

TABLE OF CONTENTS

Tables..... iv

PART 1: ADMINISTRATION 1

GENERAL 1

 Title and Components..... 1

 Intent and Purpose 1

 Application 1

 Relation to Other By-laws 1

 Effective Date 1

INTERPRETATION 2

 Minimum and Maximum Requirements 2

 Illustrations..... 2

 Tables..... 2

 Headings..... 2

 Definitions 2

 Multiple Uses and Buildings 2

ZONING MAPS 3

 Zoning District Maps 3

 Zoning District Boundaries Rules 3

RESPONSIBLE AUTHORITIES 3

 Responsibilities of Council..... 3

 Duties of the Owner..... 4

 Development Officer..... 4

PROCEDURE AND APPLICATIONS 4

 Zoning By-law Amendment 4

 Variances..... 5

 Conditional Use 5

 Development Agreement..... 6

DEVELOPMENT TO COMPLY 6

 Requirement for Compliance with this By-law 6

 Permitted Projections 6

 Development Permit Required..... 7

 Conditions to Development Permits..... 9

 Expiry and Revocation..... 9

 Land Unsuitable for Development 10

NON-CONFORMING USES, BUILDINGS, AND LOTS 10

FEES..... 11

ENFORCEMENT 11

TRANSITION 11

 Repeal 11

 Relationship to Former By-laws..... 11

 Applications and Construction in Process 12

PART 2: DEFINITIONS.....	13
DEFINITIONS.....	13
Rules of Construction.....	13
Rules of Measurement.....	13
General Terms.....	15
PART 3: ZONING DISTRICTS.....	26
GENERAL PROVISIONS.....	26
Districts Established.....	26
One and Two Family Zone (R2).....	27
Multiple Family Dwelling Zone (R3).....	30
Residential Mobile Home Park Zone (RMHP).....	32
Commercial Zone (C).....	35
Downtown Zone (DT).....	38
Industrial Light Zone (IL).....	41
Industrial Zone (I).....	44
Educational and Institutional Zone (EI).....	46
Parks and Recreation (PR).....	48
Limited Development (LD).....	50
PART 4 : DEVELOPMENT AND DESIGN STANDARDS.....	52
Dimensional Standards.....	52
Permitted Projections.....	52
Parking and Loading.....	55
Parking Area Surface.....	55
Parking Area Maintenance.....	55
Calculation of Spaces.....	56
Dimensions of Parking Spaces.....	56
Location of Parking Areas.....	57
Access to Parking Areas and Spaces.....	57
Other Parking Regulations.....	57
Additional Standards for Single- and Two- Family Dwellings.....	58
Minimum Parking Space Required.....	58
Accessible Parking Spaces.....	59
Minimum Required Accessible Spaces.....	59
Vehicle Queuing Spaces.....	60
Loading.....	60
Loading Space Required.....	60
Access.....	61
Loading Area Surface.....	61
Location.....	62
Existing Uses and Buildings Excepted.....	62
Signs.....	62
General Provisions.....	62
Free-Standing Signs.....	62
Temporary Signs.....	62
Signs Not Subject to this By-Law.....	62
Landscaping and Buffering.....	63
Side and Rear Site Edge Buffering.....	63

Buffering of Residential Uses from Non-Residential Impacts.....	63
Buffering of Parking and Loading Areas	63
Installation.....	63
Maintenance	64
Fences and Screening	64
Maximum Height	64
Materials	65
Outdoor Storage Screening	65
Maintenance	65
Corner Vision Triangle.....	65
Swimming Pools	66
PART 5: USE SPECIFIC STANDARDS.....	67
Boarding House	67
Care Homes	67
Caretaker’s Residence.....	67
Day Care Centre.....	67
Elementary or Junior High.....	67
Fuel Sales.....	67
Home Based Business	67
Prohibited Home-Based Business	68
Kennel	68
Livestock Operations.....	68
Modular Dwellings.....	68
Places of Worship	68
Secondary Suite	68
Senior High School.....	70
Work Camps	70
Wrecking or Salvage Yards	70
Truck, Bus, Coach Bodies and Shipping Containers	70
Noxious or Offensive Uses.....	70

Tables

Table 3.1: Zoning Districts	26
Table 3.2: Permitted and Conditional Uses in the R2 Zoning District.....	27
Table 3.3: Dimensional Standards for Principal Buildings in the R2 Zoning District	28
Table 3.4: Dimensional Standards for Accessory Buildings in the R2 Zoning District	29
Table 3.5: Permitted and Conditional Uses in the R3 Zoning District.....	30
Table 3.6: Dimensional Standards for Principal Buildings in the R3 Zoning District	31
Table 3.7: Dimensional Standards for Accessory Buildings in the R3 Zoning District	31
Table 3.8: Permitted and Conditional Uses in the RMHP Zoning District.....	32
Table 3.9: Dimensional Standards for Principal Buildings in the RMHP Zoning District.....	32
Table 3.10: Dimensional Standards for Accessory Buildings in the RMHP Zoning District.....	33
Table 3.11: Permitted and Conditional Uses in the C Zoning District.....	35
Table 3.12: Dimensional Standards for Principal Building or Accessory Structures.....	36
Table 3.13: Permitted and Conditional Uses in the DT Zoning District.....	38
Table 3.14: Dimensional Standards for Principal Building or Accessory Structures.....	39
Table 3.15: Permitted and Conditional Uses in the IL Zoning District.....	41
Table 3.16: Dimensional Standards for Principal Building or Accessory Structure	42
Table 3.17: Permitted and Conditional Uses in the I Zoning District	44
Table 3.18: Dimensional Standards for Principal Building or Accessory Structure	45
Table 3.19: Permitted and Conditional Uses in the EI Zoning District.....	46
Table 3.20: Dimensional Standards for Principal Building or Accessory Structure in the EI Zoning District	47
Table 3.21: Permitted and Conditional Uses in the PR Zoning District.....	48
Table 3.22: Dimensional Standards for Principal Building or Accessory Structure	49
Table 3.23: Permitted and Conditional Uses in the LD Zoning District.....	50
Table 3.24: Dimensional Standards for Principal Buildings in the LD Zoning	51
Table 3.25: Dimensional Standards for Accessory Buildings in the LD Zoning District	51
Table 3.26: Setbacks for Livestock Operations.....	50
Table 4.0.1: Permitted Projections	53
Table 4.2: Maximum Height Limits.....	55
Table 4.3: Parking Aisle Widths	57
Table 4.4: General Accessory Parking Requirements	58
Table 4.5: Accessible Parking Space Requirements	60
Table 4.6: Vehicle Queuing Space Requirements	60
Table 4.7: Minimum Loading Space Requirements	61
Table 4.8: Required Loading Space Dimensions.....	61
Table 4.9: Maximum Height in all Required Yards	64

PART 1: ADMINISTRATION

GENERAL

Title and Components

1. This By-law shall be known as the "Gillam Zoning By-law".

Intent and Purpose

2. This By-law is intended to promote orderly and thoughtful development in the Town of Gillam by:
 - (1) Implementing the goals, principles, and policies of the *Town of Gillam Development Plan* and any Secondary Plans;
 - (2) Defining the limits, powers and duties of Council and the Development Officer, and the landowner and / or developer as they relate to this by-law; and,
 - (3) Regulating:
 - (a) All buildings and structures erected hereafter;
 - (b) All uses or changes in use of buildings, structures and land established hereafter;
 - (c) All structural alterations or relocations of existing buildings and structures occurring hereafter;
 - (d) All enlargements or additions to existing buildings, structures or uses; and,
 - (e) The development of all land including lot and parcel areas, sizes, frontages and site requirements.

Application

3. This By-law applies to land, buildings, and structures in the Town of Gillam.
4. All activity and development within the area of the Town of Gillam must conform to the provisions of this By-law and be consistent with the *Town of Gillam Development Plan* and any adopted Secondary Plans.
5. This By-law does not apply to the construction, maintenance, or operation of public service works within a public utility right-of-way.

Relation to Other By-laws

6. Whenever provisions of any By-law of the Town of Gillam or any requirements of the Provincial or Federal Government impose overlapping regulations over the use of land or buildings or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest standard shall govern.

Effective Date

7. This By-law shall be in full force and effect when it is given third reading by the Council of the Town of Gillam.

INTERPRETATION

Minimum and Maximum Requirements

8. 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 applies.

Illustrations

9. Drawings and illustrations in this By-law are for information purposes only to illustrate the meaning of the written text. Where any conflict or inconsistency arises between a drawing or illustration and the text of the By-law, the text governs.

Tables

10. Tables form part of the By-law and provide regulatory standards, either to supplement text or in place of text. Table headings, including column headings, row headings, and groupings of columns and rows, form part of this By-law, and have legal effect. Table notes, located within the tables, indicate special situations that affect the application of standards to specific zones and are also part of this By-law. Where any conflict or inconsistency arises between a table and the text of the By-law, the text governs.

Headings

11. Part, section, subsection, clause, sub clause, and paragraph headings are not part of this By-law.

Definitions

12. Words, phrases and terms in this By-law shall be given the defined meaning unless defined in the Act in which case the definition in the Act takes precedence.
13. Word, phrases and terms not defined in this By-law or the Act shall be given the usual and customary meaning except where, in the opinion of Council, the context indicated different meaning in which case the definition given by Council shall take precedence.

Multiple Uses and Buildings

14. Where any land, building or structure is used for more than one purpose; all provisions of this By-law relating to each shall apply. Where there is a conflict, the more restrictive regulations shall prevail, except as otherwise approved by Council.
15. There shall be only one principal or main building on a zoning site unless otherwise permitted herein.

ZONING MAPS

Zoning District Maps

16. The location and boundaries of the zoning districts established in this By-law are shown on the Zoning Maps in Schedule A.

Zoning District Boundaries Rules

17. In the interpretation of the boundaries of the Zones as shown on the Zoning Maps in Schedule A, the following rules shall apply:
 - (1) Boundaries indicated as approximately following the center lines of streets, public lanes, footpaths, public walks, rivers, and public rights-of-way are construed to follow such center lines;
 - (2) Boundaries indicated as approximately following lot or holding lines, parcel lines, block lines, street lines, public utility rights-of-way lines or site lines as shown on any plan registered in the Land Titles Office, shall be construed as following said lines;
 - (3) Boundaries indicated as following municipal limits are construed as following said limits;
 - (4) Boundaries indicated as following a pipeline, railway right-of-way or public utility right-of-way are construed as following the centerline of the right-of-way, unless clearly designated, otherwise;
 - (5) Boundaries indicated as following the centerlines of streams or rivers are construed as following the centerline of such streams or rivers;
 - (6) Boundaries indicated as following the shorelines of streams or rivers are construed as following the ordinary highwater mark of such streams or rivers; and,
 - (7) If a street, public lane, footpath, or public walk shown on Zoning Maps is lawfully closed, the land formerly comprising it shall be included within the zoning district within which it is located. If the centerline of said closed right-of-way was a zoning district boundary between two or more different zoning districts, the zoning district boundary shall continue to be the former centerline.

RESPONSIBLE AUTHORITIES

Responsibilities of Council

18. Subject to the provisions of the Act, Council is responsible for:
 - (1) Administering and enforcing the provisions of this By-law;
 - (2) Considering the adoption or rejection of proposed amendments or the repeal of this By-law;
 - (3) Approving or rejecting variance applications;
 - (4) Approving or rejecting conditional use applications, and may revoke the authorized conditional use for any violation of any additional conditions imposed by it;
 - (5) Establishing a schedule of fees; and,
 - (6) Appointing a Development Officer to administer this By-law.

Duties of the Owner

19. Neither the granting of a development permit nor the approval of a site plan, nor the approval of a drawing and specifications nor the inspections made by the Development Officer shall in any way relieve the owner of the responsibility of complying with the requirements of this By-law, of any relevant By-laws of the Town of Gillam, or of any Provincial or Federal Acts or regulations.
20. Every owner shall:
 - (1) Permit the Development Officer to enter any building or premises at any reasonable time for the purpose of administering or enforcing this By-law;
 - (2) After the development application has been approved and the permit issued, obtain the written approval of the Development Officer before doing any work at variance with the approved documents filed; and,
 - (3) Be responsible for obtaining, where applicable, from the appropriate authorities, permits or licenses relating to the building, grades, sewers or water supply systems, plumbing, signs, blasting, street, occupancy, electrical, highways, and all other permits required in connection with the proposed work.

Development Officer

21. Council shall appoint a Development Officer, who may:
 - (1) Advise the public with respect to the requirements of this By-law and other pertinent legislation;
 - (2) Receive completed applications for development permits, variances, conditional uses, and amendments to the Zoning By-law;
 - (3) Issue development permits where the development conforms to the Development Plan, and the requirements of this By-law and amendments thereto, subject to the provisions of Section 4.8 below;
 - (4) Allow or refuse such minor variances to the requirements of this By-law as authorized by and in accordance with Section 32 below;
 - (5) Enter any buildings or premises at all reasonable hours in the performance of his duties with respect to this By-law, and in accordance with the Act; and,
 - (6) Issue zoning memoranda or such other documents necessary for the administration and enforcement of this By-law.

PROCEDURE AND APPLICATIONS

Zoning By-law Amendment

22. An application to amend the By-law shall be processed in accordance with *The Act*.
23. An amendment may be initiated by a resolution by Council, or by application of one or more owners of the property or their authorized agents.
24. Council shall ensure that any amendments to the Zoning By-law are consistent with the Development Plan.

25. Applications to amend this By-law shall be made to the Development Officer including reasons in support of the application.
26. Applications to amend the Zoning By-law maps shall be made to the Development Officer and submit the following:
 - (1) A status of Title issued within 60 days prior to the receipt of the application;
 - (2) Name, signature, address and interest in the land of the applicant or authorized agent;
 - (3) A letter of authorization if the application is being filed by an authorized agent;
 - (4) A statement signed by the applicant stating costs incurred by the Town of Gillam in processing the proposed amendment shall be covered by the applicant, whether it be enacted or not, including, but not limited to, all mapping, printing, reproduction, planning, engineering, legal, surveys and advertising costs;
 - (5) The appropriate application fee; and,
 - (6) A brief written statement outlining reasons for the application.

Variances

27. A building or structure or use established by a variance order or special exception prior to the coming into force of this By-law shall, subject to the provisions of the variance order or special exception, be deemed to conform to the provisions of this By-law.
28. Any person may apply for a variance order in accordance with the provisions of the Act.
29. An application for a variance order and all required information and fees, as determined by the Variance Board, shall be made to the Development Officer.
30. All variances shall be processed in accordance with Part 6 of the Act. The provisions contained in the Building Code will be considered in the approval of any variance order.
31. The Development Officer may, in accordance with the provisions of Section 102 of *The Act*, grant or refuse, a variance order that varies:
 - (1) Any height, distance, areas, size or intensity of use requirement in this By-law by no more than 10%; or,
 - (2) The number of parking spaces required by this By-law by no more than 10%.

Conditional Use

32. An application for a conditional use shall be processed and approved or rejected in accordance with the provisions of the Act.
33. The application shall be filed with Development Officer and shall be accompanied by a site plan and other data as Council may prescribe and such fees as determined by Council.
34. Approval of a conditional use shall expire and cease to have any effect if it is not acted upon within twelve (12) months of the date of the decision, unless it is renewed prior to the expiry date at the discretion of Council for an additional period of twelve (12) months.
35. Where an existing use was listed as a permitted or conditional use under the previous zoning By-law, Zoning By-law 335 and amendments thereto, and is listed as a conditional use under this By-law, it shall be considered as a legally existing conditional use.
36. Any change in a conditional use shall be subject to Section 33-35.

Development Agreement

37. Council may enter into an development agreement with the affected property owner as a condition of an amending By-law, variance order, or conditional use regarding:
- (1) The use of the land and any existing or proposed building;
 - (2) The timing of construction of any proposed building;
 - (3) The siting and design of any proposed building;
 - (4) The provision of parking;
 - (5) Landscaping, the provision of open space or the grading of land and fencing;
 - (6) The construction and maintenance – at the owner's expense or partly at the owner's expense – of works, including but not limited to, sewer and water, waste removal, drainage, public roads, connecting streets, street lighting, sidewalks, traffic control, access and connections to existing services;
 - (7) The payment of a sum of money to the Town of Gillam in lieu of the requirement under clause (f) to be used for any of the purposes referred to in that clause; or,
 - (8) The dedication of land or payment of money in lieu thereof, where the application is for an amendment to a zoning By-law to permit a residential use, use for a mobile home park or an increase in residential density.
38. Development agreements can be registered by caveat with Manitoba Land Titles.

DEVELOPMENT TO COMPLY

Requirement for Compliance with this By-law

39. No development or use of land or building may take place or be maintained except in conformity with this By-law and with any development agreement, variance, conditional use approval, condition or permit issued under this By-law. The duty to comply with this By-law is imposed on the owner of a parcel or building, whether as lessee, tenant, occupier, agent or otherwise. The Town's approval of development application, the issuance of a permit, the approval of drawings and specifications, or completion of inspections does not relieve a person from the responsibility to comply with this By-law or any other By-law.

Permitted Projections

40. The Development Officer may allow an obstruction or exception not listed in Sections 130-131 provided the obstruction or exception will have no greater impact on surrounding properties than those permitted.

Development Permit Required

41. No person shall undertake or permit the existence of a development that is subject to this By-law without first making application and obtaining a development permit for that purpose except for the following:
 - (1) Single level decks 24 inches or less in height above grade located in a front, side or rear yard of a single family or two-family dwelling;
 - (2) Permitted accessory structures less than 108 square feet in building area located in a side or rear yard of a single family or two-family dwelling;
 - (3) Permitted fences in a side or rear yard of a single family or two-family dwelling; and,
 - (4) In all zoning districts, temporary tents less than 901 square feet in building area.
42. The following must comply with any development standards in this By-law and obtain approvals from other government agencies if required but no development permit is required:
 - (1) Regular maintenance and repair of any development provided it does not include structural alternations;
 - (2) Private driveways and patios;
 - (3) A fence, wall, or gate;
 - (4) An accessory building that:
 - (a) Is less than 125 square feet in area;
 - (b) Does not exceed 15 feet or one storey in height; and,
 - (c) Is not considered a hazard by the Development Officer.
 - (5) 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 2 feet above grade unless it is anchored to the building;
 - (6) Landscaping where the existing grade and natural surface drainage pattern is not materially altered;
 - (7) The erection or placement of a temporary building, 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 is removed within 30 days of substantial completion or as determined by the Development Officer;
 - (8) Properly erected and maintained signs that:
 - (a) Are less than 6.5 square feet in area, advertising the sale, lease, or rent of property, premises, or building on that site; and,
 - (b) Commemorate a person, place or event, or commemorative tablets when built into or attached to walls of a building or other structure.
 - (c) Are installed by a government including traffic or regulating devices, legal notices, railway crossing, danger or other emergency signs;
 - (d) Advertise a property for sale, rent or lease to a maximum of one sign;

- (e) Are non-illuminated directional signs less than 2 square feet;
 - (f) Are posted by duly constituted public authorities in performance of their public duties;
 - (g) Are flags or emblems of a political, civic, educational or religious organization; and,
 - (h) Are required by law, government order or regulation.
- (9) Temporary buildings, structures and uses associated with fairs, events, games, exhibitions, public markets, sales in public places, transient traders and similar provided the necessary licenses under The Municipal Act and / or The Buildings and Mobile Homes Act are obtained as required; or,
- (10) Public and private communication facilities or towers not exceeding 35 feet above grade.
43. All applications for a development permit shall:
- (1) Be made by a person with a legal or equitable estate or interest in the property sought to be developed or a person duly authorized by him / her in that regard;
 - (2) Conform to the Town of Gillam Development Plan, any Secondary Plan or development By-laws or it will be rejected;
 - (3) Be accompanied by all applicable fees and charges; no action shall be taken on any development permits until all applicable fees and charges have been paid in full;
 - (4) Be accompanied all information requested by the Development Officer to show apparent compliance with this By-law and any other relevant By-laws, including but not limited to:
 - (a) Building Location Certificates;
 - (b) A site plan, drawn to scale, showing the actual dimensions and shape of the site to be built upon;
 - (c) The exact size and location on the site of buildings already existing, if any; and
 - (d) The location and dimensions of the proposed building, enlargement or structural alterations.
 - (5) Include such other information as may be required by Council including:
 - (a) Existing or proposed use of the land;
 - (b) The number and location of automobile parking spaces and loading spaces;
 - (c) The number of families, dwelling units or rental units the building is designed to accommodate;
 - (d) Conditions existing on the site;
 - (e) Current copies of relevant titles, easements caveats; or
 - (f) A surveyor's certificate prepared by a Manitoba Land Surveyor and such other matters as may be necessary to determine conformance with and provide for the enforcement of this By-law.

Conditions to Development Permits

44. The Development Officer or Council may impose, with respect to a permitted use, such conditions as are required to ensure compliance with this By-law.
45. The Development Officer or Council may, as a condition of issuing a development permit, require the applicant to make satisfactory arrangements for the supply of electric power, vehicular and pedestrian access, or any of the aforementioned, including payment of the costs of installation or constructing any such utility or facility by the applicant.
46. The Development Officer or Council may, as a condition of issuing a development permit require that an applicant enter into an agreement or such interim agreement, which shall be attached to and form part of such development permit, to do all or any of the following:
 - (1) To construct, or pay for the construction of, or improvement to, a public roadway required to give access to the development;
 - (2) To specify the location and number of vehicular and pedestrian access points to sites from public roadways, including the construction thereof or improvements thereto;
 - (3) To install, or pay for the installation of, utilities that are necessary to serve the development, or pay the recovery costs of services which have already been installed;
 - (4) To repair, improve or reinstate, or to pay for the repair, improvement or reinstatement, of any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise harmed by the development or building operations upon the site; and,
 - (5) To construct, or pay for the construction of, or improvement to, land drainage works that are necessary to serve the development.
47. The Development Officer or Council may require any agreement entered into pursuant to Section 48 of this By-law to be caveated against the title to the site at the Land Titles Office.

Expiry and Revocation

48. The right of an owner under a Development Permit shall expire and terminate if the work authorized by the permit is not commenced within 6 months from the date of issuance of the permit, or within any extensions of that time period granted by the Development Officer, and reasonably continued without interruption after such period.
49. The Development Officer may suspend or revoke a development permit where there is knowledge to the Development Officer's knowledge a violation of this By-law or any other By-law of the Town in respect of the development including without limitation where:
 - (1) Any division of the zoning lot results in making the structure on the zoning lot illegal under the terms of this By-law; or,
 - (2) There is any reduction of required yards for a building or any further reduction of non-conforming yards; or,
 - (3) Any information supplied for the development permit is incorrect.

Land Unsuitable for Development

50. Notwithstanding the provisions contained in this By-law, Council may prohibit the development of land for a use permitted in any Zone if Council is of the opinion that the land is subject to flooding, erosion or subsidence or is within a perma-frost area, is low-lying, marshy or unstable, or otherwise unsuitable or hazardous for the proposed purpose by virtue of its soil, topography or unique conditions.

NON-CONFORMING USES, BUILDINGS, AND LOTS

51. A non-conforming use and a non-conforming building or structure shall be regulated in accordance with and subject to the provisions of *The Planning Act*, unless otherwise provided for in this By-law.
52. No use that lawfully exists on the effective date of this By-law is non-conforming solely because:
 - (1) When it was established no conditional use approval was required and under this By-law conditional use approval is required; or,
 - (2) It exists with less than the accessory off-street parking or loading spaces required by this By-law; or,
 - (3) It exists with a non-conforming accessory sign.
53. A protected non-conformity that existed prior to the effective date of this By-law remains a protected non-conformity for the purposes of this By-law unless it complies with this By-law. The intent of this By-law is to permit a non-conformity to continue until it is removed but not to encourage its survival.
54. Structural alteration may be made to a non-conforming building or structure, provided that the alteration conforms to the requirements of this By-law, or where such requirements may be varied and approved by Council.
55. Repairs or incidental alterations may be made to a non-conforming structure.
56. Where Council determines that a non-conforming building or structure is damaged by more than fifty (50%) of the cost of constructing an equivalent new building or structure, the building or structure may be repaired or rebuilt in conformance with this By-law and any approved variance if a building permit is obtained within 180 days of the date of damage and restoration is begins within one year.
57. If the size or dimensions of an existing parcel of land do not conform with this By-law, the owner of the land may:
 - (1) Use the land for any use permitted under this By-law; and,
 - (2) If all other requirements of this By-law such as yards, building height, and floor area are met, construct or alter a building on the land.

58. A non-conforming use of a structure or of a parcel of land, or portion thereof, which is, or hereafter becomes, abandoned, vacant, or unoccupied, and remains vacant and unoccupied for twelve consecutive months, shall not thereafter be occupied or used except for a use which conforms to the applicable zoning district regulations. For the purpose of this Part, the stock in trade within the structure or on the land shall not in itself constitute a use thereof, nor shall the occasion or partial operation of such equipment or the presence of any stock in trade in itself constitute a use of any structure or parcel of land.
59. A person with an interest in a building, a parcel of land or an operation involving a use of land that does not comply with this By-law may apply to the Town of Gillam with adequate documentation for a certificate confirming that the building, parcel, use of land, or intensity of use was lawfully in existence before the enactment of this By-law.
60. A non-conforming sign may be structurally altered, reconstructed, or replaced in the same location and position in any way that does not change the size, height, degree of illumination.
61. Unless otherwise provided for herein an existing building, structure or use which was illegal under the provisions of The Local Government District of Gillam Zoning By-law 335 in force on the effective date of this By-law and amendments thereto shall not become or be made legal solely by reason of the adoption of this By-law; and to the extent that, and in any manner that, said illegal building, structure or use is in conflict with the requirements of this By-law, said building, structure or use remains illegal hereunder.
62. In accordance with Section 181 of the Planning Act, a site area or site width or required yard reduced below the minimum requirements of this By-law by virtue of a public works, street or public utility shall be deemed to conform to the requirements of this By-law.

FEES

63. Council shall by By-law, establish a fee schedule for development permits, variance orders, zoning amendments, conditional use orders, zoning memoranda and non-conforming certificates.

ENFORCEMENT

64. Any offences or penalties charged by Council in order to enforce this By-law shall be in accordance with Sections 181 -183 of *The Act*.

TRANSITION

Repeal

65. The Local Government District of Gillam Zoning By-law 335 is repealed.

Relationship to Former By-laws

66. Unless otherwise provided for herein, building permits issued prior to the effective date of this By-law shall be considered valid for the purpose of this By-law, provided all the conditions under which the permit was issued are complied with.
67. The adoption of this By-law shall not prevent any pending or future legal action to deal with any existing land use violations.

68. Any use lawfully in existence prior to this By-law, which did not require a Conditional Use Order prior to this By-law, but that would require a Conditional Use Order to comply with this By-law, shall be deemed to have a Conditional Use Order sufficient to create compliance with this By-law provided that no addition, enlargement, or expansion is approved as a Conditional Use under this By-law.
69. A development for which final approval was granted prior to the effective date of this By-law may be completed in accordance with the provisions of Local Government District of Gillam Zoning By-law 335 or the approved plan, subdivision documents, and any other approved order, permits and conditions.

Applications and Construction in Process

70. Where a development application has been submitted for any type of approval required but no final action has been taken by the appropriate decision-making body on such application prior to the effective date of this By-law, the application shall be reviewed and considered in accordance with either the provisions of the By-law in place on the date of submittal or the provisions of this By-law, at the applicant's option.
71. Any building or structure or portion thereof for which a necessary permit has been issued but which has not been completed or is not in full operation at the date when this Zoning By-law becomes effective, and which is not designed for a use permitted in the zone in which it is located or is proposed to be located, may be completed and operated for the non-conforming use for which it was designed if it comes into full operation within one year of the said date and shall, together with the site on which the same is situated and the use to which the same and the said site are put, be subject to all the provisions of this By-law in respect of non-conforming uses.

PART 2: DEFINITIONS

DEFINITIONS

Rules of Construction

72. The following rules of construction apply to the entire text of this By-law:
- (1) Words, phrases and terms defined herein shall be given the defined meaning.
 - (2) Words, phrases and terms not defined in this By-law but defined in *The Planning Act*, *The Municipal Act* or the By-laws of the Town of Gillam shall be construed as defined in such Acts and By-laws.
 - (3) Words, phrases and terms neither defined in this By-law nor in *The Planning Act*, *The Municipal Act*, nor in the By-laws of the Town of Gillam shall be given their usual and customary meanings except where the context clearly indicates a different meaning.
 - (4) Where any requirements 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.
 - (5) Words used in the singular include the plural and words used in the plural include the singular.
 - (6) Words used in the present tense include the future tense and words used in the future tense include the present tense.
 - (7) The phrase "used for" includes "arranged for", "designed for", or "occupied for".
 - (8) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

Rules of Measurement

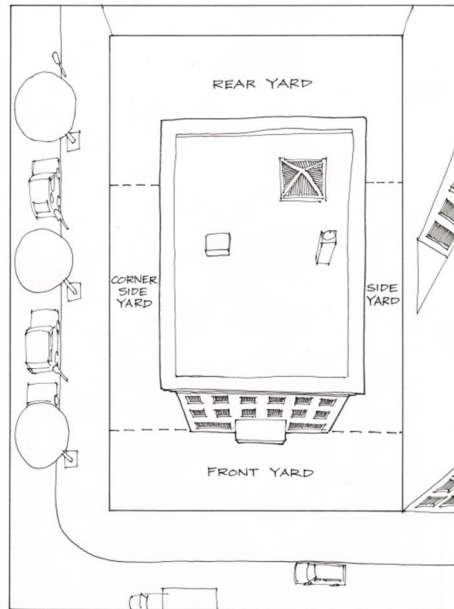
73. The following rules of measurement apply to the text of this By-law:
- (1) Building height is measured as the vertical distance from grade to the:
 - (a) Highest point of the roof surface of a flat roof or a shanty roof;
 - (b) Deck of a mansard roof; or,
 - (c) Mean height level between eaves and ridge for gable, hip or gambrel roof.



- (2) Floor area is measured as the sum of all gross floor areas of all the floors of all buildings and structures on the zoning site and shall include:
 - (a) Basements when used for residential, commercial or industrial purposes, but not including space used for storage or the housing of mechanical or central heating equipment;
 - (b) Any area used for parking within the principal building;
 - (c) Floor space used for mechanical equipment (with structural headroom of six and a half (6.5) feet or more) except equipment, open or enclosed, located on the roof;
 - (d) Elevator shafts and stairwells at each storey except shaft and stair bulkheads and exterior unroofed steps or stairs; and,
 - (e) Penthouses, mezzanines, attics where there is a structural headroom of six (6) feet or more.
- (3) Lot area is measured as the amount of gross land areas contained within the property lines of a lot or parcel.
- (4) Lot coverage is measured as the percentage of the total lot area covered by buildings. The following structures are not counted as covered areas for purposes of determining lot coverage:
 - (a) Areas covered by open swimming pools and hot tubs;
 - (b) Open decks, landings, and stairs less than four (4) feet above grade;
 - (c) Accessory structures with a cumulative lot coverage under 108 square feet in total area; and,
 - (d) Any permitted projections.
- (5) Lot depth is the horizontal distance between the center points in the front and rear lot lines. In the case of a flag lot, the lot depth is measured as one-half of the cumulative horizontal lengths of all of the sidelines of the lot.
- (6) Lot depth line
 - (a) For an interior lot or corner lot, the lot depth line is the line between the front lot line center point to the rear line center point; and,
 - (b) For a through lot, the lot depth line is the line between the center points on the two front lot lines with the maximum horizontal separation.
- (7) Lot line center point
 - (a) The center point of a lot line is located at one-half the cumulative distance of the length of all line segments or arcs forming the lot line.
- (8) Lot width
 - (a) Lot width is the lesser of the horizontal distance between the side lot lines of a lot, measured at right angles to the lot depth line at a point midway between the front and rear lot lines, or at 50 feet from the front lot line.

(9) Yards or Setbacks

- (a) Yards or setbacks means those areas of lots that are unoccupied and unobstructed from its lowest level to the sky, except as specifically allowed in Section 110 and Section 111, of this By-law. Yards or setbacks extend along a lot line or wall to a depth or width (measured from the lot line or wall) specified in the yard requirements for the zoning district in which such lot is located; and,
- (b) When an accessory building forms part of the main building, said accessory building shall be deemed part of the main building for the purpose of calculating yard requirements.



General Terms

74. The following definitions apply to the text of this By-law:

“abut or abutting” means immediately contiguous to or touching and, when used with respect to a lot, means the lot touches upon another lot, right-of-way, or piece of land and shares a property line or boundary with it.

“accessibility” means the ability of persons regardless of physical ability to enter and use facilities without having to avoid significant obstacles that are not inherent in the design of the facility.

“accessory building, structure, or use” means a building, structure, or use established or erected in conjunction with or subsequent to the establishment or erection of a principal building, structure, or use approved under this By-law, and is subordinate or incidental to, and located on the same zoning lot as, a principal building, structure, or use.

“adjacent” means properties or uses that abut one another or are separated by a street or other publicly-dedicated right-of-way or railroad right-of-way.

“agricultural activity” means a use of land for agricultural purposes including floriculture, viticulture, and animal and poultry husbandry, and the use of accessory building such as greenhouses or tool/implement/storage sheds.

“agricultural building” means a structure designed to house farm implements, livestock, or agricultural produce or products but does not include a dwelling.

“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 rights-of-way, including taxi-ways, aircraft storage and tie-down areas, hangers helipads, and other related buildings and open spaces.

“alteration” means changes or replacements in the non-structural parts of a building or structure, including:

- (a) Alteration of interior partitions; or,
- (b) Replacement of, or minor changes in, the capacity of utility pipes, ducts or conduits; or,
- (c) Changes or replacements in the structural parts of a building, including but not limited to the following:
 - (i) Adding or enlarging windows or doors in exterior walls; or,
 - (ii) Replacement of building facades.

“applicant” means a registered owner or an owner’s authorized agent, who has filed an application subject to the provisions of this By-law.

“assisted living facility” means a building where means, lodging, and continuous care are provided for compensation, including nursing homes, retirement homes, and medical receiving homes.

“auto/light truck/motorcycle, sales and rental” means the storage, display, sale, lease or rental of new or used vehicles including automobiles, light trucks, motorcycles, and similar vehicles and may include repair and service.

“auto/light truck/motorcycle, repair and service” means a business involved in the repair and maintenance of automobiles, light trucks, motorcycles, and similar vehicles.

“auto parts and supplies, sales” means a business that sells primary new automobile, light truck, recreational vehicles, boats, trailers, snowmobile parts and accessories.

“awning” means a shelter:

- (a) Projecting from and supported by the exterior wall of a building;
- (b) Designed to be collapsible or retractable; and,
- (c) Generally constructed of fabric or similar non-rigid material.

“basement” means that portion of a building that is partly underground.

“bay window” means a window or series of windows built to project outward from the outer wall of a building.

“bed and breakfast” means a residential dwelling where sleeping rooms without cooking facilities are offered for short-term paid accommodation and where these sleeping rooms form part of the proprietor’s residence. The “proprietor” in this case shall mean the owner of the Bed and Breakfast and this building shall be the principal residence of the owner and his/her family.

The maximum number of rental rooms in a Bed and Breakfast is four (4) with a maximum load occupancy of eight (8) persons over and above the owner and his / her family. Where the total occupant load (including the owner and his/her family) of the premises exceeds ten (10), this is considered to be "commercial" and all the rules pertaining to a commercial occupancy shall apply. This includes but is not limited to the fire alarms, complete fire separations between rooms, multiple exits, commercial cooking equipment, multiple washrooms etc.

"boarding house" means a dwelling in which the proprietor supplies for a fee sleeping accommodations with board for at least three (3) persons and not more than eight (8) persons exclusive of the proprietor, members of the proprietor's household and servants of the establishment.

"camping ground" means a parcel of land planned and improved to accommodate travel trailers, camping trailers, pick-up coaches, motorized homes, tents, tent trailers or other camping accommodations used for travel, recreational and vacation uses.

"care home" means a building or portion of a building used for:

- (a) The boarding of other residential accommodation; and,
- (b) The care, treatment or supervision;
- (c) Of persons, in which care, treatment or supervision is not provided to any persons not resident in the care home.

"caretaker's residence" means an accessory dwelling on a nonresidential property occupied by the person or persons that oversee the operation of the property or business.

"commercial marina" means a commercial facility for the storage, launching, mooring, renting and incidental repairs of boats.

"community garden" means a public use of land for the cultivation of fruits, flowers, plants, or vegetables.

"community/recreation centre" means a facility for recreational, social, or multi-purpose use where patrons are primarily participants.

"conditional use" means a use of a building or land described as a conditional use in this By-law and requires approval from Council.

"contractor's establishment" means a building or part of a building or land area used for the storage or construction materials, equipment, tools, products, and vehicles.

"cultural centre" means a building or portion of a building dedicated to the celebration and promotion of a cultural group or groups where patrons and guests are not required to be members of a non-profit organization.

"day care centre" means a facility and program for the provision, care and supervision of five (5) or more children under ten (10) years of age (who are not of common parentage) for periods of more than three (3) hours, but less than twenty-four (24) consecutive hours. The facility is not part of a public school, separate school, private school or children's health centre

"development" has the same meaning as in *The Planning Act*.

"development or designated officer" means the officer appointed by Council in accordance with the provisions of *The Planning Act*.

“development permit” means a permit authorizing a development that is subject to a zoning by-law.

“development plan” means the Town of Gillam Development Plan By-law No. 715-2012 and all amendments thereto.

“development standard” means a development requirement included in Part 5.

“dimensional standard” means a development requirement establishing maximum sizes of structures and buildable area on a lot.

“drinking establishment” means an establishment or portion of an establishment, licensed by the Government of Manitoba, where the principal use is the sale of alcoholic beverages to the public for consumption on the premises.

“dwelling” means a building or portion thereof designed for residential occupancy.

“dwelling, multiple-family” means a building, located on a single lot, containing three or more dwelling units, each unit designed for and used by not more than one family, with separate housekeeping and cooking facilities.

“dwelling, single-family detached” means a building designed for residential occupancy by one family, including modular and ready-to-move homes, but not including a mobile home.

“dwelling, two-family” means a building designed for and used by not more than two families, each having exclusive occupancy of a dwelling unit.

“dwelling unit” means a building or portion of a building designed for and intended to be used for residential occupancy by a single family with cooking, eating, living, sleeping and sanitary facilities, wholly contained within each dwelling unit.

“emergency residential shelter” means a facility where emergency temporary lodging is provided to persons who are homeless with on-site supervision when occupied.

“farmers’ market” means an occasional or periodic market in an open or semi-enclosed space at which farmers and often other vendors sell produce and other arts and craft directly to consumers at booths established on the site.

“fleet services” means a facility where distributions, storage, loading, and repair of fleet vehicles.

“floor area” means the sum of the gross horizontal areas of the several floors of all buildings and structures on the zoning lot, measured from the exterior faces of the exterior walls, or from the centerline of partitions, except spaces in a basement, cellar or penthouse used for mechanical or heating equipment, and except any space within the building used as a parking area or loading area.

“freight or truck yard” means an area or building where cargo is stored and where trucks load and unload cargo on a regular basis.

“frontage” means that part of a zoning lot fronting on a public road.

“fuel sales” means a commercial establishment operating at a fixed location where gasoline or any other motor vehicle fuel is sold to the public.

“gallery/museum” means an establishment engaged in the display of paintings, sculpture, textiles, and antiques, or other works of art which may include sales or loans of items on display.

“garbage incineration and reduction” means a facility designed to treat, compost, or burn solid waste.

“grade” means (as applying to the determination of building or structure height) means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Development Officer.

“habitable room or space” means a room or enclosed space used or intended to be used for eating, living or sleeping excluding storage rooms, utility rooms, laundry rooms, and bathrooms.

“hall rental” means any building or portion of a building that is hired or rented for private receptions, banquets, socials, or other functions where no fee is charged for admission.

“heavy equipment sales, service, and rental” means a facility where large heavy equipment such as tractors, semi-trucks, trailers, and loaders are displayed for sale or rental and serviced.

“heavy manufacturing” means a use of land where the land use impacts such as noise, dust, fumes, smoke, odours, glare, or other health and safety hazards pose a risk to the health and safety or impact the use and enjoyment of neighbouring properties. Heavy manufacturing typically involve significant outdoor storage or operations.

“home occupations” means an occupation or business activity that results in a product or service which is conducted in whole or in part in the dwelling unit and is clearly subordinate to the residential use of the dwelling unit.

“hotel or motel” means a building or part thereof wherein accommodation is provided for transient lodgers, in any individual room or suite, with or without cooking facilities.

“incidental use” means a use established or erected on the same lot as the principal use that has fewer impacts than an accessory use.

“kennel” means a commercial establishment in which dogs or cats are housed, boarded, bred, or sold on a daily or overnight basis.

“landscape or garden supplies” means a commercial establishment for the sale of plants, trees, and other materials used in indoor and outdoor planting.

“landscape/garden contractor or production” means areas where landscaping materials are produced including greenhouses or nurseries and the wholesale sales of the products.

“landscaping” means any decorative feature on or around signs, shrubs, and plants but does not include any copy or logo.

“lane, public” means a thoroughfare with a right-of-way not exceeding 33 feet in width with public ownership.

“light manufacturing” means the assembly fabrication, and/or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odours or pose minimal health and safety hazards with appropriate mitigation and development standards so as not to impact the use and enjoyment of neighbouring properties.

“light truck” means a truck or similar vehicle with single rear axle and single rear wheels.

“livestock” means animals kept for the purpose of production of meat, other products from animals, or herding and breeding stock, and improving or preserving any species or kind of animal.

"loading space" means an off-street loading facility on the same zoning lot with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which has access to a street or lane.

"lot line, front" means

- (a) In the case of an interior lot, all lot limits which abut public streets; or,
- (b) In the case of a through lot, all lot limits which abut public streets from which vehicular access is permitted; or,
- (c) In the case of a corner lot, that frontage which is the continuation of the front lot line of an abutting interior lot.

"lot line, rear" means

- (a) The lot limit which is mostly nearly parallel to the front lot line; or,
- (b) In the case of a lot where the side lot lines intersect, the rear lot line is deemed to be a line 10 feet in length, located within the lot, parallel to and at the maximum distance from the front lot line.

"lot of record" means any parcel of land lawfully existing prior to the effective date of this By-law that does not comply with the applicable zoning district dimensional standards in this By-law.

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

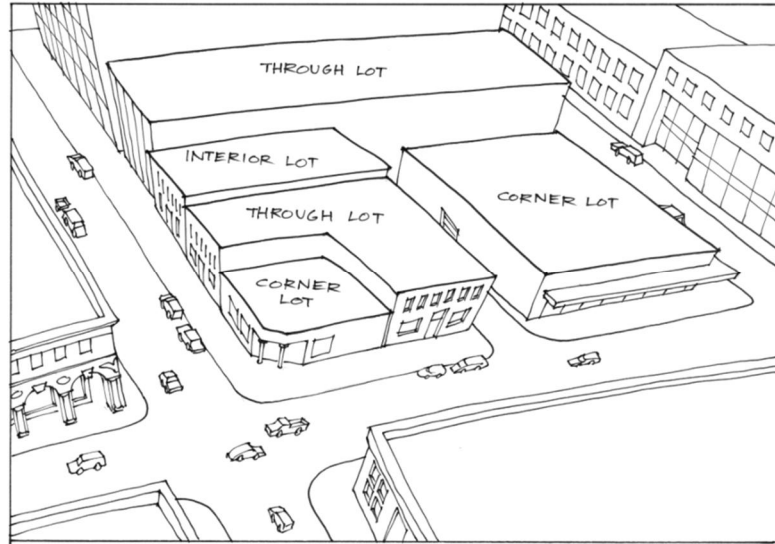
"lot, flag" means a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

"lot, interior" means a lot that has frontage on a single street only.

"lot, reverse corner" means a corner site, the flanking street lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

"lot, through" means a lot that abuts two or more public streets but not at the intersection of those streets.

"lot, zoning" means a parcel of land with frontage on a street (excluding a lane) and of at least sufficient size to provide the minimum requirements for use, area, yards, and other open spaces as are herein required.



“medical, dental, optical, or counselling clinic” means a facility where human health services are provided with no overnight accommodations.

“mini-warehouse/self-storage” means an enclosed permanent facility where the public can rent storage space and may include outdoor areas for the storage of boats, recreational vehicles, or other vehicles.

“mobile home” means a transportable, factory-built, single-family dwelling, that is designed to be transported on its own chassis and running gear, whether or not it is supported on wheels, jacks, posts or piers, or with a permanent foundation. It is designed to be connected to service utilities so as to be suitable for year round long term occupancy. A mobile home may be towed in a single load consisting of two sections, separately towable, but designed to be joined together into one integral unit.

“mobile home park” means a parcel of land upon which mobile home spaces are provided and have been approved by the Council.

“modular home” means a single-family dwelling suitable for year-round occupancy consisting of one or more modules where wheels or towing tongue are not attached. The modular home is substantially constructed to off-site and assembled on the lot and attached to a permanent foundation and serviced with utilities.

“non-conforming” means a sign, structure, or use that lawfully existing prior to the effective date of this By-law that does not comply with the standards in this By-law.

“open space” means that required portion of a lot at ground level, unless otherwise stated, unoccupied by principal or accessory buildings and available to all the occupants of the building. The open space shall be unobstructed to the sky and shall not be used for service driveways or accessory off-street parking space or loading space, unless otherwise provided for herein, but shall be useable for landscaping, drying yards, recreational space and other leisure activities normally carried on outdoors. Balconies, roof and other like above grade level areas may also be considered as open space.

“outside operations” means activities conducted outside that directly support the principal use on the site.

“outside storage” means the storage of goods, materials, and supplies that are not for

display or sale to the general public.

"owner" means an owner as defined in *The Planning Act*.

"parcel of land" means a parcel as defined in *The Planning Act*.

"parking aisle" means that portion of a parking facility that provides vehicular access to a parking space, not directly from a driveway.

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

"parking space" means a space on a parking area for the temporary parking or storage of one vehicle.

"partition" means an interior non-load bearing wall one storey or part storey in height.

"permitted use" means a use permitted in a zoning district without the need for special administrative review and approval, upon satisfaction of the standards and requirements of this By-law.

"place of worship" means facilities dedicated to religious and spiritual activities that provide assembly and meeting areas.

"principal 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.

"principal use" means the primary or predominant use of any lot, building, or structure.

"prohibited use" means a use not permitted in a zoning district.

"premises" means an area of land with or without buildings.

"property" means land and improvements on land and includes an interest in land or an improvement on land and air, surface, subsurface rights and interests in respect of land.

"public road" has the same meaning as in *The Planning Act*.

"public utility" means any system, works, plant equipment or services which furnishes services and facilities regulated under provincial or municipal regulations available to or for the use of the inhabitants of the Town or First Nation, including but not limited to:

- (a) Communication, by way of cable or wireless;
- (b) Public transportation, by bus or other vehicle;
- (c) Production, transmission, delivery or furnishing of water, gas or electricity to the public at large; or,
- (d) Collection, treatment and disposal of sewage, garbage or other waste.

"railway yard" means an area for storing or switching of freight and passenger trains and where some assembly, repair, and distribution are permitted.

"recreation vehicle" means any vehicle, other than an automobile, motor home, travel trailer, or truck, designed for recreational purposes, including but not restricted to a boat, a power toboggan, and a trailer specifically designed for the transport of a recreational vehicle.

“recycling collection centre” means a use that serves as a drop-off point for temporary storage for recoverable resources. No processing of such items would be allowed.

“recycling plant” means a facility in which recoverable resources are recycled, reprocessed, and treated. This facility is not a wrecking yard or a junkyard.

“research institution” means an establishment or facility engaged in scientific research, product design, development and testing, and limited manufacturing necessary for the production of prototypes.

“retail sales” means an established use or part use of an enclosed building or place of land from which goods, wares or merchandise are sold in limited quantities directly to the public. More than fifty percent (50%) of a retail store's sales shall be directly to the public at large and not to other business establishments at wholesale.

“roof line” means the line made by the intersection of a wall or building with a roof of the building.

“seasonal sales” means the outside sale of seasonal merchandise, such as Christmas trees.

“secondary plan by-law” means a by-law adopting a secondary plan for a planning district or municipality.

“secondary suite” means a self-contained accessory dwelling unit located either within a permanent single-family detached dwelling, or in an accessory building, on a single zoning site. A secondary suite contains a single housekeeping unit and has its own separate access, cooking, sleeping and sanitary facilities which are separate from and not shared with those of the principal dwelling. This use does not include duplex housing, semi-detached housing, or apartment housing.”

“shopping centre” means a facility that contains five or more retail sales or personal service uses in a single building or attached buildings on or adjacent to shared parking facilities.

“sign” means any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol or trademark), banner, pennant or any other figure of similar character which:

- (a) Is a structure or any part thereof, or is attached to, painted on or in any other manner represented on or in a building or other structure;
- (b) Is used to identify, direct attention to, or advertise; and,
- (c) Is visible from outside a building but shall not include show windows as such.

“sign, temporary” means a sign with or without a structural frame and intended for a limited period of display, and shall include a mobile sign.

“social service facility” means the use of a premises to provide social or welfare services to those in need. Services may include but are not limited to information and referral services, counselling, skill development, aid through the provision of food and clothing, life skill and personal development programs, alcohol, drug, or substance abuse counselling centre, and drop-in or activity space.

“special event” means a transportable group or aggregation or combination of rides, shows, performances, games, or concessions.

“storey” means that portion of any building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between

the top of such floor and the ceiling above it, but does not include a basement.

“storey, half” means a habitable basement or storey under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than 2 feet above the floor of such storey.

“street” means any road, throughfare, avenue, parkway, driveway, square, bridge, causeway, Provincial Road, Provincial Trunk Highway, or other place not privately owned, and not less than 33 feet in width, when physically opened and improved for vehicular use and which the public is entitled or permitted to use for the passage of vehicles and shall not include lanes or walkways.

“structure” means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground and includes buildings, walls, fences, signs, billboards, poster panels, light standards and similar items.

“swimming pool” means a privately owned body of water located at, below or above ground level in which the depth of water at any point can exceed two (2) feet and is used or capable of being used for swimming, diving or bathing, but shall not include a pond or other such body of water.

“temporary use” means a use established for a temporary period of time in conformance with this By-law.

“towing and storage facility” means a commercial establishment engaged in towing of vehicles or equipment from one location to another. Such facilities may not include junked, salvage, or permanently inoperable vehicles or equipment.

“temporary” means a time period of less than 367 consecutive days, unless otherwise specified.

“use” means:

- (a) Any purpose for which a building or other structure or parcel of land may be designed, arranged, intended, maintained or occupied; or,
- (b) Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a parcel of land.

“utility facility, major” means those facilities that normally entail the construction of new buildings, and that may have employees located at the site.

“utility facility, minor” means those facilities that do not qualify as major utility facilities.

“variance” means the modification of a provision of a zoning by-law.

“Variance Order” means an order in respect of an application for a variance.

“warehouse” means a permanent facility for the storage of products, supplies, and equipment within an enclosed building.

“waste transfer station” means a fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a landfill or waste incineration facility.

“wholesaling” means a facility where goods are distributed or sold to retailers, to industrial, commercial, or institutional users, or to other wholesalers, for resale or redistribution.

“wrecking and salvage yard” means any lot upon which 2 or more motor vehicles of any

kind, which are incapable of being operated due to condition or lack of license or registration, have been placed for the purpose of obtaining parts for recycling or resale. Building materials, scrap metal, or any other kind of salvage are also included in this definition.

“yard” means an open area, on the same zoning lot with a building or structure which yard is unoccupied and unobstructed from grade level to the sky, except as permitted in this by-law. A yard extends along a site line or wall to a depth or width (measured from the site line or wall) specified in the yard requirements for the zoning district in which such zoning site is located.

“yard, corner site” means a side yard which adjoins a street.

“yard, front” means a yard extending along the full length of the front site line between the side site lines.

“yard, interior site” means a side yard which is adjacent to another zoning site, or to a lane separating such side yard from another zoning site, or to the wall of a building adjacent to the wall of another building in a planned unit development.

“yard, rear” means a yard extending along the full length of the rear site line between the side site lines.

“yard, side” means a yard extending along the side site line from the required front yard to the required rear yard.

PART 3: ZONING DISTRICTS

GENERAL PROVISIONS

75. This Part establishes the zoning districts and identifies the uses and development standards that apply to the districts.

Districts Established

76. The zoning districts, district names and abbreviations shown in Table 3.1, and the locations and boundaries of the zoning districts shown on the maps set out in Schedule A, are hereby established.

Table 3.1: Zoning Districts

Residential	R2	One and Two Family Dwelling
	R3	Multiple Family Dwelling
	RMHP	Residential Mobile Home Park
Commercial	C	Commercial
	DT	Downtown
Industrial	IL	Industrial Light
	I	Industrial
Community	EI	Educational and Institutional
	PR	Parks and Recreation
Limited	LD	Limited Development

One and Two Family Zone (R2)

- 77. The intent of the "R2" One and Two Family Dwelling Zone is to establish and preserve low density single family and two family dwelling neighbourhoods.
- 78. Table 3.2 identifies the land uses allowed within the "R2" zoning district. No new use or expansion of an existing use may be established except in conformance with the following tables.

Table 3.2: Permitted and Conditional Uses in the R2 Zoning District

Principle Use	Permitted/ Conditional	
Single family dwelling	P	
Semi-detached dwelling	P	
Two family dwelling	P	
Bed and Breakfast	P	
Assisted living facility	P	
Boarding Home	P	
Place of Worship	P	
Real estate sales office		
Accessory Use	Permitted/ Conditional	
Park/plaza/square/playground	P	
Secondary Suite	P	
Emergency residential shelter	P	
Temporary construction trailer or buildings	P	
Minor utility facility	P	
Major utility facility		C
Home Occupations	P	
Special events (carnival, circus, fair, concert, or similar events)		C
Accessory uses not listed	P	

- 79. No person may erect a principal building in a residential zoning district, unless the principal and accessory building comply with the dimensional standards in the Tables 3.3 and 3.4 respectively or as otherwise altered by another provision in this By-law.

Table 3.3: Dimensional Standards for Principal Buildings in the R2 Zoning District

R2	
Minimum Lot Area (sq. ft.)	9,000
Minimum Lot Width (ft.)	80
Minimum Front Yard (ft.)	22
Minimum Rear Yard (ft.)	25
Minimum Side Yard (ft.)	5
Minimum Reverse Corner Street Side Yard (ft.)	10
Maximum Height of Building (ft.)	32
Maximum Lot Coverage (%)	40
Reverse Corner Sites without a public lane at the rear of the lot (ft.)	5 feet for each side yard facing a public Street

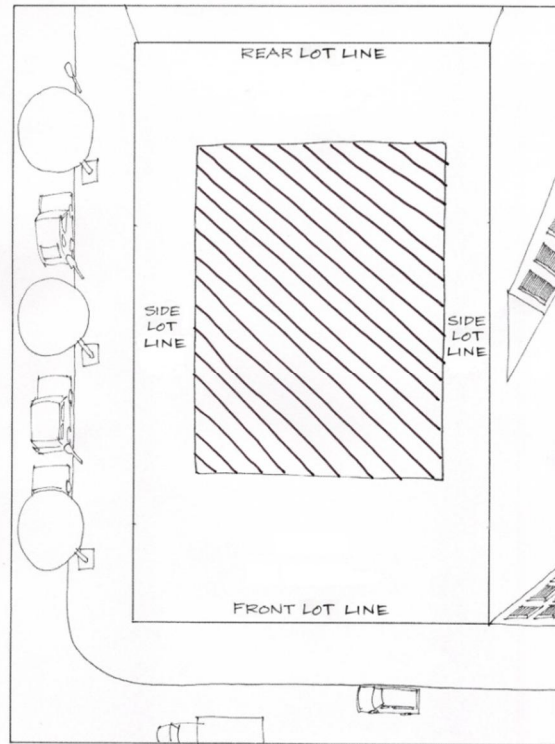


Table 3.4: Dimensional Standards for Accessory Buildings in the R2 Zoning District

R2	
Minimum Front Yard (ft.)	22
Minimum Rear Yard (ft.)	2
Minimum Side Yard (ft.)	2
Maximum Height of Building (ft.)	16
Maximum Lot Coverage (sq.ft.)	500 or 12.5% of the total lot area to a maximum of 880
Minimum separation from principal building (ft.)	5

81. Where a structure is attached to the principal building by a roof, an open or enclosed structure, a floor or a foundation, it is considered to be part of the principal building and is subject to the dimensional standards for the principal building, excepting that any portion of a private garage located to the rear of the rear wall of the principal building is subject to the regulations in Table 5.4 above.
82. No person may erect an accessory structure, including but not limited to parabolic antennas and swimming pools, but excluding those related to public utilities, unless the accessory structure meets the dimensional standards in Table 3.2, or by an another provision of this By-law, or by Variance Order.
83. Wherever permitted, accessory buildings and structures shall not:
 - (1) Be used for human habitation, except where a dwelling or secondary suite is permitted in this By-law;
 - (2) Be located within the front yard of a site unless authorized by Variation Order or some other provision in this By-law; and,
 - (3) Be built closer to a street than the main building is to the street.
84. Private swimming pools and hot tubs shall:
 - (1) Be completely enclosed by a fence with a minimum height of 5 feet and shall comply with the Manitoba Building Code;
 - (2) Have a self-closing gate of minimum height 5 feet and shall be with a lockable latch; and,
 - (3) Be located in a rear required or voluntary yard.
85. Open decks two feet or less in height are permitted in any side yard or rear yard.
86. Accessory structures under 100 square feet in floor area are permitted in any side or rear yard.

Multiple Family Dwelling Zone (R3)

87. The intent of the “R3” Multiple Family Dwelling Zone is to establish and preserve residential neighbourhoods of moderately low to medium density housing including three and four dwellings, townhouses, row houses, and apartment buildings not exceeding three storeys in height.
88. Table 3.5 identifies the land uses allowed within the “R3” zoning district. No new use or expansion of an existing use may be established except in conformance with the following tables.

Table 3.5: Permitted and Conditional Uses in the R3 Zoning District

Principal Uses	Permitted/ Conditional	
Multi-family dwelling	P	
Assisted living facility	P	
Care home	P	
Boarding home	P	
Cultural centre		C
Place of worship	P	
Social service facility		C
Real estate sales office		C
Accessory Uses	Permitted/ Conditional	
Daycare centre		C
Home occupation	P	
Bed and Breakfast	P	
Secondary suite	P	
Emergency residential shelter	P	
Utility facility, minor	P	
Utility facility, major		C
Park/plaza/square/playground	P	
Temporary construction trailer or building	P	
Special events (carnival, circus, fair, concert, or similar event)		C
Accessory uses not listed	P	

89. No person may erect a principal building on lands in the R3 Zoning District, except for public utility facilities, unless the principal building meets the dimensional standards in Table 3-6, by another provision of this By-law, or by Variance Order. In Table 3-7 each column indicates a dimensional requirement for development.

Table 3.6: Dimensional Standards for Principal Buildings in the R3 Zoning District

R3	
Minimum Lot Area (sq. ft.)	9,000
Minimum Lot Area per Dwelling Unit (sq ft)	2250
Minimum Lot Depth (ft)	90
Minimum Front Yard (ft.)	20
Minimum Rear Yard (ft.)	25
Minimum Side Yard (ft.)	15
Minimum Corner Side Yard (ft.)	5
Maximum Height of Building (ft.)	35
Principal Building Separation (ft.)	8
Notes: (1) No side yard is required where dwelling units are attached by a party wall. (2) Single-family and two-family residential structures must meet the requirements of the R2 zoning district.	

Table 3.7: Dimensional Standards for Accessory Buildings in the R3 Zoning District

R3	
Minimum Front Yard (ft.)	22
Minimum Rear Yard (ft.)	2
Minimum Side Yard (ft.)	2
Maximum Height of Building (ft.)	16
Minimum separation from principal building (ft.)	5

90. Structures accessory to a principal multi-family structure must meet the same dimensional requirements applicable to the principal building, except:
 - (1) That swimming pools may have a reduced rear yard requirement of 8 feet;
 - (2) Accessory structures must be located 10 feet from the principal building; and,
 - (3) Must not be taller than 17 feet.
91. Structures accessory to a principal single-family or two-family dwelling unit must meet the standards set out in Table 3.7.

Residential Mobile Home Park Zone (RMHP)

- 92. The intent of the “RMHP” Residential Mobile Home Park Zone is to establish and preserve low density residential areas for mobile homes, where mobile home spaces are provided for rent and lease.
- 93. Table 3.8 identifies the land uses allowed within the “RMHP” zoning district. No new use or expansion of an existing use may be established except in conformance with the following tables.

Table 3.8: Permitted and Conditional Uses in the RMHP Zoning District

Principal Uses	Permitted/ Conditional	
Mobile home	P	
Park/plaza/square/playground	P	
Place of worship	P	
Bed and Breakfast	P	
Accessory Uses	Permitted/ Conditional	
Day care centre		C
Home occupation	P	
Utility facility, minor	P	
Utility facility, major		C
Emergency residential shelter	P	
Real estate sales office	P	
Special events (carnival, circus, fair, concert, or similar event)		C
Accessory uses not listed	P	

- 94. All development or redevelopment in the Mobile Home Park District must meet the development standards in table 3.9 and 3.10.

Table 3.9: Dimensional Standards for Principal Buildings in the RMHP Zoning District

RMHP	
Minimum number of mobile home park spaces	50
Minimum width of the entire mobile home park site (ft)	3,000
Minimum area per mobile home space (ft.)	3,000
Minimum width per mobile home space (ft.)	40
Minimum separation from principal building (ft.)	5

Table 3.10: Dimensional Standards for Accessory Buildings in the RMHP Zoning District

RMHP	
Front yard (ft.)	5
Rear yard (ft.)	2
Interior side yard (ft.)	2
Corner side yard (ft.)	10

- (1) A buffer area must be provided within and adjacent to the perimeter of the mobile home park property boundary in accordance with the following:
 - (a) Minimum width of buffer area adjacent to a mobile home park property boundary abutting a public street or highway must be 25 feet; and,
 - (b) Minimum width of buffer area adjacent to any other mobile home park property boundary must be 15 feet.
- (2) The required buffer area must contain no use except that it may be crossed by an access right-of-way from a street to the internal roadway system.
- (3) The following minimum separation distances must be provided:
 - (a) The minimum distance between mobile homes must be 15 feet;
 - (b) The minimum distance from a mobile home to a common parking area, storage compound, and rights-of-way of an internal roadway system and access roads must be 20 feet; and,
 - (c) The minimum distance from an accessory structure to a mobile home to a common parking area, a storage area, rights-of-way of the internal roadway system or access roads must be 5 feet.
- (4) A porch, carport or any addition must be considered as part of the mobile home for the application of the above separation requirements.
- (5) A mobile home park must contain a storage compound containing a minimum of 150 square feet of storage area for each mobile home space in the mobile home park and must be located as shown on plans submitted for zoning approval.
- (6) A mobile home park must contain a common recreational area that:
 - (a) Contains a minimum of 7.5% of the mobile home park area;
 - (b) Is not part of the required buffer area; and,
 - (c) Is bordered by a fence or hedge where it abuts any part of the internal roadway system.
- (7) A mobile home park must have internal roadway system rights-of-way as follows:
 - (a) The main spine or collector road of the internal roadway system must have a right-of-way a minimum of 50 feet in width; and,

- (b) Other roadways of the internal roadway system must have a right-of-way a minimum of 33 feet in width.
- (8) The internal roadway system must have a driveway a minimum of 25 feet in width.
- (9) A walkway, where provided, must have a minimum width of 10 feet.
- (10) A mobile home space must be provided with the following:
 - (a) A sewer and water connection;
 - (b) Storage for refuse, garbage and debris in a sanitary manner;
 - (c) Clear marking of the boundaries of the space and identification of each space by a numbered sign;
 - (d) An electrical service outlet; and,
 - (e) An adequate base support for the mobile home.

Commercial Zone (C)

- 95. The intent of the “C” Commercial Zone is to provide appropriate space for larger intensive commercial retail businesses.
- 96. Table 3.11 identifies the land uses allowed within the “C” zoning district. No new use or expansion of an existing use may be established except in conformance with the following tables.

Table 3.11: Permitted and Conditional Uses in the C Zoning District

Principal Uses	Permitted/ Conditional	
Restaurant	P	
Drinking establishment	P	
Hotel or motel	P	
Medical/dental/optical/counseling clinic	P	
Retail sales (unless otherwise listed)	P	
Hospital	P	
Place of Worship	P	
Kennel	P	
Cultural centre	P	
Daycare centre	P	
Research institution	P	
Auto/light truck/motorcycle, repair and service	P	
Care home		C
Library		C
Protection and emergency services		C
Gallery/museum		C
Car wash		C
Auto/light truck/motorcycle, sales and rental	P	
Manufacturing, light		C
Warehouse		C
Accessory Uses	Permitted/ Conditional	
Auto parts and supplies, sales	P	
Fuel Sales	P	

Accessory Uses	Permitted/ Conditional	
	P	C
Bus Depot	P	
Commercial marina	P	
Parking lot		C
Outside storage		C
Fundraising event		C
Special events (carnival, circus, fair, concert, or similar event)		C
Park/plaza/square/playground	P	
Utility facility, minor	P	
Utility facility, major	P	
Contractor's establishment	P	
Recycling collection centre	P	
Caretaker residence	P	
Office/service area or building	P	
Outdoor display and sales	P	
Secondary suite	P	
Social service facility	P	
Emergency residential shelter	P	
Farmers' market	P	
Real estate sales office	P	
Seasonal sales	P	
Temporary construction trailer or building		C
Accessory uses not listed	P	

97. No person may erect a principal building or accessory structure on lands in the C zoning district except for public utility facilities, unless (i) the principal building complies with the dimensional standards in Table 3.12, by another provisions of this By-law, or Variance Order. Development must comply with all dimensional standards applicable to the zoning district where the property is located.

Table 3.12: Dimensional Standards for Principal Building or Accessory Structures in C Zoning District

Minimum Lot Size (sq. ft.)	Minimum/Maximum Front Yard (ft.)	Minimum Rear Yard (ft.)	Minimum Interior Side Yard (ft.)	Minimum Corner Side Yard (ft.)	Maximum Height of Building (ft.)
10,000	25/NA	20	4	25	49

Multi-family residential structures must meet the requirements of the R3 Zoning District.

98. Where a site within a Commercial Zoning District abuts a Residential Zoning District, the following regulations shall apply:
- (1) The minimum yard requirements for the abutting site in the Commercial or Industrial Zone shall be as follows, but only for the yard which so abuts:
 - (a) Front Yard, Minimum (ft) 30;
 - (b) Side Yard, Minimum (ft) 20 ; and,
 - (c) Rear Yard, Minimum (ft) 30.
 - (2) No open storage or outdoor display shall be permitted in an abutting yard in the Commercial or Zone where such yard abuts a yard in a Residential Zone.
 - (3) No parking space shall be permitted in an abutting yard within 23 feet of any site line of a Residential Zone; and,
 - (4) Signs located in an abutting yard shall be subject to the following requirements:
 - (a) All signs shall be non-illuminated; and,
 - (b) All signs shall be set back at least 10 feet from the abutting property line.

Downtown Zone (DT)

- 99. The intent of the “DT” Downtown Zone is to accommodate a mix of uses in a central location, with higher development standards, that residents and visitors can access.
- 100. Table 3.13 identifies the land uses allowed within the “DT” zoning district. No new use or expansion of an existing use may be established except in conformance with the following tables.

Table 3.13: Permitted and Conditional Uses in the DT Zoning District

Principal Uses	Permitted/ Conditional	
Dwelling, two family	P	
Dwelling, multi-family	P	
Dwelling, single family		C
Dwelling, semi-detached		C
Mobile home		C
Assisted living facility	P	
Care home	P	
Boarding home	P	
Library	P	
Post Office/ carrier depot	P	
Protection and emergency services	P	
Social Service facility	P	
Elementary or junior high school	P	
Senior high school	P	
Day care centre	P	
Hospital	P	
Place of worship	P	
Gallery Museum	P	
Kennel		C
Animal hospital or veterinary clinic	P	
Drinking establishment	P	
Hotel or motel	P	
Medical/dental/optical/counseling clinic	P	
Office	P	
Research institute	P	
Restaurant	P	
Retail sales (unless otherwise listed)	P	
Bus depot	P	

Accessory Uses	Permitted/Conditional	
Auto parts and supplies, sales		C
Fuel Sales		C
Bus Depot	P	
Parking lot		C
Outside storage		C
Fundraising event		C
Special events (carnival, circus, fair, concert, or similar event)		C
Park/plaza/square/playground	P	
Utility facility, minor	P	
Utility facility, major		C
Contractors Establishment		C
Secondary suite	P	
Social service facility	P	
Emergency residential shelter		C
Farmers' market	P	
Real estate sales office	P	
Seasonal sales	P	
Temporary construction trailer or building		C
Accessory uses not listed	P	

101. No person may erect a principal building or accessory structure on lands in the DT zoning district except for public utility facilities, unless (i) the principal building complies with the dimensional standards in Table 3.14, by another provisions of this By-law, or Variance Order. Development must comply with all dimensional standards applicable to the zoning district where the property is located.

Table 3.14: Dimensional Standards for Principal Building or Accessory Structures in DT Zoning District

Minimum Lot Size (sq. ft.)	Minimum/Maximum Front Yard (ft.)	Minimum Rear Yard (ft.)	Minimum Interior Side Yard (ft.)	Minimum Corner Side Yard (ft.)	Maximum Height of Building (ft.)
N/A	5/10	10	0	0	49

Single-family and Two-family residential structures must meet the requirements of the R2 Zoning District. Multi-family residential structures must meet the requirements of the R3 Zoning District.

102. Where a site within a Commercial Zoning District abuts a Residential Zoning District, the following regulations shall apply:
- (1) The minimum yard requirements for the abutting site in the Commercial or Industrial Zone shall be as follows, but only for the yard which so abuts:
 - (a) Front Yard, Minimum (ft) 30;
 - (b) Side Yard, Minimum (ft) 20; and,
 - (c) Rear Yard, Minimum (ft) 30.
 - (2) No open storage or outdoor display shall be permitted in an abutting yard in the Downtown Commercial Zone where such yard abuts a yard in a Residential Zone.
 - (3) No parking space shall be permitted in an abutting yard within 23 feet of any site line of a Residential Zone; and,
 - (4) Signs located in an abutting yard shall be subject to the following requirements:
 - (a) All signs shall be non-illuminated; and,
 - (b) All signs shall be set back at least 10 feet from the abutting property line.

Industrial Light Zone (IL)

- 103. The intent of the “IL” Industrial Light Zone is to support the development of planned business areas that can contain a mix of commercial, industrial, and supportive uses.
- 104. Table 3.15 identifies the land uses allowed within the “IL” zoning district. No new use or expansion of an existing use may be established except in conformance with the following tables.

Table 3.15: Permitted and Conditional Uses in the IL Zoning District

Principal Uses	Permitted/ Conditional	
Animal hospital or veterinary clinic	P	
Drinking establishment	P	
Kennel	P	
Landscape or garden supplies	P	
Office	P	
Research institution	P	
Restaurant	P	
Auto/light truck/motorcycle, repair and service	P	
Auto/light truck/motorcycle, sales and rental	P	
Auto parts and supplies, sales	P	
Community/recreation centre		C
Daycare centre		C
Place of worship		C
Cultural centre		C
Hospital		C
Hotel or motel		C
Medical/dental/optical/counseling clinic		C
Retail sales (unless otherwise listed)		C
Bus depot		C
Railway yard		C
Manufacturing, heavy		C
Accessory Uses	Permitted/ Conditional	
Car wash		C
Fuel sales		C
Towing and storage facility		C
Utility facility, major		C
Waste transfer station		C

Accessory Uses	Permitted/ Conditional	
Wrecking and salvage yard	P	
Utility facility, minor	P	
Contractor's establishment	P	
Fleet services	P	
Freight or truck yard	P	
Heavy equipment sales, service and rental	P	
Landscape/garden contractor or production	P	
Manufacturing, light	P	
Mini-warehouse, self-storage	P	
Outside storage	P	
Recycling collection centre	P	
Recycling plant	P	
Warehouse	P	
Caretaker residence	P	
Outdoor display and sales	P	
Outside storage	P	
Retail sales	P	
Social service facility	P	

105. No person may erect a principal building or accessory structure on lands in the IL zoning district except for public utility facilities, unless (i) the principal building complies with the dimensional standards in Table 3.16 by another provisions of this By-law, or Variance Order. Development must comply with all dimensional standards applicable to the zoning district where the property is located.

Table 3.16: Dimensional Standards for Principal Building or Accessory Structure in the IL Zoning District

Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)	Minimum Front Yard (ft.)	Minimum Rear Yard (ft.)	Minimum Interior Side Yard (ft.)	Minimum Corner Side Yard (ft.)	Maximum Height of Building (ft.)
NA	NA	25	0	0	15	35

106. In the IL Zoning District, the yard requirements shall be waived for any yard which directly abuts a railway right-of-way.
107. No person may cause a lot in a Light Industrial Zoning District to be occupied for a permitted use without a structure, unless the yards required by Table 3.16 are provided and maintained.

108. Where a site within a Light Industrial Zoning District abuts a Residential Zoning District, the following regulations shall apply:
- (1) The minimum yard requirements for the abutting site in the Commercial or Industrial Zone shall be as follows, but only for the yard which so abuts:
 - (a) Front Yard, Minimum (ft.) 30;
 - (b) Side Yard, Minimum (ft.) 20; and,
 - (c) Rear Yard, Minimum (ft.) 30.
 - (2) No open storage or outdoor display shall be permitted in an abutting yard in the Light Industrial Zone where such yard abuts a yard in a Residential Zone;
 - (3) No parking space shall be permitted in an abutting yard within 23 feet of any site line of a Residential Zone; and,
 - (4) Signs located in an abutting yard shall be subject to the following requirements:
 - (a) All signs shall be non-illuminated; and,
 - (b) All signs shall be set back at least 10 feet from the abutting property line.

Industrial Zone (I)

- 109. The intent of the “I” Industrial Zone is to provide appropriate space for the manufacturing, processing, distribution, storage, and warehousing of goods in a defined area to limit potential significant impacts, such as truck traffic, emissions, noise, etc. to residential, parks, and other sensitive land uses and areas.
- 110. Table 3.17 identifies the land uses allowed within the “I” zoning district. No new use or expansion of an existing use may be established except in conformance with the following tables.

Table 3.17: Permitted and Conditional Uses in the I Zoning District

Principal Uses	Permitted/ Conditional	
Landscape or garden supplies	P	
Auto/light truck/motorcycle, repair and service	P	
Auto/light truck/motorcycle, sales and rental	P	
Auto parts and supplies, sales	P	
Car wash	P	
Fuel sales	P	
Work camp		C
Logging		C
Quarrying		C
Research institution		C
Airport and associated facilities		C
Accessory Uses	Permitted/ Conditional	
Towing and storage facility	P	
Railway yard	P	
Utility facility, major	P	
Utility facility, minor	P	
Wind energy turbine	P	
Contractor’s establishment	P	
Fleet services	P	
Freight or truck yard	P	
Heavy equipment sales, service and rental	P	
Landscape/garden contractor or production	P	
Manufacturing, light	P	
Manufacturing, heavy	P	
Mini-warehouse, self-storage	P	
Outside storage	P	
Recycling collection centre	P	
Recycling plant	P	
Warehouse	P	
Waste transfer station	P	
Wrecking and salvage yard	P	

Accessory Uses	Permitted/ Conditional
Caretaker residence	P
Office/service area or building	P
Outdoor display and sales	P
Outside operations	P
Outside storage	P
Retail sales	P
Social service facility	P
Accessory uses not listed	P

111. No person may erect a principal building or accessory structure on lands in the I zoning district except for public utility facilities, unless (i) the principal building complies with the dimensional standards in Table 3.18 by another provisions of this By-law, or Variance Order. Development must comply with all dimensional standards applicable to the zoning district where the property is located.

Table 3.18: Dimensional Standards for Principal Building or Accessory Structure in the I Zoning District

Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)	Minimum Front Yard (ft.)	Minimum Rear Yard (ft.)	Minimum Interior Side Yard (ft.)	Minimum Corner Side Yard (ft.)	Maximum Height of Building (ft.)
NA	NA	25	0	0	15	50

112. In the I Zoning District, the yard requirements shall be waived for any yard which directly abuts a railway right-of-way.
113. No person may cause a lot in the Industrial Zoning District to be occupied for a permitted use without a structure, unless the yards required by Table 3.18 are provided and maintained.
114. Where a site within the Industrial Zoning District abuts a Residential Zoning District, the following regulations shall apply:
- (1) The minimum yard requirements for the abutting site in the Commercial or Industrial Zone shall be as follows, but only for the yard which so abuts:
 - (a) Front Yard, Minimum (ft.) 30;
 - (b) Side Yard, Minimum (ft.) 20; and,
 - (c) Rear Yard, Minimum (ft.) 30.
 - (2) No open storage or outdoor display shall be permitted in an abutting yard in the Industrial Zone where such yard abuts a yard in a Residential Zone;
 - (3) No parking space shall be permitted in an abutting yard within 23 feet of any site line of a Residential Zone; and,
 - (4) Signs located in an abutting yard shall be subject to the following requirements:
 - (a) All signs shall be non-illuminated; and,
 - (b) All signs shall be set back at least 10 feet from the abutting property line.

Educational and Institutional Zone (EI)

- 115. The intent of the “EI” Educational and Institutional Zone is to provide appropriate land for public, educational, and cultural building and facility development.
- 116. Table 3.19 identifies the land uses allowed within the “EI” zoning district. No new use or expansion of an existing use may be established except in conformance with the following tables.

Table 3.19: Permitted and Conditional Uses in the EI Zoning District

Principal Uses	Permitted/ Conditional	
Dwelling, multi-family	P	
Dwelling, single family		C
Dwelling, semi-detached		C
Dwelling, two family		C
Mobile home		C
Assisted living facility	P	
Care home	P	
Boarding House	P	
Community/recreation centre	P	
Library	P	
Post office/carrier depot	P	
Protection and emergency services	P	
Social service facility	P	
Elementary or junior high school	P	
Senior high school	P	
Kennel		C
Accessory Uses	Permitted/ Conditional	
Park/plaza/square/playground	P	
Daycare centre	P	
Hospital	P	
Place of worship	P	
Cultural centre	P	
Gallery/museum	P	
Office/service area or building	P	
Retail sales	P	
Secondary suite	P	
Emergency residential shelter	P	
Farmers' market	P	
Temporary construction trailer or building	P	
Utility facility, major		C
Wind energy turbine		C
Outdoor display and sales		C
Special events (carnival, circus, fair, concert, or similar event)		C

117. No person may erect a principal building or accessory structure on lands in the EI zoning district except for public utility facilities, unless (i) the principal building complies with the dimensional standards in Table 3.20, by another provisions of this By-law, or Variance Order. Development must comply with all dimensional standards applicable to the zoning district where the property is located.

Table 3.20: Dimensional Standards for Principal Building or Accessory Structure in the EI Zoning District

Minimum Front Yard (ft.)	Minimum Rear Yard (ft.)	Minimum Interior Side Yard (ft.)	Minimum Corner Side Yard (ft.)	Maximum Height of Building (ft.)
20	25	4	25	39

118. Single-family and Two-family residential structures must meet the requirements of the R2 Zoning District.
119. Multi-family residential structures must meet the requirements of the R3 Zoning District.
120. Side yard requirements do not apply when land is used for a permitted recreational use without a structure.

Parks and Recreation (PR)

- 121. The intent of the “PR” Parks and Recreation Zone is to provide appropriate public space for a wide variety of passive and active recreational uses.
- 122. Table 3.21 identifies the land uses allowed within the “PR” zoning district. No new use or expansion of an existing use may be established except in conformance with the following tables.

Table 3.21: Permitted and Conditional Uses in the PR Zoning District

Principal Uses	Permitted/ Conditional	
Community/recreation centre	P	
Boat dock, public	P	
Park/plaza/square/playground	P	
Camping ground	P	
Golf course	P	
Race track		C
Commercial marina		C
Accessory Uses	Permitted/ Conditional	
Utility facility, major	P	
Utility facility, minor	P	
Recycling collection centre	P	
Caretaker residence	P	
Day care	P	
Office/service area or building	P	
Emergency residential shelter	P	
Farmers’ market	P	
Temporary construction trailer or building	P	
Special events (carnival, circus, fair, concert, or similar event)		C
Accessory uses not listed	P	

- 123. No person may erect a principal building or accessory structure on lands in the PR zoning district except for public utility facilities, unless (i) the principal building complies with the dimensional standards in Table 3.22, by another provisions of this By-law, or Variance Order. Development must comply with all dimensional standards applicable to the zoning district where the property is located.

Table 3.22: Dimensional Standards for Principal Building or Accessory Structure in the PR Zoning District

Minimum Front Yard (ft.)	Minimum Rear Yard (ft.)	Minimum Interior Side Yard (ft.)	Minimum Corner Side Yard (ft.)	Maximum Height of Building (ft.)
20	25	N/A	25	30

124. Side yard requirements do not apply when land is used for a permitted recreational use without a structure.

Limited Development (LD)

125. The intent of the “LD” Limited Development Zone is to ensure that lands which are not required for specific urban uses at this time by virtue of their physical or economic unsuitability or their inaccessibility to municipal servicing and protected from untimely and inappropriate development.
126. Table 3.23 identifies the land uses allowed within the “LD” zoning district. No new use or expansion of an existing use may be established except in conformance with the following tables.

Table 3.23: Permitted and Conditional Uses in the LD Zoning District

Principal Uses	Permitted/ Conditional	
Camping ground	P	
Golf course	P	
Race track	P	
Community/recreation centre		C
Research institute		C
Retail Sales		C
Kennel		C
Work camp		C
Livestock operations		C
Logging		C
Quarrying		C
Airport and Associated Facilities		C
Utility facility, major	P	
Utility facility, minor	P	
Garbage incineration and reduction	P	
Landfill/snow dump	P	
Recycling collection centre	P	
Accessory Uses	Permitted/ Conditional	
Caretaker residence	P	
Office/service area or building	P	
Outdoor display and sales	P	
Emergency residential shelter	P	
Temporary construction trailer or building		C
Towing and storage facility		C
Commercial marina		C
Railway yard		C

Accessory Uses	Permitted/Conditional	
Wind energy turbine		C
Outside storage		C
Recycling plant		C
Waste transfer station		C
Wrecking and salvage yard		C
Accessory uses not listed	P	

127. No person may erect a principal or accessory building in the Limited Development zoning district, except for major utility facilities and minor utility facilities, unless the building complies with the dimensional standards in Table 3.24 and Table 3.25

Table 3.24: Dimensional Standards for Principal Buildings in the LD Zoning

Minimum lot area (sq. ft.)	50,000
Minimum lot width (ft.)	100
Minimum front yard (ft.)	25
Minimum side yards (ft.)	10
Minimum rear yard (ft.)	5
Maximum height (ft.)	70

Table 3.25: Dimensional Standards for Accessory Buildings in the LD Zoning District

Minimum front yard (ft.)	10
Minimum side yards (ft.)	10
Minimum rear yard (ft.)	5
Maximum height (ft.)	32

128. Livestock operations, involving 300 or more animal units will be subject to a technical review. Siting of all other livestock operation must comply with the setback in Table 3.26.

Table 3.26: Setbacks for Location of Livestock Buildings

Animal Units (A.U.)	Maximum Number of Residences within 1.6 km	Minimum Distance (ft)			
		From Single Residence		From Designated Residential or Recreation Area	
		To Earthen Storage	To Buildings	To Earthen Storage	To Buildings
10-100	18	656	328	2625	1739
101-200	16	984	492	3937	2625
201-300	15	1312	656	5249	3510

PART 4 : DEVELOPMENT AND DESIGN STANDARDS

Dimensional Standards

129. The following regulations shall apply in all zones except where specifically stated otherwise:
- (1) Unless otherwise provided for in this By-law, not more than one dwelling shall be permitted on one lot;
 - (2) Where an area of land not forming part of a larger contiguous holding under the same ownership has a site width or land area less than that required for a site in the zone in which said land is located and has frontage on a street, and was on record at the time this By-law becomes effective, such land may be occupied by any use permitted in the zone in which said land is located provided the minimum yard and minimum building unit area requirements of the zone are complied with; or unless an appropriate amendment or variation to this By-law is first approved.
 - (3) The owner has a continuing obligation to maintain the minimum yards and other open spaces required in this By-law.
 - (4) Yards and other open space required for a use must be located on the same zoning lot as the use.

Permitted Projections

130. All permitted projections shall not be located and maintained so as to preclude complete access at all times to all exits and entrances to the main building. Gates or other suitable openings to a minimum width of 2.5 feet shall be required for such access.
131. Notwithstanding the required front, side, and rear yard requirements in Sections 90 through 108, owners may permit the building elements, landscaping and site elements, and other features listed in the far left column of Table 4.1 to project into required front, side and rear yards of properties falling within the zoning districts set out in cells located in the 3 columns to the right of Table 4.1. Projections that are not listed for a particular zoning district are not allowed unless otherwise approved by the Development Officer in accordance with Section 41, Permitted Projections. Where maximum heights are stated in Table 4.2, those height limits apply to such elements and features when located in required yard areas. In addition, all elements and features located outside of required yard areas are subject to maximum heights stated in Table 4.2, as applicable.

Table 4.0.1: Permitted Projections

Features	Zoning District	Projections Permitted		
		Front Yard	Side Yard	Rear Yard
Building Elements				
Alcoves, bay windows, vestibules, and similar additions creating interior floor area, limited to one storey	All districts	Max. depth = 5 ft. Max. floor area = 50 sq. ft.	Max. depth = 2 ft.; No closer than 3 ft. to property line; Max. floor area = 20 sq. ft.	Max. depth = 5 ft. Max. floor area = 50 sq. ft.
Open, unenclosed stairways, balconies, porches, platforms, decks, patios or landing places, not covered by a roof or canopy	All districts	If higher than one foot above grade, but not exceeding the level of the first storey of the building; Max. projection = 6 ft. Min. distance from site line = 3 ft.	If higher than one foot above grade, but not exceeding the level of the first storey of the building: Max. projection = 12 ft. Min. distance from lot line = 3 ft.	
Roofs over exterior entrances (not enclosed)	All districts	Max. depth = 5 ft.; Max. width = 50% of the front facade of principal building	No closer than 4 in. per foot of side yard; No closer than 2 ft. to side lot line	Max. depth = 5 ft.; Max. width = 50% of facade of principal building
Eaves and gutters, awnings and canopies	All districts	Max. distance = 3 ft.	Max. distance = 3 ft. No closer than 3 ft. to side lot line.	Max. distance = 3 ft.
Chimneys and flues	All districts	Max. distance = 4 ft.	Max. distance = 4 ft. No closer than 3 ft. to side lot line.	Max. distance = 4 ft.
Fire escapes	All districts	Not permitted	Max. distance = 5 ft. Min. distance from lot line = 3 ft.	Max. distance = 5 ft.
Exterior wall finish	All districts	Max. depth = 3 in.		
Landscaping and Site Features				
Landscape features (lawns, trees, shrubs, bushes, flowers or plants)	All districts	Permitted but do not create a fence effect contrary to Section 179 - 181.		
Openwork ornamental fences, hedges, landscape architectural features, or guard railing, for safety or protection around depressed ramps	All districts	Permitted if maintained at a height not more than 4 ft. above the average ground level adjacent thereto		

Table 4.1: Permitted Projections (Continued)

Features	Zoning District	Projections Permitted		
		Front Yard	Side Yard	Rear Yard
Landscaping and Site Features				
Open, unenclosed decks, patios, landing places, platforms, walkways and steps, and driveways not covered by a roof or canopy	All districts	Must not project above grade higher than one foot		
Open parking or loading area, and queuing spaces	R3, C, DT, EI, PR	Not permitted	Not permitted	Permitted
Bicycle Racks	All districts	Permitted		
Public Utility transformers and pedestals	All districts	Permitted		
Wheelchair landings and ramps	All districts	Permitted		
Queuing areas for student drop-off (Elementary, Junior High, and Senior High schools)	All districts	Permitted		
Other				
Air conditioning unit and/or compressor	R2, R3	Min. distance to openable window of a habitable room on an adjoining lot = 15 ft.		
Permitted Signs	All districts	Min. distance to lot line = 5 ft.		

132. Notwithstanding the maximum height limits established in sections 90 to 108, building elements, site elements, and other features may project above maximum height limits as shown in Table 5.11.

Table 4.2: Maximum Height Limits

Feature	Restrictions on Projection (if any)
Radio, television and parabolic dish receiving antennas	May not extend higher than 3.5 feet above the highest point on the roof of the principal building. Parabolic antennas attached to the roof of a building may not extend higher than 1.5 feet above the nearest point on the roof. Other antennas 30 feet.
Flag poles and exterior yard lights	No more than 1 flag pole and 2 exterior yard lights each per lot with a maximum height of 13 feet in R2, and RMHP.
Elevator penthouses, other non-habitable penthouses, water resevoirs, and necessary mechanical appartenances	Must not extend more than 20 feet above the supporting roof.
Guard railings and parapets	Must not exceed 5 feet when measured from the roof.
Gables, cupolas, skylights, spires, and similar architectural features	Must not extend more than 10 feet above the roof.
Chimneys and flues	N/A

Parking and Loading

133. Permanently maintained off-street parking and loading spaces shall be provided in accordance with the following:

Parking Area Surface

134. All off-street parking areas and driveways connecting the parking area to the street shall before being used, be constructed with a stable surface of crushed stone, slag, gravel, crushed brick (or tile), paving stone, cinders, asphalt, concrete, Portland cement binder or like material and which is treated so as to prevent the raising of dust or loose particles.

Parking Area Maintenance

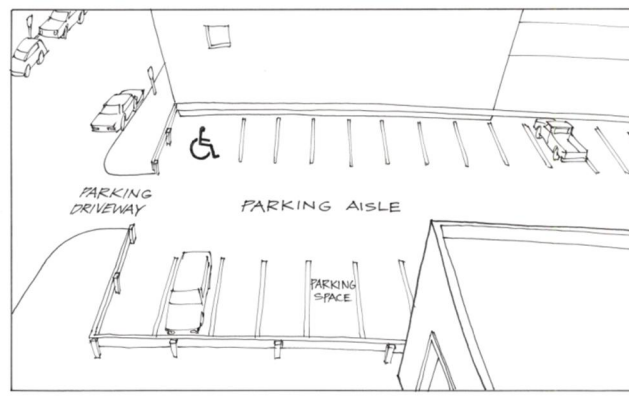
135. All off-street parking areas shall be permanently and adequately maintained. Such maintenance shall include: prompt repair of surface breaks or other surface irregularities; prompt snow removal; maintenance of adequate drainage; prompt maintenance and repair of other parking-lot related structures such as: curbs, berms, fences, guard rails, wheel stops, barriers, signs and electrical outlets.

Calculation of Spaces

136. If the calculation of the required parking spaces results in a fraction, the required parking spaces shall be the next higher whole number.
137. In no case shall parking spaces on a public street or lane be permitted to be included in the calculation of required parking spaces.
138. Where a building, structure or site accommodates more than one use, the total parking space requirements for such building, structure, or site shall be the sum of the requirements for each separate use.
139. Parking spaces required in accordance with this By-law shall not include any parking spaces used or intended to be used for the storage or parking of vehicles for hire or gain, display or sale.

Dimensions of Parking Spaces

140. A parking space required herein shall have the following minimum dimensions:
 - (1) No parking space shall be less than 24 feet in length;
 - (2) Notwithstanding any other requirements described herein to the contrary, the minimum width of a parking space accessory to a single family dwelling, two family dwelling or mobile home shall be 10 feet;
 - (3) Where the principal access to a parking space is provided from the side of such parking space (00 to 50 or parallel parking) the minimum length of said parking space shall be 26 feet;
 - (4) Where the long side of a parking space abuts a wall, column, pillar, tree, fence, pole, curb, barrier or other obstruction greater than 8 inches higher than the parking area surface, which would obstruct the opening of a car door, the minimum width of the said parking space shall be 12 feet;
 - (5) Where the long side of a parking space abuts an area of landscaped open space or a pedestrian walkway greater than 4 feet in width, the minimum width of such parking space shall be 8 feet; and,
 - (6) Except for those minimum parking space widths mentioned in Section 113.(2), (4) and (5) above, no parking space shall be less than 10 feet in width when the angle of entry to the space is between 0° and 70°. When the angle of entry is between 70° and 90° the minimum width of the space shall be 12 feet.



Location of Parking Areas

141. All required parking spaces shall be provided on the same site in "R2" and "RMHP" zoning districts and within 120 feet of the closest boundary of the site in all other zones and such spaces shall not be located in, or on a part of a public street or public lane.

Access to Parking Areas and Spaces

142. Access to parking areas shall be provided from an improved street or a lane by means of one or more unobstructed driveways not exceeding 32 feet in width, measured parallel to the said street, at any point on the site closer to the said street than the setback required therefrom, provided that no site shall have more than two (2) driveways for the first 100 feet of street line thereof plus one (1) driveway for each additional 100 feet of street line.
143. The width of a driveway leading to or from the parking area of a Single Family Dwelling, Two Family Dwelling and Mobile Home shall be a minimum of 9 feet in width.
144. The width of a driveway leading to or from any parking area except as mentioned in Section 116 above, shall be a minimum width of 12 feet for one-way traffic, and a minimum width of 25 feet for two-way traffic.
145. Parking aisles leading to parking spaces shall provide unobstructed access from each parking space to a driveway or street.
146. Parking aisle widths shall be established according to Table 4.3. Unless authorized by Variation Order or some other provision in this By-law.

Table 4.3: Parking Aisle Widths

Angle of Parking	Minimum Aisle Width
0° up to and including to 5° (parallel parking)	12 ft.
6° up to and including 30°	14 ft.
31° up to and including 45°	16 ft.
46° up to and including 70°	20 ft.
71° up to and including 90°	22 ft.

Other Parking Regulations

147. Any lights used for the illumination of the parking facilities shall be so arranged as to divert light away from the adjacent sites.
148. No gasoline retail outlet, gas bar or automobile service station shall be located or maintained on any parking area except where specifically permitted by this By-law.
149. An accessory off-street parking area associated with commercial, industrial, institutional, educational or major recreational uses as determined by the Development Officer shall be provided with bumper guards, wheel stops, masonry walls or fences in order to prevent a vehicle from encroaching onto public or private property.

Additional Standards for Single- and Two- Family Dwellings

150. In any zoning district, the owner must limit parking accessory to single and two family dwellings to a maximum of 6 vehicles, which may include:
- (1) A maximum of 4 passenger vehicles;
 - (2) A maximum of 1 travel trailer or 1 mobile home;
 - (3) A maximum of 1 truck having registered gross vehicle weight less than 15,000 lbs.; and,
 - (4) With conditional use approval, a maximum of 1 truck have a registered gross vehicle weight greater than 15,000 lbs, provided that the truck:
 - (a) Is parked further from the street than the front wall of the structure, and;
 - (b) Is either parked in an enclosed structure or shielded from view from adjacent properties through the use of landscaping.
151. A maximum of 2 vehicles may be parked on a driveway leading to a parking space in the principal building or in a side or rear yard.

Minimum Parking Space Required

152. Each owner must provide the amounts of accessory off-street parking spaces shown in Table 4.4 for all principal and accessory uses unless the requirements in Table 5.13 are modified by another provision of this By-law.

Table 4.4: General Accessory Parking Requirements

Use	Minimum Number of Parking Spaces Required
Residential Uses	
Single-family, two-family, three-family, and four-family dwellings	1 per dwelling unit.
Townhouse, rowhouse, and other multiple family dwellings	1 per dwelling unit, plus 1 additional space for every 10 dwelling units for visitor parking.
Senior citizen's homes, boarding rooming and lodging houses	1 per four dwelling units or beds, plus 1 additional space for every 10 units or beds for visitor parking.
Work Camp	1 per two beds.
Public and Institutional Uses	
Places of worship, religious institutions, and funeral homes	1 per 5 seats; or, where there are no fixed seats, 1 per 75 sq. ft. of floor area devoted to the assembly room floor area.
Hospitals, nursing homes, care homes	1 per two beds, plus an additional 1 space for every 10 beds for visitor parking.
Public buildings (libraries, museums, and arts centre) or offices	1 per 500 sq. ft. of floor area; or 2 spaces for every 3 employees - whichever requirement is greater.
Schools	2 per classroom and 1 space for every 100 sq. ft. of floor area devoted to public use.
Clinic, law office	4 plus 2 spaces for every 3 employees.

Public and Institutional Uses	
Day care centre	1.5 per classroom plus 2 spaces for every three employees.
Recreation, Assembly halls, auditoriums, community centres, clubs and lodges	25; or 1 space per 6 fixed seats; or, 1 space per 100 sq. ft. of useable floor area; or 1 space for each 4 persons that can be accommodated at one time - whichever requirement is greater.
Commercial Uses	
Any commercial use not specifically mentioned in this section	1 per 300 sq. ft. of floor space.
Automobile service stations	4 per service bay plus 1 queuing space per fuel hose.
Bus depot or train station	10
Grocery store, food store, convenience store	1 per 200 sq. ft. of floor area
Hotels, motels, bed and breakfast, and motor hotels	1 per guest room
Beverage rooms and lounges	1 per 4 persons based on maximum occupancy.
Restaurants	1 per 50 sq. ft. of floor area.
Industrial	
Any manufacturing, assembling, wholesaling, warehousing or other industrial use	5; or 1 per 500 sq. ft. of floor space - whichever requirement is greater.

153. Where a proposed use is not listed in Table 5.13, the parking spaces required shall be determined by Council which may either determine that the proposed use is similar to one which is listed, or, the Development Officer shall determine an appropriate amount as to the regulation.

Accessible Parking Spaces

154. 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 space must be:

- (1) at least 12 feet wide;
- (2) located within 200 feet of major building entrances used by residents, employees, or the public; and,
- (3) signed to reserve the space for use by persons with disabilities.

155. At least 1 curb ramp must be located within 100 horizontal feet of the auto parking space closest to each entrance to a principal or accessory building that is not a service entrance.

Minimum Required Accessible Spaces

156. Except single- and two-family and mobile home parks, the owner must provide at least the number of accessible spaces shown in Table 4.5 below, based on the total number of parking spaces required in Table 4.4.

Table 4.5: Accessible Parking Space Requirements

Total Required Parking Spaces	Minimum Number of Accessible Parking Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4

Vehicle Queuing Spaces

157. In addition to those accessory off-street parking spaces listed in Table 4.5 if any, the owner of property containing any of the uses listed in the first column of Table 4.6 must provide the number of automobile queuing spaces indicated in the second column of the table for any drive-through facility. The location of the queuing spaces is to be measured from the point indicated in the third column in the table.

Table 4.6: Vehicle Queuing Space Requirements

Use	Minimum Queuing Spaces	Measured From
Car wash – automatic	3	2 before the entrance to wash, plus one between vehicle exit from each bay and the public street.
Car wash – self-service	2 per bay	One before the entrance to each bay, plus one between vehicle exit from each bay and the public street.
ATM with drive through facility	3	ATM Machine
Restaurant with drive-through facility	4	2 before the order box and 2 between order box and pick up window.

158. The owner must provide required vehicle queuing spaces so that no queuing space blocks or interferes with the smooth flow of traffic to and from (i) required off-street parking spaces or (ii) the driving aisles providing access to those spaces, or (iii) any adjacent street or public lane through an approved access point.

159. Each required queuing space must have minimum dimensions of 18 feet in length and 10 feet in width.

Loading

Loading Space Required

160. Loading or unloading spaces are required under this By-law in accordance with the requirements of Table 4.7 and the owner of every building or structure erected or used for any purpose involving the receiving, shipping, loading or unloading of persons, goods, wares, merchandise or raw materials shall provide and maintain on this site loading and unloading spaces accordingly.

Table 4.7: Minimum Loading Space Requirements

Floor Area	Minimum Number of Loading Spaces Required
Commercial and Industrial	
Less than 5,000 sq. ft.	0
5,000 sq. ft.	1
5,001 sq. ft. to 15,000 sq. ft.	2
15,001 sq. ft. to 40,000 sq. ft.	3
40,000 sq. ft. or larger	3 plus one additional space for each additional 25,000 sq. ft. or fractional part thereof
Residential	
Multi-family Buildings	1 space, for every 50 dwelling units or fraction thereof

161. Each loading or unloading space is required to meet the dimensional standards to in Table 4.8.

Table 4.8: Required Loading Space Dimensions

Uses	Minimum Length (Feet)	Minimum Width (Feet)	Minimum Vertical Clearance (Feet)
Residential (Multi-family only)	25	12	14
Commercial	25	12	14
Community	25	12	14
Industrial	50	14	14

162. The dimensions of the accessory off-street loading spaces must not include driveways, entrances, or exits from such accessory off-street loading spaces.

Access

163. Access to loading or unloading spaces shall be by means of a driveway at least 22 feet wide contained on the site in which the spaces are located and leading to a street or lane located within the zone in which the space is located.

Loading Area Surface

164. The driveways, loading and unloading spaces shall be permanently maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles. They shall before being used, be constructed of crushed stone, slag, gravel, crushed brick (or tile), cinders, asphalt, concrete or Portland cement binder and with provisions for drainage facilities.

Location

165. The loading space or spaces required shall be located in the interior side or rear yard unless such space or spaces are set back from the street line a minimum distance of 80 feet.

Existing Uses and Buildings Excepted

166. The parking and loading space requirements referred to herein shall not apply to any use or building legally in existence at the date of passing of this By-law so long as the floor area or use, as it existed at such date, is not increased or changed. If an addition is made to the building or structure which increases the floor area or if a change in use is made, then additional parking and loading spaces shall be provided as required herein for such addition or change in use.

Signs

General Provisions

167. All outdoor overhead signage must be self-supporting and must be fastened securely to the face of the building or may be suspended perpendicularly from a building.
168. Signs may overhang from a building by up to 3 feet provided that the bottom of the sign is no less than 8 feet from the ground.
169. A sketch of the sign showing measurements, materials and design must be provided with the application.

Free-Standing Signs

170. Free-standing signs shall be permitted in all land use zones, excepting residential zones where freestanding signs may be permitted under the following special provisions
 - (1) Does not exceed 21.5 sq.ft. in size
 - (2) Shall no project within 2.0 ft. of the property line or within 6.5 ft. of overhead utility lines
 - (3) Does not exceed 11.5 ft. in height

Temporary Signs

171. Temporary signs shall be permitted in all zones except residential zones
172. No person shall:
 - (1) Locate a temporary sign where it may cause a traffic hazard or conflict with parking, loading or walkway areas.
 - (2) Locate a sign within roadway right-of-way or on public property unless consent is given by the municipality.

Signs Not Subject to this By-Law

173. The following types of signs are not subject to the provisions of this By-law:
 - (1) Signs installed by the Town for traffic control, public transit, parking, street names, and direction;
 - (2) Street decorations installed by or authorized by the Town;

- (3) Signs required to be erected or maintained by law or governmental order;
- (4) Window signs, unless such signs occupy more than 30% of the window surface on any façade of the principal building in which case they are treated as fascia signs; and,
- (5) Election signs during Federal, Provincial, Municipal, and School Board election periods and up to 7 days after the election.

Landscaping and Buffering

Side and Rear Site Edge Buffering

174. A landscaped buffer must be installed alongside or rear lot lines to reduce the impacts of traffic movements, light, noise, dust, and odours on adjacent properties in the following two situations:

Buffering of Residential Uses from Non-Residential Impacts

- (1) A landscaped buffer must be installed where a side or rear lot line of a lot in a commercial or institutional or manufacturing zoning district abuts a lot in a single, two-family or multi-family residential zoning district. The required buffer must comply with Option 1 or Option 2 below:
 - (a) Option 1: Site edge buffering must have a landscaped area with at least 1 coniferous tree for every 35 linear feet of lot line and 3 shrubs per 20 linear feet of lot line where the abutting condition exists. A landscaped berm a minimum of 2½ feet in height with a rise-to-run ratio not exceeding 1:3 may be integrated into this option. The height of planted materials (together with any berm provided) must be at least 6 feet in height at the time of planting.
 - (b) Option 2: Site edge buffering must include an opaque wall, berm, fence and/or dense vegetative screen with a minimum combined height of 6 feet. If a vegetative screen is proposed, it must be at least 6 feet in height at the time of planting. If a wall or fence is used the maximum continuous horizontal length of any section is 48 feet, at the end of which a landscaped strip of a minimum length of 16 feet, a minimum depth of 4 feet, and with shrubs a minimum height of 2½ feet must be provided.
- (2) Regardless of which option is chosen, required trees and shrubs within a required landscaped area may be clustered to create visual interest.

Buffering of Parking and Loading Areas

175. A landscaped buffer must be installed when a parking or loading area accessory to any use, other than a single- or two-family residential use, is located within 20 feet of a side or rear lot line abutting or adjacent to a residential zoning district.
176. Buffering of a parking or loading area may comply with either Option 1 or Option 2 in clause 148 (1) above, but the required minimum height of any wall, fence, berm, or combination of a wall, fence, or berm must be 4 feet rather than 6 feet.

Installation

177. The owner must install required landscaping and buffering in conformance with the following standards:

- (1) Installation of required landscaping and buffering is required before issuance of a zoning compliance certificate for the principal building unless climate or weather conditions make installation impractical.
- (2) Where, due to climate or weather conditions, it is impractical to install required landscaping before construction on the principal building has been completed, the Development Officer may authorize a delay in installation until no later than the following July 31.

Maintenance

178. The owner must maintain required landscaping and buffering areas in conformance with the following standards:
- (1) The owner must maintain all landscaping and buffering areas required by this By-law free from refuse and debris and with a neat appearance, and must maintain plant materials, including lawns and naturalized landscaping, in a healthy growing condition. The owner must replace any plant material required by this section that dies or becomes diseased.
 - (2) The owner must maintain all landscaping to avoid encroachment onto pedestrian walkways and to maintain a minimum clear distance of 7 feet above all pedestrian walkways.

Fences and Screening

179. The owner may erect and maintain fences, hedges, trees, shrubs, arbours, trellises, and similar landscape features in all yards, provided that no electric fences or barbed wire fences are erected or maintained except as provided for in Table 5.19.

Maximum Height

180. The owner may erect and maintain fences, hedges, trees, shrubs, arbours, trellises, and similar landscape features that comply with the standards set forth in Table 4.10.

Table 4.9: Maximum Height in all Required Yards

Zoning District					
Yard	LD	R2, R3, RMHP	EI, PR ^b	C, DT	I, IL ^a
Front	3 ft.	3 ft.	3 ft.	3 ft.	8 ft.
Side	6.5 ft.	6.5 ft.	6.5 ft.	6.5 ft.	8 ft.
Rear	6.5 ft.	6.5 ft.	6.5 ft.	6.5 ft.	8 ft.
Notes					
a. An additional 2 feet of barbed wire can be attached to the top of fences in these districts but must be a minimum of 6 feet above finished grade.					
b. Fences surrounding public sports or recreational facilities may have a maximum height of 16 feet.					

Materials

181. No person may erect or maintain a fence or wall made of debris, junk, or waste materials.

Outdoor Storage Screening

182. On any lot that (i) contains any use other than a single- or two-family dwelling unit, and (ii) abuts or is adjacent to a lot containing a residential use, all permitted storage of materials, inventory, and products must be:
 - (1) Within a completely enclosed building; or,
 - (2) Effectively screened from the view of the residential buildings by (a) an opaque fence or masonry wall at least 6 feet in height, or (b) a chain link fence with plastic slats at least 6 feet in height, or (c) a chain link fence bordered by coniferous trees and shrubs with an expected mature height at least equal to the height of the fence. The stored materials, inventory, or products within the enclosure must not exceed the height of the enclosure. The wall or fence must be maintained in good repair at all times, to the satisfaction of the Development Officer.
183. In addition, in all zoning districts, any outside storage must comply with the following additional standards:
 - (1) If the outside storage area is used only for outside storage, and not for operations and maintenance related to the use or property, the outside storage area must be located to the rear of a line adjacent to and parallel with the front wall of the principal building and enclosed by a fence;
 - (2) If the outside storage area is also used for operations and maintenance related to the use or the property, then the outside storage area must be located to the rear of a line adjacent to and parallel with the rear wall of the principal building and enclosed by a fence; outside storage of sand, gravel, soil, or other loose aggregate is prohibited within 300 feet of the boundary of any residential zoning district; and,
 - (3) Outside storage is not permitted in any required yard.

Maintenance

184. The owner must maintain all screening required by this By-law free from refuse and debris and with a neat appearance. The owner must replace any live plant material used for screening that dies or becomes diseased and maintain all required screening to avoid encroachment onto pedestrian walkways.
185. The owner must maintain each required screening area with adequate drainage in order to prevent the accumulation of standing water, and must maintain drainage features free of refuse and debris so as to allow water to drain freely.

Corner Vision Triangle

186. No building, structure, sign, fence, parking area, shelterbelt, hedge or stockpiling of materials exceeding a height of 3 feet above grade shall be located within a triangular area of any lot adjacent to an intersection of two public streets.

Swimming Pools

187. Notwithstanding anything contained in this By-law, a swimming pool is permitted as an accessory use to any permitted residential use in the R2 and RMHP zones and must comply with the following standards:
- (1) No pool shall be located within the required front yard;
 - (2) Pools shall comply with yard requirements for accessory buildings, structures and uses as set forth in the relevant use, site and yard requirements. Notwithstanding the above requirements no outdoor pool shall be located closer than five (5) feet to any side or rear site line;
 - (3) All pools shall be completely enclosed with a fence or other suitable barrier constructed or erected in accordance with the following:
 - (a) It shall have a minimum height of six (6) feet including gates that shall be self-closing and equipped with a lockable latch to prevent unauthorised entry;
 - (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;
 - (c) The enclosure surrounding an outdoor pool shall be maintained in good repair.
 - (4) Nothing in this Subsection shall relieve any such structure from complying with spatial, structural, electrical, plumbing, health and safety or operational requirements contained in regulations under the *The Buildings and Mobiles Homes Act*, *The Public Health Act* or other applicable statutes.

PART 5: USE SPECIFIC STANDARDS

Boarding House

186. In the R3 Zoning District, the use is permitted to a maximum of 12 beds.

Care Homes

187. Care home is permitted to a maximum of 6 persons.

Caretaker's Residence

188. Limited to no more than one caretaker's residence per principal non-residential use on the premises.

Day Care Centre

189. Each day care centre must provide a drop-off/pick-up area to ensure the safety of persons and to ensure that vehicles dropping off or picking up do not interfere with smooth traffic flow on adjacent public streets.

Elementary or Junior High

190. Each elementary or junior high school must provide queuing spaces for the loading and unloading of passengers to accommodate 1 school bus and 5 passenger vehicles. Such queuing spaces may be located within the front yard.

Fuel Sales

191. Screening adequate to buffer adjacent residential uses from noise and light must be installed and maintained along property lines where the use abuts a residential area.

Home Based Business

192. In addition to all the standards applicable in the zoning district where the use is located, the following conditions apply to all home occupations.
- (1) All home occupations must be operated in accordance with all plans and documents approved as part of the application;
 - (2) A home occupation may have a maximum of two non-resident employees or business partners;
 - (3) A home occupation may provide instructional classes for not more than 4 pupils at a time;
 - (4) If the home occupation is a bed and breakfast, the use must comply with the following additional requirements:
 - (a) The operator of the business must reside on the premises and must use it as their principal residential dwelling;
 - (b) The maximum number of guest rooms is the number of bedrooms existing in the structure, minus one for occupancy by the owners/operator of the facility;
 - (c) No cooking facilities are permitted in the guest rooms;

- (d) Guests may reside at the Bed and Breakfast for a maximum of two weeks; and,
 - (e) A minimum of 1 parking space must be provided per 2 guest rooms.
- (5) If the major home based business is a day care the use must comply with the following additional requirements:
- (a) Hours of operation must be limited to between 6:00 am and 8:00 pm;
 - (b) Limited to no more than 8 persons;
 - (c) Limited to a single family dwelling; and,
 - (d) Must provide a pick-up/drop-off area, which may be a driveway, sufficient to ensure the safety of people when entering and leaving the premises.

Prohibited Home-Based Business

193. The following home-based businesses and occupations are prohibited in all zoning districts:
- (1) Adult entertainment;
 - (2) Dating and escort service;
 - (3) Body modification;
 - (4) Vehicle towing operations;
 - (5) Sales of firearms or ammunition;
 - (6) Any business utilizing radio transmission equipment; and,
 - (7) Any business engaged in the sales and rental of autos, light trucks, or motorcycles.

Kennel

194. A kennel is only allowed in a DT and EI Zoning District if all the operations are conducted within an enclosed building.

Livestock Operations

195. All livestock operations must follow the regulations and guidelines set out in the Provincial Planning Act and the Provincial Land Use Policies and the Provincial Livestock Operation Policy.

Modular Dwellings

196. Wherever a modular dwelling is allowed under this By-law, it must be attached to a foundation or otherwise be secured to the satisfaction of the Development Officer prior to occupancy.
197. Each modular dwelling shall comply with the Canadian Standards Association's CSA-A277 standard for construction.

Places of Worship

198. Places of worship with a gross floor area of more than 40,000 square feet are only permitted in the C, DT, and EI zoning districts.

Secondary Suite

199. Within a principle dwelling:

- (1) Not more than 1 Secondary Suite shall be permitted;
 - (2) Not more than 1 Secondary Suite shall be permitted on a single zoning site;
 - (3) The property containing a Secondary Suite shall contain a permanent habitable single-family (detached) dwelling;
 - (4) The principal dwelling must be an existing permanent structure;
 - (5) The principal dwelling is to be occupied by the owner of the property;
 - (6) Maximum Floor Area shall not exceed 40% of the total habitable floor space of the principal dwelling or 850 square feet, whichever is the lesser; and,
 - (7) An exterior, private amenity space such as a deck or patio shall be provided for the Secondary Suite with a Minimum Area 80 square feet and Minimum Dimension (length or width): no less than 5 feet.
200. Secondary suites detached from the principle dwelling shall comply with the following standards:
- (1) Not more than 1 Secondary Suite, Temporary Additional Dwelling or Mobile Home shall be permitted on an established zoning site;
 - (2) The exterior of the secondary suite should incorporate building materials, textures, and colours that are similar to those found on the principal dwelling;
 - (3) The zoning site containing the Secondary Suite shall contain a permanent habitable single-family (detached) dwelling;
 - (4) The principal dwelling is to be occupied by the owner of the property;
 - (5) Maximum Floor Area shall be no greater than 850 square feet, and shall not exceed the maximum lot coverage for accessory buildings permitted within the same zone;
 - (6) Maximum building height shall not exceed the maximum height of accessory buildings permitted within the same zone or a Coach house (above Grade) may be a maximum height of 25 feet;
 - (7) An exterior, private amenity space such as a deck or patio shall be provided for the Secondary Suite with a minimum area of 80 square feet and a minimum length or width of no less than 5 feet; and,
 - (8) A minimum of one off-street parking space must be provided for each secondary suite.
201. Secondary suites detached from the principle dwelling shall comply with the following setbacks:
- (1) The secondary suite minimum setback must be equal to or greater than the minimum setback from the front property line for a principal dwelling within the same zone;
 - (2) The secondary suite must be equal to or greater than the minimum setback from the rear property line for a principal dwelling within the same zone;
 - (3) Where a property backs onto a public lane, public right-of-way, public park, or a property zoned for commercial or industrial uses, the setback from the Rear Lot Line may be equal to or greater than 10 feet;
 - (4) Must be equal to or greater than the minimum setback from the side property line for a principal dwelling within the same zone;

- (5) Must be equal to or greater than the minimum setback from the exterior side property line for a principal dwelling within the same zone; and,
- (6) Must have a minimum separation from the Principal Dwelling of 10 feet.

Senior High School

- 202. Each senior high school must provide queuing spaces for the loading and unloading of passengers to accommodate 1 school bus and 3 passenger vehicles. Such queuing spaces may be located within the required front yard.

Work Camps

- 203. All work camps must adhere to the Manitoba Building Code.
- 204. Work camps must be kept in orderly state.
- 205. Development permit applications for a work camp with 30 or more beds must provide the Development Officer with a listing of service requirements such as recreational, health care, stores, and policing needs and the expectation of town to provide these services.

Wrecking or Salvage Yards

- 206. Wrecking or Salvage Yard sites must be maintained in good condition, free of weeds, dust, trash, and debris and must be screened by a solid fence at least 6 feet in height.

Truck, Bus, Coach Bodies and Shipping Containers

- 207. No truck, bus, railcar, coach or shipping container, or structure of any kind other than a mobile home or dwelling erected and used in accordance with this and all other by-laws of the Town of Gillam shall be used for human habitation.
- 208. No truck, bus, railcar, coach, or structure of any kind shall be used for storage in any R2, R3, RMHP, DT, or EI zoning districts.

Noxious or Offensive Uses

- 209. Except where allowed in this By-law, no use shall be permitted in any Zone which may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, gas, smoke, vibration or noise.
- 210. Any operation producing intense light, glare or heat shall be performed within a completely enclosed building in such a manner as not to be perceptible at or beyond the lot line. Noise and vibrations caused by or emitted from any use shall be such that they do not create a nuisance beyond any lot line.