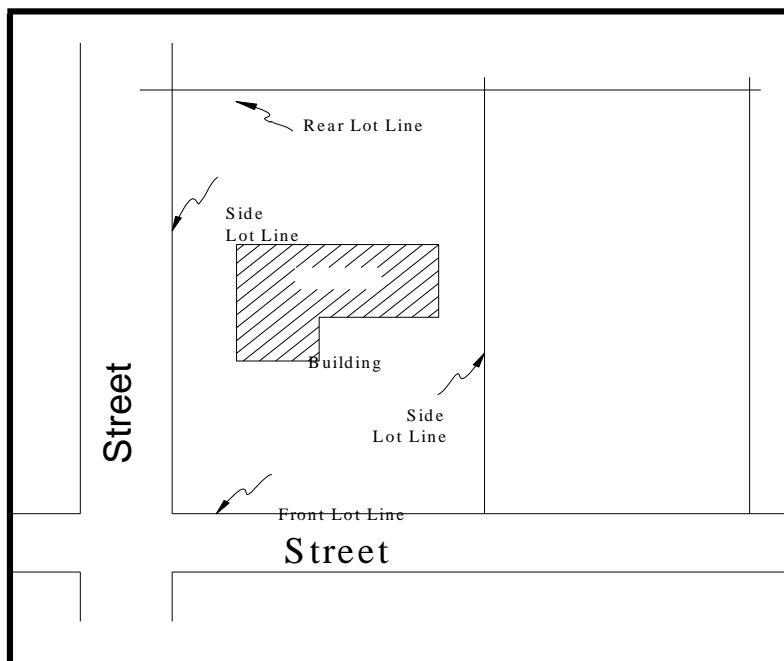
- 70) Lot, Through means a lot having a pair of opposite lot lines along two streets. On a through lot, both street lines shall be deemed front lot lines.

Figure 5: Lot Types



- 71) Lot Line, Front means the property line a lot abutting public roadway other than a lane. In the case of a Corner Lot, the Front Line is the shorter of the property lines abutting a public roadway.
- 72) Lot Line, Rear means either the property line of a lot which is furthest from and opposite the Front Lot Line, or, where there is no such property line, the point of intersection of any side lot lines which is furthest from and opposite the Front Lot Line.
- 73) Lot Line, Side means the property line of a lot other than a Front Lot Line or Rear Lot Line.

Figure 6: Lot Lines



## M

- 74) **Manufactured Home Dwelling** means a factory built dwelling certified prior to the placement on the lot as having been built as a modular home in accordance with CSA building regulations, being placed on a permanent foundation, having its chassis or frame permanently removed, and arriving at the lot ready for occupancy apart from incidental operations and connections.
- 75) **Modular Home Dwelling** means a building assembly or system of building sub-assemblies manufactured in its entirety, or in substantial part, off-site and transported to the point of use for installation on-site, with or without other specified components, as a finished building or as part of a finished building in accordance with CSA building regulations. Modular homes need not have electrical, plumbing, heating, ventilation, insulation or other service systems, but when such systems are installed at the off-site manufacture or assembly point, they shall be deemed a part of such building or system of building assemblies. Modular homes do not include open frame construction which can be completely inspected on-site.
- 76) **Motor Home** means a certified and licensed vehicular portable structure, as defined in the Manitoba Highway Traffic Act that is designed to be used as temporary accommodation for recreational purposes and being independent of Municipal sewer, water and electrical services.
- 77) **Municipal Engineer** means the Municipal Engineer as appointed by Council for the R.M. of East St. Paul.
- 78) **Municipality** means the Municipal Corporation of the R.M. of East St. Paul.

## N

- 79) **Non-Habitable Room** means a space in a dwelling providing a service function and not intended primarily for human occupancy, including bathrooms, entry ways, corridors, or storage areas.
- 80) **Nuisance** means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

## O

- 81) **Occupancy Permit** means authorization issued in writing pursuant to the applicable zoning regulations, to occupy any building or part thereof in the Municipality.
- 82) **Offensive or Objectionable** means, when used with reference to signage, lighting or a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise; vibration; smoke; dust or other particular matter; odour; toxic or non-toxic matter; radiation hazards; fire or explosive hazards; heat; glare; humidity of unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which in the opinion of the Designated Officer or Council may be or become hazardous or injurious as regards health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land, building or structure.
- 83) **Off-Road Vehicle** means any wheeled or tracked motor vehicle designed or adapted for cross-country travel on land, water, ice, snow, marsh or swamp land or other natural terrain,

and includes motorcycles, all-terrain vehicles, mini-bikes, dirt-bikes and trail- bikes, dune or sport buggies, snowmobiles, and amphibious vehicles.

- 84) Oriel Window means a type of bay or bow window that projects out from an upper storey of a dwelling unit.
- 85) Outdoor Storage means the storage of merchandise, goods, inventory, materials or equipment or other items by locating them outside.
- 86) Owner means a person who is owner of a freehold estate in the Municipality and includes a person who is an owner jointly with another person, and a person who is registered under The Condominium Act as the owner, as defined in that Act, of a unit under that Act.

## **P**

- 87) Parking Garage (Parkade) means 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.
- 88) Party Wall means a wall forming part of a building and used for separation of adjoining buildings occupied, constructed or adapted to be occupied by different persons or businesses.
- 89) Passenger Vehicle means a motor vehicle that is designed, constructed or adapted for the principal purpose of transporting passengers, but excludes off-road, motor home, trailer, travel trailer and truck vehicles.
- 90) Performance Standard means a standard to control noise, odour, smoke, toxic or noxious matter, vibration, fire and explosive hazards or glare or heat generated by, or inherent in, uses of land or buildings.
- 91) Permitted Use means the use of land, building or structure provided in this zoning by-law for which a development permit shall be issued upon the application having been made, if the use meets all the requirements of this by-law.
- 92) Planned Unit Development means a land development project planned as an entity in accordance with an overall site plan which permits flexibility in the setting of buildings, useable open spaces, and the preservation of significant natural features.
- 93) Pollution means the presence of foreign substances that adversely affect the natural constituents of the air, water or soil.

- 94) **Principal (Main) Building** means any building on a site that contains permitted principal uses, as opposed to:
- a) buildings that contain only accessory or incidental uses; and,
  - b) buildings that contain only storage or operational functions in support of principal uses located in other buildings.
- 95) **Private Pool** means a artificially constructed basin, lined with concrete, fibreglass, vinyl or like material, that is capable of containing a water depth greater than 60.00 cm. (24.00 in.) and that is located on the property of a single family dwelling.

## R

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

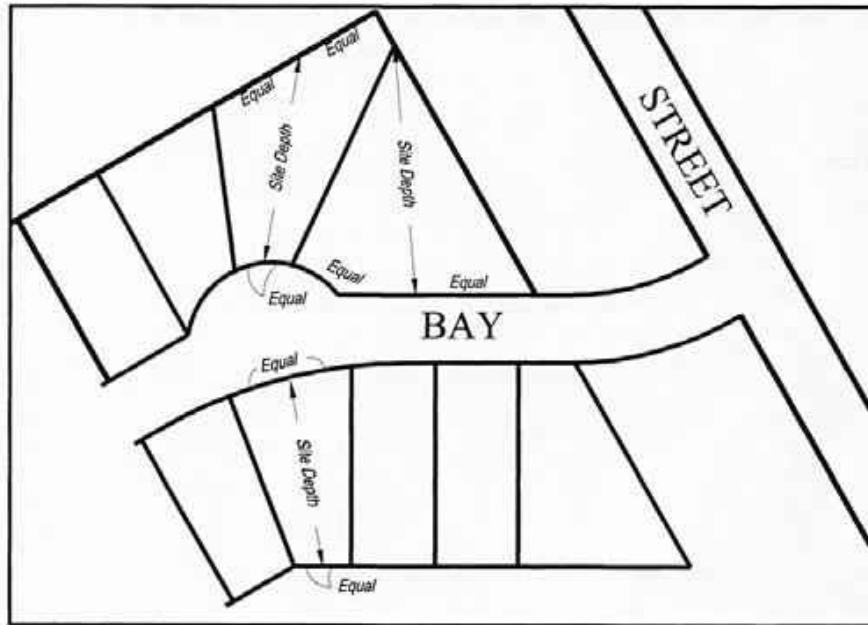
## S

- 97) **Secondary Plan** means a plan adopted by by-law in accordance with the Act to guide development or redevelopment in a defined area within the municipality.
- 98) **Separation Distance** means a distance to be maintained between two buildings or structures, measured from the nearest points of any structure or areas in which the uses are carried on.
- 99) **Separation Space** means open space around dwellings separating them from adjacent buildings or activities, and providing daylight, ventilation, and privacy.
- 100) **Setback** means the distance that a development or a specified portion of it, must be set back from a property line.
- 101) **Shipping Container** means a rectangular metal container designed to be used for the transport of freight or for storage, and includes intermodal containers and bodies of transport trucks
- 102) **Site** means an area of land consisting of one or more abutting lots.
- 103) **Site Coverage** means the combined area of all buildings or structures on the lot as a percentage of the site area, measured at the level of the lowest storey above the grade, including all porches and verandas, open or covered but excluding open and enclosed terraces at grade, steps, cornices, eaves and similar projections.



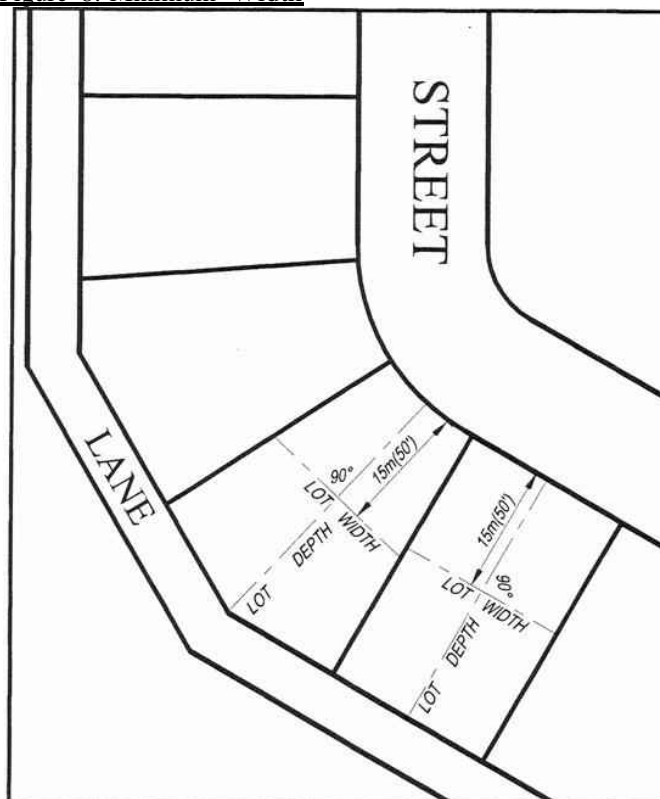
- 104) Site Depth means the average horizontal distance between the front and rear lot lines of the site.

Figure 7: Site Depth



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

Figure 8: Minimum Width





- 106) **Sleeping Unit** means a Habitable Room, or a group of two or more Habitable Rooms, not equipped with self-contained cooking facilities, providing accommodation for not more than two persons.
- 107) **Special Event** (carnival, circus, fair, concert or similar event) means a transportable group or aggregation or combination of rides, shows, performances, games, or concessions.
- 108) **Storey** means that portion of a building which is situated between the top of any floor and the top of the floor next above it. If there is no floor above, the storey is the portion of the building which is situated between the top of any floor and the ceiling above it. If the top of the floor directly above a basement is more than 1.83 m. (6.00 ft.) above grade, such basement shall be considered a storey for the purpose of this By-law.
- 109) **Storey, Half** means a storey under a gable, hip, or gambrel roof, the wall plates of which, on at least two opposite walls, are not more than 0.66 m. (2.17 ft.) above the floor of such storey.
- 110) **Street** means a public roadway having a right-of-way at least 10.06 m. (33.00 ft.) in width, that affords the principal means of access to abutting land.
- 111) **Structure** means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground and includes, but is not limited to, buildings, walls, fences, signs, billboards, poster panels and light standards (**BL 2018-03**).
- 112) **Surface Water** means any body of flowing or standing water, whether naturally or artificially created, including but not limited to a lake, river, creek, spring, swamp, wetland, and marsh, including ice on any of them, but not including a dugout on the property of an agricultural operation.

## ***T***

- 113) **Tandem Parking** means two parking spaces, one behind the other, with a common or shared point of access to the manoeuvring aisle.
- 114) **Temporary Buildings and Uses** means a development for which a development permit has been issued for a limited time only.
- 115) **Traffic Generation** means the volume of vehicular traffic generated over a prescribed area within a prescribed time frame, which can be directly attributed to a particular development or geographic area.
- 116) **Trailer** means a vehicle designed for carrying chattels, and for being towed by a motor vehicle.

117) Travel Trailer means a certified and licensed portable vehicle designed for carrying persons as temporary accommodation for recreational purposes that is towed by a motor vehicle.

118) Truck means a motor vehicle that is constructed or adapted to carry goods, wares, merchandise, freight or commodities, but not passengers.

## U

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

## V

120) Variance means the altering of any of the regulations found in this By-law in accordance with the Act.

## Y

121) Yard means required open space that is unoccupied by any building or structure and unobstructed from its lowest level to the sky, unless otherwise permitted in this By-law.

122) Yard, Front means a yard extending all the full length of the front site line between the side site lines. All front yard requirements found in this By-law shall be measured from the front property line.

123) Yard, Rear means a yard extending along the full length of the rear site line from the front yard to the rear yard.

124) Yard, Side means a yard extending along the side site line from the front yard to the rear yard.

## Z

125) Zone means a Section contained in Part II of this By-law which regulates the use and development of land as depicted on the Land Use Zone Map comprising Part IV of this By-law.

126) Zoning Lot means a parcel of land that abuts a public street or an unimproved street that is to be improved as a public street to serve that lot pursuant to an agreement with the Municipality.

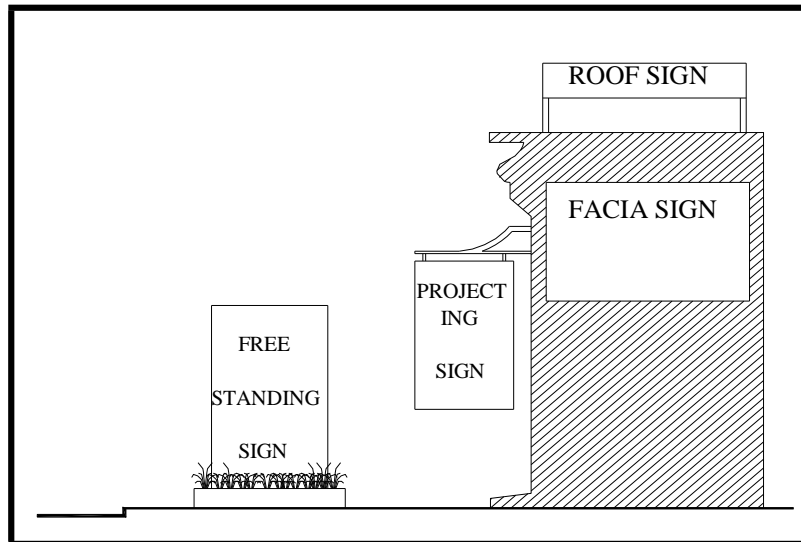
## **6.2 Sign Definitions**

Terms and works used in this By-law regarding the regulations of signs, unless the context otherwise requires, are defined as follows:

- 1) Abandoned Sign means any sign which no longer correctly identifies a business or the products and services offered on the premises where the sign is located, or any sign which is not in a readable state.
- 2) Animated Sign means any sign or portion of a sign having moving parts or electronically controlled colour changes which depict action or give motion to the sign.

- 3) Awning Sign means a non-illuminated sign painted or stencilled on the fabric surface of a shelter supported entirely from the exterior wall of a building and designed to be collapsible, retractable or capable of being folded against the wall or supporting building.
- 4) Business Identification Sign means a sign identifying the name, dealer, franchise, association, primary function, product or service of the commercial activity conducted on the premises, and may include local advertising and changeable copy.
- 5) Canopy Sign means a sign attached to, or forming part of, a permanent building projecting or fixed structural framework which extends outward from the exterior wall of a building and which may be roofed over or covered to provide protection over the entrance to a building.
- 6) Copy means the letters, graphics or characters which make up the message on sign face.
- 7) Copy Area means the total area within one or more rectangles which enclose the entire limits of the copy.
- 8) Directional Sign means an on-premise sign providing direction to pedestrian or vehicular traffic without advertising copy, except a business logogram. Directional signs include such signs as exit and parking signs.
- 9) Electric Sign means any sign containing electrical wiring or lights built into the sign face which are intended for connection to an electrical energy source.

Figure 9: Types of Signs (Ground, Roof, Fascia, Projecting)



- 10) Fascia Sign means any sign painted on or attached to an exterior building wall so that the sign does not extend more than 40.00 cm. (15.75 in.) out from the wall nor beyond the horizontal limits of the wall.
- 11) Free Standing Sign means any sign supported independently of a building and permanently fixed to the ground.

- 12) Height (sign) means the vertical distance measured from the finished ground surface directly under the sign to the highest point of the sign.
- 13) Identification Sign means a sign which contains only the name and address of a building, institution or person and the activity carried on in the building or institution, but does not include any other advertising copy.
- 14) Illuminated Sign means any sign having only steady illumination of the same intensity by artificial means, either from lighting directed on the sign face or from a light source located within the sign which is transmitted through a transparent or translucent sign face.
- 15) Mural Sign means a non-illuminated sign painted on the exterior wall of a building which enhances the visual appearance of the building and does not include business identification or general advertising.
- 16) Official Sign means a sign required by, or erected pursuant to, the provisions of federal, provincial or municipal legislation.
- 17) Portable (Mobile) Sign means a sign greater than 0.50 sq. m. (5.38 sq. ft.) in area mounted on a trailer, stand or other support structure which is designed in such a manner that the sign can readily be relocated to provide advertising at another location or readily taken on and off a site, and may include copy that can be changed manually through the use of attachable characters, message panels or other means.
- 18) Projecting Sign means any sign, except a canopy sign, which is supported by an exterior building wall and projects outward from the building wall by more than 40.00 cm. (15.75 in.).
- 19) Reader Board Sign means a sign or a component of a sign on which the copy can be changed by either manual or electronic means.
- 20) Roof Sign means any sign erected upon, against, or above a roof, or on top of or above, the parapet of a building.
- 21) Sign means any visual medium, including its structure and other component parts, illuminated or not illuminated, which is used or capable of being used, on a permanent or temporary basis, to identify or convey information, or to advertise or attract attention to a product, service, place, activity, person, institution or business. Without limiting the generality of the foregoing, signs shall include banners, placards, and painted messages.
- 22) Sign Alteration means any modification of a sign or supporting structure, excluding the routine maintenance or repainting of a sign or changing the copy on signs specifically designed for this purpose.
- 23) Sign Area means the entire area of the sign on which copy is intended to be placed. In the case of double-faced or multi-faced sign, only half of the area of each face of the sign used to display advertising copy shall be used in calculating the total sign area.

- 24) **Sign Structure** means any structure which supports a sign, including materials used to conceal or improve the visual appearance of the structural parts.
- 25) **Temporary Sign** means a sign which is not permanently anchored to a footing extending below grade or permanently affixed to, or painted on, a building and on which the copy has been painted or affixed in a permanent manner. The copy on the sign shall relate to an activity, use or event of a limited time duration not exceeding six months. Temporary signs include such signs as political campaign signs, real estate signs, construction identification signs, signs identifying seasonal businesses, signs advertising specific community events, and signs providing temporary identification for developments awaiting installation of a permanent sign. For the purpose of this By-law, temporary signs shall not include portable signs.
- 26) **Warning Sign** means an on-premise sign providing a warning to the public, including such signs as "no trespassing" or "private driveway" signs.

## **7.0 Use Class Definitions**

- 1) The Use Classes group individual land uses into a specified number of classes, with common functional or physical impact characteristics.
- 2) The Use Classes of this Section are used to define the range of uses which are permitted or conditional within the various Land Use Zones of this By-law.
- 3) The typical uses which may be listed in the definitions are not intended to be exclusive or restrictive. Reference should be made to the definition of the Use Class in determining whether or not a use is included within a particular Use Class.
- 4) Where a specific use does not conform to the wording of any Use Class definition or generally conforms to the wording of two or more Use Class definitions, the Designated Officer may, deem that the use conforms to and is included in that Use Class which he considers to be the most appropriate in character and purpose. In such a case, this use shall be considered a Conditional Use, whether or not the Use Class is listed as Permitted or Conditional within the applicable Zone.

### **7.1 Residential Use Classes**

- 1) **Institutional Residence** means a premises which is intended for the training, treatment, rehabilitation, housing, care and/or supervision of people. This Use Class includes nursing homes, personal care homes, residential care homes, and rehabilitation homes.
- 2) **Multiple Housing Dwelling** means a building containing three or more dwelling units served by common corridors and entrance. Each dwelling unit shall be designed for and used by one family.
- 3) **Single Housing Dwelling** means a development consisting of a building containing only one Dwelling unit, which is separate from any other Dwelling or building. This Use Class does not include mobile homes.

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

## **7.2 Residential-Related Use Classes**

- 1) Bed and Breakfast Home means a principal dwelling where sleeping accommodation with or without light meals is provided to members of the travelling public for remuneration.
- 2) Home Occupation means an occupation, trade, profession or craft carried on, in or from a dwelling unit or its accessory building for consideration and which is clearly incidental or accessory to the residential use of the dwelling unit.
- 3) 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. Foyer space, storage space, and laundry facilities may be held as common element (**BL 2018-03**).
- 4) Secondary Suite, detached, is a self-contained accessory dwelling unit that may be located within a detached accessory building and associated with a permanent single-family detached dwelling located on the same zoning site and that are retained as 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. Foyer space, storage space, and laundry facilities may be held as common element (**BL 2018-03**).
- 5) Transported Dwelling means a dwelling located either within or outside the boundaries of the R.M. of East St. Paul that is transported to a site located within the boundaries of the R.M. of East St. Paul. This Use Class includes a previously occupied dwelling, manufactured home dwelling and modular home dwelling, but does not include mobile homes.

## **7.3 Commercial Use Classes**

- 1) Aircraft Landing Field means any area of land or water that is used or intended for a use for the landing or taking off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities, including taxiways, aircraft storage and hangars.
- 2) Airport and Associated Facilities means land or water which is used or intended for the landing or take-off of aircraft and any associated areas which are used or intended for use for airport buildings or other airport facilities or right-of-ways including taxi-ways, aircraft storage and hangars.
- 3) Animal Shelter and Veterinary Service means a development used for the care and treatment of small animals where the veterinary services primarily involve out-patient care and minor medical procedures. All animals shall be kept in an enclosed building. This use class includes pet clinics and veterinary offices.

- 4) Amusement Establishment means a facility within any building, room or area having table games or electronic games played by patrons for entertainment. This Use Class does not include Carnivals or Indoor Participant Recreation Services.
- 5) Auctioneering Establishment means a development specifically intended for the auctioning of goods and equipment, including temporary storage of such goods and equipment.
- 6) Automotive and Equipment Repair Shop means a development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This Use Class includes transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops. This Use Class does not include body repair and paint shops.
- 7) Automotive and Recreational Vehicle Sales means the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, utility trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and sale of parts. This Use Class includes automobile dealership, car rental agencies and motorcycle dealerships.
- 8) Broadcasting and Motion Picture Studio means a development used for the production and/or broadcasting of audio and visual programming typically associated with radio, television and motion picture studios.
- 9) Business Support Service means a development used to provide support services to businesses which are characterized by one or more of the following features: the use of minor mechanical equipment for printing, duplicating, binding or photographic processing, the provision of office maintenance or custodial services, the provision of office security, and the sale, rental, repair or servicing of office equipment, furniture and machines. Typical uses include printing establishments, film processing establishments, janitorial firms and office equipment sales and repair establishments.
- 10) Cannabis distributor means a person who holds a cannabis distributor licence issued under *The Liquor, Gaming and Cannabis Control Act* (**BL 2018-08**).
- 11)- Cannabis retail store means the premises specified in a retail cannabis licence where the retail sale of cannabis is authorized (**BL 2018-08**).
- 12) Carnival means a temporary use of land, buildings or structures for the purpose of providing or locating facilities for commercial entertainment and participatory amusement activities, including games and rides, and includes circuses and midways.
- 13) Commercial Resort means a commercial recreation establishment which may consist of one or more buildings containing single or multiple family dwelling units, recreational facilities and service facilities which are used on an intermittent and seasonal basis. Other facilities which may be part of the resort development includes: a camping and tenting ground, a hotel, a retail store, an eating and drinking establishment, a marina, a golf course and other outdoor recreation game courts, areas and trails.



- 14) Commercial School means a development used for training and instruction in a specific trade, skill or service for the financial gain of the individual or company owning the school. Typical uses include secretarial, business, hairdressing, beauty culture, dancing or music schools.
- 15) Convenience Retail Store means a development used for the retail sale of those goods required by area residents or employees on a day to day basis, from business premises which do not exceed 275.00 sq. m. (2,960.07 sq. ft.) in gross floor area. Typical uses include small food stores, drug stores, and variety stores, selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter.
- 16) Convenience Vehicle Rentals means a development used for the rental of new or used automobiles, light trucks and utility trailers. This Use Class includes those establishments which are not strictly office in nature, but include, as an integral part of the operation, minor vehicle servicing, storing, fueling or car washing facilities.
- 17) Custom Manufacturing Establishment means a development used for small scale on- site production of goods by hand manufacturing, primarily involving the use of hand tools. Typical uses include jewelry, toy and musical instrument manufacturing, gunsmiths, and pottery and sculpture studios.
- 18) Drive-In Food Service means a development used for eating and drinking which offer a limited menu produced in a manner that allows rapid customer service and include one or more of the following features: car attendant services; drive-through food pickup services; or parking primarily intended for the on-site consumption of food within a motor vehicle.
- 19) Eating and Drinking Establishment means the sale to the public of prepared foods, for consumption within the premises or off the site. This includes licensed drinking establishments, restaurants, cafes, delicatessens, tea rooms, banquet catering, lunch rooms, and take-out restaurants. This does not include drive-in food services which provide services to customers who remain in their vehicles, refreshment stands, take-out windows where service is provided to customers on the outside, or mobile catering food services.
- 20) Equipment Rentals and Sales means a development used for the rental of tools, appliances, recreation craft, office machines, furniture, light construction equipment, or similar items.
- 21) Fleet Service means a development using a fleet of vehicles for the delivery of people, goods or services, where such vehicles are not available for sale or long term lease. This Use Class includes ambulance services, taxi services, bus line, messenger and courier services.
- 22) Funeral Service means a development used for the preparation of the dead for burial or cremation, and the holding of funeral services. This Use Class includes funeral homes, undertaking establishments and includes cremation and interment services.
- 23) Gas Bar means a development used for the retail sale of gasoline, other petroleum products, and incidental auto accessories. This Use Class does not include Service Stations.



- 24) General Contractor Establishment means a development used for the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal Contractor Services Use only.
- 25) General Retail Store means a development used for the retail sale of groceries, beverages, household goods, furniture and appliances, hardware, printed matter, confectionary, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, stationary and similar goods from within an enclosed building. Minor public services, such as postal services and film processing depots are permitted within General Retail Stores. This Use Class includes Convenience Retail Stores but does not include developments used for the sale of gasoline, heavy agricultural or industrial equipment, pawn shops, second-hand stores, massage parlours, adult entertainment establishments or adult video rental or sales stores.
- 26) 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.
- 27) Greenhouse, Plant and Tree Nursery means a development used primarily for the raising, storage and sale of bedding, household and ornamental plants.
- 28) Health Service means a development used for the provision of physical and mental health services on an out-patient basis. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative or counselling nature. Typical uses include medical and dental offices, health clinics and counselling services.
- 29) Hotel means a development used for the provision of rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor and are not equipped with individual kitchen facilities. Hotels may include accessory Eating and Drinking Establishments, meeting rooms, and Personal Services Shops.
- 30) Household Repair Service means a development used for the provision of repair services to goods, equipment and appliances normally found within the home. This Use Class includes radio, television and appliance repair shops, furniture refinishing and upholstery shops.
- 31) Limited Contractor Service means a development used for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households and the accessory sale of goods normally associated with the contractor services where all materials are kept within an enclosed building, there are no accessory manufacturing activities, and no more than two service vehicles.

- 32) 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 (**BL 2018-08**).
- 33) Mini-Warehouse and Self-Storage means an enclosed facility that provides storage space to the general public on a for-hire basis. Mini-warehouses and self-storage areas also include vehicle storage for recreational vehicles, boats and other vehicles. No other business or service may be allowed to operate out of a rented storage space.
- 34) Mobile Catering Food Service means a development using a fleet of three or more vehicles for the delivery and sale of food to the public.
- 35) Motel means a development used for the provision of rooms or suites for temporary lodging or light housekeeping, where each room or suite has its own exterior access. Motels may include accessory Eating and Drinking Establishments and Personal Service Shops.
- 36) Non-Accessory Parking means a development providing vehicular parking which is not primarily intended for the use of residents, employees or clients of a particular development. Typical uses include surface parking lots and parking structures located above or below grade.
- 37) Outdoor Amusement Establishment means a permanent development providing facilities for entertainment and amusement activities which primarily take place out-of- doors and where patrons are primarily participants. Typical uses include amusement parks, go-cart tracks and miniature golf establishments.
- 38) Personal Service Shop means a development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This Use Class includes barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, and dry cleaning establishments and laundromats.
- 39) 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; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial uses.
- 40) Rapid Drive-Through Vehicle Service means a development providing rapid cleaning, lubrication, maintenance or repair services to motor vehicles, where the customer typically remains within his vehicle or waits on the premises. Typical uses include automatic or coin operated car washes, rapid lubrication shops, or specialty repair establishments.
- 41) Recycling Depot means a development used for the buying and temporary storage of bottles, cans, newspapers and similar household goods for reuse where all storage is contained within an enclosed building. This does not include auto wreckers.

- 42) Retail cannabis licence means a licence to be issued under *The Liquor, Gaming and Cannabis Control Act* (**BL 2018-08**).
- 43) Service Station means the servicing, washing and repairing of vehicles; and the sale of gasoline, other petroleum products and a limited range of vehicle parts and accessories. Service stations may include eat and drinking establishments. Typical uses include truck stops and highway service stations.
- 44) 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.
- 45) Truck and Mobile Home Sales and/or Rentals means a development used for the sale or rental of new or used trucks, motorhomes, mobile homes, and automobiles, together with incidental maintenance services and the sale of parts and accessories. Typical uses include truck dealerships, recreation vehicle sales and mobile home dealerships.
- 46) Trucking Establishment means the use of land, buildings or structures for the purpose of storing, repairing, servicing or loading trucks, transportation trailers and/or buses. The Use Class includes automotive repair, eating and drinking areas, gas bar, retail sales, and service station as accessory uses.
- 47) Warehouse Sales means a development used for the wholesale or retail sale of bulky goods from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. This Use Class includes developments where principal goods being sold are such bulky items as furniture, carpet, major appliances and building materials.

#### **7.4 Industrial Use Classes**

- 1) Bulk Storage Facility means a place for the outdoor storage or tank storage of large quantities of raw materials or industrial related goods such as liquids, gases, minerals, pipes, gravel, fertilizers, and grain. This Use Class does not include anhydrous ammonia facilities.
- 2) Industrial Vehicle and Equipment Sales and/or Rentals means a development used for the sale or rental of heavy vehicles, machinery or mechanical equipment typically used in building, roadway, manufacturing, assembly and processing operations and agricultural production.
- 3) Light Industrial Use means processing and manufacturing uses, provided that they do not create unusual fire, explosion or safety hazards, noise in excess of average intensity of street and traffic noise in the area in question; they do not emit smoke, dust, dirt, toxic or offensive odours or gas and there is no production of heat or glare perceptible from any residential adjacent property. Typical uses include automotive body repair and paint shops, commercial manufacturing establishments and research facilities. This Use Class does not include milling plants, concrete and asphalt plants, foundries, chemical plants and extractive uses.
- 4) Micro-processing 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 (**BL 2018-03**).

- 5) Standard processing 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 (**BL 2018-03**).

## **7.5 Agricultural and Natural Resource Development Use Classes**

- 1) Composting means a designed and managed system to facilitate the process of aerobic decomposition of organic matter by biological action.
- 2) Equestrian Establishment means a facility used for the training of horses and the operation of a horse riding academy or horse riding stables.
- 3) Farm means a development for the primary production of farm products such as wheat or other grains and vegetables or other field crops. This Use Class includes one dwelling unit which is accessory to the farming operation. Animals shall be kept for the use or enjoyment of the householder only, but shall exclude beekeeping operations and extensive livestock operations such as cattle, hogs, sheep, poultry and other animals.
- 4) Farm Produce Outlet means a building or structure where farm produce produced on-site is sold in season.
- 5) Industrial hemp means the growing of industrial hemp plants (those containing 0.3 per cent THC or less) and associated activities (**BL 2018-08**).
- 6) Micro-cultivation means the small-scale growing of cannabis plants and harvesting material from those plants, as well as associated activities (**BL 2018-08**).
- 7) Natural Resource Development means a development for the on-site removal, extraction, and primary processing of raw material found on or under the site, or accessible from the site. Typical uses in this class include gravel pits, sandpits, clay pits, and stripping of topsoil. This Use Class does not include the processing of raw materials transported to the site.
- 8) Non-Commercial Farm means a development for small-scale, non-commercial agricultural pursuits that are ancillary to rural residential uses. This Use Class shall be developed so that it does not unduly interfere with the general enjoyment of adjacent property. Animals shall be kept for the use or enjoyment of the householder only, but shall exclude beekeeping operations and extensive livestock operations such as cattle, hogs, sheep, poultry and other animals.

- 9) Nursery, cannabis means the growing of cannabis plants to produce starting material (seed and seedlings) and associated activities (**BL 2018-08**).
- 10) Small Animal Obedience Training means an establishment for the grooming, nutrition, and training of small animals, including related uses, exempting boarding (**BL 2016-10**).
- 11) Specialized Agriculture means the use of land for apiculture, floriculture, horticulture including market gardening, orchards and tree farming, and similar agricultural activities on a commercial basis.
- 12) Standard cultivation means the large-scale growing of cannabis plants and harvesting material from those plants, as well as associated activities (**BL 2018-08**).
- 13) Small Animal Breeding and Boarding Establishment means a development used for the breeding, boarding or training of small animals normally considered as household pets. Typical uses are kennels and pet boarding establishments .
- 14) Wind Turbine Personal Use means a small scale wind turbine generator tower that converts wind energy to electrical energy for primarily private use.

## 7.6 Basic Service Use Classes

- 1) Cemetery means a development of a parcel of land, primarily a landscaped open space for the entombment of the deceased, and may include the following accessory developments: crematories, cinerarium, columbaria, and mausoleums. Typical uses in this class include memorial parks, burial grounds and gardens of remembrance.
- 2) Extended Medical Treatment Service means a development providing room, board, and surgical or other medical treatment for the sick, injured or infirm including out- patient services and accessory staff residences. Typical uses include hospitals, sanatoriums, nursing homes, convalescent homes, and auxiliary hospitals.
- 3) Government Service means a development providing municipal, provincial or federal government services directly to the public. Typical uses include government offices, taxation offices, courthouses, postal distribution offices, manpower and employment offices, and social service offices.
- 4) Protective and Emergency Service means a development which is required for the public protection of persons and property from injury, harm or damage together with the incidental storage of emergency development which is necessary for the local distribution of utility services. Typical uses in this class include police stations, fire stations and ancillary training facilities.
- 5) Utility Service means any system, works, plant, pipeline, equipment or services and facilities available at approved rates to the public, and includes all such carried on by or for the owner or a municipality or the Government of Manitoba. Typical uses include sanitary land fill sites, sewage treatment plants, sewage lagoons, garbage transfer and compacting stations, waste recycling plants, power stations and transmission towers.

## 7.7 Community, Educational, Recreational and Cultural Service Use Classes

- 1) Child Care Service means a development licensed by the Province to provide daytime personal care and education to children, but does not include overnight accommodation. Typical uses include day-care centres, day nurseries, kindergartens, nursery schools and play schools.
- 2) Community Recreation Service means a development for recreational, social or multi purpose use without fixed seats and primarily intended for local community purposes. Typical uses include community halls and community centres.
- 3) Community Service Club means a non-profit corporation chartered by *The Canada Corporation Act* or *The Manitoba Corporation Act*, or an association consisting of persons who are bona fide members paying annual dues, which owns or leases land, a building, or a portion hereof, the use of such premises being restricted primarily to meeting, community and related activities.
- 4) 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; rifle and pistol ranges, bowling alleys and racquet clubs.
- 5) Outdoor Participant Recreation Service means a development providing facilities which are available at the public at large for sports and active recreation conducted outdoors. Typical uses include golf courses, driving range, ski hills, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, outdoor swimming pools, bowling greens, riding stables and fitness trails.
- 6) Private Club means a development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, without on-site residences. Private Clubs may include rooms for eating, drinking and assembly.
- 7) Private Education Service means a development for instruction and education which is primarily not maintained at public expense and which may or may not offer courses of study equivalent to those offered in a public school or private instruction as a home occupation. This Use Class includes dormitory and accessory buildings.
- 8) Public Education Service means a development which is 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 the same site. This Use Class includes public schools, community colleges, and technical and vocational schools, and their administrative offices.
- 9) Public Library and Cultural Exhibit means a development for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public use; or a development for the collection, preservation and public

exhibition of works or objects of historical, scientific or artistic value. Typical uses include libraries, museums and art galleries.

- 10) Public Park means a development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and man-made landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, amphitheatres, and athletic fields.
- 11) Religious Assembly means a place of worship and related activities. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries.
- 12) Tourist Campsite means a development of land which has been planned and improved for the seasonal short term use of motor homes, tents, campers and similar recreational vehicles and is not used as year round storage, or accommodation for residential use. Typical uses include recreational vehicle parks, campsites and tenting grounds.





## ZONING DISTRICTS

### 8.0 Residential Zones

#### 8.1 Purpose

The Residential Zones established in this By-law are intended to provide sufficient land for various types of residential development in the Municipality in keeping with the provisions of the Development Plan.

#### 8.2 Residential Zones

The following Residential Zones are hereby established:

- 1) **R1-8: Single Housing Dwelling Zone [By-law 2022-08]**
- 2) R1-10: Single Housing Dwelling Zone
- 3) R1-17: Single Housing Dwelling Zone
- 4) RT: Two Housing Dwelling Zone
- 5) RM: Multiple Housing Dwelling Zone
- 6) RC: Comprehensive Residential Zone



## 9.0 R 1-8 Single Housing Dwelling Zone

### 9.1 GENERAL PURPOSE

To establish a zone primarily for serviced single housing dwellings.

9.2 PERMITTED USES	
1)	Home Occupation
2)	Public Park
3)	Single Housing Dwelling
9.3 CONDITIONAL USES	
1)	Bed and Breakfast Home
2)	Child Care Service
3)	Community Recreation Service
4)	Community Service Club
5)	Institutional Residence
6)	Planned Unit Development
7)	Private Education Service
8)	Protective and Emergency Service
9)	Public Educational Service
10)	Public Library and Cultural Exhibit
11)	Religious Assembly
12)	Transported Dwelling
13)	Utility Service
9.4 SITE REQUIREMENTS	
Permitted and Conditional Uses	
1)	Site Area min. 743.20 sq. m. (8,000 sq. ft.)
2)	Site Width min. 18.29 m. (60.00 ft.)
3)	Front Yard min. 9.14 m. (30.00 ft.)
4)	Rear Yard min. 7.62 m. (25.00 ft.)
5)	Side Yard min. 1.83 m. (6.00 ft.)
6)	Corner Side Yard min. 3.05 m. (10.00 ft.)
7)	Site Coverage see Section 9.6(3)
8)	Building Height max. 10.67 m. (35.0 ft.); 2.5 storeys
9)	Dwelling Unit Area min. 92.90 sq. m. (1,000.00 sq. ft.)
10)	Dwelling Unit Width min. 6.10 m. (20.00 ft.)
9.5 SITE REQUIREMENTS	
Accessory Uses and Buildings	
1)	Site Area N/A
2)	Site Width N/A
3)	Front Yard min. 9.14 m. (30.00 ft.)
4)	Rear Yard min. 1.52 m. (5.00 ft.)
5)	Side Yard min. 1.83m. (6.00 ft.)
6)	Corner Side Yard min. 3.05 m. (10.00 ft.)
7)	Building Area see Section 9.6(3)
8)	Building Height max. 4.88 m. (16.0 ft.); 1.0 storey [also see Section 9.6(3)]
9)	Building Width N/A

### 9.6 ADDITIONAL REGULATIONS FOR PERMITTED AND CONDITIONAL USES

- Following the adoption of this By-law, the site area requirement for single housing dwelling lots within new subdivisions that create 5 lots or more shall average 743.20 sq. m. (8,000.00 sq. ft.) per dwelling.
- A Home Occupation shall be developed in accordance with Section 70 of this By-law.
- Under the R1-8 Zone the maximum site coverage for a principal building is 30.00% of the site area, the maximum combined building area for attached accessory buildings is 74.32 sq. m. (800.00 sq. ft.) and the maximum building area for a detached accessory building is 18.58 sq. m. (200.00 sq. ft.) with a maximum building height of 4.88 m. (16.00 ft.) to the highest point of the roof, per each single housing dwelling site. Further, under the R1-8 Zone, a principal building is defined as a habitable space used or intended to be

used for living, sleeping, cooking and/or eating purposes and includes bathrooms, sunrooms, laundries, storage rooms and basements. Any other buildings on-site, whether attached or detached, including without limitation a garage, storage shed or gazebo is defined as an accessory building to the principal building and is limited in size to the above noted maximum building areas. Seasonal non-winter structures such as decks, screened porches or verandas, uncovered walks, and wheelchair ramps as determined by the Designated Officer are not included in the maximum building area calculations or site coverage.

#### 9.7 ADDITIONAL REGULATIONS FOR CONDITIONAL USES ONLY

- 1) A Bed and Breakfast Home shall be developed in accordance with Section 72 of this By-law.
- 2) A Child Care Service shall be developed in accordance with Section 71 of this By-law.
- 3) A Planned Unit Development shall be developed in accordance with Section 73 of this By-law.

## 10.0 R1-10: Single Housing Dwelling Zone

### 10.1 GENERAL PURPOSE

To establish a zone primarily for serviced single housing dwellings.

<b>10.2 PERMITTED USES</b>	
1)	Home Occupation
2)	Public Park
3)	Single Housing Dwelling
<b>10.3 CONDITIONAL USES</b>	
1)	Bed and Breakfast Home
2)	Child Care Service
3)	Community Recreation Service
4)	Community Service Club
5)	Institutional Residence
6)	Planned Unit Development
7)	Private Education Service
8)	Protective and Emergency Service
9)	Public Educational Service
10)	Public Library and Cultural Exhibit
11)	Religious Assembly
12)	Transported Dwelling
13)	Utility Service

<b>10.4 SITE REQUIREMENTS</b>	<b>10.5 SITE REQUIREMENTS</b>
Permitted and Conditional Uses	Accessory Uses and Buildings
1) Site Area min. 929.00 sq. m. (10,000 sq. ft.)	1) Site Area N/A
2) Site Width min. 21.34 m. (70.00 ft.)	2) Site Width N/A
3) Front Yard min. 9.14 m. (30.00 ft.)	3) Front Yard min. 9.14 m. (30.00 ft.)
4) Rear Yard min. 7.62 m. (25.00 ft.)	4) Rear Yard min. 1.52 m. (5.00 ft.)
5) Side Yard min. 2.44 m. (8.00 ft.)	5) Side Yard min. 2.44 m. (8.00 ft.)
6) Corner Side Yard min. 3.66 m. (12.00 ft.)	6) Corner Side Yard min. 3.66 m. (12.00 ft.)
7) Site Coverage see Section 10.6(4)	7) Building Area see Section 10.6(4)
8) Building Height max. 10.67 m. (35.0 ft.); 2.5 storeys	8) Building Height max. 4.88 m. (16.0 ft.); 1.0 storey
9) Dwelling Unit Area min. 92.90 sq. m. (1,000.00 sq. ft.)	[also see Section 10.6(4)]
10) Dwelling Unit Width min. 6.10 m. (20.00 ft.)	9) Building Width N/A

### 10.6 ADDITIONAL REGULATIONS FOR PERMITTED AND CONDITIONAL USES

- Following the adoption of this By-law, the site area requirement for single housing dwelling lots within new subdivisions that create 5 lots or more shall average 975.45 sq. m. (10,500.00 sq. ft.) per dwelling.
- Where lot width is a factor of the non-compliance on a Lot of Record that was created prior to December 17, 2006, the side yard requirements may be reduced to 10.00 % of the width of the lot but shall not be less than 1.52 m. (5.00 ft.).

- 3) A Home Occupation shall be developed in accordance with Section 69 of this By-law.
- 4) Under the R1-10 Zone the maximum site coverage for a principal building is 30.00% of the site area, the maximum **combined (BL 2016-10)** building area for attached accessory buildings is 92.90 sq. m. (1,000.00 sq. ft.) and the maximum building area for a detached accessory building is 55.74 sq. m. (600.00 sq. ft.) with a maximum building height of 4.88 m. (16.00 ft.) to the highest point of the roof, per each single housing dwelling site. Further, under the R1-10 Zone, a principal building is defined as a habitable space used or intended to be used for living, sleeping, cooking and/or eating purposes and includes bathrooms, sunrooms, laundries, storage rooms and basements. Any other buildings on-site, whether attached or detached, including without limitation a garage, storage shed or gazebo is defined as an accessory building to the principal building and is limited in size to the above noted maximum building areas. Seasonal non-winter structures such as decks, screened porches or verandas, uncovered walks, and wheelchair ramps as determined by the Designated Officer are not included in the maximum building area calculations or site coverage.

#### 10.7 ADDITIONAL REGULATIONS FOR CONDITIONAL USES ONLY

- 1) A Bed and Breakfast Home shall be developed in accordance with Section 72 of this By-law.
- 2) A Child Care Service shall be developed in accordance with Section 71 of this By-law.
- 3) A Planned Unit Development shall be developed in accordance with Section 73 of this By-law.

## 11.0 R1-17: Single Housing Dwelling Zone

### 11.1 GENERAL PURPOSE

To establish a zone primarily for serviced single housing dwellings.

11.2 PERMITTED USES	
1)	Home Occupation
2)	Public Park
3)	Single Housing Dwelling
11.3 CONDITIONAL USES	
1)	Bed and Breakfast Home
2)	Child Care Service
3)	Community Recreation Service
4)	Community Service Club
5)	Institutional Residence
6)	Planned Unit Development
7)	Private Education Service
8)	Protective and Emergency Service
9)	Public Educational Service
10)	Public Library and Cultural Exhibit
11)	Religious Assembly
12)	Secondary Suite, attached
13)	Transported Dwelling
14)	Utility Service

11.4 SITE REQUIREMENTS	
Permitted and Conditional Uses	
1)	Site Area min. 1,393.50 sq. m. (15,000 sq. ft.)
2)	Site Width min. 24.38 m. (80.00 ft.)
3)	Front Yard min. 12.19 m. (40.00 ft.)
4)	Rear Yard min. 7.62 m. (25.00 ft.)
5)	Side Yard min. 3.05 m. (10.00 ft.)
6)	Corner Side Yard min. 4.57 m. (15.00 ft.)
7)	Site Coverage see Section 11.6(4)
8)	Building Height max. 10.67 m. (35.0 ft.); 2.5 storeys
9)	Dwelling Unit Area min. 92.90 sq. m. (1,000.00 sq. ft.)
10)	Dwelling Unit Width min. 6.10 m. (20.00 ft.)

11.5 SITE REQUIREMENTS	
Accessory Uses and Buildings	
1)	Site Area N/A
2)	Site Width N/A
3)	Front Yard min. 12.19 m. (40.00 ft.)
4)	Rear Yard min. 3.05 m. (10.00 ft.)
5)	Side Yard min. 3.05 m. (10.00 ft.)
6)	Corner Side Yard min. 4.57 m. (15.00 ft.)
7)	Building Area see Section 11.6(4)
8)	Building Height max. 4.88 m. (16.0 ft.); 1.0 storey [also see Section 11.6(4)]
9)	Building Width N/A

### 11.6 ADDITIONAL REGULATIONS FOR PERMITTED AND CONDITIONAL USES

- Following the adoption of this By-law, the site area requirement for single housing dwelling lots within new subdivisions that create 5 lots or more shall average 1,579.30 sq. m. (17,000.00 sq. ft.) per dwelling.
- Where lot width is a factor of the non-compliance on a Lot of Record that was created prior to December 17, 2006, the side yard requirements may be reduced to 10.00 % of the width of the lot but shall not be less than 1.52 m. (5.00 ft.).

- 3) A Home Occupation shall be developed in accordance with Section 69 of this By-law.
- 4) Under the R1-17 Zone the maximum site coverage for a principal building is 30.00% of the site area, the maximum **combined (BL 2016-10)** building area for attached accessory buildings is 111.48 sq. m. (1,200.00 sq. ft.) and the maximum building area for a detached accessory building is 74.32 sq. m. (800.00 sq. ft.) with a maximum building height of 4.88 m. (16.00 ft.) to the highest point of the roof, per each single detached housing site. Further, under the R1-17 Zone, a principal building is defined as a habitable space used or intended to be used for living, sleeping, cooking and/or eating purposes and includes bathrooms, sunrooms, laundries, storage rooms and basements. Any other buildings on-site, whether attached or detached, including without limitation a garage, storage shed or gazebo is defined as an accessory building to the principal building and is limited in size to the above noted maximum building areas. Seasonal non-winter structures such as decks, screened porches or verandas, uncovered walks, and wheelchair ramps as determined by the Designated Officer are not included in the maximum building area calculations or site coverage.

#### 11.7 ADDITIONAL REGULATIONS FOR CONDITIONAL USES ONLY

- 1) A Bed and Breakfast Home shall be developed in accordance with Section 72 of this By-law.
- 2) A Child Care Service shall be developed in accordance with Section 71 of this By-law.
- 3) A Planned Unit Development shall be developed in accordance with Section 73 of this By-law.
- 4) A Secondary Suite, attached, shall be developed in accordance with Section 76.0 of this By-law **(BL 2018-03)**.



## 12.0 RT: Two Housing Dwelling Zone

### 12.1 GENERAL PURPOSE

To establish a zone for two housing dwelling and single housing dwelling, as well as associated or compatible uses.

12.2 PERMITTED USES	
1) Home Occupation	3) Two Housing Dwelling
2) Public Park	
12.3 CONDITIONAL USES	
1) Bed and Breakfast Home	8) Protective and Emergency Service
2) Child Care Service	9) Public Educational Service
3) Community Recreation Service	10) Public Library and Cultural Exhibit
4) Community Service Club	11) Religious Assembly
5) Institutional Residence	12) Single Housing Dwelling
6) Planned Unit Development	13) Transported Dwelling
7) Private Education Service	14) Utility Service
12.4 SITE REQUIREMENTS	
Permitted and Conditional Uses	
1) Site Area	min. 929.00 sq. m. (10,000.00 sq. ft.)
2) Site Width	min. 30.48 m. (100.00 ft.)
3) Front Yard	min. 9.14 m. (30.00 ft.)
4) Rear Yard	min. 7.62 m. (25.00 ft.)
5) Side Yard	min. 3.05 m. (10.00 ft.)
6) Corner Side Yard	min. 3.66 m. (15.00 ft.)
7) Site Coverage	see Section 12.6(2)
8) Building Height	max. 10.67 m. (35.0 ft.); 2.5 storeys
9) Dwelling Unit Area	min. 74.32 sq. m. (800.00 sq. ft.)
10) Dwelling Unit Width	min. 6.10 m. (20.00 ft.)
12.5 SITE REQUIREMENTS	
Accessory Uses and Buildings	
1) Site Area	N/A
2) Site Width	N/A
3) Front Yard	min. 9.14 m. (30.00 ft.)
4) Rear Yard	min. 1.52 m. (5.00 ft.)
5) Side Yard	min. 1.52 m. (5.00 ft.)
6) Corner Side Yard	min. 3.66 m. (12.00 ft.)
7) Building Area	see Section 12.6(2)
8) Building Height	max. 4.88 m. (16.0 ft.); 1.0 storey [also see Section 10.6(4)]
9) Building Width	N/A

### 12.6 ADDITIONAL REGULATIONS FOR PERMITTED AND CONDITIONAL USES

- 1) A Home Occupation shall be developed in accordance with Section 70 of this By-law.
- 2) Notwithstanding the other regulations of this By-law, under the RT Zone the maximum site coverage for a principal building is 30.00% of the site area, the maximum **combined (BL 2016-01)** building area for attached accessory buildings is 74.32 sq. m. (800.00 sq. ft.) and the maximum building area for a detached accessory building is 55.74 sq. m. (600.00 sq. ft.) with a maximum building height of 4.88 m. (16.00 ft.) to the highest point of the roof, per each single detached housing site. Further, under the RT Zone, a principal building is defined as a habitable space used or intended to be

used for living, sleeping, cooking and/or eating purposes and includes bathrooms, sunrooms, laundries, storage rooms and basements. Any other buildings on-site, whether attached or detached, including without limitation a garage, storage shed or gazebo is defined as an accessory building to the principal building and is limited in size to the above noted maximum building areas. Seasonal non-winter structures such as decks, screened porches or verandas, uncovered walks, and wheelchair ramps as determined by the Designated Officer are not included in the maximum building area calculations or site coverage.

#### 12.7 ADDITIONAL REGULATIONS FOR CONDITIONAL USES ONLY

- 1) A Bed and Breakfast Home shall be developed in accordance with Section 72 of this By-law.
- 2) A Child Care Service shall be developed in accordance with Section 71 of this By-law.
- 3) A Planned Unit Development shall be developed in accordance with Section 73 of this By-law.
- 4) A Single Housing Dwelling shall be developed in accordance with Section 10 of this By-law.

## 13.0 RM: Multiple Housing Dwelling Zone

### 13.1 GENERAL PURPOSE

To establish a zone for multiple housing dwellings as well as associated or compatible uses.

#### 13.2 PERMITTED USES

- |                              |                         |
|------------------------------|-------------------------|
| 1) Home Occupation           | 4) Public Park          |
| 2) Institutional Residence   | 5) Two Housing Dwelling |
| 3) Multiple Housing Dwelling |                         |

#### 13.3 CONDITIONAL USES

- |                                      |   |
|--------------------------------------|---|
| 1) Bed and Breakfast Home            | 9) Planned Unit Development             |
| 2) Child Care Service                | 10) Private Education Service           |
| 3) Community Recreation Service      | 11) Protective and Emergency Service    |
| 4) Community Service Club            | 12) Public Educational Service          |
| 5) Convenience Retail Store          | 13) Public Library and Cultural Exhibit |
| 6) Eating and Drinking Establishment | 14) Religious Assembly                  |
| 7) Health Services                   | 15) Single Housing Dwelling             |
| 8) Personal Service Shop             | 16) Utility Service                     |

#### 13.4 SITE REQUIREMENTS

##### Permitted and Conditional Uses

- |                         |                                       |
|-------------------------|---------------------------------------|
| 1) Site Area            | See Section 13.6(2) below             |
| 2) Site Width           | min. 30.48 m. (100.00 ft.)            |
| 3) Front Yard           | min. 9.14 m. (30.00 ft.)              |
| 4) Rear Yard            | min. 7.62 m. (25.00 ft.)              |
| 5) Side Yard            | min. 4.57 m. (15.00 ft.)              |
| 6) Corner Side Yard     | min. 4.57 m. (15.00 ft.)              |
| 7) Site Coverage        | max. 50.00 %                          |
| 8) Building Height      | max. 10.67 m. (35.0 ft.); 3.0 storeys |
| 9) Dwelling Unit Area   | min. 74.32 sq. m. (800.00 sq. ft.)    |
| 10) Building Separation | min. 3.05 m. (10.00 ft.)              |

#### 13.5 SITE REQUIREMENTS

##### Accessory Uses and Buildings

- |                     |                                     |
|---------------------|-------------------------------------|
| 1) Site Area        | N/A                                 |
| 2) Site Width       | N/A                                 |
| 3) Front Yard       | min. 9.14 m. (30.00 ft.)            |
| 4) Rear Yard        | min. 4.57 m. (15.00 ft.)            |
| 5) Side Yard        | min. 3.05 m. (10.00 ft.)            |
| 6) Corner Side Yard | min. 4.57 m. (15.00 ft.)            |
| 7) Site Coverage    | max. 10%                            |
| 8) Building Height  | max. 4.88 m. (16.0 ft.); 1.0 storey |

### 13.6 ADDITIONAL REGULATIONS FOR PERMITTED AND CONDITIONAL USES

- 1) A Home Occupation shall be developed in accordance with Section 70 of this By-law
- 2) The minimum site area regulation for Multiple Housing Dwelling shall be 929.00 sq. m. (10,000 sq. ft.) for the first four dwelling units and 116.13 sq. m. (1,250.00 sq. ft.) for each additional dwelling unit.
- 3) Non-Residential Use Class developments shall be developed in accordance with Section 16 this By-law.

- 4) A Two Housing Dwelling shall be developed in accordance with Section 12 of this By-law.
- 5) The maximum gross density shall be 32.14 dwellings per hectare (13.00 per acre).

#### 13.7 ADDITIONAL REGULATIONS FOR CONDITIONAL USES ONLY

- 1) A Bed and Breakfast Home shall be developed in accordance with Section 72 of this By-law.
- 2) A Child Care Service shall be developed in accordance with Section 71 of this By-law.
- 3) A Planned Unit Development shall be developed in accordance with Section 73 of this By-law.
- 4) A Single Housing Dwelling shall be developed in accordance with Section 10 of this By-law

## 14.0 RC: Comprehensive Residential Zone

### 14.1 GENERAL PURPOSE

To provide a planned unit development zone for multiple family housing and other compatible uses that are also regulated through various site development and condominium agreements (**BL 2018-03**).

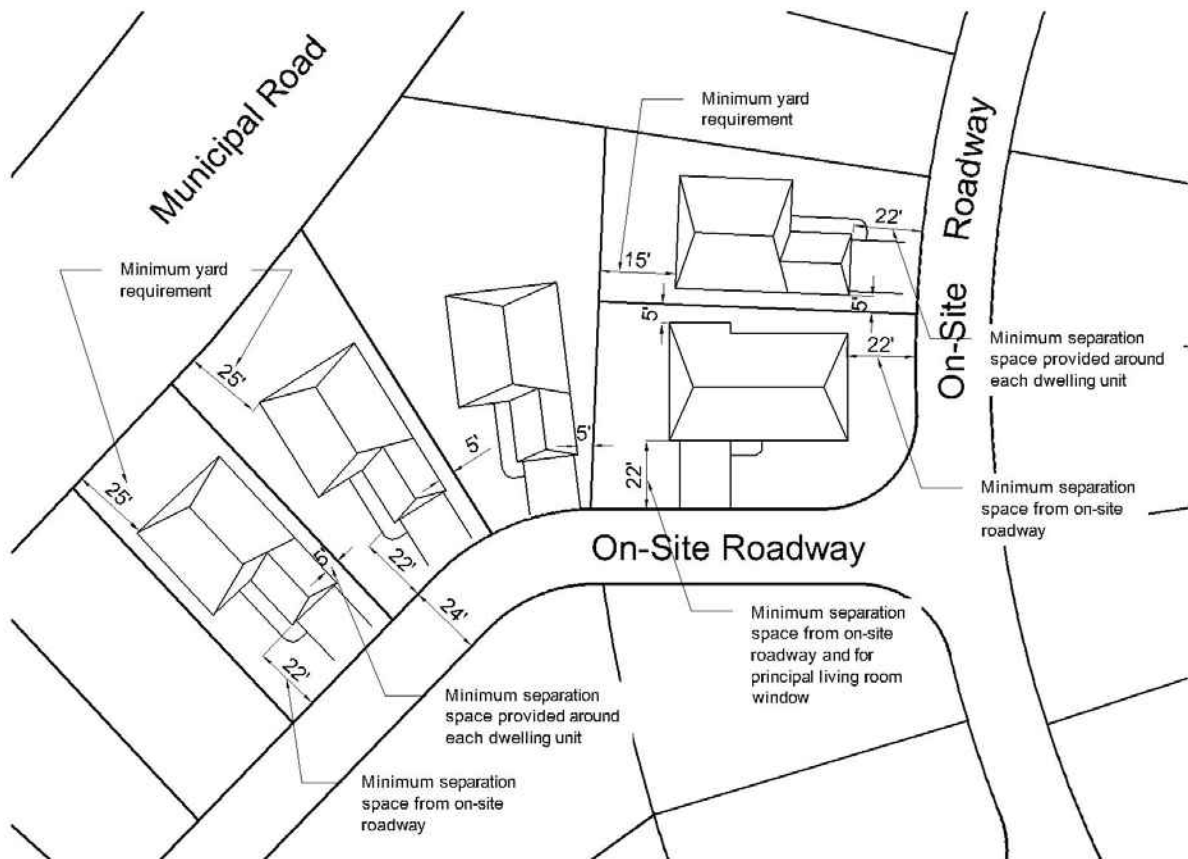
<b>14.2 PERMITTED USES</b>  1) Home Occupation 2) Public Park 3) Single Housing Dwelling	
<b>14.3 CONDITIONAL USES</b>  1) Community Recreation Service 2) Community Service Club 3) Institutional Residence 4) Protective and Emergency Service 5) Two Housing Dwelling 6) Utility Service	
<b>14.4 SITE REQUIREMENTS</b>  Permitted and Conditional Uses  1) Site Area min. 0.40 ha. (1.00 acre) 2) Site Width min. 38.10 m. (125.00 ft.) 3) Front Yard min. 7.62 m. (25.00 ft.) 4) Rear Yard min. 7.62 m. (25.00 ft.) 5) Side Yard min. 7.62 m. (25.00 ft.) 6) Corner Side Yard min. 7.62 m. (25.00 ft.) 7) Site Coverage max. 45.00% 8) Building Height max. 10.67 m. (35.00 ft.) 9) Dwelling Unit Area min. 83.61 sq. m. (900.00 sq. ft.) 10) Dwelling Width min. 6.10 m. (20.00 ft.)	<b>14.5 SITE REQUIREMENTS</b>  Accessory Uses and Buildings  1) Site Area N/A 2) Site Width N/A 3) Front Yard min. 6.10 m. (20.00 ft.) 4) Rear Yard min. 3.05 m. (10.00 ft.) 5) Side Yard min. 1.20 m. (4.00 ft.) 6) Corner Side Yard min. 3.05 m. (10.00 ft.) 7) Building Area max. 1.00% 8) Building Height max. 4.57 m. (15.00 ft.) 9) Building Width N/A

### 14.6 ADDITIONAL REGULATIONS FOR PERMITTED AND CONDITIONAL USES

- 1) Any development shall also comply with the following regulations:
  - a) The maximum gross density shall be 12.36 dwellings per hectare (5.00 dwellings per acre).
  - b) Separation spaces between buildings shall be provided as follows:
    - i) a minimum depth of 6.71 m. (22.00 ft.) in the front separation space as determined by the Designated Officer as depicted in Figure 10;

- ii) a minimum depth of 1.62 m. (5.00 ft.) in the side separation space as determined by the Designated Officer as depicted in Figure 10; and
- iii) a minimum depth of 4.57 m. (15.00 ft.) in the rear separation space as determined by the Designated Officer as depicted in Figure 10.

Figure 10: Separation Spaces for On-Site Buildings



- c) The minimum separation space in front of any windows, entry or similar opening shall be applied along the full length and height of the exterior wall of the room in which the particular opening or window is located.
- d) The minimum separation distance between two residential buildings shall be double the separation space as indicated in Section 14.6 [1(b)] above.

- e) In addition to other submission requirements of this By-law, the following additional information is required to ensure compliance with these regulations:
    - i) the location of use of each proposed or existing building or structure;
    - ii) the location of all doors and windows and the type;
    - iii) the separation space between residential buildings;
    - iv) floor plans and elevations of all proposed buildings and structures;
    - v) the total number of dwelling units and the gross floor area; and
    - vi) the location, type and height of all proposed walls, fences, and landscaping.
  - f) The Planned Unit Development regulations of Section 73 of this By-law do not apply in this RC Zone.
- 2) For residential developments that have more than ten dwelling units, the exteriors of the dwellings shall provide individuality and variety of building design in terms of setbacks, entrances, elevations and finishing material.
  - 3) Separation Space is the open space provided around a dwelling unit(s) which shall be free of buildings or structures, walkways, on-site roadways and communal parking to ensure adequate light, air, fire protection, safety and privacy for the occupants. For bare land condominium projects, separation space means the least horizontal distance from the condominium unit lot line to the principal building.
  - 4) A Home Occupation shall be developed in accordance with Section 70 of this By-law.
  - 5) Yard or Separation Space means required open space that is unoccupied by any building or structure, unless otherwise permitted in this By-law, extending from the property boundary line to a depth (measured from the property line) specified in the yard requirements in Section 14.6 [1(b)] above.
  - 6) Notwithstanding the above regulations pertaining to the RC Zone, for the site legally described as Units 1-163, Plan No. 36349, the minimum Front Yard or Separation Space shall be 6.10 m. (20.00 ft.) and the maximum gross density shall be 14.83 dwellings per hectare (6.00 dwellings per acre).





## 15.0 Commercial Zones

### 15.1 Purpose

The Commercial Zones established in this By-law are intended to provide sufficient land in appropriate locations to meet the needs of commercial development in the Municipality in keeping with the provisions of the Development Plan.

### 15.2 Commercial Zones

The following Commercial Zones are hereby established:

- 1) CN: Neighbourhood Commercial Zone
- 2) CB: Commercial Business Zone
- 3) CH: Highway Commercial Zone



## 16.0 CN: Neighbourhood Commercial Zone

### 16.1 GENERAL PURPOSE

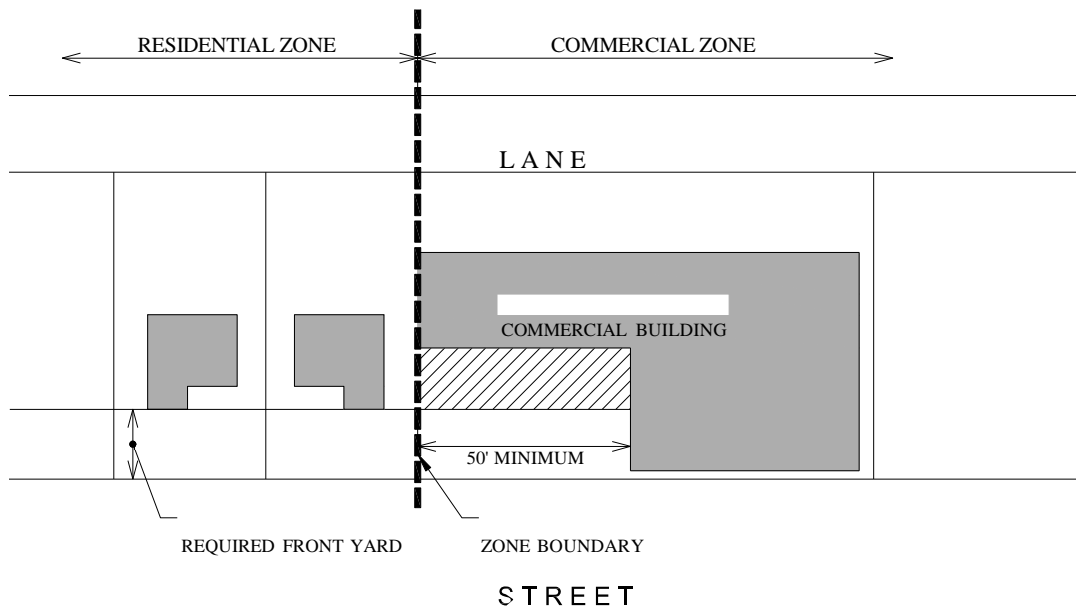
To establish a zone for convenience commercial and personal service uses which are intended to serve the day-to-day needs of residents within new or established neighbourhoods.

16.2 PERMITTED USES	
1) Animal Shelter and Veterinary Service	5) Health Service
2) Child Care Service	6) Personal Service Shop
3) Convenience Retail Store	7) Professional, Financial and Office Support Service
4) Eating and Drinking Establishment	8) Public Park
16.3 CONDITIONAL USES	
1) Amusement Establishment	7) Indoor Participant Recreation Service (2015-06)
2) Cannabis distributor (BL 2018-08)	8) Private Club
3) Cannabis retail store (BL 2018-08)	9) Protective and Emergency Service
4) Community Service Club	10) Public Library and Cultural Exhibit
5) Gas Bar	11) Religious Assembly
6) Household Repair Service	12) Utility Service
16.4 SITE REQUIREMENTS	
Permitted and Conditional Uses	
1) Site Area	max. 2.02 ha. (5.0 acres)
2) Floor Area Ratio	max. 1.0
3) Site Width	min. 30.48 m. (100.00 ft.)
4) Front Yard	min. 7.62 m. (25.00 ft.)
5) Rear Yard	min. 7.62 m. (25.00 ft.)
6) Side Yard	min. 3.05 m. (10.00 ft.)
7) Building Height	max. 10.67 m. (35.00 ft.)
8) Site Coverage	max. 50.00%
16.5 SITE REQUIREMENTS	
Accessory Uses and Buildings	
1) Site Area	N/A
2) Floor Area Ratio	N/A
3) Site Width	N/A
4) Front Yard	min. 7.62 m. (25.00 ft.)
5) Rear Yard	min. 7.62 m. (25.00 ft.)
6) Side Yard	min. 3.05 m. (10.00 ft.)
7) Building Height	max. 6.10 m. (20.00 ft.)
8) Site Coverage	Part of 16.4 (8)

### 16.6 ADDITIONAL REGULATIONS FOR PERMITTED AND CONDITIONAL USES

- Where a site has street frontage contiguous with that of an existing Residential Zone, the minimum front yard requirement shall be equal to that which is required for the Residential Zone for a distance of 15.24 m. (50.00 ft.) from the lot line of the residential property as depicted in Figure 11.

Figure 11: Special Commercial Yard Requirements



- 2) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within the first 4.57 m. (15.00 ft.) of a required front yard for the entire width of the property. Loading, storage, and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent sites and public roadways in accordance with the provisions of Section 58.2. If the rear or sides of a site are used for parking, an outdoor service or display area or both, and abut a Residential District or a lane serving a Residential District, they shall be screened in accordance with the provisions of Section 58.2.
- 3) Any fuel storage areas established on the site shall comply with the requirements of Manitoba Regulation 97/88R respecting Storage and Handling of Gasoline and Associated Products.
- 4) Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Manitoba Environment and legislation requirements.
- 5) A Child Care Service shall be developed in accordance with Section 71 of this By-law.
- 6) All commercial developments shall comply with the Performance Standards of Section 64 of this By-law.

## 17.0 CB: Commercial Business Zone

### 17.1 GENERAL PURPOSE

To establish a District for low intensity commercial, residential, office and service uses within the Bird's Hill Road Main Street commercial area.

#### 17.2 PERMITTED USES

- |                                      |  |
|--------------------------------------|--|
| 1) Business Support Service          | 8) Household Repair Service                            |
| 2) Child Care Service                | 9) Institutional Residence                             |
| 3) Eating and Drinking Establishment | 10) Personal Service Shop                              |
| 4) General Retail Store              | 11) Professional, Financial and Office Support Service |
| 5) Government Service                | 12) Protective and Emergency Service                   |
| 6) Health Service                    | 13) Public Library and Cultural Exhibit                |
| 7) Home Occupation                   | 14) Public Park  |

#### 17.3 CONDITIONAL USES

- |   |   |
|---|---|
| 1) Amusement Establishment                  | 11) Mobile Catering Food Service          |
| 2) Animal Shelter and Veterinary Service    | 12) Multiple Housing Dwelling             |
| 3) Broadcasting and Motion Picture Studio   | 13) Non-Accessory Parking                 |
| 4) Cannabis distributor ( <b>2018-03</b> )  | 14) Private Club                          |
| 5) Cannabis retail store ( <b>2018-03</b> ) | 15) Rapid Drive Through Vehicle Service   |
| 6) Commercial School                        | 16) Religious Assembly                    |
| 7) Community Service Club                   | 17) Service Station                       |
| 8) Drive-In Food Services                   | 18) Single Housing Dwelling               |
| 9) Gas Bar                                  | 19) Spectator Entertainment Establishment |
| 10) Indoor Participant Recreation Service   | 20) Utility Service                       |

#### 17.4 SITE REQUIREMENTS

##### Permitted and Conditional Uses

- |                     |                                       |
|---------------------|---------------------------------------|
| 1) Site Area        | N/A                                   |
| 2) Floor Area Ratio | max. 1.0                              |
| 3) Site Width       | N/A                                   |
| 4) Front Yard       | min. 7.62 m. (25.00 ft.)              |
| 5) Rear Yard        | min. 7.62 m. (25.00 ft.)              |
| 6) Side Yard        | min. 3.05 m. (10.00 ft.)              |
| 7) Building Height  | max. 12.20 m. (40.0 ft.); 3.0 storeys |
| 8) Site Coverage    | max. 60.00%                           |

#### 17.5 SITE REQUIREMENTS

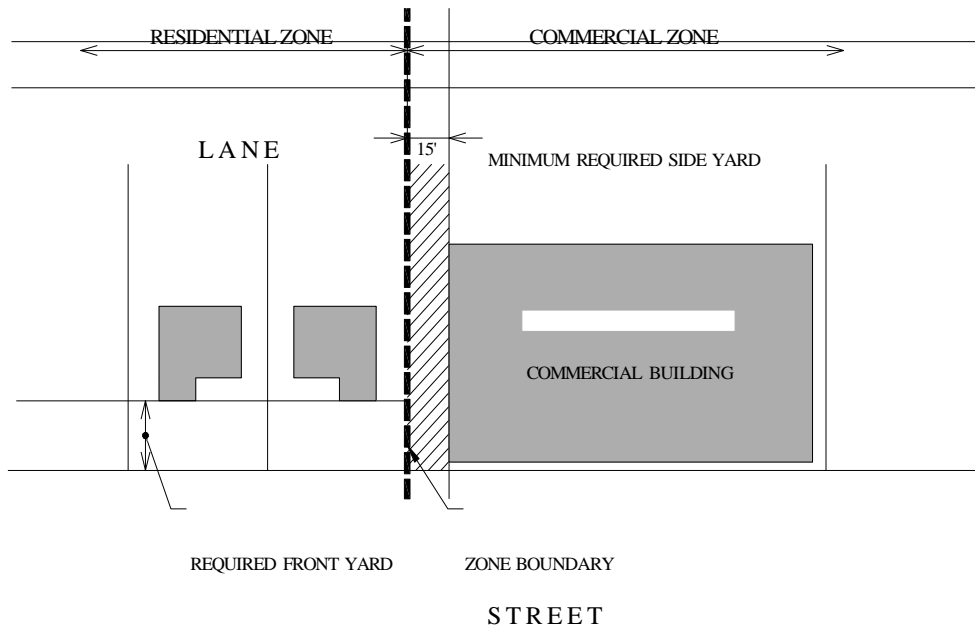
##### Accessory Uses and Buildings

- |                     |                          |
|---------------------|--------------------------|
| 1) Site Area        | N/A                      |
| 2) Floor Area Ratio | Part of 17.4 (2)         |
| 3) Site Width       | N/A                      |
| 4) Front Yard       | max. 7.63 m. (25.00 ft.) |
| 5) Rear Yard        | max. 3.05 m. (10.00 ft.) |
| 6) Side Yard        | max. 3.05 m. (10.00 ft.) |
| 7) Building Height  | max. 6.10 m. (20.00 ft.) |
| 8) Site Coverage    | Part of 17.4 (8)         |

## 17.6 ADDITIONAL REGULATIONS FOR PERMITTED AND CONDITIONAL USES

- 1) A minimum side yard of 4.57 m. (15.00 ft.) shall be required where a site abuts a lot line of a site in a Residential Zone as depicted in Figure 12.

Figure 12: Special Commercial Yard Requirements



- 2) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within the first 4.57 m. (15.00 ft.) of a required front yard for the entire width of the property. Loading, storage, and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent sites and public roadways in accordance with the provisions of Section 58.2. If the rear or sides of a site are used for parking, an outdoor service or display area or both, and abut a Residential District or a lane serving a Residential District, they shall be screened in accordance with the provisions of Section 58.2.
- 3) Any fuel storage areas established on the site shall comply with the requirements of Manitoba Regulation 97/88R respecting Storage and Handling of Gasoline and Associated Products.
- 4) Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Manitoba Environment and legislation requirements.
- 5) A Child Care Service shall be developed in accordance with Section 71 of this By-law.
- 6) A Home Occupation shall be developed in accordance with Section 70 of this By-law.
- 7) All commercial developments shall comply with the Performance Standards of Section 64 of this By-law.

#### 17.7 ADDITIONAL REGULATIONS FOR CONDITIONAL USES ONLY

- 1) A Single Housing Dwelling shall be developed in accordance with Section 10 of this By-law.
- 2) A Multiple Housing Dwelling shall be developed in accordance with Section 13 of this By-law.

## 18.0 CH: Commercial Highway Zone

### 18.1 GENERAL PURPOSE

To establish a zone for high quality commercial development along major roadways.

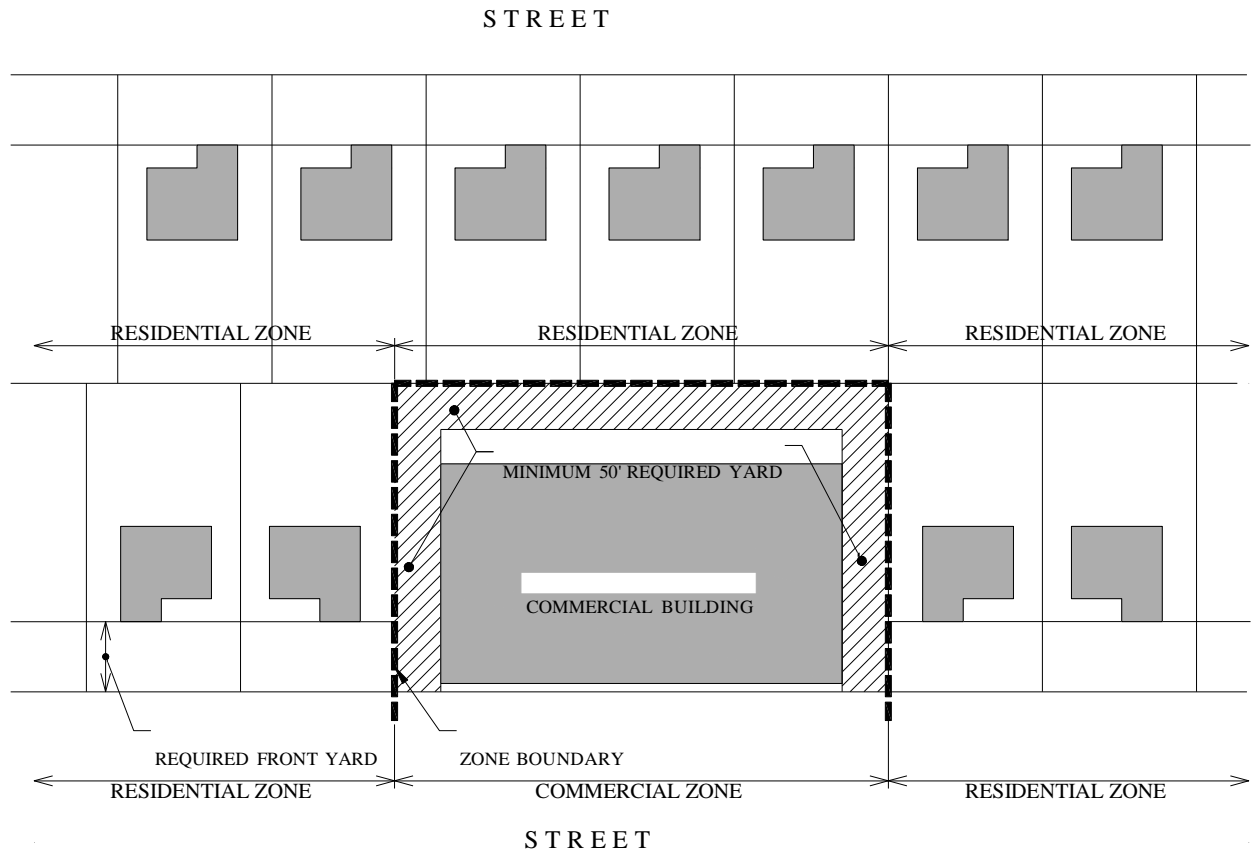
18.2 PERMITTED USES			
1)	Business Support Service	11)	Household Repair Service
2)	<b>Child Care Service (BL 2016-10)</b>	12)	Mini-Warehouse and Self Storage
3)	Convenience Vehicle Rentals	13)	Non-accessory Parking
4)	Drive-In Food Service	14)	Personal Service Shop
5)	Eating and Drinking Establishment	15)	Professional, Financial, and Office Support Service
6)	General Retail Store	16)	Protective and Emergency Service
7)	General Storage	17)	Public Library and Cultural Exhibit
8)	Greenhouse, Plant and Tree Nursery	18)	Public Park
9)	Government Service	19)	Spectator Entertainment Establishment
10)	Health Service	20)	Utility Service
18.3 CONDITIONAL USES			
1)	Amusement Establishment	18)	Limited Contractor Service
2)	<b>Animal Shelter and Veterinary Service (BL 2013-13)</b>	19)	<b>Light Industrial (BL 2016-10)</b>
3)	Auctioneering Establishment	20)	<b>Mobile Catering Service (BL 2016-10)</b>
4)	Automotive and Equipment Repair Shop	21)	Motel
5)	Automotive and Recreational Vehicle Sale	22)	Outdoor Amusement Establishment
6)	Cannabis distributor ( <b>2018-03</b> )	23)	Outdoor Participant Recreation Service
7)	Cannabis retail store ( <b>2018-03</b> )	24)	Private Club
8)	Commercial Resort	25)	<b>Private and Public Education (BL 2016-10)</b>
9)	Commercial School	26)	Rapid Drive Through Vehicle Service
10)	Community Service Club	27)	Religious Assembly
11)	Equipment Rentals and Sales	28)	Service Station
12)	Fleet Services	29)	Tourist Campsite
13)	<b>Funeral Service (BL 2016-10)</b>	30)	Sales/Rent
14)	Gas Bar	31)	<b>Small Animal Obedience Training (BL 2016-10)</b>
15)	General Contractor Establishment	32)	<b>Specialized Agriculture (BL 2016-10)</b>
16)	Hotel	33)	Truck, Mobile Home and Farm Equipment
17)	Indoor Participant Recreation Service	34)	Trucking Establishment
		35)	Warehouse Sales
18.4 SITE REQUIREMENTS		18.5 SITE REQUIREMENTS	
Permitted and Conditional Uses		Accessory Uses and Buildings	
1)	Site Area N/A	1)	Site Area N/A
2)	Floor Area Ratio max. 1.0	2)	Site Coverage Part of 17.4 (2)
3)	Site Width min. 30.48 m. (100.00 ft.)	3)	Site Width N/A
4)	Front Yard min. 7.62 m. (25.00 ft.)	4)	Front Yard min. 7.62 m. (25.00 ft.)
5)	Rear Yard min. 7.62 m. (25.00 ft.)	5)	Rear Yard min. 7.62 m. (25.00 ft.)
6)	Side Yard min. 3.05 m. (10.00 ft.)	6)	Side Yard min. 3.05 m. (10.00 ft.)
7)	Building Height max. 12.20 m. (40.00 ft.); 3.0 storeys	7)	Building Height max. 6.10 m. (20.00 ft.)



## 18.6 ADDITIONAL REGULATIONS FOR PERMITTED AND CONDITIONAL USES

- 1) A minimum yard of 15.24 m. (50.00 ft.) shall be required where a site abuts a lot line of a site in a Residential Zone or a site designated as Serviced Residential 1, 2 or Reserve in the Development Plan as depicted in Figure 13.

Figure 13: Special Commercial Yard Requirements



- 2) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within the first 4.57 m. (15.00 ft.) of a required front yard for the entire width of the property. Loading, storage, and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent sites and public roadways in accordance with the provisions of Section 58.2. If the rear or sides of a site are used for parking, an outdoor service or display area or both, and abut a Residential District or a lane serving a Residential District, they shall be screened in accordance with the provisions of Section 58.2.
- 3) All exposed building faces shall have consistent and harmonious exterior finishing materials.

- 4) Any fuel storage areas established on the site shall comply with the requirements of Manitoba Regulation 97/88R respecting Storage and Handling of Gasoline and Associated Products.
- 5) Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Manitoba Environment and legislation requirements.
- 6) Buildings, structures and hedges proposed adjacent to Provincial Highways shall be setback in accordance with The Highways Protection Act and The Highways and Transportation Act.
- 7) All commercial developments shall comply with the Performance Standards of Section 64 of this By-law.

#### 18.7 ADDITIONAL REGULATIONS FOR CONDITIONAL USES ONLY

- 1) The siting and access for the following developments shall be to the satisfaction of the Designated Officer who shall ensure that such developments do not prejudice the safety and transportation function of public roadways:
  - a) Drive-In Food Service
  - b) Eating and Drinking Establishment
  - c) Rapid Drive-Through Vehicle Service d)  
General Retail Store
  - e) Automated Teller Machine



## 19.0 Industrial Zones

### 19.1 Purpose

The Industrial Zones established in this By-law are intended to provide sufficient land for industrial business developments in suitable locations in the Municipality in keeping with the provisions of the Development Plan.

### 19.2 Industrial Zones

The following Industrial Zones are hereby established:

- 1) IB: Industrial Business Zone
- 2) IG: General Industrial Zone



## 20.0 IB: Industrial Business Zone

### 20.1 GENERAL PURPOSE

To establish a zone for industrial businesses which carry out their operations such that no nuisance factor is created or apparent outside an enclosed building and such that the Zone is compatible with any adjacent non-industrial district.

### 20.2 PERMITTED USES

- |  |  |
|--|--|
| 1) Amusement Establishment                   | 17) Household Repair Service                           |
| 2) Automotive and Recreational Vehicle Sales | 18) Indoor Participant Recreation Service              |
| 3) Business Support Service                  | 19) Light Industrial Use                               |
| 4) Broadcasting and Motion Picture Studio    | 20) Limited Contractor Service                         |
| 5) Commercial School                         | 21) Mini-Warehouse and Self Storage                    |
| 6) Community Service Club                    | 22) Mobile Catering Food Service                       |
| 7) Convenience Vehicle Rentals               | 23) Non-Accessory Parking                              |
| 8) Custom Manufacturing Establishment        | 24) Professional, Financial and Office Support Service |
| 9) Drive-In Food Service                     | 25) Protective and Emergency Service                   |
| 10) Eating and Drinking Establishment        | 26) Public Park  |
| 11) Equipment Rentals and Sales              | 27) Rapid Drive-Through Vehicle Service                |
| 12) Fleet Service                            | 28) Religious Assembly                                 |
| 13) Funeral Service                          | 29) Service Station                                    |
| 14) General Storage                          | 30) Spectator Entertainment Establishment              |
| 15) Greenhouse, Plant and Tree Nursery       | 31) Truck and Mobile Home Sales/Rentals                |
| 16) Health Service                           | 32) Utility Service                                    |
|  | 33) Warehouse Sales                                    |

### 20.3 CONDITIONAL USES

- |   |   |
|---|---|
| 1) Auctioneering Establishment          | 6) Industrial Vehicle and Equipment Sales/Rentals |
| 2) Automotive and Equipment Repair Shop | 7) Motel  |
| 3) Carnival                             | 8) Outdoor Participant Recreation Service         |
| 4) General Contractor Service           | 9) Personal Service Shop                          |
| 5) Hotel                                | 10) Private Club                                  |
|   | 11) Recycling Depot                               |

### 20.4 SITE REQUIREMENTS

#### Permitted and Conditional Uses

- |                     |                                       |
|---------------------|---------------------------------------|
| 1) Site Area        | min. 0.40 ha. (1.00 ac.)              |
| 2) Site Width       | min. 22.86 m. (75.00 ft.)             |
| 3) Floor Area Ratio | max. 1.0                              |
| 4) Front Yard       | min. 7.62 m. (25.00 ft.)              |
| 5) Rear Yard        | min. 3.06 m. (10.00 ft.)              |
| 6) Side Yard        | min. 3.05 m. (10.00 ft.)              |
| 7) Building Height  | max. 7.31 m. (24.00 ft.); 2.0 storeys |

### 20.5 SITE REQUIREMENTS

#### Accessory Uses and Buildings

- |                    |                          |
|--------------------|--------------------------|
| 1) Site Coverage   | Part of 20.4 3)          |
| 2) Front Yard      | min. 7.62 m. (25.00 ft.) |
| 3) Side Yard       | min. 3.05 m. (10.00 ft.) |
| 4) Building Height | max. 6.10 m. (20.00 ft.) |

20.6 ADDITIONAL REGULATIONS FOR PERMITTED AND CONDITIONAL USES

- 1) Where a site abuts the property line of an existing or future Residential Zone as indicated on the Development Plan, a 15.24 m. (50.00 ft.) landscaped yard is required. This yard shall include a berm, fence and extensive landscaping to the satisfaction of the Designated Officer or Council. As a minimum, this landscaping screen shall consist of an earth berm of not less than 1.00 m. (3.28 ft.) in height and a width of not less than 2.50 m. (8.20 ft.). In cases where the landscaping screen is a hedge, it shall be a minimum of 1.50 m. (4.92 ft.) in size.
- 2) Where a site abuts the property line of an existing or future Residential Zone as shown in the Development Plan, any buildings shall be set back a minimum of 30.48 m. (100.00 ft.) from the property line.
- 3) No parking shall be permitted within a required front yard and no loading, storage, trash collection, outdoor service or display area shall be permitted within a required side yard or the first 4.57 m. (15.00 ft.) of a rear yard if the site abuts a lot line of a site in a Residential District.
- 4) All developments shall comply with the Performance Standards of Section 64 of this By-law.
- 5) Any fuel storage areas established on the site shall comply with the requirements of Manitoba Regulation 97/88R respecting Storage and Handling of Gasoline and Associated Products.
- 6) Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Manitoba Environment and legislation requirements.
- 7) When outside storage of goods and materials is required:
  - a) the storage shall be located to the rear of a line adjacent to and parallel with the front wall of the building;
  - b) the storage shall not project above the height of the wall or fence; and
  - c) a solid fence shall be provided and maintained in a condition acceptable to the Designated Officer.
- 8) The operation of all uses shall comply with all environmental and public health standards of the Province of Manitoba. If the Designated Officer believes a proposed use may conflict with these standards, the application shall be referred to the appropriate Provincial Department(s) prior to issuing a development permit.

## 21.0 IG: Industrial General Zone

### 21.1 GENERAL PURPOSE

To establish a zone for industrial businesses which carry out their operations such that no nuisance factor is created or apparent outside an enclosed building and such that the district is compatible with any adjacent non-industrial district.

#### 21.2 PERMITTED USES

- |  |  |
|--|--|
| 1) Amusement Establishment                   | 17) Household Repair Service                           |
| 2) Automotive and Recreational Vehicle Sales | 18) Indoor Participant Recreation Service              |
| 3) Business Support Service                  | 19) Light Industrial Use                               |
| 4) Broadcasting and Motion Picture Studio    | 20) Limited Contractor Service                         |
| 5) Commercial School                         | 21) Mini-Warehouse and Self Storage                    |
| 6) Community Service Club                    | 22) Mobile Catering Food Service                       |
| 7) Convenience Vehicle Rentals               | 23) Non-Accessory Parking                              |
| 8) Custom Manufacturing Establishment        | 24) Professional, Financial and Office Support Service |
| 9) Drive-In Food Service                     | 25) Protective and Emergency Service                   |
| 10) Eating and Drinking Establishment        | 26) Public Park  |
| 11) Equipment Rentals and Sales              | 27) Rapid Drive-Through Vehicle Service                |
| 12) Fleet Service                            | 28) Religious Assembly                                 |
| 13) Funeral Service                          | 29) Service Station                                    |
| 14) General Storage                          | 30) Spectator Entertainment Establishment              |
| 15) Greenhouse, Plant and Tree Nursery       | 31) Truck and Mobile Home Sales/Rentals                |
| 16) Health Service                           | 32) Utility Service                                    |
|  | 33) Warehouse Sales                                    |

#### 21.3 CONDITIONAL USES

- |   |   |
|---|---|
| 1) Auctioneering Establishment          | 6) Industrial Vehicle and Equipment Sales/Rentals |
| 2) Automotive and Equipment Repair Shop | 7) Motel  |
| 3) Bulk Storage Facility                | 8) Outdoor Participant Recreation Service         |
| 4) General Contractor Service           | 9) Personal Service Shop                          |
| 5) Hotel                                | 10) Private Club                                  |
|   | 11) Recycling Depot                               |

#### 21.4 SITE REQUIREMENTS

##### Permitted and Conditional Uses

- |                     |  |
|---------------------|--|
| 1) Site Area        | min. 0.40 ha. (1.00 ac.)               |
| 2) Site Width       | min. 22.86 m. (75.00 ft.)              |
| 3) Floor Area Ratio | max. 1.0                               |
| 4) Front Yard       | min. 7.62 m. (25.00 ft.)               |
| 5) Rear Yard        | min. 3.06 m. (10.00 ft.)               |
| 6) Side Yard        | min. 3.05 m. (10.00 ft.)               |
| 7) Building Height  | max. 12.20 m. (40.00 ft.); 3.0 storeys |

#### 21.5 SITE REQUIREMENTS

##### Accessory Uses and Buildings

- |                    |                          |
|--------------------|--------------------------|
| 1) Site Coverage   | Part of 21.4 (3)         |
| 2) Front Yard      | min. 7.62 m. (25.00 ft.) |
| 3) Side Yard       | min. 3.05 m. (10.00 ft.) |
| 4) Building Height | max. 6.10 m. (20.00 ft.) |



21.6 ADDITIONAL REGULATIONS FOR PERMITTED AND CONDITIONAL USES

- 1) Where a site abuts the property line of an existing or future Residential Zone as indicated on the Development Plan, a 15.24 m. (50.00 ft.) landscaped yard is required. This yard shall include a berm, fence and extensive landscaping to the satisfaction of the Designated Officer or Council. As a minimum, this landscaping screen shall consist of an earth berm of not less than 1.00 m. (3.28 ft.) in height and a width of not less than 2.50 m. (8.20 ft.). In cases where the landscaping screen is a hedge, it shall be a minimum of 1.50 m. (4.92 ft.) in size.
- 2) No parking shall be permitted within a required front yard and no loading, storage, trash collection, outdoor service or display area shall be permitted within a required side yard or the first 4.57 m. (15.00 ft.) of a rear yard if the site abuts a lot line of a site in a Residential District.
- 3) All developments shall comply with the Performance Standards of Section 64 of this By-law.
- 4) Any fuel storage areas established on the site shall comply with the requirements of Manitoba Regulation 97/88R respecting Storage and Handling of Gasoline and Associated Products.
- 5) Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Manitoba Environment and legislation requirements.
- 6) When outside storage of goods and materials is required:
  - a) the storage shall be located to the rear of a line adjacent to and parallel with the front wall of the building;
  - b) the storage shall not project above the height of the wall or fence; and
  - c) a solid fence shall be provided and maintained in a condition acceptable to the Designated Officer.
- 7) The operation of all uses shall comply with all environmental and public health standards of the Province of Manitoba. If the Designated Officer believes a proposed use may conflict with these standards, the application shall be referred to the appropriate Provincial Department(s) prior to issuing a development permit.



## 22.0 Community Service Zones

### 22.1 Purpose

The Community Service Zones established in this By-law are intended to provide sufficient land for developments of either a public or private nature which provides services to the Municipality and are in keeping with the provisions of the Development Plan as well as lands that are intended to accommodate future semi-urban development as per the East St. Paul Development Plan.

### 22.2 Community Service Zones

The following Community Service Zones are hereby established:

- 1) I: Institutional Zone
- 2) PR: Parks and Recreation Zone
- 3) DR: Development Reserve Zone



## 23.0 I: Institutional Zone

### 23.1 GENERAL PURPOSE

To provide a zone for public and privately owned facilities of an institutional, government or community service nature.

### 23.2 PERMITTED USES

- |                                     |  |
|-------------------------------------|--|
| 1) Community Recreation Service     | 7) Private Education Service           |
| 2) Community Service Club           | 8) Public Education Service            |
| 3) Child Care Service               | 9) Public Library and Cultural Exhibit |
| 4) Government Service               | 10) Public Park                        |
| 5) Health Service                   | 11) Religious Assembly                 |
| 6) Protective and Emergency Service | 12) Utility Service                    |

### 23.3 CONDITIONAL USES

- 1) Cemetery
- 2) Eating and Drinking Establishment, only when integrated with another Permitted or Conditional Use development
- 3) Extended Medical Treatment Service
- 4) Indoor Participant Recreation Service, only when integrated with another Permitted or Conditional Use development
- 5) Institutional Residence
- 6) Outdoor Participant Recreation Service, only when integrated with another Permitted or Conditional Use development
- 7) Private Club
- 8) Professional, Financial and Office Support Service, only when integrated with another Permitted or Conditional Use development

### 23.4 SITE REQUIREMENTS

#### Permitted and Conditional Uses

- |                     |  |
|---------------------|--|
| 1) Floor Area Ratio | max. 1.0                               |
| 2) Front Yard       | min. 12.20 m. (40.00 ft.)              |
| 3) Rear Yard        | min. 7.62 m. (25.00 ft.)               |
| 4) Side Yard        | min. 3.05 m. (10.00 ft.)               |
| 5) Corner Side Yard | min. 4.57 m (15.00 ft.)                |
| 6) Building Height  | max. 10.67 m. (35.00 ft.); 3.0 storeys |

### 23.5 SITE REQUIREMENTS

#### Accessory Uses and Buildings

- |                     |                           |
|---------------------|---------------------------|
| 1) Floor Area Ratio | N/A                       |
| 2) Front Yard       | min. 12.20 m. (40.00 ft.) |
| 3) Rear Yard        | min. 7.62 m. (25.00 ft.)  |
| 4) Side Yard        | min. 3.05 m. (10.00 ft.)  |
| 5) Corner Side Yard | min. 4.57 m (15.00 ft.)   |
| 6) Building Height  | max. 6.10 m. (20.00 ft.)  |

### 23.6 ADDITIONAL REGULATIONS FOR PERMITTED USES

- 1) A Child Care Service shall be developed in accordance with Section 71 of this By-law

## 24.0 PR: Parks and Recreation Zone

### 24.1 GENERAL PURPOSE

To establish an area of public land for active and passive recreational uses and landscaped buffers.

24.2 PERMITTED USES	
1)	Child Care Service
2)	Community Recreation Service
3)	Community Service Club
4)	Government Service
5)	Indoor Participant Recreation Service
6)	Outdoor Participant Recreation Service
7)	Public Library and Cultural Exhibit
8)	Public Park
24.3 CONDITIONAL USES	
1)	Eating and Drinking Establishment, only when integrated with another Permitted or Conditional Use development
2)	Spectator Entertainment Establishment
3)	Utility Service
24.4 SITE REQUIREMENTS	24.5 SITE REQUIREMENTS
Permitted and Conditional Uses	Accessory Uses and Buildings
1) Floor Area Ratio	N/A
2) Front Yard	min. 12.20 m. (40.00 ft.)
3) Rear Yard	min. 7.62 m. (25.00 ft.)
4) Side Yard	min. 3.05 m. (10.00 ft.)
5) Corner Side Yard	min. 4.57 m (15.00 ft.)
6) Building Height	max. 10.67 m. (35.00 ft.); 3.0 storeys
1) Floor Area Ratio	N/A
2) Front Yard	min. 12.20 m. (40.00 ft.)
3) Rear Yard	min. 7.62 m. (25.00 ft.)
4) Side Yard	min. 3.05 m. (10.00 ft.)
5) Corner Side Yard	min. 4.57 m (15.00 ft.)
6) Building Height	max. 6.10 m. (20.00 ft.)

### 24.6 ADDITIONAL REGULATIONS FOR PERMITTED USES

- 1) A Child Care Service shall be developed in accordance with Section 71 of this By-law.

## 25.0 DR: Development Reserve Zone

### 25.1 GENERAL PURPOSE

To provide a zone to reserve lands for future residential, recreational, institutional, industrial and commercial growth as per the East St. Paul Development Plan.

### 25.2 PERMITTED USES

- 1) Single Housing Dwelling, if existing on the effective date of this By-law.

### 25.3 CONDITIONAL USES

- |                                       |   |
|---------------------------------------|---|
| 1) Composting                         | 6) Public Park                                      |
| 2) Equestrian Establishment           | 7) Single Housing Dwelling                          |
| 3) Greenhouse, Plant and Tree Nursery | 8) Small Animal Breeding and Boarding Establishment |
| 4) Farm                               | 9) Specialized Agriculture                          |
| 5) Farm Produce Outlet                | 10) Utility Service                                 |

### 25.4 SITE REQUIREMENTS

#### Permitted and Conditional Uses

- |                        |                             |
|------------------------|-----------------------------|
| 1) Site Area           | min. 8.10 ha. (20.00 acres) |
| 2) Site Width          | min. 91.44 m. (300.00 ft.)  |
| 3) Front Yard          | min. 30.48 m. (100.00 ft.)  |
| 4) Rear Yard           | min. 15.24 m. (50.00 ft.)   |
| 5) Side Yard           | min. 3.05 m. (10.00 ft.)    |
| 6) Site Coverage       | N/A                         |
| 7) Building Height     | max. 10.67 m. (35.00 ft.)   |
| 8) Dwelling Unit Area  | N/A                         |
| 9) Dwelling Unit Width | N/A                         |

### 25.5 SITE REQUIREMENTS

#### Accessory Uses and Buildings

- |                       |                            |
|-----------------------|----------------------------|
| 1) Site Area          | N/A                        |
| 2) Site Width         | N/A                        |
| 3) Front Yard         | min. 30.48 m. (100.00 ft.) |
| 4) Rear Yard          | min. 15.24 m. (50.00 ft.)  |
| 5) Side Yard          | min. 15.24 m. (50.00 ft.)  |
| 6) Site Coverage      | N/A                        |
| 7) Building Height    | max. 6.10 m. (20.00 ft.)   |
| 8) Dwelling Unit Area | N/A                        |
| 9) House Width        | N/A                        |

## 25.6 ADDITIONAL REGULATIONS FOR CONDITIONAL USES ONLY

- 1) A Farm shall be developed in accordance with Section 67 of this By-law.
  - 2) The maximum building height requirement of 10.67 m. (35.00 ft.) shall not apply to buildings or structures that are accessory to a Farm.
  - 3) Water supply and sewage disposal shall be provided in accordance with the Manitoba Environment Act regulations, The Public Health Act, and The Drinking Water Safety Act.
  - 4) In considering Conditional Uses, Council shall not approve Conditional Uses that would be prejudicial to the future economical subdivision, servicing and development of such lands for future urban use on a planned basis.
  - 5) Council may specify the length of time a use is permitted in this Zone having regard to the future servicing or development of general residential, industrial, community service or commercial uses on the subject land.
- .



## 26.0 Rural Limited Zones

### 26.1 Purpose

The Rural Limited Zones are established in this By-law to accommodate rural residences and other compatible uses such as small scale commercial developments, greenhouses, and churches in keeping with the provisions of the Development Plan.

### 26.2 Rural Limited Zones

The following Rural Limited Zones are hereby established:

- 1) RR-5: Rural Residential Zone
- 2) RR-2: Rural Residential Zone
- 3) RR-1: Rural Residential Infill Zone



## 27.0 RR-5: Rural Residential Zone

### 27.1 GENERAL PURPOSE

To provide for the development of low density single housing dwellings and compatible farming operations in the country type setting.

### 27.2 PERMITTED USES

- 1) Home Occupation
- 2) Public Park
- 3) Single Housing Dwelling

### 27.3 CONDITIONAL USES

- |  |  |
|--|--|
| 1) Airport Landing Field               | 13) Planned Unit Development                         |
| 2) Airport and Associated Facilities   | 14) Private Educational Service                      |
| 3) Bed and Breakfast Home              | 15) Protective and Emergency Service                 |
| 4) Child Care Service                  | 16) Public Educational Service                       |
| 5) Community Recreation Service        | 17) Religious Assembly                               |
| 6) Community Service Club              | 18) Secondary Suite, attached ( <b>BL 2018-03</b> )  |
| 7) Composting                          | 19) Secondary Suite, detached ( <b>BL 2018-03</b> )  |
| 8) Equestrian Establishment            | 20) Small Animal Breeding and Boarding Establishment |
| 9) Farm                                | 21) Specialized Agriculture                          |
| 10) Greenhouse, Plant and Tree Nursery | 22) Transported Dwelling                             |
| 11) Institutional Residence            | 23) Utility Service                                  |
| 12) Non-Commercial Farm                | 24) Wind Turbine Personal Use                        |

### 27.4 SITE REQUIREMENTS

#### Permitted and Conditional Uses

- |                         |   |
|-------------------------|---|
| 1) Site Area            | min. 2.02 ha. (5.00 acres)                |
| 2) Site Width           | min. 91.44 m. (300.00 ft.)                |
| 3) Front Yard           | min. 12.20 m. (40.00 ft.)                 |
| 4) Rear Yard            | min. 7.62 m. (25.00 ft.)                  |
| 5) Side Yard            | min. 3.05 m. (10.00 ft.)                  |
| 6) Corner Side Yard     | min. 4.57 m. (15.00 ft.)                  |
| 7) Site Coverage        | max. 10.00 %                              |
| 8) Building Height      | max. 10.67 m. (35.00 ft.);<br>2.5 storeys |
| 9) Dwelling Unit Area   | min. 92.90 sq. m. (1,000 sq. ft.)         |
| 10) Dwelling Unit Width | min. 6.10 m. (20.00 ft.)                  |

### 27.5 SITE REQUIREMENTS

#### Accessory Uses and Buildings

- |                     |                                    |
|---------------------|------------------------------------|
| 1) Site Area        | N/A                                |
| 2) Site Width       | N/A                                |
| 3) Front Yard       | min. 12.20 m. (40.00 ft.)          |
| 4) Rear Yard        | min. 3.05 m. (10.00 ft.)           |
| 5) Side Yard        | min. 3.05 m. (10.00 ft.)           |
| 6) Corner Side Yard | min. 4.57 m. (15.00 ft.)           |
| 7) Building Area    | max. 204.38 sq. m. (2,200 sq. ft.) |
| 8) Building Height  | max. 6.10 m. (20.00 ft.)           |
| 9) Building Width   | N/A                                |

## 27.6 ADDITIONAL REGULATIONS FOR PERMITTED AND CONDITIONAL USES

- 1) Water supply and sewage disposal shall be provided in accordance with The Environment Act, The Public Health Act, and The Drinking Water Safety Act.
- 2) A Home Occupation shall be developed in accordance with Section 70 of this By-law.
- 3) **The maximum building area for accessory units is per building, up to the maximum of two accessories per title (BL 2016-01).**

## 27.7 ADDITIONAL REGULATIONS FOR CONDITIONAL USES ONLY

- 1) A Bed and Breakfast Home shall be developed in accordance with Section 72 of this By-law.
- 2) A Child Care Service shall be developed in accordance with Section 71 of this By-law.
- 3) A Planned Unit Development shall be developed in accordance with Section 73 of this By-law.
- 4) A Residential Related Farm shall be developed in accordance with Section 67 of this By-law.
- 5) A Secondary Suite, whether attached or detached, shall be developed in accordance with Section 76.0 of this By-law **(BL 2018-03)**.
- 6) A Small Animal Breeding and Boarding Establishment shall be developed in accordance with Section 78 of this By-Law.

## 28.0 RR-2: Rural Residential Zone

### 28.1 GENERAL PURPOSE

To provide a zone for a single housing development of a permanent nature, generally without the provision of the full range of urban utility services.

### 28.2 PERMITTED USES

- 1) Home Occupation
- 2) Public Park
- 3) Single Housing Dwelling

### 28.3 CONDITIONAL USES

- |                                       |  |
|---------------------------------------|--|
| 1) Bed and Breakfast Home             | 10) Religious Assembly                               |
| 2) Child Care Service                 | 11) Secondary Suite, attached ( <b>BL 2018-03</b> )  |
| 3) Community Recreation Service       | 12) Secondary Suite, detached ( <b>BL 2018-03</b> )  |
| 4) Community Service Club             | 13) Small Animal Breeding and Boarding Establishment |
| 5) Composting                         | 14) Specialized Agriculture                          |
| 6) Greenhouse, Plant and Tree Nursery | 15) Transported Dwelling                             |
| 7) Institutional Residence            | 16) Utility Service                                  |
| 8) Planned Unit Development           | 17) Wind Turbine Personal Use                        |
| 9) Protective and Emergency Service   |  |

### 28.4 SITE REQUIREMENTS

#### Permitted and Conditional Uses

- |                       |   |
|-----------------------|---|
| 1) Site Area          | min. 0.81 ha. (2.00 acres)                |
| 2) Site Width         | min. 45.72 m. (150.00 ft.)                |
| 3) Front Yard         | min. 12.19 m. (40.00 ft.)                 |
| 4) Rear Yard          | min. 7.62 m. (25.00 ft.)                  |
| 5) Side Yard          | min. 3.05 m. (10.00 ft.)                  |
| 6) Corner Side Yard   | min. 4.57 m. (15.00 ft.)                  |
| 7) Site Coverage      | max. 10.00 %                              |
| 8) Building Height    | max. 10.67 m. (35.00 ft.);<br>2.5 storeys |
| 9) Dwelling Unit Area | min. 92.90 sq. m. (1,000.00 sq. ft.)      |
| 10) Dwelling Width    | min. 6.10 m. (20.00 ft.)                  |

### 28.5 SITE REQUIREMENTS

#### Accessory Uses and Buildings

- |                     |   |
|---------------------|---|
| 1) Site Area        | N/A                                     |
| 2) Site Width       | N/A                                     |
| 3) Front Yard       | min. 12.19 m. (40.00 ft.)               |
| 4) Rear Yard        | min. 3.05 m. (10.00 ft.)                |
| 5) Side Yard        | min. 3.05 m. (10.00 ft.)                |
| 6) Corner Side Yard | min. 4.57 m. (15.00 ft.)                |
| 7) Building Area    | max. 111.48 sq. m. (1,200.0<br>sq. ft.) |
| 8) Building Height  | max. 6.10 m. (20.00 ft.);<br>1.0 storey |
| 9) Building Width   | N/A                                     |

## 28.6 ADDITIONAL REGULATIONS FOR PERMITTED AND CONDITIONAL USES

- 1) Water supply and sewage disposal shall be provided in accordance with The Environment Act, The Public Health Act, and The Drinking Water Safety Act.
- 2) A Home Occupation shall be developed in accordance with Section 70 of this By-law.
- 3) **The maximum building area for accessory units is per building, up to the maximum of two accessories per title (BL 2016-01).**

## 28.7 ADDITIONAL REGULATIONS FOR CONDITIONAL USES ONLY

- 1) A Bed and Breakfast Home shall be developed in accordance with Section 72 of this By-law.
- 2) A Child Care Service shall be developed in accordance with Section 71 of this By-law.
- 3) A Planned Unit Development shall be developed in accordance with Section 73 of this By-law.
- 4) A Secondary Suite, whether attached or detached, shall be developed in accordance with Section 76.0 of this By-law **(BL 2018-03)**.
- 5) A Small Animal Breeding and Boarding Establishment shall be developed in accordance with Section 78 of this By-Law.

## 29.0 RR-1: Rural Infill Residential Zone

### 29.1 GENERAL PURPOSE

To provide a zone for a single housing development of a permanent nature in a rural infill setting, generally without the provision of the full range of utility services.

### 29.2 PERMITTED USES

- 1) Home Occupation
- 2) Public Park
- 3) Single Housing Dwelling

### 29.3 CONDITIONAL USES

- |                                       |  |
|---------------------------------------|--|
| 1) Bed and Breakfast Home             | 9) Protective and Emergency Service                  |
| 2) Child Care Service                 | 10) Religious Assembly                               |
| 3) Community Recreation Service       | 11) Secondary Suite, attached ( <b>BL 2018-03</b> )  |
| 4) Community Service Club             | 12) Secondary Suite, detached ( <b>BL 2018-03</b> )  |
| 5) Composting                         | 13) Small Animal Breeding and Boarding Establishment |
| 6) Greenhouse, Plant and Tree Nursery | 14) Transported Dwelling                             |
| 7) Institutional Residence            | 15) Utility Service                                  |
| 8) Planned Unit Development           | 16) Wind Turbine Personal Use                        |

### 29.4 SITE REQUIREMENTS

#### Permitted and Conditional Uses

- |                       |  |
|-----------------------|--|
| 1) Site Area          | min. 0.40 ha. (1.00 acres)             |
| 2) Site Width         | min. 33.53 m. (110.00 ft.)             |
| 3) Front Yard         | min. 12.19 m. (40.00 ft.)              |
| 4) Rear Yard          | min. 7.62 m. (25.00 ft.)               |
| 5) Side Yard          | min. 3.05 m. (10.00 ft.)               |
| 6) Corner Side Yard   | min. 4.57 m. (15.00 ft.)               |
| 7) Site Coverage      | max. 20.00 %                           |
| 8) Building Height    | max. 10.67 m. (35.00 ft.); 2.5 storeys |
| 9) Dwelling Unit Area | min. 92.90 sq. m. (1,000.00 sq. ft.)   |
| 10) Dwelling Width    | min. 6.10 m. (20.00 ft.)               |

### 29.5 SITE REQUIREMENTS

#### Accessory Uses and Buildings

- |                     |                                      |
|---------------------|--------------------------------------|
| 1) Site Area        | N/A                                  |
| 2) Site Width       | N/A                                  |
| 3) Front Yard       | min. 12.19 m. (40.00 ft.)            |
| 4) Rear Yard        | min. 3.05 m. (10.00 ft.)             |
| 5) Side Yard        | min. 3.05 m. (10.00 ft.)             |
| 6) Corner Side Yard | min. 4.57 m. (15.00 ft.)             |
| 7) Building Area    | max. 111.48 sq. m. (1,200.0 sq. ft.) |
| 8) Building Height  | max. 6.10 m. (20.00 ft.); 1.0 storey |
| 9) Building Width   | N/A                                  |

## 29.6 ADDITIONAL REGULATIONS FOR PERMITTED AND CONDITIONAL USES

- 1) Water supply and sewage disposal shall be provided in accordance with The Environment Act, The Public Health Act, and The Drinking Water Safety Act.
- 2) A Home Occupation shall be developed in accordance with Section 70 of this By-law.
- 3) **The maximum building area for accessory units is per building, up to the maximum of two accessories per title (BL 2016-01).**

## 29.7 ADDITIONAL REGULATIONS FOR CONDITIONAL USES ONLY

- 1) A Bed and Breakfast Home shall be developed in accordance with Section 72 of By-law.
- 2) A Child Care Service shall be developed in accordance with Section 71 of this By-law.
- 3) A Planned Unit Development shall be developed in accordance with Section 73 of this By-law.
- 4) A Secondary Suite, whether attached or detached, shall be developed in accordance with Section 76.0 of this By-law **(BL 2018-03)**.
- 5) A Small Animal Breeding and Boarding Establishment shall be developed in accordance with Section 78 of this By-Law.



## 30.0 Mixed Use Zones

### 30.1 Purpose

The Mixed Use Zones established in this Bylaw are intended to designate lands which are suitable for mixed use developments in the Municipality in keeping with the provisions of the East St. Paul Development Plan.

### 30.2 Mixed Use Zones

The following Mixed Use Zones are hereby established:

- 1) LCR: Limited Commercial/Residential Mixed Use Zone
- 2) RIM: Residential/Institutional Mixed Use Zone
- 3) BLR: Business/Limited Residential Mixed Use Zone
- 4) TMU: Town-Site Mixed Use Zone



## 31.0 LCR: Limited Commercial/Residential Mixed Use Zone

### 31.1 GENERAL PURPOSE

To establish a Zone to accommodate and regulate the development of a small scale business operation and a single housing dwelling where residents can operate a business and reside in the same location.

31.2 PERMITTED USES			
1) Home Occupation		3) Single Housing Dwelling	
2) Public Park			
31.3 CONDITIONAL USES			
1) Animal Shelter and Veterinary Service		6) Limited Contractor Service	
2) Bed and Breakfast Home		7) Religious Assembly	
3) Child Care Service		8) Small Animal Breeding and Boarding Establishment	
4) Community Service Club		9) Specialized Agriculture	
5) Greenhouse, Plant and Tree Nursery		10) Utility Service	
31.4 SITE REQUIREMENTS		31.5 SITE REQUIREMENTS	
Permitted and Conditional Uses		Accessory Uses and Buildings	
1) Site Area	min. 1.00 ha. (2.00 acres)	1) Site Area	N/A
2) Floor Area Ratio	N/A	2) Floor Area Ratio	N/A
3) Site Width	min. 45.72 m. (150.00 ft.)	3) Site Width	N/A
4) Front Yard	min. 12.20 m. (40.00 ft.)	4) Front Yard	min. 12.20 m. (40.00 ft.)
5) Rear Yard	min. 7.62 m. (25.00 ft.)	5) Rear Yard	min. 7.62 m. (25.00 ft.)
6) Side Yard	min. 3.05 m. (10.00 ft.)	6) Side Yard	min. 3.05 m. (10.00 ft.)
7) Corner Side Yard	min. 4.57 m. (15.00 ft.)	7) Corner Side Yard	min. 4.57 m. (15.00 ft.)
8) Site Coverage	max. 10.00 %	8) Building Area	max. 204.38 sq. m. (2,200 sq. ft.)
9) Building Height	max. 10.67 m. (35.00 ft.)/2.5 storeys	9) Building Height	max. 6.10 m. (20.00 ft.)
10) Dwelling Unit Area	min. 92.90 sq. m. (1,000.00 sq. ft.)	10) Building Width	N/A
11) Dwelling Unit Width	min. 6.10 m. (20.00 ft.)		

### 31.6 ADDITIONAL REGULATIONS FOR PERMITTED AND CONDITIONAL USES

- 1) A Bed and Breakfast Home shall be developed in accordance with Section 72 of this By-law.
- 2) A Child Care Service shall be developed in accordance with Section 71 of this By-law.
- 3) A Home Occupation shall be developed in accordance with Section 70 of this By-law.
- 4) Water supply and sewage disposal shall be provided in accordance with The Environment Act, The Public Health Act, and The Drinking Water Safety Act.
- 5) The maximum number of employees for a Limited Contractor Service shall be two and shall be limited to owner operated businesses only.
- 6) Any materials related to the small scale business operation shall be kept within an enclosed building. These buildings shall be constructed and finished with durable materials and blend in with the surrounding residential development.
- 7) No more than 2 trucks with a maximum gross vehicle weight of 6,804.00 kg. (15,000.00 lb.) gross vehicle weight can be parked over night on any site within this Zone.
- 8) A Small Animal Breeding and Boarding Establishment shall be developed in accordance with Section 78 of this By-Law.

## 32.0 RIM: Residential/Institutional Mixed Use Zone

### 32.1 GENERAL PURPOSE

To establish a Zone to accommodate and regulate residential and institutional mixed use development.

32.2 PERMITTED USES																							
1) Home Occupation	3) Single Housing Dwelling																						
2) Public Park	4) Two Housing Dwelling																						
32.3 CONDITIONAL USES																							
1) Bed and Breakfast Home	9) Institutional Residence																						
2) Child Care Service	10) Multiple Housing Dwelling																						
3) Community Recreation Service	11) Outdoor Participant Recreation Service																						
4) Community Service Club	12) Private Education Service																						
5) Convenience Retail Store	13) Private Club																						
6) Eating and Drinking Establishment	14) Public Educational Service																						
7) Extended Medical Treatment	15) Public Library and Cultural Exhibit																						
8) Indoor Participant Recreation Service	16) Religious Assembly																						
	17) Utility Service																						
<table> <tr> <td colspan="2">32.4 SITE REQUIREMENTS</td></tr> <tr> <td colspan="2">Permitted and Conditional Uses</td></tr> <tr> <td>1) Floor Area Ratio</td><td>max. 0.75</td></tr> <tr> <td>2) Front Yard</td><td>min. 7.62 m. (25.00 ft.)</td></tr> <tr> <td>3) Rear Yard</td><td>min. 7.62 m. (25.00 ft.)</td></tr> <tr> <td>4) Side Yard</td><td>min. 7.62 m. (25.00 ft.)</td></tr> <tr> <td>5) Corner Side Yard</td><td>min. 7.62 m. (25.00 ft.)</td></tr> <tr> <td>6) Building Height</td><td>max. 10.67 m. (35.0 ft.)/3.0 storeys</td></tr> <tr> <td>7) Dwelling Unit Area</td><td>min. 83.61 sq. m. (900.00 sq. ft.)</td></tr> <tr> <td>8) Dwelling Unit Width</td><td>min. 6.10 m. (20.00 ft.)</td></tr> <tr> <td>9) Building Separation</td><td>min. 3.05 m. (10.00 ft.)</td></tr> </table>		32.4 SITE REQUIREMENTS		Permitted and Conditional Uses		1) Floor Area Ratio	max. 0.75	2) Front Yard	min. 7.62 m. (25.00 ft.)	3) Rear Yard	min. 7.62 m. (25.00 ft.)	4) Side Yard	min. 7.62 m. (25.00 ft.)	5) Corner Side Yard	min. 7.62 m. (25.00 ft.)	6) Building Height	max. 10.67 m. (35.0 ft.)/3.0 storeys	7) Dwelling Unit Area	min. 83.61 sq. m. (900.00 sq. ft.)	8) Dwelling Unit Width	min. 6.10 m. (20.00 ft.)	9) Building Separation	min. 3.05 m. (10.00 ft.)
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6) Building Height	max. 6.10 m. (20.00 ft.)																						
7) Dwelling Unit Area	N/A																						
8) Building Width	N/A																						

### 32.6 ADDITIONAL REGULATIONS FOR PERMITTED AND CONDITIONAL USES

- 1) An Eating and Drinking Establishment, Indoor Participant Recreation Service and Outdoor Participant Recreation Service must be integrated with another Permitted or Conditional Use development.
- 2) The Designated Officer or Council may request a traffic impact assessment which shall indicate the effect of the proposed development on existing and proposed roadway network in terms of additional traffic and indicate roadway improvements necessary to accommodate development. The traffic impact assessment shall be prepared by a qualified, Manitoba registered Professional Engineer.

- 3) Single Housing Dwelling shall be developed in accordance with Section 10 of this By-law.
- 4) A Child Care Service shall be developed in accordance with Section 71 of this By-law.
- 5) A Home Occupation shall be developed in accordance with Section 70 of this By-law.
- 6) A Bed and Breakfast Home shall be developed in accordance with Section 72 of this By-law.
- 7) Two Housing Dwelling shall be developed in accordance with Section 12 of this By-law.
- 8) Multiple Housing Dwelling shall be developed in accordance with Section 13 of this By-law.
- 9) The maximum gross density shall be 32.14 dwellings per hectare (13.00 per acre).

### 33.0 BLR: Business Limited /Residential Mixed Use Zone

#### 33.1 GENERAL PURPOSE

To establish a Zone to accommodate and regulate a mix of business related developments and single housing dwelling units on a limited basis.

#### 33.2 PERMITTED USES

- 1) Government Service
- 2) Home Occupation
- 3) Protective & Emergency Service
- 4) Public Park
- 5) Single Housing Dwelling, if existing on the effective date of this By-law
- 6) Utility Service

#### 33.3 CONDITIONAL USES

- |  |  |
|--|--|
| 1) Animal Shelter and Veterinary Service | 9) Mini-Warehouse and Self-Storage                   |
| 2) Bed and Breakfast Home                | 10) Limited Contractor Service                       |
| 3) Child Care Service                    | 11) Planned Unit Development                         |
| 4) Community Service Club                | 12) Private Education Service                        |
| 5) Equestrian Establishments             | 13) Public Education Service                         |
| 6) General Storage                       | 14) Religious Assembly                               |
| 7) Greenhouse, Plant and Tree Nursery    | 15) Single Housing Dwelling, New                     |
| 8) Light Industrial                      | 16) Small Animal Breeding and Boarding Establishment |
|  | 17) Trucking Establishments                          |

#### 33.4 SITE REQUIREMENTS

##### Permitted and Conditional Uses

- |                         |                                       |
|-------------------------|---------------------------------------|
| 1) Site Area            | min. 929.00 m. (10,000.00 sq. ft.)    |
| 2) Site Width           | min. 21.34 m. (70.00 ft.)             |
| 3) Front Yard           | min. 9.14 m. (30.00 ft.)              |
| 4) Rear Yard            | min. 7.62 m. (25.00 ft.)              |
| 5) Side Yard            | min. 2.44 m. (8.00 ft.)               |
| 6) Corner Side Yard     | min. 3.66 m. (12.00 ft.)              |
| 7) Site Coverage        | see Section 33.6.7                    |
| 8) Building Height      | max. 10.67 m. (35.00 ft.)/2.5 storeys |
| 9) Dwelling Unit Area   | min 92.90 sq. m (1,000 sq. ft.)       |
| 10) Dwelling Unit Width | min 6.10 m (20.00 ft.)                |

#### 33.5 SITE REQUIREMENTS

##### Accessory Uses and Buildings

- |                     |                                 |
|---------------------|---------------------------------|
| 1) Site Area        | N/A                             |
| 2) Site Width       | N/A                             |
| 3) Front Yard       | min. 9.14 m. (30.00 ft.)        |
| 4) Rear Yard        | min. 1.52 m. (5.00 ft.)         |
| 5) Side Yard        | min. 2.44 m. (8.00 ft.)         |
| 6) Corner Side Yard | min. 3.66 m. (12.00 ft.)        |
| 7) Building Area    | see Section 33.6.7              |
| 8) Building Height  | max 4.88 m.(16.00 ft.) 1 storey |
| 9) Building Width   | N/A                             |

#### 33.6 ADDITIONAL REGULATIONS FOR PERMITTED AND CONDITIONAL USES

- 1) A Bed and Breakfast Home shall be developed in accordance with Section 72 of this By-law.
- 2) A Child Care Service shall be developed in accordance with Section 71 of this By-law.
- 3) A Home Occupation shall be developed in accordance with Section 70 of this By-law.

- 4) Water supply and sewage disposal shall be provided in accordance with The Environment Act, The Public Health Act, and The Drinking Water Safety Act.
- 5) All commercial and industrial developments shall comply with the Performance Standards of Section 64 of this By-law.
- 6) A Single Housing Dwelling shall be developed in accordance with Section 10 of this By-law
- 7) Under the BLR Zone the maximum site coverage for a principal building is 30.00% of the site area, the maximum building area for attached accessory buildings is 92.90 sq. m. (1,000.00 sq. ft.) and the maximum building area for a detached accessory building is 55.74 sq. m. (600.00 sq. ft.) with a maximum building height of 4.88 m. (16.00 ft.) to the highest point of the roof, per each single housing dwelling site. Further, under the BLR Zone, a principal building is defined as a habitable space used or intended to be used for living, sleeping, cooking and/or eating purposes and includes bathrooms, sunrooms, laundries, storage rooms and basements. Any other buildings on-site, whether attached or detached, including without limitation a garage, storage shed or gazebo is defined as an accessory building to the principal building and is limited in size to the above noted maximum building areas. Seasonal non-winter structures such as decks, screened porches or verandas, uncovered walks, and wheelchair ramps as determined by the Designated Officer are not included in the maximum building area calculations or site coverage.



## 34.0 TMU: Town-Site Mixed Use Zone

### 34.1 GENERAL PURPOSE

To establish a Zone to accommodate and regulate commercial, residential, recreational and institutional mixed use developments in the Bird's Hill town-site area.

#### 34.2 PERMITTED USES

- |                                      |  |
|--------------------------------------|--|
| 1) Business Support Service          | 9) Institutional Residence                             |
| 2) Child Care Service                | 10) Personal Service Use                               |
| 3) Eating and Drinking Establishment | 11) Professional, Financial and Office Support Service |
| 4) General Retail Store              | 12) Protective and Emergency Service                   |
| 5) Government Services               | 13) Public Park  |
| 6) Health Service                    | 14) Public Library and Cultural Exhibit                |
| 7) Home Occupation                   | 15) Single Housing Dwelling                            |
| 8) Household Repair Service          | 16) Two Housing Dwelling                               |

#### 34.3 CONDITIONAL USES

- |   |   |
|---|---|
| 1) Animal Shelter and Veterinary Service  | 9) Mobile Catering Food Service           |
| 2) Amusement Establishment                | 10) Multiple Housing Dwelling             |
| 3) Broadcasting and Motion Picture Studio | 11) Non-Accessory Parking                 |
| 4) Commercial School                      | 12) Private Club                          |
| 5) Community Service Club                 | 13) Religious Assembly                    |
| 6) Drive-In Food Service                  | 14) Service Station                       |
| 7) Gas Bar                                | 15) Spectator Entertainment Establishment |
| 8) Indoor Participant Recreation Service  | 16) Utility Service                       |

#### 34.4 SITE REQUIREMENTS

##### Permitted and Conditional Uses

- |                     |                                       |
|---------------------|---------------------------------------|
| 1) Site Area        | N/A                                   |
| 2) Floor Area Ratio | max. 1.0                              |
| 3) Site Width       | min. 30.48 m. (100.00 ft.)            |
| 4) Front Yard       | min. 7.62 m. (25.00 ft.)              |
| 5) Rear Yard        | min. 7.62 m. (25.00 ft.)              |
| 6) Side Yard        | min. 3.05 m. (10.00 ft.)              |
| 7) Building Height  | max. 12.20 m. (40.0 ft.); 3.0 storeys |
| 8) Site Coverage    | max. 60.00%                           |

#### 34.5 SITE REQUIREMENTS

##### Accessory Uses and Buildings

- |                     |                          |
|---------------------|--------------------------|
| 1) Site Area        | N/A                      |
| 2) Floor Area Ratio | N/A                      |
| 3) Site Width       | N/A                      |
| 4) Front Yard       | N/A                      |
| 5) Rear Yard        | N/A                      |
| 6) Side Yard        | N/A                      |
| 7) Building Height  | max. 6.10 m. (20.00 ft.) |
| 8) Site Coverage    | N/A                      |

#### 34.6 ADDITIONAL REGULATIONS FOR PERMITTED AND CONDITIONAL USES

- 1) A minimum side yard of 4.57 m. (15.00 ft.) shall be required where a site abuts a lot line of a site in a Residential Zone as depicted in Figure 12.
- 2) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within the first 4.57 m. (15.00 ft.) of a required front yard for the entire width of the property. Loading, storage, and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent sites and public roadways in accordance with the provisions of Section 57.2. If the rear or sides of a site are used for parking, an outdoor service or display area or both, and abut a Residential District or a lane serving a Residential District, they shall be screened in accordance with the provisions of Section 58.2.
- 3) Any fuel storage areas established on the site shall comply with the requirements of Manitoba Regulation 97/88R respecting Storage and Handling of Gasoline and Associated Products.
- 4) Any used oil products and other regulated hazardous wastes generated or stored on the site shall be collected and disposed of in accordance with all applicable Manitoba Environment and legislation requirements.
- 5) A Child Care Service shall be developed in accordance with Section 71 of this By-law.
- 6) A Home Occupation shall be developed in accordance with Section 70 of this By-law.
- 7) A Two Family Dwelling shall be developed in accordance with Section 12 of this By-law.
- 8) All commercial developments shall comply with the Performance Standards of Section 64 of this By-law.
- 9) A Single Housing Dwelling shall be developed in accordance with Section 10 of this By-law.
- 10) A Multiple Housing Dwelling shall be developed in accordance with Section 13 of this By-law.

## GENERAL ADMINISTRATIVE CLAUSES

### 35.0 Authority and Responsibility of the Designated Officer

#### 35.1 Establishment and Appointment

The Designated Officer shall be any person appointed by Council to occupy the position of Designated Officer.

#### 35.2 Designated Officer Duties and Responsibilities

The Designated Officer:

- 1) Shall review each development permit application to ascertain whether it conforms to the adopted RM of East St. Paul Development Plan and amendments thereto, all applicable regulations and information regulations of this By-law and amendments thereto, and other Municipal By-laws, the conditions of any caveat, covenant, site plan, development agreement, variance or conditional use order, easement or any other instrument affecting a building or land.
- 2) May refer a development permit application to any municipal, provincial or federal department or any other agency or body, deemed appropriate to obtain comments on the application.
- 3) Shall approve, without any conditions, or with such conditions as are required to ensure compliance, an application for development of a Permitted Use provided the development complies with the regulations of this By-law, or shall refuse an application for development of a Permitted Use if the development does not comply with the regulations of this By-law unless he/she uses his/her discretion pursuant to Section 35.3 of this By-law.
- 4) May give notice of his/her decision on applications for development as follows:
  - a) where an application has been approved notice to the applicant shall be given in writing by ordinary mail; or
  - b) where an application has been refused, notice in writing shall be given to the applicant, by ordinary mail, and such notice shall state the reason for refusal.
- 5) Shall receive, review and process development applications.
- 6) Shall perform other such duties as described or implied elsewhere in this By-law or required by Council.
- 7) An applicant who is unsatisfied with a decision or order of the Designated Officer may request Council to review the decision or order by written notice within 14 days after the person receives the decision or order.
- 8) After giving the person a reasonable opportunity to be heard, Council may confirm, vary, substitute or cancel the order or decision.

### 35.3 Variance to Regulations

The Designated Officer may approve, with or without conditions, a minor variation not to exceed 10.00 percent of the regulations of this By-law governing height, distance, area, size or intensity of use regulations.

### 35.4 Public Inspection of Applications

The Designated Officer shall ensure that a Register of Applications is maintained, and is made available to any interested person during normal office hours.

### 35.5 Maintenance and Inspection of By-law

The Designated Officer shall:

- 1) make available to the public during normal office hours copies of this By-law and all subsequent amendments thereto; and
- 2) charge the specified fee for supplying to the public copies of this By-law.

### 35.6 Entry for Inspection and Other Purposes

- 1) The Designated Officer may, after giving reasonable notice to the owner or occupier of the land or a building or other structure to be entered:
  - a) enter the land, building or structure at any reasonable time for the purpose of administering or enforcing this By-law in accordance with the Act;
  - b) request that anything be produced to assist in inspection, remedy, or enforcement; and
  - c) make copies of anything related to the inspection, remedy, or enforcement.
- 2) The Designated Officer must display or produce on request identification showing his/her official capacity.
- 3) In an emergency or in extraordinary circumstances, the Designated Officer need not give reasonable notice or enter at a reasonable time and may undertake inspection, remedy or enforcement activities referred to in Section 35.6(1) of this By-law without the consent of the owner or occupant.

## 36.0 Responsibilities of Council

Subject to the provisions of the Act, the Council is responsible for:

- (a) The enactment of this By-law;
- (b) Administering and enforcing those provisions of the Act, where applicable;
- (c) Considering the adoption or rejection of proposed amendments or the repeal of this By-law;
- (d) Approving or rejecting variance order applications;
- (e) Approving or rejecting conditional use applications and may revoke the authorized conditional use for any violation of any conditions imposed by it; and
- (f) Establishing a schedule of fees.

## **37.0 Duties of the Owner**

- 1) Neither the granting of a development permit nor the approval of the drawings and specifications or the inspections made by the Designated Officer shall in any way relieve the owner of the responsibility of complying with the requirements of this By-law or of any relevant By-laws of the Rural Municipality of East St. Paul.
- 2) Every owner shall:
  - a) permit the Designated Officer to enter any building or premises for the purpose of administering or enforcing this By-law at all reasonable times and with the consent of the owner in accordance with Sections 84 and 85 of the Act;
  - b) after the development application has been approved and the permit issued, notify the Designated Officer and obtain his approval before doing any work at variance with the approved documents filed; and
  - c) be responsible for obtaining, where applicable, from the appropriate authorities, permits or licenses relating to the buildings, grades, sewers or water supply systems, plumbing, signs, blasting, street, occupancy, electrical, highways, and all other permits required in connection with the proposed work.
  - d) comply with all applicable Provincial and Federal government legislation including permits, certificates and/or licences.

## **38.0 Development Classes**

The following classes of development are hereby established.

- 1) Class A - No Development Permit Required
- 2) Class B - Permitted Use
- 3) Class C - Conditional Use

### **38.1 Class A - No Development Permit Required**

No development permit from the RM of East St. Paul is required under this By-law for the developments listed below, provided that such developments shall comply with the permitted use and regulations of this By-law. This does not relieve the applicant or landowner from obtaining approvals from other government agencies. For a development listed below, the Designated Officer shall advise the applicant that no permit is required and return the submission, including any fees paid. Developments exempted from applications are as follows:

- 1) Regular maintenance and repair of any development, provided it does not include structural alterations;
- 2) Private driveways and patios which are accessory to a development;
- 3) An accessory building not greater than 10.00 sq. m. (107.64 sq. ft.) in area, or exceeding 4.57 m. (15.00 ft.) or one storey in height or not considered a hazard by the Designated Officer;

- 4) An unenclosed deck or a deck enclosed by a rail or parapet wall and a wheelchair ramp, all of which having a floor less than 0.60 m. (1.97 ft.) above grade unless it is anchored to the building;
- 5) Landscaping where the existing grade and natural surface drainage pattern is not materially altered;
- 6) The erection or placement of a temporary building or sign, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building or sign is removed within thirty days of substantial completion or as determined by a Designated Officer;
- 7) Demolition of a development only where a development permit has been issued for a new development on the same site, and the demolition of the existing development is explicit or implicit in that permit;
- 8) The following types of signs are exempt:
  - i) signs of less than 0.60 sq. m. (6.46 sq. ft.) in area, advertising the sale, lease, or rent of property, premises, or buildings on that site;
  - ii) memorial signs or tablets of bronze, brass, stone or other non-combustible materials when built into or attached to the walls of a building or other structure provided such tablets bear only the name of the owner, the name and use of the building, the date of erection of the building or reading matter commemorating a person or event;
  - iii) signs of a duly constituted governmental body, including traffic or regulating devices, legal notices, railway crossing, danger or other emergency signs;
  - iv) 1 real estate sign;
  - v) election campaign signs during Federal, Provincial, Municipal and School Board election periods and up to seven (7) days after the election;
  - vi) non-illuminated directional signs, each sign not to exceed 0.50 sq. m. (5.38 sq. ft.) in sign area; and
  - vii) signs that are not designed to attract the attention of persons not on-premises, but that are instead designed to give direction to persons on-premises. Examples of signs that are designed to attract the attention of persons not on premises may include, but are not exclusive of, the name, logo, or image that clearly identifies a business, or, lettering or images that indicate on-site sales or service available, and, that are clearly visible off-premises, and, that are not otherwise exempt under this by-law Examples of signs that are not designed to attract the attention of persons not on premises may include, but are not exclusive of, signs that prohibit use on-site such as smoking, rollerblading, or otherwise, signs that dedicate space for exclusive use such as assigned parking, or give internal direction to help way find, and, may include the name, logo, or image that clearly identifies a business, or, lettering or images that indicate on-site sales or service available, and, that are generally not visible off-premises **(BL 2018-03)**.

but this shall not relieve the owner or person in control of such signs from erecting and maintaining the signs in a safe and good condition **(BL 2018-03)**.

- 9) **Fences and Gates (2015-11)**
- 10) **Temporary Tents that are under 900 square feet, used for special events only, and erected for not more than 14 consecutive days or 45 days per calendar year per site. Please note temporary tents are exempt from height restrictions of the applicable zone for accessory uses (BL 2016-01)**

### **39.0 Development Application Submissions**

#### **39.1 General Conditions**

- 1) An application for a development permit shall not be considered to have been received until the applicant has submitted all information required pursuant to Sections 39.2, 39.3 and 39.4 of this By-law, and any information specifically required pursuant to the regulations of the applicable land use zone or any other Section of this By-law and until the applicant has paid the appropriate fee.
- 2) Notwithstanding the Clause above, the Designated Officer may consider an application, if in his opinion, the development is of such a nature as to enable a decision to be made on the application without all of the information required in this Section.
- 3) The Designated Officer may require an applicant to submit such additional information as he considers necessary to verify the compliance of the proposed use or development with the regulations of this By-law.
- 4) A building permit for an accessory building cannot be issued unless a building permit for the main building has also been issued.
- 5) The approval of any application, drawings, or the issuing of a development permit shall not prevent the Designated Officer from thereafter requiring the correction of errors, nor from prohibiting the development being carried out when the same is in violation of this By-law.
- 6) Where an application for a development permit is determined to contain incorrect information, no development permit shall be issued until such information is corrected by the applicant.
- 7) Any development permit issued on the basis of incorrect information contained in the application shall be invalid.
- 8) Unless otherwise specified in this By-law, all drawings submitted shall be drawn on substantial standard drafting material to a scale of not less than 1:100 or such other scale as the Designated Officer may approve, and shall be fully dimensioned, accurately figured, explicit and complete.

#### **39.2 Class B Development Excluding Signs**

The following information shall be submitted with an application for Class B development, and the appropriate application form fully and accurately completed in accordance with the following requirements:

- 1) The municipal address of land and buildings presently occupying the site, if any;

- 2) A Report on Title which has been issued not later than thirty days prior to the receipt of the amendment application by the Designated Officer;
- 3) A legal description of the land on which the proposed development is to occur, by lot, block, subdivision and registered plan numbers;
- 4) The applicant's name, address and interest in the land and if the applicant is not the landowner a letter from the landowner authorizing the applicant to work on their behalf;
- 5) A sketch plan of the site, showing the location of the proposed development relative to the boundaries of the site;
- 6) Description of the work to be performed with respect to:
  - a) change in current occupancy of land use; or
  - b) description of proposed development or building operations;
- 7) Identification of the scale of the development with respect to:
  - a) gross floor area of the development, in square metres;
  - b) area of the site covered, in square metres;
  - c) height of the structure, in metres;
  - d) number of floors or storeys;
- 8) The estimated value, in dollars, of the proposed work;
- 9) A site plan, at a minimum scale of 1:500, showing the following:
  - a) a directional true north arrow with the north point located in such a manner that the true north is in the upper position of the drawings;
  - b) setbacks and yard dimensions;
  - c) the location of all buildings or structures in relation to property lines; and
  - d) dimensioned layout of existing and proposed parking areas, driveways, entrances and exits, abutting public roadways, median breaks and auxiliary lanes.
- 10) Identification of the scale of the development with respect to the number of dwellings, or establishments for commercial, industrial or other purposes;
- 11) If required by the Designated Officer:
  - a) a site plan at a minimum scale of 1:500, showing:
    - i) the location of sidewalks and walkways; where applicable, parking, loading, storage, outdoor service and display areas; and
    - ii) the location of fences, screening, retaining walls, trees, landscaping, and other physical features both existing and proposed in the site and adjoining boulevard, if any.
- 12) Floor plans at minimum scale of 1:100, indicating all uses or occupancies, storage and garbage holding areas;
- 13) Elevations and drawings, indicating sections and the bulk of buildings, at a minimum



scale of 1:100;

- 14) Number of parking and loading spaces required and provided; and
- 15) A building location certificate, if required by the Designated Officer.
- 16) A site plan and description of the proposed water supply and wastewater management systems.

### 39.3 Class C Development Excluding Signs

In addition to two copies of the information required for Class B development, the applicant shall submit two copies of the following:

- 1) The applicant's name, signature, address and interest in the land and if the applicant is not the landowner a letter from the landowner authorizing the applicant to work on their behalf;
- 2) A plan showing the location of adjacent buildings and structures indicating the approximate height and number of storeys;
- 3) A description of the exterior finishing materials to be used; and
- 4) A written statement and other supportive material explaining the proposed development.

### 39.4 Sign Developments

The following information shall be submitted, in duplicate, with an application for a Sign Development, and the appropriate application form shall be fully and accurately completed:

- 1) the municipal address and legal description of the land or building where the sign is to be erected;
- 2) the applicant's name, address, telephone number and interest in the land and if the applicant is not the landowner a letter from the landowner authorizing the applicant to work on their behalf;
- 3) the name of the business or development where the signs is to be erected;
- 4) whether the development where this sign is to be erected is a single business occupancy or multiple business occupancy development;
- 5) a letter from the owner of the property on which the sign is to be erected, or his agent, authorizing the applicant's sign development;
- 6) two sets of working drawings for the proposed sign showing:
  - a) the overall dimensions of the sign, including all sign boxes and cabinets;
  - b) a description or illustration of the copy to be displayed on the sign;
  - c) the method of illumination, if any;
  - d) the materials from which the sign is to be constructed; and
  - e) method used to support the sign and the type of wall construction if the sign is anchored to a building; and
- 7) two sets of a sketch plan showing:
  - a) the location of the sign on the building;
  - b) the clearance from grade from the lowest portion of the sign;
  - c) maximum extension of the sign above the building roof or parapet wall;
  - d) the distance of the maximum projection of the sign beyond the building wall; and
  - e) any sidewalks, pedestrian passageways, or public roadways that the proposed sign will extend over.

## **40.0 Special Information Requirements**

### **40.1 Slope and Soil Information**

- 1) When an application for a development permit is submitted to the Designated Officer for the development of a site abutting the Red River, or other water courses and Municipal drains, the application may include, at the discretion of the Designated Officer in consultation with the Municipal Engineer, information regarding the existing and proposed grades at 0.50 m. (1.64 ft.) contour intervals. The final grades shall be to the satisfaction of the Designated Officer.
- 2) Notwithstanding anything contained herein, the Designated Officer may require a detailed engineering study of the soil conditions prepared by a certified professional engineer of Manitoba prior to the issuance of a development permit or the construction of any development abutting the Red River, or other water courses and Municipal drains. The engineering study shall contain evidence of:
  - a) test borings;
  - b) ground water piezometer test;
  - c) slope indicators where necessary;
  - d) identification of any sub-surface mining operations;
  - e) river erosion analysis; and
  - f) surface erosion analysis.

The detailed engineering study shall conclude by the registered professional engineer certifying that the foundations proposed for the development were designed with full knowledge of the soil conditions and the proposed siting of the development upon this site.

- 3) The Designated Officer may require the submission of a detailed engineering study as outlined in Section 40.1.1 and 40.1.2 of this By-law prior to the issuance of a Development Permit at any location within the municipality which in the opinion of the Designated Officer or Municipal Engineer has unstable soil conditions.
- 4) The Designated Officer, having required a detailed engineering study of the soil conditions may, acting on the advice of the Municipal Engineer, apply conditions to the approval of the development permit to prevent erosion and to stabilize soil conditions.

## **41.0 Conditions Attached to Development Permit**

- 1) The Designated Officer may impose, with respect to a Permitted Use, such conditions as are required to ensure compliance with this By-law.
- 2) Council may, with respect to a Conditional Use impose such conditions as deemed appropriate, having regard to the regulations of this By-law, other municipal requirements, and matters raised at the Conditional Use Hearing.
- 3) The Designated Officer or Council may, as a condition of issuing a development permit, require the applicant to make satisfactory arrangements for the supply of water, electric power, sewer service, vehicular and pedestrian access, or any of them, including payment of the costs of installation or constructing any such utility or facility by the applicant.

- 4) The Designated Officer or Council may, as a condition of issuing a development or building permit, require the Owner or Applicant to agree to do all or any of the following:
  - a) to construct, or pay for the construction of, a public roadway required to give access to the development;
  - b) comply with the Municipal Approaches By-law;
  - c) to install, or pay for the installation of, utilities and land drainage, water and sanitary sewer lines that are required to serve the development and other benefitting areas as determined solely by the Municipality, or pay the recovery costs of services which have already been installed; and
  - d) to repair or reinstate, or to pay for the repair or reinstall, to original condition as determined by the Designated Officer, any street furniture, curbing, sidewalk, boulevard landscaping, tree planting or other similar features which may have been damaged or destroyed or otherwise harmed by the development or building operations upon the site.
- 5) The Designated Officer or Council may require any agreement entered into pursuant to Clause 40.0(4) above to be caveated against the title to the site at the Land Titles Office.
- 6) **At the discretion of the designated officer or Council, a staking certificate may be requested prior to foundation being poured (BL 2016-01).**

## 42.0 Enforcement and Penalties

### 42.1 Offences

- 1) Any owner, lessee, tenant or occupant of land, or a building or a structure thereon, who, with respect to such land, building or structure,
  - a) contravenes, or
  - b) causes, suffers or permits a contravention of, any provision of the Act, a development permit, a development agreement or this By-law; commits an offence.
- 2) Any contractor, worker, or other person who constructs a building or structure, or makes an addition or alteration thereto,
  - a) for which a development permit is required but has not been issued or is not subsisting under this By-law, or
  - b) in contravention of a condition of a development permit issued under this By-law, commits an offence.

### 42.2 Penalties

- 1) Fines and penalties will be imposed as per the Act.

### 42.3 Suspension or Revocation of Permit

- 1) The Designated Officer may suspend or revoke a development permit where:
  - a) the applicant fails to comply with the conditions of issuance of a permit; or
  - b) any person undertakes or causes or permits any development on a site contrary to the terms or conditions of a permit.

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

## **43.0 Rezoning Amendments**

### **43.1 Text Amendments**

- 1) Any person applying to amend Parts I, II, III and IV of this By-law shall apply in writing to the Designated Officer, furnishing reasons in support of the application and requesting that the Designated Officer submit the application to the Council.
- 2) If a person applies to the Council in any manner for an amendment to Parts I, II, III and IV of this Zoning By-law, the Council shall require him to submit his application to the Designated Officer in accordance with the provisions of this Section before it considers the amendment proposed by such person.

### **43.2 Rezoning Applications**

- 1) Any person applying to amend Part II of this By-law to change the land use zone governing any land shall apply in writing to the Designated Officer and submit the following to the Designated Officer:
  - a) a Report on Title which has been issued not later than thirty days prior to the receipt of the amendment application by the Designated Officer;
  - b) the applicant's name, signature, address and interest in the property and if the applicant is not the landowner a letter from the landowner authorizing the applicant to work on their behalf;
  - c) a signed statement by the applicant stating that he is willing to pay for all costs incurred by the municipality in processing the proposed amendment, whether it be enacted or not, including, but not limited to, all mapping, printing, reproduction, planning, engineering, surveys and advertising costs;
  - d) the appropriate application fee; and
  - e) a brief written statement by the applicant in support of his application, and his reasons for applying.

### **43.3 Review and Processing of Amendments**

- 1) Upon receipt of an application for a rezoning amendment, the Designated Officer shall forward the application to Council for review.

- 2) If Council deems it appropriate to give the application first reading, the Designated Officer shall then examine the proposed amendment or undertake an investigation and analysis of the potential impacts of development under the proposed zone. The analysis shall be based upon the full development potential of the uses and development regulations specified in the proposed zone and not on the merits of any particular development proposal. The analysis shall, among other things, consider the following impact criteria:
  - a) relationship to and compliance with East St. Paul Development Plan and Council policy;
  - b) compatibility with surrounding development in terms of land use function and scale of development;
  - c) traffic impacts;
  - d) relationship to, or impacts on, services such as water and sewage systems, and other utilities and public facilities such as recreational facilities and schools;
  - e) relationship to municipal land, right-of-way or easement requirements;
  - f) effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area;
  - g) necessity and appropriateness of the proposed land use zone in view of the stated intentions of the applicant; and
  - h) relationship to the documented concerns and opinions of area residents regarding the application.
- 3) The Designated Officer shall prepare a written report on the proposed amendment and advise the applicant of the hearing date.
- 4) The Designated Officer, in his discretion, may present for the consideration of Council any proposed amendment to this By-law, and the proposed amendment shall be accompanied by the report and recommendation of the Designated Officer.
- 5) Council, in its discretion, may initiate any amendment to this By-law, and prior to the approval of any amendment, Council may refer the proposal to the Designated Officer for his report and recommendation.
- 6) Every rezoning application shall be accompanied by the required fee as set out by Council.
- 7) When a Development and/or Zoning Agreement is to be entered into between the Municipality and the applicant, the applicant shall pay to the Municipality, in addition to any other fee required pursuant to this or any other By-law, a Development and/or Zoning Agreement fee.
- 43.4 Notification of Amendments
  - 1) Prior to consideration by Council of a proposed rezoning amendment, the Designated Officer shall place notices as required by the Act.
  - 2) Prior to consideration of the rezoning amendment application, Council shall notify the applicant and local property owners as required by the Act.

#### 44.0 Subdivisions

- 1) Notwithstanding Section 44.2 and 44.3 below, no parcel of land shall hereafter be divided into sites, unless each site conforms with the regulations on the zone in which the site is located;
- 2) Council may, as provided in the Act, vary the regulations as they apply to an individual site.
- 3) An existing undersized lot may be increased in area or frontage, or both, and still remain an existing undersized lot if after the increase the lot still remains undersized.
- 4) In addition to the requirements contained herein, all subdivisions shall conform to the provisions of the East St. Paul Development Plan, and the provisions of the Act, where applicable.
- 5) **When a subdivision proposal is presented to Council, a Public Hearing will also be held, with the exception one lot subdivision applications meeting the minimum site area and width requirements in any residential zone (BL 2016-01).**

#### 45.0 Conditional Uses

- 1) Where a use is classified as a conditional use and exists as an allowable use at the date of the adoption of this By-law or amendments thereto, it shall be considered as a legally existing conditional use.
- 2) Any change in a conditional use shall be subject to the provisions of this Section and the appropriate provisions of the Act.
- 3) An owner or his/her agent may file an application to use land for a use listed as a conditional use in this By-law.
- 4) An application for approval of a conditional use shall be filed with the Designated Officer and shall be in such form and accompanied by such information and fees as determined by Council.
- 5) Council may request the Designated Officer to prepare a written report that identifies potential impacts. The analysis shall, among other things, consider the following impact criteria:
  - a) relationship to and compliance with the RM of East St. Paul Development Plan and Council policy;
  - b) compatibility with surrounding development in terms of land use function and scale of development;
  - c) traffic impacts;
  - d) relationship to, or impacts on utility services and public facilities such as recreational facilities and schools;
  - e) relationship to Municipal land, right-of-way or easement regulations;
  - f) effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area;

- g) relationship to the documented concerns and opinions of area residents regarding the application;
  - h) groundwater and soil conditions; and
  - i) topographical, physical and natural features.
- 6) Prior to consideration by Council of a conditional use application, the Designated Officer shall place a public notice in compliance with the Act.
- 7) An application for a conditional use shall be processed and approved or rejected in accordance with the Act. If warranted, Council may want to consider imposing conditions to ensure that the proposed development will not significantly impact the Municipality. This could include:
  - a) additional buffering measures such as increased yard setbacks, berms and fencing;
  - b) performance standards dealing with such potential impacts as noise, odour and vibration;
  - c) limiting the hours of operation;
  - d) imposing design and siting regulations including landscaping, outdoor lighting, refuse and storage areas, and building design and architectural appearance;
  - e) the owner/applicant upgrading certain municipal services such as roads and ditches;
  - f) a letter of credit related to municipal improvements such as road or drainage works;
  - g) liability insurance protecting the municipality from any future legal claims, including environmental contamination to water sources; or
  - h) the owner/applicant entering into a development agreement with the Municipality.
- 8) The approval of Council shall expire and cease to have any effect if it is not acted upon within twelve months of the date of the decision, unless it is renewed at the discretion of Council for one additional period not exceeding twelve months.
- 9) A conditional use approval expires if the use begins operations within two (2) years of the date of approval but later ceases operations for two (2) consecutive years unless otherwise specified in the terms of approval due to special conditions.
- 10) Unless otherwise provided in a Conditional Use Order, all approved conditional uses:
  - a) shall be operated in accordance with all plans and documents submitted as part of the application; and
  - b) shall comply with all other applicable provisions of this By-law.

## 46.0 Variations

- 1) Any person may at any time apply for a variation order, in accordance with the provisions of the Act.
- 2) An application for a variation order shall be filed with the Designated Officer, and shall be in such form and accompanied by such information and fees as determined by the Designated Officer or Council.



- 3) Prior to the consideration of the variation order application, Council shall notify the applicant and local property owners as required by the Act.
- 4) An application for a variation order shall be processed and approved or rejected in accordance with the provisions of the Act. Council shall request the Designated Officer to prepare a written report.
- 5) The approval of Council shall expire and cease to have any effect if it is not acted upon within twelve months of the date of the decision, unless it is renewed at the discretion of Council for an additional period not exceeding twelve months.

#### **47.0 Applicability**

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

#### **48.0 Yards on Corner Sites and Double Fronting Sites in Residential Districts**

- 1) In the case of a corner site, the Front Yard shall be the Yard abutting the Front Lot Line.
- 2) Notwithstanding Clause (1) above, the Designated Officer may require any corner site to provide an additional Front Yard or Yards other than that required, having regard to the orientation and access of any development, and the Front Yard requirements of adjacent properties.
- 3) The Developer Officer may require a Double Fronting Site to provide a Front Yard on each public roadway, other than a lane, in accordance with the Front Yard requirements of the Zone in which the site is located, provided that at least one Front Yard shall be provided.



## GENERAL DEVELOPMENT REGULATIONS

### 49.0 Projections into Yards and Separation Spaces

Within Residential Use (excluding the **R1-8 and R1-10** Single Housing Dwelling Zone and RC Comprehensive Residential Zone), Residential- Related Use, Commercial Use, Industrial Use, Agricultural and Natural Resource Use, Basic Service Use, and Community, Educational, Recreational and Cultural Service Use Classes, the following features may project into a required Yard or Separation Space as provided for below (**BL 2022-08**):

- 1) Uncovered walks, wheelchair ramps, trellises, flag poles, lighting fixtures and lamp posts;
- 2) Cantelivers (no more than 2 feet projection and no more than 10 feet along a building wall), decks, porches, unenclosed steps, chimneys/chases, eaves, and fireplaces may project into any required yard not more than 3 feet provided that the projection is not closer than one foot from the side or rear lot line (BL 2016-01)
- 3) Bay, oriel or similar windows, provided that such projections do not exceed 0.60 m. (2.00 ft.) and shall not be in a required Side Yard or Side Separation Space.
- 4) Balconies, provided with such projections do not exceed 0.60 m. (2.00 ft.);
- 5) Any loading space required under the provisions of this By-law, provided it shall not be in a required Front Yard or Front Separation Space;
- 6) A parking area when comprised of parking spaces required under this By-law, provided that no parking area in any Zone shall be located within the first 6.1 m. (20.00 ft.) of a required Front Yard or Front Separation Space. This shall not prohibit the use of a required Front Yard or Front Separation Space for such walkways and driveways as the Designated Officer considers necessary.
- 7) The Designated Officer may allow an obstruction or exception not listed in Section 48.0 1) to 6) of this By-law, provided the obstruction or exception will have no greater impact on surrounding properties than those permitted.
- 8) **No projections shall be permitted in the R1-8 zone (Ground to Sky) [2022-08]**

### 50.0 Objects Prohibited or Restricted in Residential Zones

No person shall keep in any part of a site in any Residential Zone:

- 1) any commercial vehicle, loaded or unloaded, of a maximum weight exceeding 6,804.00 kg. (15,000.00 lb.) gross vehicle weight;
- 2) any dismantled or wrecked vehicle for more than fourteen consecutive days unless otherwise authorized under the Derelict Vehicle By-law;
- 3) any object or chattel which, in the opinion of the Designated Officer or Council, is unsightly or tends to adversely affect the amenities of the area; and/or
- 4) any above-ground or below ground bulk fuel storage facilities.

## 51.0 Fences

### 51.1 Residential Uses

A fence on a Residential property:

- 1) shall not include electric fences or barbed wire fences;
- 2) shall not be higher, measured from the general ground level 0.50 m. (1.64 ft.) back of the property line of the site on which the fence is to be constructed, than:
  - a) 1.22 m. (4.00 ft.) in a required front yard, and
  - b) 2.00 m. (6.56 ft.) in a required side or rear yard.
- 3) Notwithstanding the above, the permitted height of a fence can be increased or decreased at the discretion of the Designated Officer to reflect the grade of surrounding properties.

### 51.2 Other Uses

A fence on all other properties:

- 1) shall not include electric fences or barbed wire fences except in the case of a Commercial and Industrial District where the top 0.60 m. (2.00 ft.) of the fence can be barbed wire for security purposes;
- 2) shall not be higher than:
  - a) 1.22 m. (4.00 ft.) in a required Front Yard; and
  - b) 2.00 m. (6.56 ft.) in a required Side or Rear Yard.
- 3) Notwithstanding the above, the maximum height of a fence located on a public or private education service site, utility service site or public park shall be 3.05 m. (10.00 ft.), excepting chain link fences for which there shall be no height limitation.
- 4) Notwithstanding the above, in any Industrial and Commercial District:
  - a) the maximum height of a fence located in a Rear Yard shall be 2.40 m. (7.90 ft.); and
  - b) outside storage shall not be allowed to project above the height of the fence.
- 5) Notwithstanding the above, the permitted height of a fence can be increased or decreased at the discretion of the Designated Officer to reflect the grade of surrounding properties.
- 6) Notwithstanding the above and subject to the owner and/or occupant of the land upon which the fence is to be located complying with Subsection 51.3(3) of this By-law, an electric fence is allowed where an approved Non-Commercial Farm, Equestrian Establishment or Farm Class Use is located.

### 51.3 Fence Design Standards

- 1) Permitted materials for the construction of fences in any zoning district shall include:
  - a) **Wood or PVC products (BL 2016-01);**
  - b) concrete;
  - c) ornamental block;
  - d) brick;
  - e) metal;
  - f) combination of the above materials; and
  - g) any other material, subject to an illustration by a certified engineer, architect or landscape architect to the satisfaction of the Designated Officer or Council.
- 2) Notwithstanding the above, a snow fence is allowed to be erected on a temporary basis between November 1 and April 15 provided the snow fence is properly maintained, located a minimum of 3.05 m. (10.00 ft.) from any property line and approved by the Designated Officer.
- 3) Notwithstanding the above and subject to the owner and/or occupant of the land upon which the fence is to be located first obtaining the approval of and a permit from the Designated Officer or Council, an electric fence for the Non-Commercial Farm, Equestrian Establishment or Farm Use Class shall comply with the following regulations:
  - a) Electrified barbed wire fences shall not be permitted.
  - b) An electric fence shall not be higher than 2.00 m (6.56 ft).
  - c) An electric fence shall not be permitted in a Front Yard.
  - d) An electric fence shall be constructed using electric fence tape having a minimum width of 1.27cm (0.50 in).
  - e) Internationally recognized shock awareness symbols shall be attached to each fence post along the entire perimeter of the electric fence.
  - f) Reflective flags shall be attached to the electric fence tape at each mid-point between two fence points.
  - g) All fence controllers shall use intermittent type chargers that are CSA approved and installed.
  - h) An engineer licensed to practice in Manitoba shall provide written confirmation to the Designated Officer that the fence controllers have been installed in accordance with CSA standards and that the electric fence has been installed in accordance with these regulations and other applicable regulations.
  - i) The electric fence shall be dismantled in its entirety if livestock has not been kept on the property for a period of twelve consecutive months, or when a current permit does not exist when demanded in writing by the Designated Officer.
  - j) The landowner shall renew the electric fence permit on an annual basis to ensure compliance with these regulations and other applicable regulations.

## 52.0 Accessory Uses, Buildings and Structures

### 52.1 Accessory Uses, Building and Structures

- 1) Accessory developments are permitted when accessory to a permitted use.
- 2) Accessory developments are conditional when accessory to a conditional use.
- 3) Where any building or structure on a site is attached to a principal building on the site by a roof, an open or enclosed structure above grade, a floor or a foundation which is above grade, or any structure below grade allowing access between the buildings such as a parking garage or a corridor or passageway connecting the buildings, it is a part of the building and is not an Accessory Building, unless otherwise indicated in the associated zone (**BL 2018-03**).
- 4) No accessory building or structure shall be constructed on any zoning site prior to the time of construction of the principal building to which it is accessory.
- 5) Accessory buildings or structures shall be subject to the regulations for that Zoning District.
- 6) Notwithstanding Section 52.1(5) above, the maximum height of an accessory development on a site which abuts a site in a residential district shall not be greater than the height of principal buildings permitted in the abutting residential district.
- 7) An Accessory Building or Structure shall not be used as a Dwelling, except for an approved Secondary Suite whether attached or detached (**BL 2018-03**).
- 8) Accessory Buildings and Structures shall be located on a site as follows:
  - a) Where the accessory building is attached to a main building, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the main building.
  - b) 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 2016-01**).
  - c) Exclusive to residential and residential-related use classes, detached accessory buildings shall be located either in-line with, or behind, the closest building wall to the front site line of the principal building (**BL 2018-03**).
- 9) Any garage that is either attached or free standing shall not have a door height exceeding 3.05 m. (10.00 ft.) in the **R1-8: Single Housing Dwelling**, **R1-10: Single Housing Dwelling**, **R1-17: Single Housing Dwelling**, **DR: Development Reserve**, **RT: Two Housing Dwelling**, and **RC: Comprehensive Residential Zones** or a door height exceeding 4.27 m. (14.00 ft) in the **RR-1 - Rural Infill Residential**, **RR-2 - Rural Residential**, **RR-5 - Rural Residential**, and **LCR: Limited Commercial/Residential Mixed Use Zones**. [**2022-08**]

## 52.2 Temporary Buildings and Uses

- 1) A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by Council or the Designated Officer.
- 2) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than six months and may not be renewed for more than two successive periods at the same location.
- 3) In all cases, **with the exception of temporary tents (BL 2016-01)**, temporary buildings and structures shall not exceed 93.00 sq. m. (1,001.01 sq. ft.) in area and one storey or 4.57 m. (15.00 ft.) in height, and:
  - a) may be used as an office space for the contractor or developer;
  - b) may be used as a temporary placement of concrete and asphalt batch plants that are incidental to and necessary for highway construction and maintenance
  - c) shall not be used for human habitation, except as temporary accommodation for a caretaker, watchman or construction workers; and
  - d) shall not be detrimental to the public health, safety, convenience and general welfare, nor, in the opinion of the Designated Officer, detract from the aesthetic value of the neighbourhood.
  - e) unless stated in this By-law or in the terms of the permit, the temporary use shall cease to operate 30 days after the approval of the permit.
  - f) all temporary signs associated with the temporary use or structure shall be removed when the activity ends.
  - g) the temporary use or structure shall not violate any applicable conditions of approval that apply to a principal use on the site.
  - h) if the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic movement that may be associated with the temporary use.
  - i) tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property.
  - j) a temporary use is not permitted unless sufficient off-street parking is provided to accommodate anticipated parking needs associated with the temporary use.
- 4) in addition to the above noted requirements for Temporary Buildings and Uses, seasonal sales areas: shall not reduce the number of required off-street parking or loading spaces below the minimums required by this By-law; obstruct any vehicular circulation route into or through the property: and are limited to a maximum of 60 days per each calendar

- year.
- 5) in addition to the above noted requirements for Temporary Buildings and Uses, farm produce outlets are limited to between April 1<sup>st</sup> to October 31<sup>st</sup>.
  - 6) in addition to the above noted requirements for Temporary Buildings and Uses, temporary construction trailers or buildings shall be removed from the premises within one month after completion of construction.

### 53.0 Lighting of Sites

Outdoor lighting for any development:

- 1) Shall be low-glare in nature and located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices; and
- 2) If ground mounted, the maximum height shall be 6.10 m. (20.00 ft.).
- 3) If wall-mounted, lights must have fully shielded luminaries to direct all light downward.

### 54.0 Height

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

### 55.0 Air Conditioning Units, Pool Equipment and/or Compressors

Air conditioners and pool equipment and/or compressors shall be accessory structures in all zones and shall be subject to the following regulations:

- Shall be allowed to project a maximum of 5 feet into the front yard and shall not be closer than 5 feet to any side or rear yard.
- If located in the front yard, the accessory must be screened with compact hedges or shrubs or other landscaping/solid fencing (**BL 2016-01**).

### 56.0 Access to Sites

- 1) Access locations and curb crossings shall require the approval of the Designated Officer or Municipal Engineer for any Municipal Road. Permits are required from the Highway Traffic Board for any new, modified or relocated access to Provincial Trunk Highway 101 or Provincial Trunk Highway 59 and from Manitoba Infrastructure and Transportation for any access proposed for Provincial Road 213, Provincial Road 204 and Provincial Road 202. Permits are also required from the Highway Traffic Board or Manitoba Infrastructure and Transportation for any structure or construction including accesses and curb crossings proposed within the control area of a Provincial Highway which is 38.10 m. (125.00 ft.) from the edge of the highway right-of-way in the Municipality.
- 2) No person shall construct a driveway for motor vehicles from a site to a public roadway, if the public roadway, in the opinion of the Designated Officer or Municipal Engineer,



carries or will carry a heavy traffic volume or such driveway would create an unnecessary traffic hazard, unless there is no other practical method of vehicular access to the site and a turning space is provided on the site connected to the driveway so that every motor vehicle leaving the site by the driveway will face the public roadway which the driveway enters.

- 3) No more than one (1) driveway shall be constructed for each title with a developed or proposed principal use and the driveway shall not have more than one (1) access to and from an abutting street and such access shall not be to and from more than one (1) street, except for non-residential uses that may have up to (2) access points. Where a lot abuts on two (2) streets, access shall be restricted to the street it abuts for the shorter distance. Any driveway to permit access to lots shall be installed by the owner of the lot together with a crossing from the street to each site. All approaches shall be approved by the RM of East St. Paul in accordance with existing municipal standards (**BL 2018-03**).

## **57.0 Hard-surfacing of Parking and Loading Areas**

- 1) Every off-street parking and loading space provided or required in any commercial zone shall be hardsurfaced if such area lies in front of the principal building.
- 2) Every off-street parking and loading space provided or required in any commercial and industrial business zone, and the access thereto, shall be hardsurfaced if the access is from a public roadway which is hardsurfaced.
- 3) Any area at the rear of the principal building provided or required for off-street parking and loading space in a commercial and industrial zone need not be hardsurfaced, but shall be of such a surface that will minimize the carrying of dirt or foreign matter onto the public roadway.

## **58.0 Landscaping**

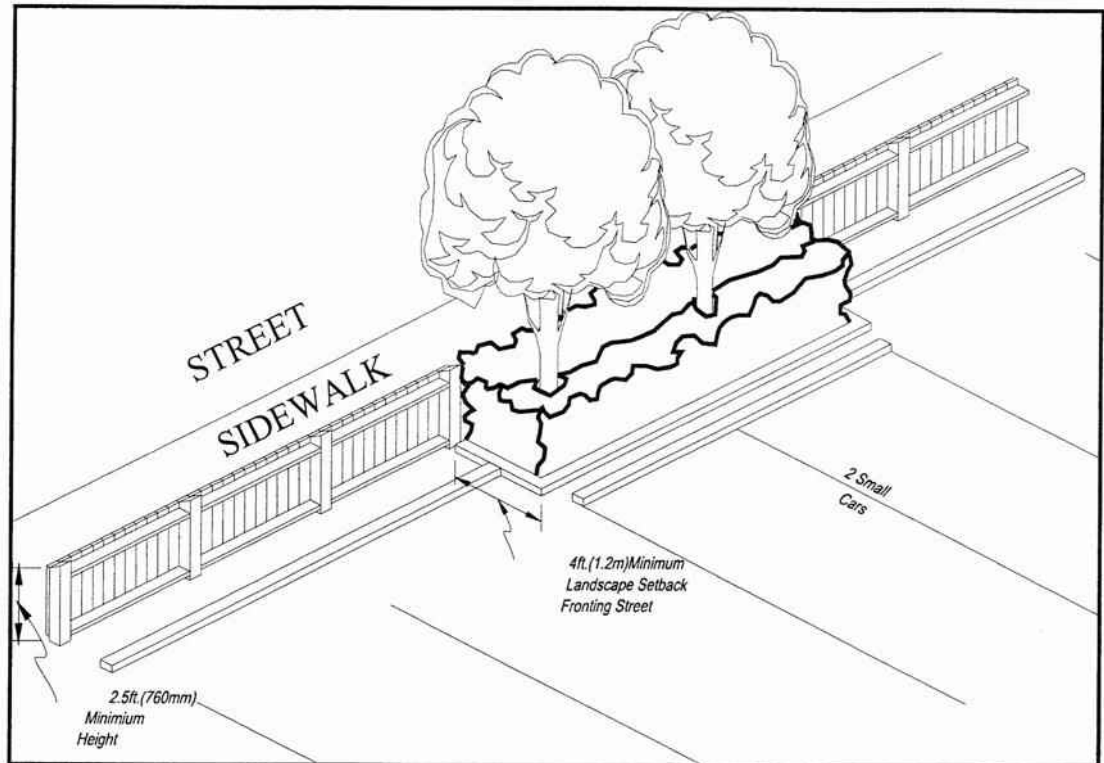
- 58.1 Landscaping in Commercial, Industrial, Institutional and Residential/Mixed Use Zones (except for Single Housing Dwelling or Two Housing Dwelling)
  - 1) A landscaping plan is required and no landscaping work shall be commenced unless the landscaping plan is approved by the Designated Officer.
  - 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, and paving; and
    - b) all shrubs and trees, whether existing or proposed, labelled by their common name, botanical name, and size.
    - c) a description of the compatibility of all physical features, existing or proposed, with adjacent sites.

- 3) Notwithstanding the provisions of Section 58.1 [2(b)] above, the Designated Officer may consider an application if, in his opinion, the development is of such a nature as to enable the decision to be made on the application without all of the information.
- 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.
- 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.
- 6) Where landscaping is required to be provided on a site in any commercial district, trees shall be provided on the basis of a minimum one tree for each 45.00 sq. m. (484.59 sq. ft.) of any required yard at grade.
- 7) All required yards and all open spaces on the site of a commercial and industrial zone, 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.
- 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.
- 9) For commercial developments, deciduous trees shall be at least 63.00 mm. (2.50 in.) calliper when planted and evergreen trees shall have a minimum height of 2.50 m. (8.20 ft.) when planted.
- 10) Plant materials located within 6.10 m. (20.00 ft.) of a public street must be of a salt-tolerant species.
- 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.

## 58.2 Landscaping for Parking and Storage Areas

- 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.
- 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.

Figure 14: Parking



- 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:
  - a) shall be located to the rear of a line adjacent to and parallel with the front wall of the principal building; and
  - b) shall be maintained to provide effective screening from any public roadway or adjacent sites.

- 4) In the case of bulk outdoor storage, including but not limited to lumber yards and similar uses, where because of height of materials stored, a screen planting would not be sufficient, a fence, earth berm or combination thereof, with sufficient height to substantially block the view, shall be substituted for the requirements of Section 58.2(3) above.
- 5) 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 58.2(3) above.
- 6) 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.).

## **59.0 Moving of Structures**

- 1) No person shall move any structure or part thereof off his property to any other location unless that structure or part is made to conform to the provisions of this By-law applicable to the zone to which it is to be moved.
- 2) Before moving a building or portion to a new off-site location, the owner shall obtain a development permit and if required by the Designated Officer enter into an agreement with the Municipality containing an undertaking of the owner to pay all damages arising out of the move and such other terms and conditions as a Designated Officer deems necessary.
- 3) Upon completion of removal of a building from a site, the old foundation shall be removed, any excavation shall be filled, the ground shall be leveled and the site shall be put in a safe condition to the satisfaction of the Designated Officer.

## **60.0 Parking**

### **60.1 Off Street Parking**

- 1) When any new development is proposed, including a change of use of existing development, or when any existing development is, in the opinion of the Designated Officer, substantially enlarged or increased in capacity, then provision shall be made for off-street vehicular parking or garage spaces in accordance with the regulations and standards contained in this section as follows:

Use	Number of Parking Spaces Required
Residential and Residential Related Use Classes	
Single Housing <sup>1</sup> Dwelling <sup>2</sup>	1.00/Dwelling Unit
Secondary Suite, attached, Dwelling ( <b>BL 2018-03</b> )	1.00/Dwelling Unit
Secondary Suite, detached, Dwelling ( <b>BL 2018-03</b> )	1.00/Dwelling Unit
Two Housing Dwelling <sup>2</sup>	1.00/Dwelling Unit
Residence Bed and Breakfast Home	1.00/each 2 Dwelling or Sleeping Units 1.00/Sleeping Accommodation
Multiple Housing Dwelling	1.20/Dwelling Unit
Commercial Use Classes	
Hotel and Motel	1.00/Guest Room or Sleeping Unit
Eating and Drinking Establishment	1.00/4 Seats or 1.00/9.29 sq. m. (100.00 sq. ft.) of floor area, whichever is greater
Convenience and General Retail Stores	1.00/18.58 sq. m. (200.00 sq. ft.) of floor area
All other Commercial Establishments	1.00/23.22 sq. m. (250.00 sq. ft.) of floor area
Industrial Use Classes	
All Industrial Establishments	1.00/92.50 sq. m. (1,000.00 sq. ft.) of floor area or 1.00/5 employees, whichever is greater
Basic Service Use Classes and Community, Educational, Recreational and Cultural Service Use Classes	
Indoor Participant Recreation Service, Religious Assembly, Outdoor Participant Recreation Service, Private Club, Public Library and Cultural Exhibit, and Community Recreation Service	1.00/5 seating spaces or 3.05 m. (10.00 ft.) of bench space. Where there are no fixed seats, 1.00/each 9.29 sq. m. (100.00 sq. ft.) of floor area devoted to assembly room floor area
Extended Medical Treatment Service	2.00/bed
Public and Private Education Services	1.50/classroom, plus 1.00/each 9.29 sq. m. (100.00 sq. ft.) of floor area devoted to public use
Government Service	1.00/51.10 sq. m. (550.00 sq. ft.) of floor area
Child Care Service	1.00/2 employees
Funeral Service	1.00/5 seating places

<sup>1</sup> Excluding registered vehicles within an enclosed building, for any single housing dwelling in the R1-10 and R1-17 Zoning Districts a maximum of 4 registered vehicles may be parked which could include the maximum of 1 travel trailer or 1 motor home or 1 cargo trailer and/or 1 truck with a registered gross vehicle weight of less than 6,804.00 kg. (15,000.00 lb.), or, provided that approval is granted by the Designated Officer, 1 truck with a registered gross vehicle weight greater than 6,804.00 kg. (15,000.00 lb.), providing that all yard requirements and other zoning regulations are complied with.

<sup>2</sup> Excluding registered vehicles within an enclosed building, for any single housing dwelling or two housing dwelling in the RR-1, RR-2, RR-5, DR, RT, and RM Zoning Districts a maximum of 6 registered vehicles may be parked which could include the maximum of 1 travel trailer or 1 motor home or 1 cargo trailer and/or 1 truck with a registered gross vehicle weight of less than 6,804.00 kg. (15,000.00 lb.), or, provided that approval is granted by the Designated Officer, 1 truck with a registered gross vehicle weight greater than 6,804.00 kg. (15,000.00 lb.), providing that all yard requirements and other zoning regulations are complied with.

- 2) Where a proposed use is not listed above, the parking requirement shall be determined by Council which may either determine that the proposed use is similar to one which is listed, or, if that is not the case, the Designated Officer shall make his own determination as to the requirement.
- 3) Where the parking space requirement is determined by reference to a unit such as the number of bedrooms or seats, floor area, the next higher number shall be required where the calculation results in a fractional number of parking spaces.
- 4) In the case of the multiple use of a site, the Designated Officer shall calculate the parking required for each individual use and the total shall be deemed to be the required parking for the site, unless the applicant can demonstrate to the satisfaction of Council through a parking demand study that there is a complementary use of the parking facilities which would warrant a reduction in the parking requirements.
- 5) An accessory off-street parking area associated with commercial, industrial, institutional, educational or major recreational uses as determined by the Designated Officer shall be provided with bumper guards, wheel stops, masonry walls or ornamental fences in order to prevent a vehicle from encroaching onto public or private property. Said bumper guards, wheel stops, masonry walls or ornamental fences shall be maintained in good condition at all times.
- 6) The accessory off-street parking spaces provided for a use shall be solely for the parking of automobiles of employees, occupants, patrons or visitors of such use; and shall not be used for major motor vehicle repair work as determined by the Designated Officer.

#### 60.2 Spaces and Aisles

- 1) Except as provided below, each required non-residential off-street parking space shall be a minimum of 2.60 m. (8.53 ft.) in width, and a minimum of 5.50 m. (18.04 ft.) in length, exclusive of access drives or aisles, ramps, or columns. Such spaces shall have a vertical clearance of at least 2.00 m. (6.56 ft.). For parallel parking, the length of the parking spaces which shall be increased to 7.00 m. (22.97 ft.), except than an end space with an open end shall be a minimum of 5.50 m. (18.04 ft.). For parking spaces other than parallel parking spaces, up to 15.00 percent of the required parking spaces may be of a length shorter than that required above, to a minimum of 4.60 m. (15.09 ft.).
- 2) Aisles shall be a minimum of 7.00 m. (22.97 ft.) wide for 90.00 degree parking, 5.50 m. (18.04 ft.) wide for 60.00 degree parking, and 3.60 m. (11.81 ft.) wide for 45.00 degree and parallel parking.
- 3) For residential buildings, the required parking spaces shall be wholly provided on the same site as the building. For all other uses, the parking spaces shall be located not more than 100.00 m. (328.08 ft.) from the building, unless otherwise approved by Council. Such distance shall be measured along an accessible public roadway from the nearest point of the parking area to the nearest point of the site where the building or use is located.
- 4) Except as otherwise provided for in this By-law, no parking spaces shall be within a required front yard.

### 60.3 Accessible Parking Spaces

- 1) Out of the total number of required off-street parking spaces, the owner must provide a portion of those spaces so as to be accessible to persons with disabilities. Each such space:
  - (a) the width of each required accessible space must be at least 3.05 m. (10.00 ft.); and for every 10 accessible parking spaces required to be provided, at least 1 space must be a minimum of 2.44 m. (8.00 ft.) wide and must have an adjacent loading and manoeuvring area of at least 2.44 m. (8.00 ft.);
  - (b) must be located within 60.96 m. (200.00 ft.) of major building entrances used by residents, employees, or the public; and
  - (c) must include signage reserving the space for the use by persons with disabilities.
- 2) At least 1 curb ramp must be located within 30.48 m. (100.00ft.) of the auto parking space closest to each entrance to a principal or accessory building that is not a service entrance.
- 3) Accessible parking space requirements are as follows:

Total Number of Parking Spaces Required	Minimum Number of Accessible Parking Spaces Required
1-25	1
25-50	2
51-75	3
75-100	4
101-150	5
151-200	6

## 61.0 Signs

### 61.1 General

- 1) No person shall erect a sign without first obtaining a development permit from the Designated Officer and no development permit to erect a sign shall be issued unless all the sign provisions of this By-law have been satisfied.
- 2) Where provisions of this By-law are inconsistent with the regulations respecting signs on or near public highways made or administered by the Manitoba Infrastructure and Transportation, the more restrictive regulations shall apply.
- 3) Signs are considered accessory uses and shall be developed in accordance with Section 52 of this By-law.



- 4) No sign shall be erected, operated, used or maintained which:
  - a) due to its position, shape, colour, format or illumination obstructs the view of, or may be confused with, an official traffic sign, signal or device, as determined by the Designated Officer or Council;
  - b) display lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles;
  - c) allows a swinging motion;
  - d) notwithstanding Community Service Clubs and Religious Assemblies, is not related to any business upon the site where the sign is located; and
  - e) contains a trademark or emblem other than a trademark or emblem that is registered or copyrighted in the name of the applicant.
- 5) The display of any Business Identification Sign or General Advertising Sign on any stationary trailer is prohibited.
- 6) The intensity of exposed bulbs on a Sign shall not exceed 75 watts.

#### 61.2 Abandoned and Unlawful Signs

- 1) Where a Designated Officer finds a sign to be abandoned, the Designated Officer may, after resolution of Council, by notice in writing or by registered mail, order the registered owner, the person in possession of the land or building or the person responsible for the abandoned sign to remove the sign within twenty days after receipt of the notice, or take such measures as are specified in the notice to alter and refurbish the sign so that it correctly identifies the business, or the products and services offered on the site where the sign is displayed.
- 2) Where a sign contravenes the provisions of this By-law, Council may, by notice in writing, order the owner or the person responsible for the contravening sign to take such measures as are specified in the notice to alter the sign so that it complies with the provision of this By-law, or remove the sign.
- 3) Failure to remove abandoned or unlawful signs, or to comply with the measures specified in the notice by Council, shall result in:
  - a) the issuance of an offence ticket pursuant to this By-law by either the Designated Officer or Council; or
  - b) the removal of the sign by the Municipality with the owner or the person responsible for the contravening sign assuming liability for all removal costs.



### 61.3 Sign Regulations

- 1) Quality, aesthetic character, and finishing of sign construction shall be to the satisfaction of the Designated Officer or Council.
- 2) No signs shall be erected in a residential district except those expressly provided for in this Section.
- 3) Fascia signs shall not:
  - a. have letters or numbers over 0.60 m. (1.97 ft.) high, or
  - b. exceed 80.00 percent of the building width (**BL 2018-03**).
- 4) Freestanding signs are limited to no more than one per site, except on a corner site or through lot. The Designated Officer or Council may allow more than one freestanding sign if warranted by the circumstances.
- 5) Where the architectural design and appearance of a building facade for a multiple business occupancy are uniform, signs or individual businesses located on the same facade shall, in the opinion of the Designated Officer or Council, be similar as to proportion, materials, and placement such that they present a pleasing architectural appearance.
- 6) No canopy or awning sign shall be erected over a public right-of-way until an easement agreement has been entered into with the Municipality and the canopy or awning sign shall comply with the following regulations:
  - a) if supported on posts or by braces, brackets or supports on or extending over a public right-of-way, the braces, brackets or supports shall be hidden from view and above the height of the roof line of the canopy or awning; and
  - b) not be constructed in such a manner that drainage from the canopy or awning falls on any public right-of-way.

- 7) For the purposes of this section dealing with Sign Regulations, where a lot is occupied by more than one business (i.e. multiple occupancy) each business shall be considered a separate business. Signs shall be developed in accordance with the following regulations:

Zoning Use Class	Type of Sign	Max. Sign Area	Max. Sign Height
Residential, Residential Related and Agriculture Use Classes	Identification Real Estate	0.37 sq. m. (4.00 sq. ft.) for identification signs 1.49 sq. m. (16.00 sq. ft.) for real estate signs	Height of Principal Building
Multiple Family Housing	Identification Real Estate	3.25 sq. m. (35.00 sq. ft.) for identification signs 1.49 sq. m. (16.00 sq. ft.) for real estate signs	Max. 6.10 m. (20.00 ft.) Max. 6.10 m. (20.00 ft.)
Commercial and Industrial Use Classes That Have Frontage On PTH No. 59, Birds Hill Road/PR No. 202 Between PTH No. 59 and Mulder Road or Henderson Highway/PR 204 as Determined by the Designated Officer	Business Identification (if attached to building)	20.00 percent of the building face for each business (with only the front wall of a building which faces a street being eligible) up to 18.58 sq. m. (200.00 sq. ft.) for a single occupancy site and 55.74 sq. m. (600.00 sq. ft.) for a multiple occupancy site	Height of Principal Building
	Business Identification (if free standing only)	18.58 sq. m. (200.00 sq. ft.) for a single occupancy site and 37.16 sq. m. (400.00 sq. ft.) for a multiple occupancy site	Max. 10.67 m. (35.00 ft.)
	Business Identification (if both attached and free standing)	28.87 sq. m. (300.00 sq. ft.) for a single occupancy site, 55.74 sq. m. (600.00 sq. ft.) for a multiple occupancy site of two businesses and 74.32 sq. m. (800.00 sq. ft.) for a multiple occupancy site of three or more businesses	Max. 10.67 m. (35.00 ft.)
	Real Estate	5.95 sq. m. (64.00 sq. ft.) for real estate signs	Max. 10.67 m. (35.00 ft.)
All Other Commercial and Industrial Use Classes	Business Identification (if attached to building)	20.00 percent of the building face for each business (with only the front wall of a building which faces a street being eligible) up to 9.29 sq. m. (100.00 sq. ft.) for a single occupancy site and 27.87 sq. m. (300.00 sq. ft.) for a multiple occupancy site	Height of Principal Building
	Business Identification (if free standing only)	9.29 sq. m. (100.00 sq. ft.) for a single occupancy site and 18.58 sq. m. (200.00 sq. ft.) for a multiple occupancy site	Max. 7.62 m. (25.00 ft.)
	Business Identification (if both attached and free standing)	13.94 sq. m. (150.00 sq. ft.) for a single occupancy site, 27.87 sq. m. (300.00 sq. ft.) for a multiple occupancy site of two businesses and 37.16 sq. m. (400.00 sq. ft.) for a multiple occupancy site of three or more businesses	Max. 7.62 m. (25.00 ft.)
	Real Estate	2.97 sq. m. (32.00 sq. ft.) for real estate signs	Max. 6.10 m. (20.00 ft.)
Basic Service and Community, Educational, Recreational and Cultural Service Use Classes	Identification (if attached to building)	2.32 sq. m. (25.00 sq. ft.) when in a Residential Zone or abutting a Residential Zone or 4.65 sq. m. (50.00 sq. ft.) in other Zones	Height of Principal Building
	Identification (if free standing only)	2.32 sq. m. (25.00 sq. ft.) when in a Residential Zone or abutting a Residential Zone or 4.65 sq. m. (50.00 sq. ft.) in other Zones	Max. 6.10 m. (20.00 ft.)
	Real Estate	1.49 sq. m. (16.00 sq. ft.) for real estate signs	Max. 6.10 m. (20.00 ft.)

- 8) Notwithstanding anything elsewhere contained in this By-law, the following regulations shall apply to Portable (Mobile) Signs:
- a) portable signs are only allowed in Commercial, Industrial, Community Service, Rural Limited and Mixed Use Zones;
  - b) a portable sign shall not be located, erected, placed or displayed on any site until a permit which outlines the sign identification number and expiry date, has been issued by the Designated Officer;
  - c) the portable sign shall be removed from the site upon the expiry date of the portable sign permit;
  - d) the maximum sign surface area of a portable sign is 4.65 sq. m. (50.00 sq. ft.);
  - e) there shall be no more than one portable sign per site, except that for a site with multiple occupancy there can be a maximum of two portable signs. Where there is more than one portable sign, the signs shall be a minimum of 19.81 m. (65.00 ft.) apart;
  - f) a portable sign shall comply with the yard requirements of the Zone within which it is located;
  - g) any flashing or scintillating portable signs shall not be located within 60.96 m. (200.00 ft.) of a Residential Zone boundary;
  - h) no portable sign shall be placed in such a way that it may interfere with, obstruct the view of, or be confused with an authorized traffic signal, warning sign or other regulatory or informational device, and in no circumstances shall it be located within 3.05 m. (10.00 ft.) from the nearest part of any exit or entrance driveway;
  - i) the maximum height of a portable sign shall be 3.05 m. (10.00 ft.) measured from grade to the highest part of the sign;
  - j) **the maximum permitted duration for a portable sign on a site is 90 days per calendar year (BL 2016-01);**
  - k) the applicant for the portable sign shall pay the applicable fees, sign a letter indicating that they will comply with these regulations, and agree to a date that the portable sign will be removed;

- l) each business on a site with multiple occupancy shall be allowed to have one portable sign on the site for a maximum permitted duration of 90 consecutive days per calendar year; and
  - m) no portable sign shall be erected, operated, used or maintained which is not related to any business upon the site where the sign is located.
  - n) no portable sign shall be permitted on the same lot as an electronic reader board sign.
- 9) Notwithstanding anything elsewhere contained in this By-law, the following regulations shall apply to a Temporary Sign that provides information dealing with a land development project:
  - a) the maximum sign surface area is 13.94 sq. m. (150.00 sq. ft.);
  - b) the sign shall comply with the yard requirements of the Zone within which it is located;
  - c) the sign shall be placed in such a way that it will not interfere with, obstruct the view of, or be confused with an authorized traffic signal, warning sign or other regulatory or informational device, and in no circumstances shall it be located within 3.05 m. (10.00 ft.) from the nearest part of any exit or entrance driveway;
  - d) the sign shall be removed within 30 days of the last sale of any lots or buildings or at the discretion of the Designated Officer;
  - e) the applicant shall pay the applicable fees and sign a letter indicating that they will comply with these regulations; and
  - f) the sign is only allowed to be placed at the location of the land development project.
- 10) Notwithstanding anything elsewhere contained in this By-law, the following regulations shall apply to Temporary Signs:
  - a) the maximum sign surface area shall be 2.97 sq. m. (32.00 sq. ft.);
  - b) the sign shall comply with the yard requirements of the Zone within which it is located;
  - c) the sign shall be placed in such a way that it will not interfere with an authorized traffic signal, warning sign or other regulatory or informational device, and in no circumstances shall it be located within 3.05m (10.00 ft) from the nearest part of any exit or entrance driveway;
  - d) the sign shall be removed within 7 days after the date of the advertised event or at the discretion of the Designated Officer;

- e) the applicant shall pay any applicable fees and sign a letter indicating that they will comply with these regulations; and
- f) a temporary sign may be placed on a stationary vehicle including a semi- trailer which is being temporarily parked on-site during the building construction period or as determined by the Designated Officer.

## 62.0 Off Street Loading

- 1) When any new development is proposed including a change of use of existing development, or when any existing development is, in the opinion of the Designated Officer, substantially enlarged or increased in capacity, off-street vehicular loading and unloading spaces shall be provided in accordance with the following:
  - a) Any commercial development excluding Professional, Financial and Office Support Services:  
  
One space required for less than 465.00 sq. m. (5,005.38 sq. ft.), two spaces for 465.00 sq. m. (5,005.38 sq. ft.) to 1,500.00 sq. m. (16,146.39 sq. ft.) and one space for each additional 2,300 sq. m (24,757.80 sq. ft.).
  - b) Any Professional, Financial and Support Service development, as well as any development within the Industrial Use Classes, Basic Service Use Classes, or Community, Educational, Recreational, and Cultural Service Use Classes:  
  
One space required for up to 2,800.00 sq. m (30,139.94 sq. ft.) and one additional space up to a maximum of five for each additional 2,800.00 sq. m (39,139.94 sq. ft.).
- 2) All loading and unloading spaces shall be located on the site so that all materials and commodities loaded or unloaded can be easily collected or distributed within the site, to and from all tenants or occupants. Access shall be so arranged that no backing or tuning movements of vehicles going to or from the site causes interference with traffic on the adjoining or abutting public roadways, lanes, sidewalks, or boulevards.
- 3) Loading and unloading spaces shall be of adequate size and with adequate access, both to the satisfaction of the Designated Officer, to accommodate the types of vehicles which will be loading and unloading, without those vehicles projecting into a public roadway. In no case shall the space be less than 28.00 sq. m. (301.40 sq. ft.), or less than 2.60 m. (8.53 ft.) wide, or have less than 3.70 m. (12.14 ft.) overhead clearance.

## 63.0 Excavation, Stripping and Grading

- 1) For the purpose of this Section, excavation shall mean excavation other than for construction or building purposes, including but not limited to, sand and gravel mining, top soil stripping, and construction of artificial bodies of water.
- 2) A person wishing to excavate, strip or grade land shall provide the following details in his application:
  - a) the location and area of the site on which the excavation, stripping or grading is to take place;

- b) the existing land use and vegetation;
  - c) the type and dimensions of the excavation to be made, and the effect on existing drainage patterns; and
  - d) the condition in which the excavation is to be left when the operations is complete, or the final disposition to be made of the area from which the topsoil is to be removed, including the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling or lessening the creation of erosion or dust from the land.
- 3) The Designated Officer shall consider every application for a permit to excavate land, and shall not issue a permit unless he is satisfied that:
- a) the operation will be carried out so as to create a minimum of dust and environmental disturbance; and
  - b) the operations are one which, in the opinion of the Designated Officer, is reasonable necessary for the use and development of the land in question.
- 4) The Designated Officer may require as a condition of issuing a permit to excavate land, that the applicant take the precautions and follow the methods prescribed by the Designated Officer for the prevention or control of dust or any other nuisance caused by the proposed operation, and for the reclamation of the site if required.

## **64.0 Performance Standards for Industrial and Commercial Developments**

### **64.1 Applicability**

Any development or site used for any Permitted or Conditional Use in the Industrial or Commercial Zones shall comply with the performance standards of this Section. Where in the opinion of the Designated Officer, a use may not comply with the performance standards of this

Section; he may require that the applicant submit a statement from a qualified and registered Professional Engineer of Manitoba certifying that the proposed use can meet the performance standards of the appropriate Industrial or Commercial Zone.

### **64.2 Performance Standards for Industrial Developments**

#### **1) Emission of Air and Water Contaminants**

No operations or activity in any Industrial Zone shall emit air and water contaminants in excess of the standards prescribed by the Province of Manitoba pursuant to the Manitoba Environment Act and the regulations pertaining thereto.

#### **2) Noise**

- a) No activity or operation in an Industrial District shall cause, or permit to be caused, a noise level at or inside the boundary line of a Residential District which exceeds the regulations of the Province of Manitoba pursuant to the Manitoba Environment Act and regulations pertaining thereto.

- 3) Appearance
- a) Any use or activity in the IB Zone shall comply with the following appearance standards:
    - i) Garbage collection, loading, storage or outdoor service areas shall be developed in accordance with Section 58.2 of this By-law.
    - ii) The Designated Officer may require that exposed projections outside the building such as mechanical and electrical equipment, transformer ducts, and materials handling equipment be screened from view from any public roadway, or from adjacent sites if, in his opinion, such projections are inconsistent with the character and appearance of surrounding development or the intended visual qualities of this Zone.
    - iii) All buildings shall be constructed and finished with durable materials designed to maintain the initial appearance of the development throughout the life of the project. The Designated Officer may require that the appearance of metal, or concrete block walls exposed to public view from beyond the site be improved where, in his opinion, such walls are inconsistent with the finishing materials or appearance characteristic of surrounding development.
    - iv) All outdoor storage shall be related to the business on the site.
    - v) There shall be no outdoor storage of objects or chattels which, in the opinion of the Designated Officer or Council, are unsightly or adversely affect the character or appearance of the site or surrounding developments.
  - b) Any use or activity in the IG Zone shall comply with the following appearance standards:
    - i) Garbage collection, loading, storage or outdoor service areas shall be developed in accordance with Section 58.2 of this By-law.
    - ii) Outside display areas are permitted to the side or front of the principal building, provided that such displays are limited to examples of equipment or material related to the industry or business located on the site.

64.3 Performance Standards for Commercial Developments

- 1) All commercial developments:
  - a) shall be designed to:
    - i) convey an image of cohesive appearance and architectural character;
    - ii) ensure that offices, reception and public use areas are easily identifiable and visible from the public roadway; and

- b) shall be constructed and finished with durable materials to maintain the initial appearance of the development throughout the life of the project.
- 2) The Designated Officer or Council may require that the appearance of walls exposed to public view from beyond the site of a commercial development be combined with other materials where, in his or Council's opinion, such walls are inconsistent with the finishing materials or appearance characteristics of surrounding developments.
- 3) The location of the principal building on a site of a commercial development shall take into account:
  - a) the setbacks and building placements on adjacent sites; and
  - b) the micro-climatic effects including shading of adjacent buildings or sites.
- 4) Garbage collection, loading, storage or outdoor service areas for commercial developments shall be developed in accordance with Section 58.2 of this By-law and the following:
  - a) All outdoor storage shall be related to the business on the site.
  - b) There shall be no outdoor storage of objects or chattels which, in the opinion of the Designated Officer or Council, are unsightly or adversely affect the character or appearance of the site or surrounding developments.

## **65.0 General Performance Standards for Non-Industrial and Non-Commercial Developments**

In all non-industrial and non-commercial developments, the design, use of exterior finishing materials and construction shall be to the satisfaction of the Designated Officer or Council who shall ensure, as far as is reasonably practicable, that the materials used and the resulting standard of the buildings will be similar to, or better than the standard of surrounding developments. The Designated Officer or Council may require that the appearance of walls exposed to public view from beyond the site be improved where, in his or Council's opinion, the appearance of such walls is inconsistent with the finishing standards of surrounding development.

## **66.0 Development Restricted**

### **66.1 Restricted Lot Occupancy**

Unless specifically permitted in a Zone, no more than one dwelling unit is permitted on a lot.

### **66.2 Noxious or Offensive Uses**

Notwithstanding anything herein contained, no use shall be permitted in any Zone which may be offensive or objectionable by reason of emission or production of odour, dust, refuse matter, wastes, vapour, gas, smoke, vibration or noise unless satisfactory measures are undertaken to mitigate or eliminate such effects.



66.3 Land Unsuitable for Development

- 1) No buildings or structures shall be built in an area that has been identified either by Council or other agencies as being subject to flooding by a 100 year flood, unless the development proponent demonstrates to the satisfaction of Council that measures will be taken to protect the development from flood damage.
- 2) Where development is proposed in an area that, in the opinion of the Designated Officer, may be subject to ponding due to snowmelt or heavy rainfall events, the development proponent may be required to provide additional measures, including the provision of sufficient fill around the building, to provide an additional measure of protection from flood damage.
- 3) No building or structure shall be built in an area that is subject to erosion, bank instability, landslide, subsidence, is marshy or unstable, or is otherwise hazardous or unsuitable by virtue of its soil or topography, unless it is demonstrated to the satisfaction of Council that proper measures will be taken to deal with the unsuitability or hazard.

66.4 Dwelling Setbacks

- 1) No dwelling unit shall be located within 402.34 m. (1,320.00 ft.) of the boundary of any active waste disposal ground unless:
  - a) a Certified Professional Engineer of Manitoba determines that there will be no migration of methane gas; and
  - b) approval has been obtained from the Department of Conservation.
- 2) No dwelling unit shall be located within 15.24 m. (50.00 ft.) from the edge of a right-of-way established for the transmission of high-pressure natural gas or the transmission of hydro electricity in excess of 100 kilovolts.
- 3) No dwelling unit shall be located within 30.48 m. (100.00 ft.) from the edge of a railway right-of-way that is in active use.

66.5 Building Setback from Provincial Highways

Buildings, structures and hedges within control areas adjacent to Provincial Roads and Provincial Trunk Highways shall be in accordance with The Highway Protection Act and The Highways and Transportation Act.

#### 66.6 Improvements Adjacent to the Red River

No development shall be permitted within a horizontal distance of 106.68 m. (350.00 ft.) of the normal summer high water level of the Red River or on the flood plain, and no clearing of land of its natural vegetation or cultivation of land shall be carried on any land within 15.24 m. (50.00 ft.) of the summer high water level of the Red River, including bank stabilization works unless in accordance with the following requirements:

- 1) No person shall begin or authorize work of the following kind within the above horizontal distances described without first obtaining a development permit for any of the following purposes:
  - a) the deposit, removal, alteration or disturbance of any material;
  - b) the construction or demolition of a building;
  - c) the alteration of surface or subsurface drainage; and
  - d) the diversion of a waterway or alteration of a channel of a waterway.
- 2) A completed application for a development permit shall contain all information necessary for the Designated Officer to determine whether or not the proposed work will meet the provision of this By-law. The Designated Officer shall have the discretion to require further and better information from the Applicant before making any decision.
- 3) A development permit shall not be issued for work to be done in a regulated area unless the Applicant demonstrates to the Designated Officer that the proposed work will not have a tendency to:
  - a) restrict or impede surface or subsurface water flow;
  - b) endanger the stability of any land, including the bed of a waterway; and c) adversely alter the channel of a waterway.
- 4) The Designated Officer may issue a development permit to allow work to be done in a regulated area subject to the applicant meeting the following terms and conditions:
  - a) provide site plans, foundation and floor plans; section through proposed building or structure or fill area; section through the riverbank indicating geodetic elevations; and the submission of a report prepared by a professional geotechnical and/or hydraulic engineer registered in the Province of Manitoba stating that the proposed development will not impede surface or subsurface water flow, destabilize land including the waterway bed, or adversely alter waterway channels; and
  - b) upon completion of the riverbank works, the engineer is to certify that the works have been completed as per the submitted and accepted design report.
- 5) The construction of permanent buildings or structures shall comply with the following regulations:
  - a) Permanent buildings or structures within the Red River Valley Designated Flood Area, as identified on Plan No. 11-1-1679 filed at the head office of the Water Branch of the Department of Conservation, shall be protected from flooding by raising the building site to the flood protection level as same is defined in subparagraph b) below.

- b) The flood protection levels shall be the Province of Manitoba Design Flood Level. This is the 160-year flood, as identified on Water Branch Plan No. 11-1-1619, plus a freeboard allowance of 0.61 m. (2.00 ft.); or as required by the Province of Manitoba, whichever is higher.
  - c) Basements in flood prone land shall not contain:
    - i) basement openings below the flood protection level, including walk out basements; and
    - ii) habitable space unless flood protection has been provided, or be used for storage or immovable materials or habitable materials that are buoyant, flammable, explosive or toxic, or contain electrical circuit breaker panels, or pipes leading to a holding tank or disposal field.
  - d) Alternative methods of flood protection may be allowed, subject to the approval of the Designated Officer, provided that the alternative flood protection complies with the minimum standards as outlined in this Section.
  - e) Subject to the Applicant entering into a development agreement with the municipality, the structural alterations to legally existing buildings or structures are exempt from these flood protection requirements.
- 6) A development permit shall expire and the right of an owner under the permit shall terminate if the work authorized by the permit is not commenced within one year from the date of issuance of the permit and reasonably continued without interruption thereafter.
  - 7) Upon receipt of a formal request for the renewal of a development permit and upon payment of any application fees, the Designated Officer may renew a permit on one occasion for a period not exceeding one year from the renewal application date.

#### 66.7 Building Grade

No building or structure shall be erected without first obtaining from the Designated Officer written instructions as to the grade for the building or structures to be erected.

#### 66.8 Composting

The composting of private household material is permitted within all Zones. The composting of any other material is allowed as a Conditional Use in the RR1-Rural Residential, RR2-Rural Residential, RR-5-Rural Residential and DR-Development Reserve Zoning Districts. Council may require a detailed engineering study from the Applicant certifying that the proposed composting operation meets or exceeds all applicable Provincial Government regulations.

66.9 Corner Vision Triangles

No building, structure, parking area, shelterbelt, hedge or stockpiling of materials exceeding a height of 0.91 m. (3.00 ft.) above grade shall be located within a triangular area of any lot adjacent to an intersection of two public streets, with the sides of the triangular area being measured a distance of 4.57 m. (15.00 ft.) along each lot line from the point of intersection.

66.10 Hazardous Materials Storage

No commercial-related or industrial-related hazardous material shall be located within:

- a) 804.65 m. (2,640.00 ft.) of a Residential Zoning District;
- b) 304.80 m. (1,000.00 ft.) of a building used for human occupancy; and
- c) 91.44 m. (300.00 ft.) of the edge of the rights-of-way of Provincial Trunk Highways, Provincial Roads as well as all Provincial Access Roads and Main Market Roads.

66.11 Land Drainage

- 1) A development permit shall be required for any drainage works undertaken on any lands, where it is proposed to alter or divert the natural course of a river, stream or creek.
- 2) Notwithstanding any other provision of this By-law, the Designated Officer or Council may refuse a development permit for, or prohibit, any drainage works to be undertaken on lands where it has been determined that such works would create an adverse effect on adjacent public or private lands or where adjacent drains are insufficient to accommodate the added runoff.

66.12 Connecting to Municipal Services

All new principal buildings constructed on a site serviced by municipal sewer and/or water shall be connected to such services.

66.13 Rail Cars, Semi-Trailers or Similar Such Containers  
Shipping Containers (**BL 2018-03**)

- 1) Shipping containers are not permitted in any zoning district, whether as principal or accessory uses, except as provided below.
- 2) This prohibition does not apply to the operation of railway, trucking and storage businesses as principal uses in compliance with this by-law.
- 3) A shipping container may be located on a site during construction on that site for a duration no longer than 7 days for the purpose of collecting used building materials.
- 4) A shipping container may be located on a site for a maximum of 7 days for the purpose of storing furniture and other contents of a building on that site in connection with moving premises.

66.14 Fabric Buildings within the Certain Zoning Districts

Fabric buildings or buildings with similar material as determined by the Designated Officer shall not be allowed within the R1-10, R1-17, RT, RM, RC, TMU, or RIM Zoning Districts except for on a temporary basis as determined by the Designated Officer.

66.15 Lots Adjacent to Stormwater Retention Areas

If the property has been subject of a development agreement between the Municipality and the owners of the lands, the yards required by those agreements are not affected by the enactment of this By-law and continue to apply to those lands until those agreements are terminated by the parties. If the property has not been the subject of a development agreement stating a specific minimum yard requirement from the stormwater retention area, then the following minimum rear yards apply:

- (a) 15.24 m. (50.00 ft.) measured from the rear lot line to any temporary use or structure and open swimming pool;
- (b) 22.86 m. (75.00 ft.) from the rear lot line to any detached accessory building; and
- (c) 29.00 m. (95.00 ft.) from a rear lot line to any principal building.

66.16 Outdoor Solid Fuel Heating System Buildings or Structures

No outdoor solid fuel heating system buildings or structures shall be allowed in the Municipality.

66.17 Cord Wood Storage, Processing or Sales

The storage, processing or sale of cord wood within any Residential Zoning District within the Municipality is prohibited.

66.18 Storage of Hazardous Goods and Materials

The storage of hazardous goods and materials shall be in compliance with Provincial government legislation and is prohibited in the R1-10, R1-17, RT, RM, RC, RR-1, and RR-2 Zoning Districts.

## 67.0 Farms or Residential Related Farms

A Farm or Residential Related Farm shall comply with the following regulations:

- 1) The minimum site area for the Farm or Residential Related Farm shall be 2.02 ha. (5.00 acres).
- 2) The use of land or structures for the Farm or Residential Related Farm shall be limited to 1.33 Animal Units per 0.80 ha. (2.00 acres) of land.
- 3) The maximum size for the Farm or Residential Related Farm shall be 10.00 Animal Units.
- 4) Farm buildings, farm structures and/or farm animals shall be a minimum distance of **15.24 m. (50.00 ft.) (BL 2016-01)** from any lot line.
- 5) The keeping of animals on a site shall not interfere with the use and enjoyment of adjacent land uses.
- 6) For the purposes of this Section of the By-law, the calculation of Animal Units shall be cumulative across the species as determined on the basis of the following table, or as determined by the Province of Manitoba:

### Animal Unit (A.U.) Inventory List

Livestock	A.U. Produced by One Livestock	Livestock Producing One A.U.
Dairy		
Milking Cows, including associated livestock	2.0000	0.5000
Beef		
Beef cows, including associated livestock	1.2500	0.8000
Backgrounder	0.5000	2.0000
Summer Pasture/Replacement Heifers	0.6250	1.6000
Feedlot Cattle	0.7690	1.3000
Hogs		
Sows, farrow to finish	1.2500	0.8000
Sows, farrow to weanling	0.3130	3.2000
Sows, farrow to nursery	0.2500	4.0000
Weanlings	0.0330	30.0000
Growers/Finishers	0.1430	7.0000
Boars	0.2000	5.0000
Chickens		
Broilers	0.0050	200.0000
Roasters	0.0100	100.0000
Layers	0.0083	120.0000
Pullets	0.0033	300.0000
Broiler Breeder Pullets	0.0033	300.0000
Broiler Breeder Hens	0.0100	100.0000
Turkeys		
Broilers	0.0100	100.0000
Heavy Toms	0.0200	50.0000
Heavy Hens	0.0100	100.0000
Horses		
Mares, including associated livestock	1.3330	0.7500
Sheep		
Ewes, including associated livestock	0.2000	5.0000
Feeder Lambs	0.0630	16.0000
Other livestock or operation type Please inquire with your regional agricultural engineer or livestock specialist		

## SPECIAL LAND USE PROVISIONS

### 68.0 Applicability

The Special Land Use Provisions apply to the uses listed irrespective of the Zone in which they are located. Where these Provisions appear to be in conflict with the Zone regulations in which the use is either a Permitted or a Conditional use, the Special Land Use Provisions shall take precedence and shall be applied in addition to the requirements in the Zone.

### 69.0 Vehicular - Oriented Uses

#### 69.1 Applicability

- 1) Developments in the following Use Classes shall comply with the special regulations of this Section:
  - a) Drive-in Food Services;
  - b) Gas Bars;
  - c) Service Stations;
  - d) Rapid Drive-Through Vehicle Services; and
  - e) Automated Teller Machines

#### 69.2 Development Regulations

- 1) Vehicular-oriented uses shall be located only where the Designated Officer or Council is satisfied that the development will not adversely affect the functioning of the surrounding public roadway.
- 2) The minimum frontage shall be 30.48 m. (100.00 ft.).
- 3) Service Stations and Rapid Drive-Through Vehicle Services shall have a minimum lot depth of 30.48 m. (100.00 ft.).
- 4) Queuing Space shall be provided as follows:
  - a) For Drive-In Food Services, and other developments having a drive-up service window, a minimum of six in-bound queuing spaces shall be provided for vehicles approaching the drive-up service window. One out-bound queuing space shall be provided on the exit side of each service position and this space shall be located so as not to interfere with service to the next vehicle.
  - b) For Rapid Drive-Through Vehicle Services, a minimum of five in-bound and three out-bound queuing spaces shall be provided for each service bay, except that in the case of a complete service car wash a minimum of ten in-bound and five out-bound queuing spaces shall be provided.
  - c) All queuing spaces shall be a minimum of 5.49 m. (18.00 ft.) long and 3.05 m. (10.00 ft.) wide. Queuing lanes shall provide sufficient space for turning

and maneuvering.

- d) For Automated Teller Machines, a minimum of three in bound stacking spaces shall be provided measured from the teller window or automated teller machine.
  - e) All stacking spaces shall be located so as not to block or interfere with the smooth flow of traffic to and from required off-street parking spaces or the driving aisles providing access to those spaces, or any adjacent street or lane through an approved access point.
- 5) Queuing Space shall be provided as follows:  
Gas Bars and Service Stations shall adhere to the following additional regulations:
- a) All pump islands and underground storage tanks shall be located at least 6.10 m. (20.00 ft.) from any boundary of the site, parking area on the site, or laneways intended to control traffic circulation on the site.
  - b) Refueling areas are not permitted in a required parking area.
  - c) A canopy over a pump island may extend to within 3.05 m. (10.00 ft.) of the boundary of the site. The canopy area shall not constitute part of the site coverage for the purpose of this Section.

## 70.0 Home Occupations

A Home Occupation shall comply with the following regulations:

- 1) The home occupation shall be in contravention of this Zoning By-law unless it conforms to the Municipal Licensing By-law and amendments thereto.
- 2) The home occupation shall not include adult entertainment; dating and escort service; body modification; on-site painting, body repairs, or other repairs to automobiles, trucks, boats, trailers, or motorized vehicles; vehicle towing operations; dispatch centres for auto-oriented services; sales of firearms or ammunition; any business utilizing radio transmission equipment; and any business engaged in the sales and rental of automobiles, light trucks or motorcycles.
- 3) There shall be no outdoor business activity, or storage of material or equipment associated with the home occupation.
- 4) The home occupation shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristics of the zone with which it is located.
- 5) The home occupation is carried on solely by the members of the family residing at the same dwelling unit **with a maximum employment of one other person living off site (BL 2016-01).**



- 6) Any exterior display or advertisement for the home occupation must be approved by the Designated Officer. The home occupation may have one identification sign not exceeding 0.56 sq. m. (6.00 sq. ft.) in area, indicating the name of the occupant and/or home occupation of the occupant provided the sign is attached to and parallel with the wall of the principal or accessory building.
- 7) There shall be no mechanical or electrical equipment used which creates noise, or visible and audible interference in radio or television reception in adjacent Dwellings.
- 8) The home occupation shall be operated as a secondary use only, and shall not change the principal character or external appearance of the Dwelling involved.
- 9) A home occupation within a dwelling unit or accessory building shall not exceed a maximum floor area of 37.16 sq. m. (400.00 sq. ft.).
- 10) The home occupation shall not be permitted if, in the opinion of the Designated Officer, such use would be more appropriately located in a Commercial or Industrial Zone having regard for, among other matters, potential traffic generation and potential interference with the residential character of the area.
- 11) In addition to the information requirements of Section 38 of this By-law, each application for a development permit for the home occupation shall include a description of the office use to be undertaken at the premise and an indication of where any materials, equipment or vehicles associated with the office use are to be stored.
- 12) A permit for a home occupation is not transferable to a new home owner.
- 13) If the home occupation is used for instructional classes, there shall not be more than four pupils at a time.
- 14) In the case of rental premises, the Home Occupation applicant will be required to obtain the permission of the owner of the premises before a home occupation permit under this Section can be issued by the Designated Officer.
- 15) Home Occupations shall be limited to those uses which do not interfere with the rights of other residents to quiet enjoyment of their neighbourhood.
- 16) In the case of retail sales, the home occupation shall only offer commodities for sale which are produced or repaired on the premises.
- 17) All Home Occupations must be operated in accordance with all plans and documents approved as part of the application.

## 71.0 Child Care Services

A Child Care Service shall meet Provincial Government regulations and comply with the following regulations:

- 1) The number of children within a Child Care Service established as a secondary use within a Dwelling shall not exceed eight.
- 2) A Child Care Service shall not be a principal use of a building within Residential Zones.
- 3) Council shall, in deciding whether to approve or refuse a Child Care Service which is a Conditional Use, consider, among other matters, if the development would be suitable for the location proposed, taking into account, among other matters, potential traffic generation, proximity to park or other open or recreation areas, isolation of the proposed site from other residential uses, buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of their properties by nearby residents, and consistency in terms of intensity of use with other development in the area.
- 4) All Child Care Services must be operated in accordance with all plans and documents approved as part of the application.
- 5) **Home daycares with no more than 8 children may be permitted in all residential zones. Daycares of more than 8 children will be considered a conditional use in all zones (BL 2016-01).**

## 72.0 Bed and Breakfast Establishments

Bed and breakfast establishments shall comply with the following regulations:

- 1) There shall be no exterior display or advertisement larger than 1.49 sq. m. (16.00 sq. ft.) in area, provided that no sign shall be illuminated and any sign must be compatible with the residential character of the area.
- 2) The bed and breakfast home shall not generate vehicular traffic or parking that is in excess of what is normally characteristic of the area.
- 3) The bed and breakfast establishment shall be operated by a live-in owner as a secondary use only, have a maximum of four accommodation units, and shall not change the principal residential character or external appearance of the dwelling.
- 4) Guest stays are limited to less than 7 days.
- 5) Meals shall be limited to the occupants of the dwelling and resident guests with no cooking facilities allowed in guest rooms.
- 6) Catering to social functions is not permitted.
- 7) In addition to the parking requirements for the primary use, one additional on-site parking space shall be provided for each accommodation unit.

- 8) Approved smoke alarms shall be required:
  - a) in every sleeping room in the bed and breakfast home; and
  - b) in the common corridor of every storey or floor level, even if no sleeping accommodation is provided on that storey or floor level.The smoke alarms are to be electrically hard wired to each other in cases where major renovations are to take place.
- 9) An approved 2.20 kg. (4.85 lb.) multi-purpose portable fire extinguisher shall be visibly mounted near the kitchen exit door, preferably the door leading directly outdoors.
- 10) All Bed and Breakfast Establishments must be operated in accordance with all plans and documents approved as part of the application.

### **73.0 Planned Unit Developments**

Planned Unit Developments shall comply with the following regulations:

- 1) Specific zone regulations shall not directly apply to planned unit developments. 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.
- 2) An application for a planned unit development shall include normal development permit requirements as well as an impact study that outlines the following information:
  - a) economic, social and environmental benefits to the community;
  - b) the effect on the general character of the area and adjacent areas;
  - c) the effect on the general environment including drainage, groundwater, erosion, etc.;
  - d) the effect on municipal services and the street system; and
  - e) such additional information as required by Council.
- 3) The minimum site area for a Planning Unit Development shall be 4.05 ha. (10.00 acres).
- 4) The density of development shall not be increased from the normal density per gross hectare (acre) permitted in that zone.
- 5) Planned Unit Developments shall be regulated through a site plan agreement or development agreement which is caveated against the title at the Land Titles office.
- 6) An overall landscaping plan shall be prepared.
- 7) Any public park areas shall be dedicated to the Municipality.

## **74.0 Private and Semi-Private Swimming Pools, Hot Tubs, Ponds, Dugouts and Other Similar Features**

Private and Semi-Private Swimming Pools, Hot Tubs, Ponds, Dugouts and Other Similar Features that are more than 0.61 m. (2.00 ft.) deep as determined by the Designated Officer shall meet Provincial Government regulations and:

- 1) shall be considered as being accessory to a permitted use and shall be developed in accordance with Section 52 of this By-law;
- 2) shall not be constructed beyond the foremost portion or portions of the principal building on the site;
- 3) with the exception of Hot Tubs that meet or exceed Manitoba Building Code regulations, shall be completely enclosed with a vertical board fence, with no vertical or horizontal supports that would facilitate climbing, or a chain link fence not less than No. 12 gauge galvanized steel wire, or a minimum No. 14 gauge steel wire covered with a vinyl or other approved coating forming a total thickness equivalent to No. 12 galvanized wire, with a mesh not greater than 50.80 mm. (2.00 in.) or other suitable barrier, excluding barbed wire or wire having similar dangerous characteristics or devices for projecting an electric current through the fence, constructed or erected in accordance with the following:
  - a) fences shall have a minimum height of 1.52 m. (5.00 ft.) and a maximum height of 2.00 m. (6.56 ft.), including gates, which shall be self-closing and equipped with a lockable latch to prevent unauthorized entry; and
  - b) there shall be no openings other than an entry to a building or a gate and it shall be constructed so as to prevent a child from crawling under either the fence or gate.

## **75.0 Tennis Courts and Outdoor Skating Rinks**

Tennis courts and outdoor skating rinks in any R1-10 and R1-17 Zone:

- a) shall be considered as being accessory to a permitted use and shall be developed in accordance with Section 52 of this By-law;
- b) shall not be located closer than 3.05 m. (10.00 ft.) to any side or rear yard, nor shall they be constructed in front of the foremost portion of the principal building;
- c) shall conform with the Municipal Lot Grading By-law, and any amendments thereto;
- d) shall have all outdoor lighting located and arranged so that no rays of light are directed at any adjacent properties;
- e) shall be developed in accordance with the Municipal Noise By-law; and
- f) an outdoor skating rink is allowed to be erected on the site on a temporary basis between November 1 and April 30 of each calendar year

## 76.0 Secondary Suites

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

- 1) Amount  
Only one (1) Secondary Suite, whether attached or detached, may be located on one (1) zoning site.
- 2) Site Requirements
  - a) A Secondary Suite, attached, shall conform to site requirements for permitted and conditional uses.
  - b) A Secondary Suite, detached, shall conform to site requirements for Accessory Uses and Buildings, with the following exception:
    - i. When the Secondary Suite, detached, is in the form of a carriage suite, being developed over top of a detached garage, the building height may reach a maximum of 28 ft or must not be higher than the principal dwelling.
- 3) Potable Water and Wastewater Services  
Where available, a Secondary Suite, whether attached or detached, will be required to connect to municipal services (municipal water and/or wastewater system). Where municipal services are not available, a Secondary Suite, whether attached or detached, will be required to adhere to Provincial regulations for potable water and onsite wastewater treatment.
- 4) Building Requirements  
A Secondary Suite, whether attached or detached, shall be constructed in accordance with the requirements outlined in the Manitoba Building Code and any other applicable Codes and standards. Secondary Suites are not intended for rental purposes.
- 5) Dwelling Unit Area
  - a) The dwelling unit area for a Secondary Suite, attached, shall be not be less than 32.5 m<sup>2</sup> (350 sq. ft.), or, more than the lesser of
    - 80% of the total dwelling unit area of all storeys of the principal dwelling unit, excluding the garage floor area and common spaces serving both dwelling units, or
    - 80m<sup>2</sup> (861 sq. ft.) or 80% of the floor space of the existing Single-Family Dwelling, whichever is more restrictive.The dwelling unit area for the Secondary Suite, attached, shall be calculated as part of the principal building.
  - b) The dwelling unit area for a Secondary Suite, detached, shall be no less than 55 m<sup>2</sup> (592 sq. ft.) and no greater than 92.9 m<sup>2</sup> (1,000 sq. ft.). The dwelling unit area for the Secondary Suite, detached, shall be calculated as part of the building area site requirements for accessory uses and buildings.
- 6) Parking  
A minimum of one (1) off-street parking space must be provided for a Secondary Suite.
- 7) Access  
Access shall be shared with single-housing dwelling use.

- 8) **Amenity Space**  
An exterior, private amenity space such as a deck, patio, or landscaped area, shall be provided for the Secondary Suite.
  - a. Minimum Area: 80sq.ft.;
  - b. Minimum Dimension (length or width): no less than 5ft.; and
  - c. Subject to General Development Regulations, Landscaping”
9. **General Performance Standards**  
As is reasonably practicable, the materials used and the resulting standard of the building will be similar to, or better than the standard of surrounding developments and may require that the appearance of walls exposed to public view from beyond the site be improved where, in the Development Officer or Council's opinion, the appearance of such walls is inconsistent with the finishing standards of surrounding development.

## **77.0 Boats, Trailers, Un-Licensed Vehicles, Cargo Trailers and Motor Homes**

Boats, trailers, un-licensed vehicles, cargo trailers and motor homes if they are used for personal use are allowed to be stored in the Rear or Side Yard of a residential property provided that:

- a) the Rear or Side Yards are vehicle accessible;
- b) residential occupancy is prohibited during storage;
- c) storage is not used for commercial purposes unless specifically allowed for in that Zone; and
- d) they comply with parking requirements provided in Section **60 (BL 2016-01)** of this By-law.

## **78.0 Small Animal Breeding and Boarding Establishment**

A Small Animal Breeding and Boarding Establishment shall comply with the following regulations:

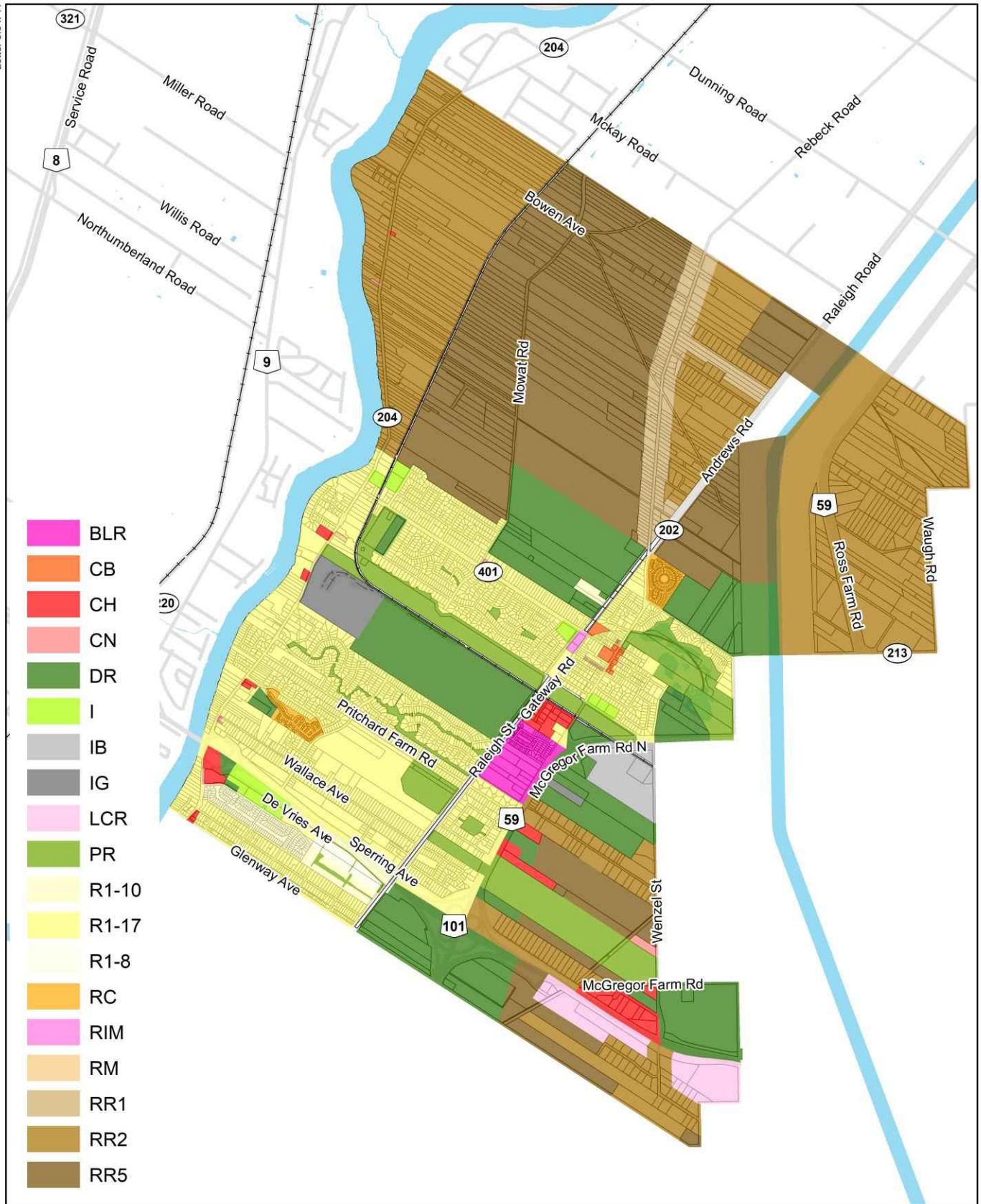
- 1) They shall comply with all applicable Provincial and Municipal animal control and licensing By-laws.
- 2) The Small Animal Breeding and Boarding Establishment shall be carried out by an occupant of the dwelling unit.
- 3) One assistant, who is not a resident of the dwelling unit of the Small Animal Breeding and Boarding Establishment, may operate in and from the said dwelling unit.
- 4) If located within a Residential Use Class development, the Small Animal Breeding and Boarding Establishment shall be operated as a secondary use only, and shall not change the principal character or external appearance of the dwelling unit involved.
- 5) There shall be no retail sale of goods from within the dwelling unit of a Small Animal Breeding and Boarding Establishment.
- 6) The Small Animal Breeding and Boarding Establishment shall not create or become a nuisance by the way of noise, fumes, dust, odour, traffic or otherwise interfere with the use and enjoyment of adjacent land uses.





# THE CONSOLIDATED ZONING MAP

Letter 8.5 x 11



## Consolidated Zoning Map

Note: Not to Scale  
Date: January, 2023



**RED RIVER**  
PLANNING DISTRICT