

**THE RURAL
MUNICIPALITY OF
HEADINGLEY**

**ZONING BY-LAW
NO. 3-2011**

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**THE RURAL MUNICIPALITY OF HEADINGLEY ZONING BY-LAW NO.
3-2011**

A By-law of the Rural Municipality (RM) of Headingley,
in the Province of Manitoba, to regulate and control the use and development
of land and buildings within the Municipal limits
of the RM of Headingley.

WHEREAS pursuant to the provisions of *The Planning Act* (the *Act*), the RM of Headingley has,
by By-law, adopted *The RM of Headingley Development Plan By-law x/x*;

And WHEREAS the *Act* provides that the Council may adopt a Zoning By-law that generally
conforms to a Development Plan adopted for the area;

NOW THEREFORE *The RM of Headingley* in meeting duly assembled, enacts as
follows:

1. The RM of Headingley Zoning By-law No. 21/95, and all amendments thereto, are hereby
rescinded.
2. The Zoning By-law, attached hereto and marked as Schedule "A", is hereby adopted.
3. This By-law shall be known as the *RM of Headingley Zoning By-law*.
4. The *RM of Headingley Zoning By-law* shall take force and effect on the date of Third Reading
of this By-law.

DONE AND PASSED in Headingley, Manitoba, this 13th day of September, A.D. 2011.

(Original Signed)
[Reeve]

Read a First time this 25th day of January, A.D. 2011.

Read a Second time this 28th day of June, A.D. 2011.

Read a Third time this 13th day of September, A.D. 2011.

Certified a true copy of By-law No. 3-2011 of the RM of Headingley.

(Original Signed)
[Chief Administrative Officer]

**THE RURAL MUNICIPALITY OF HEADINGLEY
ZONING BY-LAW**

BEING SCHEDULE 'A'

ATTACHED TO BY-LAW NO. 3-2011

OF

THE RURAL MUNICIPALITY OF HEADINGLEY

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PART I – ADMINISTRATION

1.0 Title and Contents

1.1 Title

This By-law may be cited as the RM of Headingley Zoning By-law.

1.2 Effective Date

- 1) This By-law shall be in full force and effect when the RM of Headingley Council has given it Third Reading.

1.3 Intent and Purpose

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

- 1) To ensure general conformance with the objectives and policies of the *RM of Headingley Development Plan*.
- 2) To outline the powers and duties of RM of Headingley Council, the Designated Officer and the landowner and/or developer as they relate to this By-law.
- 3) To regulate the following:
 - a) all buildings and structures erected hereafter;
 - b) all uses or changes in use of all buildings, structures and land established hereafter;
 - c) all structural alterations or relocations of existing buildings and structures occurring hereafter; and
 - d) all enlargements or additions to existing buildings, structures and uses hereafter.

1.4 Contents of the By-law

The contents of this By-law include:

- 1) **Part I – Administration** (Sections 1 to 13), outlines the Operative, Administrative and Interpretive Clauses.
- 2) **Part II – Definitions** (Section 14) is comprised of the various required definitions for the Zoning By-law.

- 3) **Part III – Zoning Districts** (Section 15), outlines the Zoning Districts, Permitted and Conditional Uses and Bulk Regulations for Zoning Districts.
- 4) **Part IV – Special Land Uses** (Section 16) outlines additional regulations for specific land uses.
- 5) **Part V – Development Regulations** (Sections 17 to 20), outlines General Development Regulations and Special Land Use Regulations.
- 6) **Part VI – Zoning Maps** is comprised of the Zoning District Maps.

1.5 Headings, Titles and Appendices

- 1) Despite any other provision of this By-law or any other By-law passed by the RM of Headingley Council to the contrary, headings, titles and appendices within this By-law shall be deemed to form part of the text of this By-law.

1.6 Interpretation

- 1) Words, phrases and terms defined herein shall be given the defined meaning.
- 2) Words, phrases and terms neither defined herein nor defined in By-laws of the RM of Headingley shall be given their usual and customary meaning except where, in the opinion of the RM of Headingley Council the context indicates a different meaning.
- 3) The phrase “used for” includes “arranged for”; “maintained for”; “designed for”; or “occupied for”.
- 4) The provisions of this By-law shall be interpreted to be the minimum regulations except where the abbreviation for, or word, *maximum* is used, in which case the maximum regulation shall apply.
- 5) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunctions *and*, *or*, or *either-or*, the conjunctions shall be interpreted as follows:
 - a) *and* indicates that all the connected items, conditions, provisions or events shall apply;
 - b) *or* indicates that all the connected items, conditions, provisions or events may apply singly or in combination; and

- c) *either-or* indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- 6) The word *includes* shall not limit a term to the specified examples, but is intended to extend the meaning to all instances or circumstances of the like kind or character.
- 7) Drawings and illustrations form part of this By-law and are provided to assist in interpreting and understanding the By-law. Where any conflict or inconsistency arises between a drawing or illustration and the text of the By-law, the text governs.
- 8) Where any requirement of this By-law results in a fraction of a unit, a fraction of one-half or more is considered a whole unit and a fraction of less than one-half, is disregarded.

1.7 Regulation of Uses

- 1) With the exception of Section 5.2 of this By-law, no land, building or structure shall be constructed, enlarged, placed, used or occupied except for a use that:
 - a) is listed in the Zoning District clauses as:
 - i) a permitted use development;
 - ii) a conditional use development, subject to approval as such; or
 - b) is an accessory use, building or structure; or
 - c) has been granted a use variance as per Section 97(2) of *the Act*.
- 2) Where any land, building or structure is used for more than one purpose, all provisions of the By-law relating to each use shall apply. Where there is a conflict, the more restrictive regulations shall prevail, except as otherwise approved by the RM of Headingley Council.
- 3) There shall be a maximum of one dwelling unit per lot or parcel of land, except for the following:
 - a) dwelling units that are required for employees or family members, who in the opinion of Council, will be actively involved in an agricultural operation; and/or
 - b) Multiple Family Dwellings, Secondary Suites, Single Family Dwellings, Seniors Housing, and Temporary Additional Dwellings as provided for in this By-law.

1.8 Units of Measurement

- 1) This By-law contains metric and imperial measurements. Where there is a discrepancy between two measurements provided, metric shall prevail.

1.9 Control of Development

- 1) No development, other than that designated in Section 7.1, shall be undertaken in the Municipality unless an application has been approved and the development permit has been issued.

1.10 Validity

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

1.11 Relationship to Former By-laws

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

2.0 Non-Conforming Buildings, Structures, Lots and Uses

- 1) When on or before the day on which this By-law or any By-law for the amendment of it comes into force, a development permit has been issued, and the enactment of the By-law would render the development in respect of which the permit was issued a non-conforming building, structure, lot, or use, the development permit continues in effect despite the enactment of the By-law.
- 2) Any lawful building or structure which does not conform to one or more of the applicable yard regulations of the Zoning District in which it is located, either on the effective date of this By-law or amendments thereto, shall be deemed to be a permitted building or structure and shall be used as if it conformed to all such regulations, in accordance with Section 2.0 (5) hereof.
- 3) Any legal existing lot which does not conform to the minimum site area, site width, front yard or access regulations hereof for the Zoning District wherein it is located, shall be deemed to be a permitted lot and shall be used as if it conformed to all such regulations, in accordance with Section 2.0 (5) hereof.

PART I
ADMINISTRATIVE CONTENT

- 4) Any lawful use of a building, structure or lot, or portion thereof, which does not conform to one or more of the applicable use regulations of the Zoning District in which it is located, either on the effective date of this By-law or amendments thereto, shall be deemed to be a permitted use and shall be used as if it conformed to all such regulations, in accordance with Section 2.0 (5) hereof.
- 5) A non-conforming use of land or a non-conforming use of a building may be continued, but if that use is discontinued for a period of twelve consecutive months or more, any future use of the land or building shall conform to the provisions of this By-law.
- 6) A non-conforming use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot and no additional buildings shall be erected upon the lot while the non-conforming use continues.
- 7) A non-conforming use of part of a building shall not be extended throughout the building and the building, whether or not it is a non-conforming building shall not be enlarged or added to and no structural alterations shall be made thereto or therein.
- 8) A non-conforming building may continue to be used, but the building shall not be enlarged, added to, rebuilt or structurally altered except:
 - a) as may be necessary to make it a conforming building; or
 - b) as the Designated Officer considers necessary for the routine maintenance of the building; or
 - c) as may be necessary to allow the building to conform to building standards.
- 9) Where a building or structure that does not conform to the provisions of this By-law or amendments thereto is destroyed or damaged to an extent that is 50.00 percent or more of the assessed value of the building or structure above its foundation, the building or structure shall not be repaired or rebuilt except in conformity with the provisions of this By-law.
- 10) The use of land or the use of a building is not affected by change of ownership, tenancy or occupancy of the land or building.
- 11) Despite Section 2.0 (1) to Section 2.0 (10), as per the *Act* a non-conformity may be altered by way of variation order by Council.
- 12) Any owner may apply to the Designated Officer for a Non-Conforming Certificate in accordance with the provisions of *the Act*.

3.0 Zoning Maps

3.1 Authority of Zoning Maps

- 1) The Zoning District Maps are Part VI of this By-law, which divides the Municipality into Zoning Districts and specifies regulations applying to particular lands.

3.2 Zoning District Boundaries

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

- 1) Where a Zoning District boundary is shown as approximately following the centre of streets, lanes or other public thoroughfares, it shall be deemed to follow the centre line thereof.
- 2) Where a Zoning District boundary is shown as approximately following the boundary of a site, the site boundary shall be deemed to be the boundary of the Zoning District for that portion of the Zoning District boundary which approximates the site boundary.
- 3) Where a Zoning District boundary is shown approximately following Municipal limits, it shall be deemed to be following Municipal limits.
- 4) Where a Zoning District boundary is shown as approximately following the centre of pipelines, railway lines, or utility easements, it shall be deemed to follow the centre line of the right-of-way thereof.
- 5) Where a Zoning District is shown as approximately following a topographic contour line or a top-of-bank line, it shall be deemed to follow the said line. In the event of a change in the said line, it shall be deemed as moving with that line.
- 6) Where a Zoning District boundary is shown as being parallel to or as an extension of features noted above, it shall be so construed.
- 7) Where features on the ground are at variance with those shown on the Zoning District Map or in other circumstances not mentioned above, the Designated Officer shall interpret the Zoning District boundaries. Any such decision may be appealed to Respective member municipality Council.
- 8) Where a Zoning District boundary is not located in conformity to the provisions of Section 3.2(1) to Section 3.2(7) of this By-law, and in effect

divides or splits a registered parcel of land into more than one Zoning District:

- a) the disposition of the said boundaries shall be determined by dimensions indicated on the Zoning District Maps or by measurements directly scaled from the Zoning District Maps; and
- b) each such portion of the said parcel of land shall be used in accordance with the applicable Zoning District regulations of this By-law as if it were a separate site.

3.3 Right-of Way Boundaries

- 1) Despite anything contained in this By-law, no Zoning District shall be deemed to apply to any public roadway and any public roadway may be designed, constructed, widened, altered, redesigned and maintained in such manner as may be determined by RM of Headingley Council.
- 2) Where any public roadway is closed pursuant to the provisions of *The Municipal Act*, as amended, the land contained therein shall there upon be deemed to carry the same Zoning District as the abutting land.
- 3) Despite Section 3.3 (2), where such abutting lands are governed by different Zoning Districts, the centre line of the public right-of-way shall be deemed to be the Zoning District boundary.

4.0 Approval Required for Development

- 1) No person shall:
 - a) commence, or cause or allow to be commenced, a development without a development permit which has been issued under the provisions of this By-law; or
 - b) carry on, or cause or allow to be carried on a development without a development permit which has been issued under the provisions of this By-law.

5.0 Other Legislation

5.1 *Compliance*

- 1) A person applying for, or in possession of, a valid development permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with:
 - a) the regulations of the National Building Code as well as applicable Municipal building regulations and Provincial building code regulations;
 - b) the RM of Headingley Development Plan;
 - c) any other appropriate Federal, Provincial or Municipal legislation; and
 - d) the conditions of any caveat, covenant, site plan, development agreement, variation order or conditional use order, easement or other instrument affecting a building or land.
- 2) Whenever provisions contained in any appropriate Federal, Provincial or Municipal legislation impose overlapping regulations, laws or policies over the use of land, buildings or structures, or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest standard shall apply.
- 3) Whenever the provisions of a special agreement or development agreement entered into between the RM of Headingley Council and a developer impose overlapping regulations over the use of land, buildings or structures, or contain any restrictions covering any of the same subject matter contained in this By-law, the most restrictive or highest standard shall govern.
- 4) The Province of Manitoba and the Government of Canada are not bound or restricted by any regulation of this By-law. The said governments are encouraged, however, to permit only those developments that are consistent with the regulations of this By-law.

5.2 *Public Utilities and Services*

- 1) Nothing in this By-law shall be so interpreted as to interfere with the construction, maintenance and operation of the facilities of any Public Utility Service or Protective and Emergency Service, as defined in this By-law.

6.0 Responsibilities and Duties

6.1 Responsibility of the Municipal Council

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

- 1) The adoption or rejection of proposed subdivisions and road closures.
- 2) Holding public hearings dealing with subdivisions and road closures.
- 3) The enactment of this By-law.
- 4) The adoption or rejection of proposed amendments or the repeal of this By-law.
- 5) Approving or rejecting variation order applications.
- 6) Approving or rejecting conditional use order applications and considering revoking the authorized conditional use order for any violation of any conditions imposed by it.
- 7) Administering and enforcing those provisions of the *Act*, where applicable.
- 8) Establishing a schedule of fees and charges for development and building permits. Until all applicable fees and charges have been paid in full, no action needs to be taken on any application.

6.2 Duties of the Owner

- 1) Neither the granting of a development permit nor the approval of the drawings and specifications or the inspections made by the Designated Officer shall in any way relieve the owner of the responsibility of complying with the regulations of this By-law or of any relevant by-laws of the RM of Headingley.
- 2) Every owner shall:
 - a) permit the Designated Officer to enter any building or premises for the purpose of administering or enforcing this By-law at all reasonable times and with the consent of the owner in accordance with Section 6.3.3 of this By-law;
 - b) after the development application has been approved and the permit issued, notify the Designated Officer and obtain his/her approval before doing any work at variance with the approved documents filed;

- c) be responsible for obtaining, where applicable, from the appropriate authorities, permits or licenses relating to the buildings, grades, plumbing, blasting, street, occupancy, on-site waste management, electrical, highways, and all other permits required in connection with the proposed work; and
- d) comply with all applicable Provincial and Federal government legislation including any permits, certificates and/or licences.

6.3 Authority and Responsibility of the Designated Officer

6.3.1 Establishment and Appointment

- 1) The Designated Officer shall be any person appointed by the RM of Headingley Council to occupy the position of Designated Officer.

6.3.2 Designated Officer Duties and Responsibilities

The Designated Officer:

- 1) Shall review each development permit application to ascertain whether it conforms to the adopted *RM of Headingley Development Plan* and amendments thereto, all applicable regulations and information regulations of this By-law and amendments thereto, and other Municipal By-laws, the conditions of any caveat, covenant, site plan, development agreement, variance or conditional use order, easement or any other instrument affecting a building or land.
- 2) May refer a development permit application to any municipal, provincial or federal department or any other agency or body, deemed appropriate to obtain comments on the application.
- 3) Shall approve, without any conditions, or with such conditions as are required to ensure compliance, an application for development of a Permitted Use provided the development complies with the regulations of this By-law, or shall refuse an application for development of a Permitted Use if the development does not comply with the regulations of this By-law unless he/she uses his/her discretion pursuant to Section 6.3.4 of this By-law.
- 4) May give notice of his/her decision on applications for development as follows:
 - a) where an application has been approved, notice to the applicant shall be given in writing by ordinary mail; or

- b) where an application has been refused, notice in writing shall be given to the applicant, by ordinary mail, and such notice shall state the reason for refusal.
- 5) Shall receive, review and process development applications.
- 6) Shall perform other such duties as described or implied elsewhere in this By-law or required by the RM of Headingley Council, subject to approval by the RM of Headingley Council.
- 7) An applicant or owner who is unsatisfied with a decision or order of the Designated Officer may request the RM of Headingley Council to review the decision or order by written notice within 14 days after the person receives the decision or order.
- 8) After giving the person a reasonable opportunity to be heard, the RM of Headingley Council may confirm, vary, substitute or cancel the order or decision.

6.3.3 Entry for Inspection and Other Purposes

- 1) The Designated Officer may, after giving reasonable notice to the owner or occupier of the land or a building or other structure to be entered:
 - a) enter the land, building or structure at any reasonable time for the purpose of administering or enforcing this By-law in accordance with the *Act*;
 - b) request that anything be produced to assist in inspection, remedy, or enforcement; and
 - c) make copies of anything related to the inspection, remedy, or enforcement.
- 2) The Designated Officer must display or produce on request identification showing his/her official capacity.
- 3) In an emergency or in extraordinary circumstances, the Designated Officer need not give reasonable notice or enter at a reasonable time and may undertake inspection, remedy or enforcement activities referred to in Section 6.3.3 (1) of this By-law without the consent of the owner or occupant.

6.3.4 Variance to Regulations

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

6.3.5 Public Inspection of Applications

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

6.3.6 Maintenance and Inspection of By-law

The Designated Officer shall:

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

7.0 Development Classes

The following classes of development are hereby established.

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

7.1 Class A Development (No Development Permit Required)

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

PART I
ADMINISTRATIVE CONTENT

- 1) Regular maintenance and repair of any development provided it does not include structural alterations.
- 2) Private driveways and patios which are accessory to a development.
- 3) A fence, wall, or gate not exceeding 2.00 m. (6.56 ft.) in height.
- 4) An accessory building that:
 - a) is less than 10.22 sq. m. (110.00 sq. ft.) in area;
 - b) does not exceed 4.57 m. (15.00 ft.) or one storey in height; and
 - c) is not considered a hazard by the Designated 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 0.61 m. (2.00 ft.) 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 Designated Officer.
- 8) The following types of signs are exempt but this shall not relieve the owner or person in control of such signs from erecting and maintaining the signs in a safe and good condition:
 - a) signs of less than 0.60sm (6.46sq. ft.) in area, advertising the sale, lease, or rent of property, premises, or buildings on that site;
 - b) memorial signs or tablets of bronze, brass, stone or other non-combustible materials when built into or attached to the walls of a building or other structure provided such tablets bear only the name of the owner, the name and use of the building, the date of erection of the building or reading matter commemorating a person or event;
 - c) signs of a duly constituted governmental body, including traffic or regulating devices, legal notices, railway crossing, danger or other emergency signs;
 - d) one real estate sign;
 - e) election campaign signs during Federal, Provincial, Municipal and School Board election periods and up to seven (7) days after the election; and

- f) non-illuminated directional signs, each sign not to exceed 0.50sm (5.38sq. ft.) in sign area.
- 9) The use of vacant farmland, farm buildings and structures for permitted agricultural activities, excluding livestock operations.
- 10) When a change in land use is from one agricultural activity to another, excluding livestock operations.

7.2 Class B Developments (Permitted Use)

The following information shall be submitted with an application for Class B (Permitted Use) developments, and the appropriate application form fully and accurately completed with information included as follows:

- 1) The municipal address of land and buildings presently occupying the site, if any.
- 2) A status of Title that has been issued within thirty (30) days of the application.
- 3) A legal description of the land on which the proposed development is to occur, by lot, block, subdivision and registered plan numbers.
- 4) The applicant's name, address and interest in the land and if the applicant is not the landowner, a letter from the landowner authorizing the applicant to apply for a development permit.
- 5) A sketch plan of the site, showing the location of the proposed development relative to the boundaries of the site.
- 6) Description of the work to be performed with respect to:
 - a) change in current occupancy of land use; or
 - b) description of proposed development or building operations.
- 7) Identification of the scale of the development with respect to:
 - a) gross floor area of the development in square metres;
 - b) area of the site covered in square metres;
 - c) height of the structure in metres; and
 - d) number of floors or storeys.
- 8) The estimated value, in dollars, of the proposed work.
- 9) A site plan, at a minimum scale of 1:500, showing the following:

- a) a directional true north arrow with the north point located in such a manner that the true north is in the upper position of the drawings;
 - b) setbacks, separation distances and yard dimensions;
 - c) the location of all buildings or structures in relation to property lines; and
 - d) dimensioned layout of existing and proposed parking areas, driveways, entrances and exits, abutting public roadways, median breaks and auxiliary lanes.
- 10) Identification of the scale of the development with respect to the number of dwellings, or establishments for commercial, industrial or other purposes.
- 11) If required by the Designated Officer, a site plan at a minimum scale of 1:500, showing:
- a) the location of sidewalks and walkways; where applicable, parking, loading, storage, outdoor service and display areas; and
 - b) the location of fences, screening, retaining walls, trees, landscaping, and other physical features both existing and proposed in the site and adjoining boulevard, if any.
- 12) Floor plans at minimum scale of 1:100, indicating all uses or occupancies, storage and garbage holding areas.
- 13) Elevations and drawings, indicating sections and the bulk of buildings, at a minimum scale of 1:100.
- 14) Number of parking and loading spaces required and provided.
- 15) A building location certificate, if required by the Designated Officer.
- 16) A site plan and description of the proposed water supply and wastewater management systems.

7.3 Class C Developments (Conditional Use)

In addition to two copies of the information required for Class B (Permitted Use) developments, the applicant shall submit two copies of the following for Class C (Conditional Use) developments:

- 1) A plan showing the location of adjacent buildings and structures indicating the approximate height and number of storeys.
- 2) Excluding the Agricultural and Natural Resource Development Use Classes, a description of the exterior finishing materials to be used.

- 3) A written statement and other supportive material explaining the proposed development.

7.4 Sign Permits

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

- 1) The municipal address and legal description of the land or building where the sign is to be erected.
- 2) The applicant's name, address, telephone number and interest in the land.
- 3) The name of the business or development where the sign is to be erected.
- 4) Whether the development where this sign is to be erected is single business occupancy or multiple business occupancy development.
- 5) A letter from the owner of the property on which the sign is to be erected, or his/her agent, authorizing the applicant's sign development.
- 6) Two sets of working drawings for the proposed sign showing:
 - a) the overall dimensions of the sign, including all sign boxes and cabinets;
 - b) a description or illustration of the copy to be displayed on the sign;
 - c) the method of illumination, if any;
 - d) the materials from which the sign is to be constructed; and
 - e) method used to support the sign and the type of wall construction if the sign is anchored to a building.
- 7) Two sets of a sketch plan showing:
 - a) the location of the sign on the building;
 - b) the clearance from grade from the lowest portion of the sign;
 - c) maximum extension of the sign above the building roof or parapet wall;
 - d) the distance of the maximum projection of the sign beyond the building wall; and
 - e) any sidewalks, pedestrian passageways, or public roadways that the proposed sign will extend over.

8.0 Development Permit Applications

8.1 General Application Submission Conditions

- 1) An application for a development permit shall not be considered to have been received until the applicant has submitted all information required pursuant to this Section of the By-law, and any information specifically required pursuant to the regulations of the applicable Zoning District or any other Section of this By-law and until the applicant has paid the appropriate fee.
- 2) Despite Section 8.1(1) of this By-law, the Designated Officer may consider an application if the development is of such a nature as to enable a decision to be made on the application without all of the information required in this Section of the By-law.
- 3) The Designated Officer may require an applicant to submit such additional information as he/she considers necessary to verify the compliance of the proposed use or development with the regulations of this By-law.
- 4) Despite Section 7.1(4) of this By-law, a development permit for an accessory building cannot be issued unless a development permit for the main building has also been issued.
- 5) The approval of any application, drawings, or the issuing of a development permit shall not prevent the Designated Officer from thereafter requiring the correction of errors, nor from prohibiting the development being carried out when the same is in violation of this By-law.
- 6) Where an application for a development permit is determined to contain incorrect information, no development permit shall be issued until the applicant corrects such information.
- 7) Any development permit issued on the basis of incorrect information contained in the application shall be invalid.
- 8) Unless otherwise specified in this By-law, all drawings submitted shall be drawn on substantial standard drafting material to a scale of not less than 1:100 or such other scale as the Designated Officer may approve, and shall be fully dimensioned, accurately figured, explicit and complete.

8.2 Special Information Requirements for Application Submissions

- 1) When an application for a development permit is submitted to the Designated Officer for the development of a site abutting a water course

and Municipal drain, the Designated Officer may require, in consultation with a Certified Professional Engineer of Manitoba, information regarding the existing and proposed grades at 0.50 m. (1.64 ft.) contour intervals. The final grades shall be to the satisfaction of the Designated Officer and in accordance with any applicable Municipal Lot Grade By-laws.

- 2) Despite anything contained herein, the Designated Officer may require a detailed engineering study of the soil conditions prepared by a Certified Professional Engineer of Manitoba prior to the issuance of a development permit or the construction of any development abutting a water course and Municipal drain. The engineering study shall contain evidence of:
 - a) test borings;
 - b) ground water piezometer test;
 - c) slope indicators where necessary;
 - d) identification of any sub-surface mining operations;
 - e) river erosion analysis; and
 - f) surface erosion analysis.

The detailed engineering study shall conclude with the registered Professional Engineer certifying that the foundations proposed for the development are designed with full knowledge of the soil conditions and the proposed siting of the development upon this site.

- 3) The Designated Officer may require the submission of a detailed engineering study as outlined in Section 8.2 (2) of this By-law prior to the issuance of a development permit at any location within the Municipality which in the opinion of the Designated Officer or Certified Professional Engineer of Manitoba has unstable soil conditions.
- 4) The Designated Officer, having required a detailed engineering study of the soil conditions may, acting on the advice of the Certified Professional Engineer of Manitoba, apply conditions to the approval of the development permit to prevent erosion, stabilize soil conditions and ensure proper land drainage.

8.3 Conditions Attached to a Development Permit

- 1) The Designated Officer may impose, with respect to a permitted use, such conditions as are required to ensure compliance with this By-law.
- 2) The RM of Headingley Council may, with respect to a conditional use, impose such conditions as deemed appropriate, having regard to the regulations of this By-law, other municipal, provincial and federal government regulations, and matters raised at the conditional use hearing.

- 3) The RM of Headingley Council or Designated Officer 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.
- 4) The RM of Headingley Council or Designated Officer may, as a condition of issuing a development permit require that an applicant enter into an agreement or an interim agreement, which shall be attached to and form part of such development permit, to do all or any of the following:
 - a) to construct, or pay for the construction of, or improvement to, a public roadway required to give access to the development;
 - b) to specify the location and number of vehicular and pedestrian access points to sites from public roadways, including the construction, or payment for the construction thereof or improvements thereto;
 - c) 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;
 - d) 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
 - e) to construct, or pay for the construction of, or improvement to, land drainage works that are necessary to serve the development.
- 5) The RM of Headingley Council or Designated Officer may require any agreement entered into pursuant to Section 8.3 (4) of this By-law to be caveated against the title to the site at the Land Titles Office.

9.0 Enforcement and Penalties

9.1 Offences

- 1) Any owner, lessee, tenant or occupant of land, or a building or a structure thereon, who, with respect to such land, building or structure:
 - a) contravenes; or

- b) causes, suffers or permits a contravention of, any provision of the *Act*, a development permit, a development agreement or this By-law;

commits an offence.

- 2) Any contractor, worker, or other person who constructs a building or structure, or makes an addition or alteration thereto:
 - a) for which a development permit is required but has not been issued or is not subsisting under this By-law; or
 - b) in contravention of a condition of a development permit issued under this By-law;

commits an offence.

9.2 Penalties

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

9.3 Suspension or Revocation of the Development Permit

- 1) The Designated Officer may suspend or revoke a development permit where:
 - a) the applicant fails to comply with the conditions of issuance of a permit; or
 - b) any person undertakes or causes or permits any development on a site contrary to the terms or conditions of a permit.
- 2) Any person who undertakes, or causes or permits, any development on a site without a permit, or after a permit has been suspended or revoked, shall discontinue such development forthwith upon notice in writing issued by the Designated Officer so requiring, and shall not resume such development unless a permit has been issued or the permit reinstated.

10.0 Rezoning Amendments

10.1 Text and Mapping Amendments

- 1) Any person applying to amend any Part of this By-law shall apply in writing to the Designated Officer, furnishing reasons in support of the application

and requesting that the Designated Officer submit the application to the RM of Headingley.

- 2) If a person applies to the RM of Headingley in any manner for an amendment to any Part of this Zoning By-law, the RM of Headingley Council shall require him/her to submit his/her application to the Designated Officer in accordance with the provisions of this Section of the By-law before it considers the amendment proposed by such person.
- 3) Any person applying to amend Part III of this By-law to change the Zoning District governing any land shall apply in writing to the Designated Officer and submit the following to the Designated Officer:
 - a) a status of Title which has been issued no later than 30 days prior to the receipt of the amendment application by the Designated Officer;
 - b) a signed letter indicating the following: the applicant's name, signature, and address; the reasons for applying; rationale in support of the application; and; a statement stating that he/she is willing to pay for all costs incurred by the Municipality in processing the proposed amendment, whether it be enacted or not, including, but not limited to, all mapping, printing, reproduction, planning, engineering, legal, surveys and advertising costs; and if the applicant is not the landowner, a letter from the landowner authorizing the applicant to apply for a zoning by-law amendment; and
 - c) the appropriate application fee.

10.2 *Review and Processing of Amendments*

- 1) Upon receipt of an application for a rezoning amendment, the Designated Officer shall forward the application to the RM of Headingley for review.
- 2) If the RM of Headingley deems it appropriate to give the application first reading, the Designated Officer shall then examine the proposed amendment or undertake an investigation and analysis of the potential impacts of development under the proposed Zoning District. The analysis shall be based upon the full development potential of the uses and development regulations specified in the proposed Zoning District and not on the merits of any particular development proposal. The analysis shall, among other things, consider the following impact criteria:
 - a) relationship to and compliance with the *RM of Headingley Development Plan* and Municipal Council policies;

- b) compatibility with surrounding development in terms of land use function and scale of development;
 - c) traffic impacts;
 - d) relationship to, or impacts on utility services and public facilities such as recreational facilities and schools;
 - e) relationship to Municipal land, right-of-way or easement regulations;
 - f) effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area;
 - g) necessity and appropriateness of the proposed Zoning District in view of the stated intentions of the applicant;
 - h) relationship to the documented concerns and opinions of area residents regarding the application;
 - i) groundwater and soil conditions; and
 - j) topographical, physical and natural features.
- 3) The Designated Officer may prepare a written report on the proposed amendment and advise the applicant of the hearing date.
- 4) The Designated Officer, in his/her discretion, may present for the consideration of the RM of Headingley Council any proposed amendment to this By-law, and the proposed amendment shall be accompanied by the report and recommendation of the Designated Officer.
- 5) The RM of Headingley in its discretion, may initiate any amendment to this By-law, and prior to the approval of any amendment, the RM of Headingley Council may refer the proposal to the Designated Officer for his/her report and recommendation.
- 6) Every rezoning application shall be accompanied by the required fee as set out by the RM of Headingley.
- 7) When a Development Agreement is to be entered into between the RM of Headingley and the applicant, the applicant shall pay to the RM of Headingley, in addition to any other fee required pursuant to this or any other By-law, a Development Agreement fee.

10.3 Notification of Amendments

- 1) Prior to consideration by the RM of Headingley of a proposed rezoning amendment, the Designated Officer shall place a public notice in compliance with the Act.

11.0 Conditional Uses

- 1) Where a use is classified as a conditional use and exists as an allowable use at the date of the adoption of this By-law or amendments thereto, it shall be considered as a legally existing conditional use.
- 2) Any change in a conditional use shall be subject to the provisions of this Section and the appropriate provisions of the *Act*.
- 3) An owner or his/her agent may file an application to use land for a use listed as a conditional use in this By-law.
- 4) An application for approval of a conditional use shall be filed with the Designated Officer and shall be in such form and accompanied by such information and fees as determined by the RM of Headingley.
- 5) The RM of Headingley may request the Designated Officer to prepare a written report that identifies potential impacts. The analysis shall, among other things, consider the following impact criteria:
 - a) relationship to and compliance with the RM of Headingley Development Plan and Council policy;
 - b) compatibility with surrounding development in terms of land use function and scale of development;
 - c) traffic impacts;
 - d) relationship to, or impacts on utility services and public facilities such as recreational facilities and schools;
 - e) relationship to Municipal land, right-of-way or easement regulations;
 - f) effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area;
 - g) relationship to the documented concerns and opinions of area residents regarding the application;
 - h) groundwater and soil conditions; and
 - i) topographical, physical and natural features.
- 6) Prior to consideration by the RM of Headingley of a conditional use application, the Designated Officer shall place a public notice in compliance with the *Act*.
- 7) An application for a conditional use shall be processed and approved or rejected in accordance with the *Act*. If warranted, the RM of Headingley may consider imposing conditions to ensure that the proposed development will not significantly impact the Municipality. This could include:

- a) additional buffering measures such as increased yard setbacks, berms and fencing;
 - b) performance standards dealing with such potential impacts as noise, odour and vibration;
 - c) limiting the hours of operation;
 - d) imposing design and siting regulations including landscaping, outdoor lighting, refuse and storage areas, and building design and architectural appearance;
 - e) the owner/applicant upgrading certain municipal services such as roads and ditches;
 - f) a letter of credit related to municipal improvements such as road or drainage works;
 - g) liability insurance protecting the municipality from any future legal claims, including environmental contamination to water sources; or
 - h) the owner/applicant entering into a development agreement with the Municipality.
- 8) The approval of the RM of Headingley shall expire and cease to have any effect if it is not acted upon within twelve months of the date of the decision, unless it is renewed at the discretion of RM of Headingley for one additional period not exceeding twelve months.
- 9) A conditional use approval expires if the use begins operations within three (3) years of the date of approval but later ceases operations for three (3) consecutive years unless otherwise specified in the terms of approval due to special conditions.
- 10) Unless otherwise provided in a Conditional Use Order, all approved conditional uses:
- a) shall be operated in accordance with all plans and documents submitted as part of the application; and
 - b) shall comply with all other applicable provisions of this By-law.

12.0 Variation Orders

- 1) Any person who is of the opinion that this By-law injuriously or adversely affects him/her or his/her property rights, may at any time apply for a variation order, in accordance with the provisions of the *Act*.
- 2) An application for a variation order shall be filed with the Designated Officer, and shall be in such form and accompanied by such information and fees as determined by the Designated Officer or the RM of Headingley.

- 3) Prior to consideration by the RM of Headingley of a proposed variation order, the Designated Officer shall place a public notice in compliance with the *Act*. The RM of Headingley may request the Designated Officer to prepare a written report that assesses the merits and implications of the proposed application.
- 4) An application for a variation order shall be processed and approved or rejected in accordance with the provisions of the *Act*. As a condition of approval, The RM of Headingley may require that the owner/applicant enter into a development agreement with the RM of Headingley.
- 5) The approval of the RM of Headingley shall expire and cease to have any effect if it is not acted upon within twelve months of the date of the decision, unless it is renewed at the discretion of the RM of Headingley for one additional period not exceeding twelve months.

13.0 Subdivisions

- 1) Subject to Section 13.0 (2) and 13.0 (3) of this By-law, no parcel of land shall hereafter be divided into sites, unless each site conforms to the regulations of the Zoning District in which the site is located.
- 2) The RM of Headingley may, as provided in the *Act*, vary the regulations as they apply to an individual site, subject to complying with the objectives and policies of the *RM of Headingley Development Plan*.
- 3) An existing undersized lot may be increased in area or frontage, or both, and still remain an existing undersized lot if after the increase the lot still remains undersized.
- 4) In addition to the requirements contained herein, all subdivisions shall conform to the provisions of the *RM of Headingley Development Plan*, and the provisions of the *Act*, where applicable.

PART II – DEFINITIONS

14.0 Definitions

Terms and words in this By-law as defined in the Act have the meaning expressed therein. Other terms and words, unless the context otherwise requires, are defined below.

14.1 General Definitions

- 1) **Abut or abutting** means immediately continuous to or physically touching, and when used with respect to a site, means that the site physically touches upon another site or piece of land, and shares a lot line or boundary line with it.
- 2) **Accessibility** means the ability of persons with disabilities to enter and use facilities without having to avoid significant obstacles that are not inherent in the design of the facility.
- 3) **Accessory** means, when used to describe a use, building or structure, said use, building or structure is naturally or normally incidental, subordinate, and exclusively devoted to the principal use or building, and located on the same lot or site.
- 4) **Act, the** means The Planning Act, being Chapter 30 of the Continuing Consolidation of the Statutes of Manitoba, and amendments thereto.
- 5) **Alteration** means a change or modification to an existing building, structure or use which, unless otherwise provided for herein, does not increase the exterior dimensions with respect to height and area.
- 6) **Animal Unit** (A.U.) means the number of animals of a particular category of livestock that will excrete 73.00 kg. (160.93 lb.) of nitrogen in a twelve month period.
- 7) **Applicant** means a registered owner or an owner's authorized agent, who has filed an application subject to the provisions of this By-law.
- 8) **Aquifer** means a water-bearing geological formation that is capable of producing water to wells or springs in quantities that are economically useful.
- 9) **Attached**, when used in reference to a building, means a building otherwise complete in itself, which is dependent for structural

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- support, or complete enclosure, upon a wall or walls shared in common with an adjacent building or buildings.
- 10) **Automated Teller Machine** means a device that dispenses cash and conducts limited banking transactions for customers using a credit card, bank card, or other similar personal banking card.
- 11) **Basement** means the portion of a building or structure which is wholly or partially below grade, having above grade no more than 1.83 m. (6.00 ft.) of its clean height which lies below the finished level of the floor directly above or being a minimum depth of 1.22 m. (4.00 ft.).
- 12) **Bedrooms** means a habitable room located within a dwelling unit that is used primarily for sleeping.
- 13) **Bedroom Suites** means a bedroom located within a dwelling unit that contains washroom facilities for the exclusive use of the occupants thereof.
- 14) **Blank Walls** means exterior walls containing no windows, doors or other similar openings.
- 15) **Buffer Strip** means a strip of landscaping or vegetation used to provide a screen between sites in order to mitigate objectionable features between them.
- 16) **Building** means any structure used or built for the shelter, accommodation or enclosure of persons, animals, material or equipment.
- 17) **Building Inspector** means the officer or employee of the Municipality charged with the duty of enforcing the Municipal Building By-law and any applicable Provincial and National Building Codes or regulations.
- 18) **Building Permit** means a permit issued by the Municipality authorizing the construction or alteration of all or part of any building or structure in accordance with the applicable codes and standards.
- 19) **Bulk Fuel Storage Tank** means a tank used for the bulk storage of petroleum products or other flammable liquids legally stored within a structure or establishment that is incidental to the primary use of the site.
- 20) **Carport** means a building, open on two sides, which is attached to the principle dwelling for the shelter of privately owned automobiles.

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- 21) **Calliper** means the trunk diameter of a tree measured at a point 300.00 mm. (12.00 in.) above the top of the root ball.
- 22) **Commercial Rental Unit** means a single commercial space available on the market as a self-sufficient, independent unit, equipped, zoned and intended to be used for commercial purposes.
- 23) **Common Element** means all property within a condominium except the condominium units.
- 24) **Composting** means a designed and managed system to facilitate the process of aerobic decomposition of organic matter by biological action.
- 25) **Conditional Use Order** means those uses of land, buildings or structures which may be permitted in a particular Zoning District but only at the discretion of The respective member municipal Council in accordance with the Act.
- 26) **Condominium** means individual ownership of a unit in a multiple unit structure where expenses common to all parties are shared.
- 27) **Condominium Bare Land Unit** means a unit of land defined by delineation of its horizontal boundaries without reference to any buildings on a condominium plan.
- 28) **Condominium Unit** means a part of the land or building that is designated as a unit by the condominium plan, and is comprised of the space enclosed by its boundaries and all material parts of the land within this space at the time the condominium declaration and plan are registered.
- 29) **Construction or Constructed** means the physical location, erection, increase or decrease in size of any building or structure or ground including any excavation, building, drilling, digging, alteration, addition, extension, location, relocation, demolition, replacement and/or development.
- 30) **Conversion** means a change in use of land or a building or an act done in relation to land or a building that results, or is likely to result, in a change in the use of such land or building without involving major structural alterations.
- 31) **Cultivated Land** means land that is prepared and used for the growing of crops.
- 32) **Curb Cutting** means the cutting or lowering of a curb, sidewalk or boulevard, or any of them, to provide a driveway for vehicular and pedestrian access to a site.

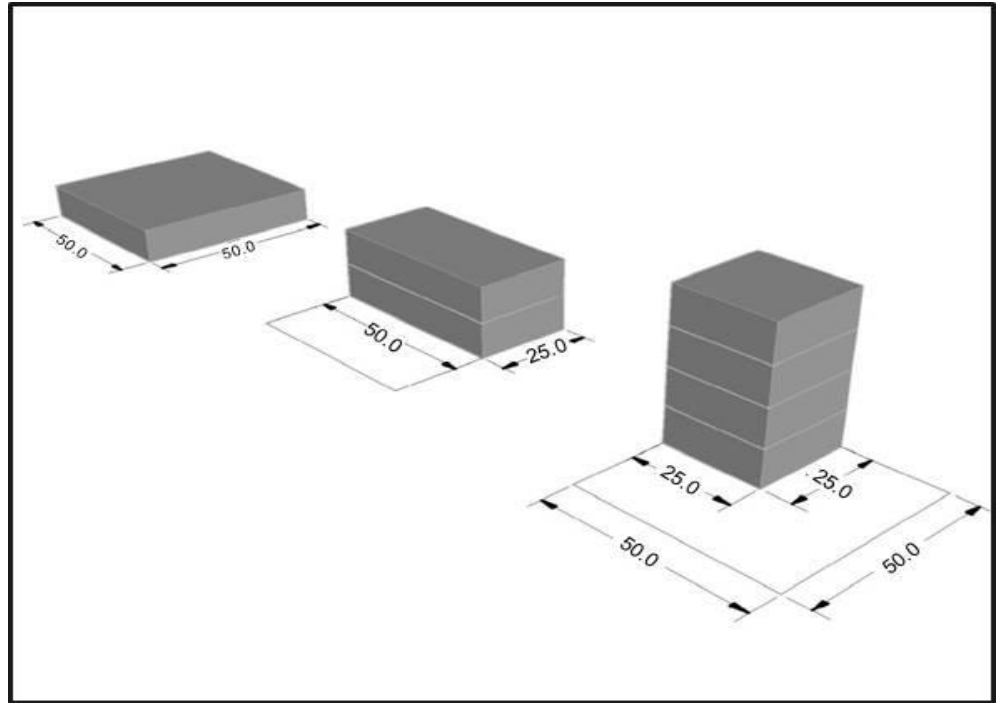
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- 33) **Density** means the total number of dwelling units divided by the total land area to be developed expressed in gross hectares/acres.
- 34) **Designated Officer** means the Designated Officer as appointed by the RM of Headingley Council in accordance with the Act.
- 35) **Development Officer** means the person appointed by Council for the RM of Headingley in accordance with *the Act*.
- 36) **Development Permit** means a permit issued by the RM of Headingley Council authorizing development, and may include a building permit.
- 37) **Development Plan** means the RM of Headingley Development Plan adopted by By-law and as amended.
- 38) **Dugout** means an earthen excavation designed to collect and store runoff.
- 39) **Dwelling Unit** means one or more self-contained rooms provided with sleeping and cooking facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for a household.
- 40) **Dwelling Unit Area** means the total floor area of the dwelling unit contained within the outside surface of the exterior walls. This calculation shall exclude basement or other areas that are below-grade.
- 41) **Elevation, Lot Grade** means either the elevation of the finished ground surface at any specific reference point, at any point on the slope between two specific reference points on a lot, or a combination thereof.
- 42) **Enlargement** means the addition to the floor area of an existing building or structure, or an increase in that portion of land occupied by an existing use.
- 43) **Extension** means an increase in the amount of floor area used for an existing use, within an existing building.
- 44) **Environmental Impact Statement** means a study prepared in accordance with established procedures to identify and assess the impacts of development on a specified feature or system.
- 45) **Farm Building/Structure** means a building or structure which does not contain a residential occupancy and which is (a) associated with and located on land devoted to the practice of farming and (b) used essentially for the housing of equipment or livestock, or the

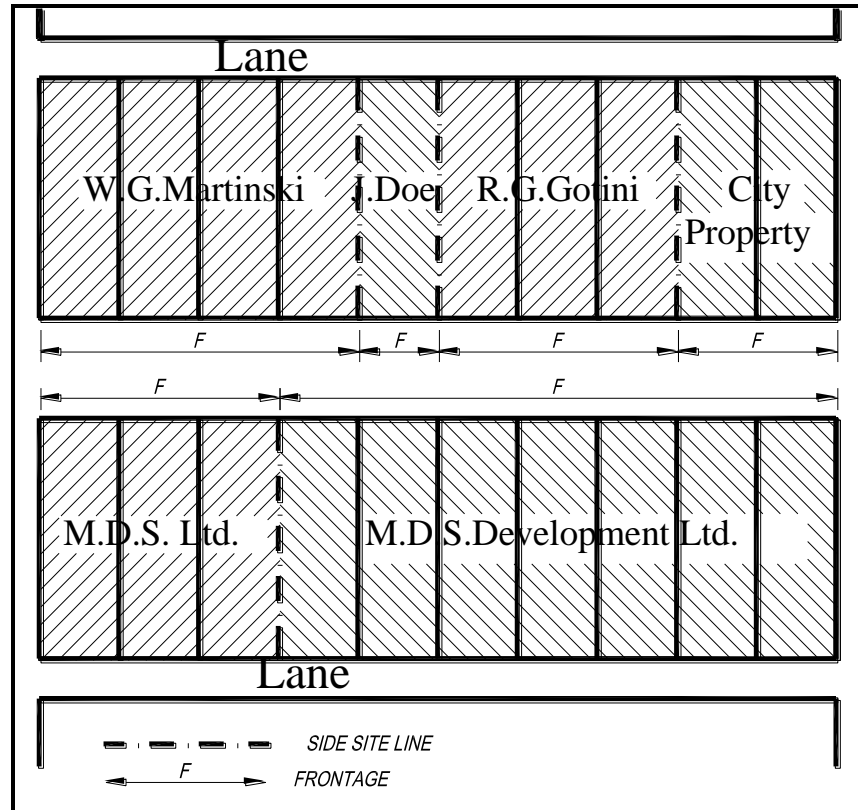
production, storage or processing of agricultural and horticultural produce or feeds, such as barns, produce storage buildings, milking centres, piggeries, poultry houses, grain bins, silos, machinery sheds, farm workshops, feed preparation centres, manure storages, greenhouses and garages not attached to a farm residence and (c) has a Low Human Occupancy (as applying to farm buildings) means an occupancy having an occupant load of not more than 1 person per 40 square meters during normal use)

- 46) **Family** means one or more persons related by blood or marriage or common law marriage, or group of not more than four persons who may not be related by blood or marriage occupying a dwelling unit and living together as a single housekeeping unit.
- 47) **Flood** means a temporary rise in stream flows or water levels due to any source or cause that results in inundation of the areas adjacent to the watercourse or water body.
- 48) **Floodplain** means the area adjoining a river or stream which has been or may be covered by flood water.
- 49) **Flood Proofed** means the measures taken to ensure that a structure or building is safe from the effects of flooding and includes: no openings of any kind such as windows, doors and vents, or electrical meeting equipment etc. shall be permitted below the flood datums.
- 50) **Flood Risk Area** means that land adjacent to a watercourse that is divided into two parts: the floodway and the floodway fringe. The floodway includes the area where the majority of floodwaters pass. The floodway fringe includes the area outside the floodway that may be subjected to periodic flooding or inundation of floodwaters.
- 51) **Floor Area Ratio** means the numerical value of the gross floor area of the building or structure located upon the building site, excluding:
- a) basement areas used exclusively for storage or service to the building;
 - b) parking areas below grade, and
 - c) floor areas devoted exclusively to mechanical or electrical equipment servicing the development, divided by the area of the site.

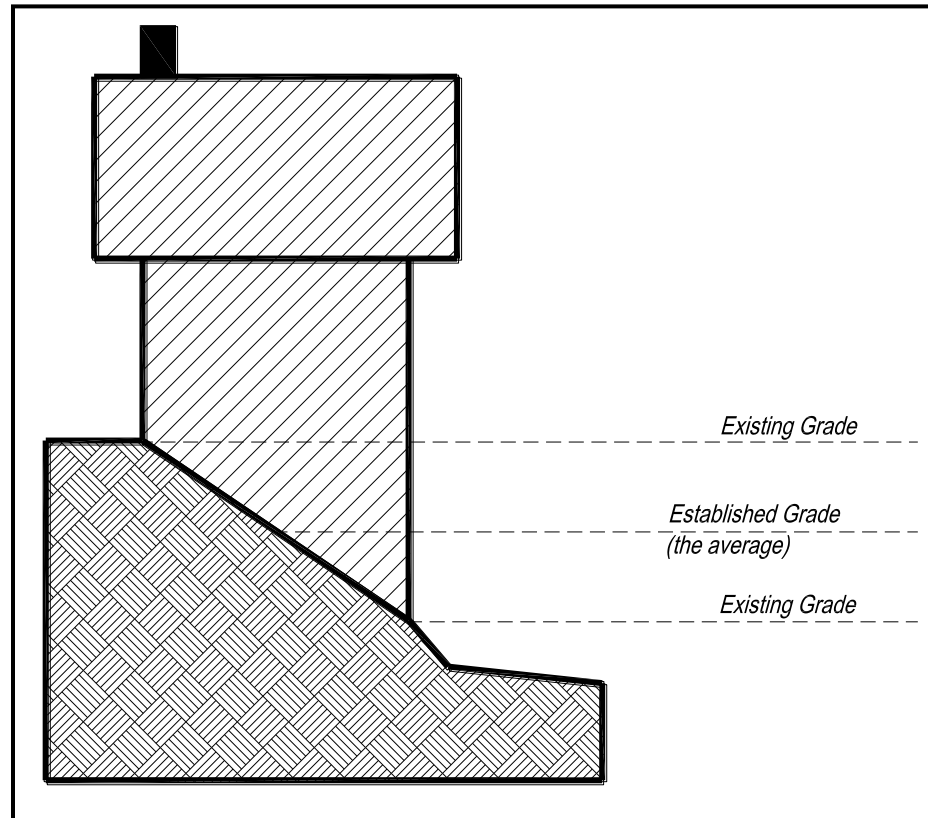
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- 52) **Frontage** means all that portion of a site fronting on a street and measured between side lot lines.



- 53) **Fuel Tank Storage** means a tank for the bulk storage of petroleum products or other inflammable liquids which are being legally kept in a retail store or storage tank which is incidental to the primary use of the premises.
- 54) **Garage** means an accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.
- 55) **Grade, Building Lot** means the lot grade elevation of the finished ground surface immediately adjacent to the foundation of a building.



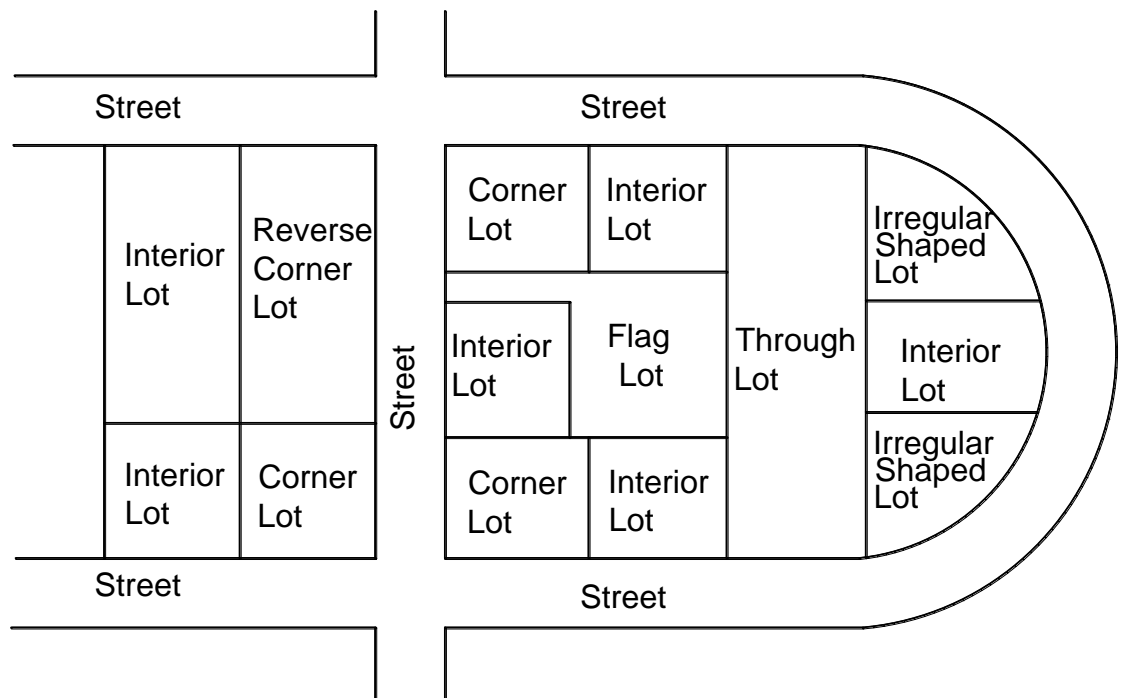
- 56) **Groundwater** means water below the surface of the ground.
- 57) **Habitable Room** means any room in a dwelling other than a non-habitable room.
- 58) **Height** means the vertical distance between the average grade and highest point of a building that is not: a roof stairway entrance, ventilating fan, skylight, steeple, chimney, smoke stack, fire wall, parapet wall, flagpole, or other similar device that is not structurally essential to the building.
- 59) **Household** means one person or two or more persons voluntarily associated, plus any dependents, living together as an independent, self-governing single housekeeping unit.
- 60) **Institution** means a building or part of a building used for a non-commercial purpose by an organized body or society for promoting a particular object or cause, but does not include Private Clubs.
- 61) **Landscaping** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a site or to provide a screen

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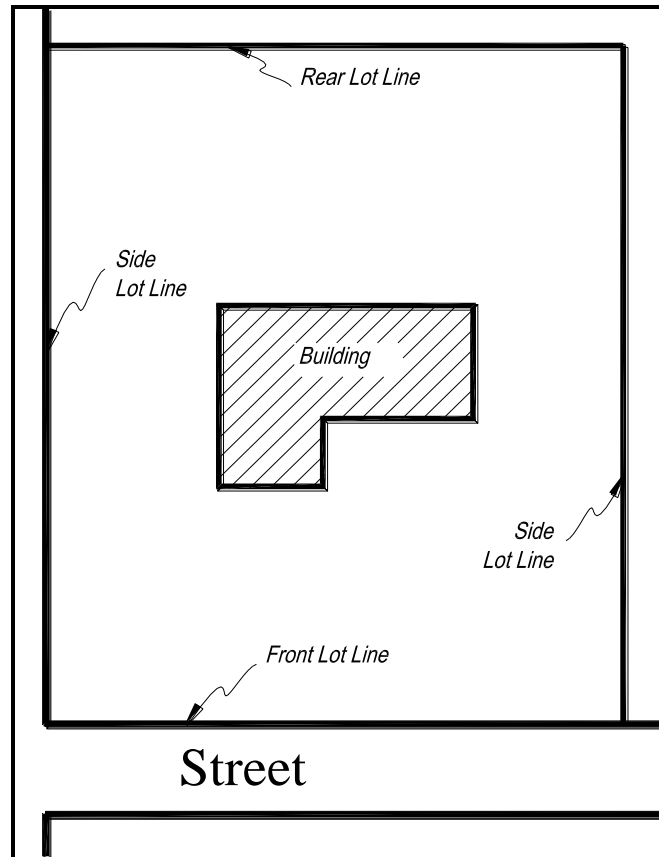
between sites in order to mitigate objectionable features between them.

- 62) **Lane** means a street not over 10.06 m. (33.00 ft.) in width.
- 63) **Livestock** means animals or poultry not kept exclusively as pets, excluding bees.
- 64) **Loading Space** means an off-street space or berth on the same site with a building, or contiguous with a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandize or materials, and which abuts upon a street, lane or other appropriate means of access.
- 65) **Lot, Corner** means a lot located at the intersection of two public roadways, the interior angle of such intersection not exceeding 135.00 degrees.
- 66) **Lot, Double Fronting** means a lot which abuts two public roadways, which are parallel or nearly parallel in the vicinity of the lot.
- 67) **Lot, Flag** means a lot so shaped and designed that the main building site is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.
- 68) **Lot, Interior** means any lot other than a corner lot or through lot.
- 69) **Lot, Reverse Corner** means a corner lot, the flanking street lot line of which is a continuation of the front lot line of the first lot to its rear.

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- 70) **Lot, Through** means a lot having a pair of opposite lot lines along two streets. On a through lot, both street lines shall be deemed front lot lines.
- 71) **Lot Line, Front** means the property line a lot abutting public roadway other than a lane. In the case of a corner lot, the front lot line is the shorter of the lot lines abutting a public roadway.
- 72) **Lot Line, Rear** means either the lot line which is furthest from and opposite the front lot line, or, where there is no such lot line, the point of intersection of any side lot lines which is furthest from and opposite the front lot line.
- 73) **Lot Line, Side** means the property line of a lot other than a front lot line or rear lot line.



- 74) **Manufactured Home Dwelling** means a factory built dwelling unit certified prior to the placement on the lot as having been built as a modular home in accordance with Canadian Standards Association (CSA) building regulations and the National Building Code, being placed on a permanent foundation, having its chassis or frame permanently removed, and arriving at the lot ready for occupancy apart from incidental operations and connections.
- 75) **Modular Home Dwelling** means a building assembly or system of building sub-assemblies manufactured in its entirety, or in substantial part, off-site and transported to the point of use for installation on-site, with or without other specified components, as a finished building or as part of a finished building in accordance with CSA building regulations and the National Building Code. Modular homes need not have electrical, plumbing, heating, ventilation, insulation or other service systems, but when such systems are installed at the off-site manufacture or assembly point, they shall be deemed a part of such building or system of building assemblies. Modular homes do not include open frame construction which can be completely inspected on-site.

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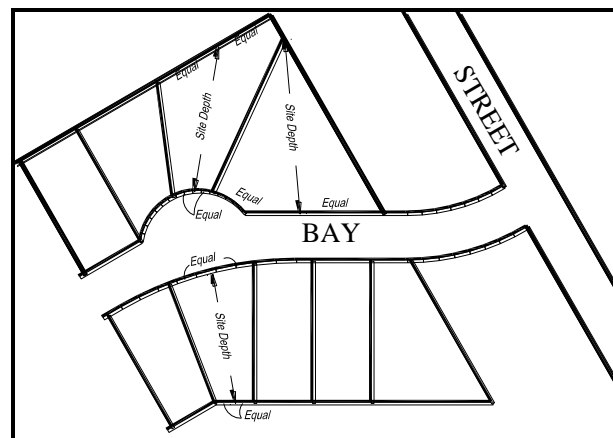
- 76) **Motor Home** means a certified and licensed vehicular structure, as defined in The Highway Traffic Act that is used as temporary accommodation for recreational purposes and being independent of Municipal sewer, water and electrical services.
- 77) **Municipal Engineer** means the Municipal Engineer as appointed by the Council for the RM of Headingley.
- 78) **Municipality** means the Municipal Corporation of the RM of Headingley.
- 79) **Non-Habitable Room** means a space in a dwelling unit providing a service function and not intended primarily for human occupancy, including bathrooms, entryways, corridors, or storage areas.
- 80) **Nuisance** means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.
- 81) **Occupancy Permit** means permission or authorization issued in writing pursuant to applicable zoning regulations, to occupy any building or part thereof, in the RM of Headingley.
- 82) **Offensive or objectionable** means, when used with reference to signage, lighting or a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise; vibration; smoke; dust or other particulate matter; odour; toxic or non-toxic matter; radiation hazards; fire or explosive hazards; heat; glare; unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which in the opinion of the respective member municipal Council may be or become hazardous or injurious with regards to health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal peaceful enjoyment of any land, building or structure.
- 83) **Off-Road Vehicle** means any wheeled or tracked motor vehicle designed or adapted for cross-country travel on land, water, ice, snow, marsh or swamp land or other natural terrain, and includes motorcycles, all-terrain vehicles, mini-bikes, dirt-bikes and trail-bikes, dune or sport buggies, snowmobiles, and amphibious vehicles.
- 84) **Oriel Windows** means a type of bay or bow window that projects out from an upper storey of a dwelling unit.
- 85) **Outdoor Storage** means the storage of merchandise, goods, inventory, materials or equipment or other items that are not intended for immediate sale, by locating them outside.

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- 86) **Owner** means a person who is owner of a freehold estate in the Municipality and includes a person who is an owner jointly with another person, and a person who is registered under *The Condominium Act* as the owner, as defined in that *Act*, of a unit under that *Act*.
- 87) **Parcel of Land** means the aggregate of all land described in any manner in the certificate of title.
- 88) **Party Wall** means a wall forming part of a building and used for separation of adjoining buildings occupied, constructed or adapted to be occupied by different persons or businesses.
- 89) **Passenger Vehicle** means a motor vehicle that is designed, constructed or adapted for the principal purpose of transporting passengers, but excludes off-road, motor home, trailer, travel trailer and truck vehicles.
- 90) **Performance Standard** means a standard to control noise, odour, smoke, toxic or noxious matter, vibration, fire and explosive hazards or glare or heat generated by, or inherent in, uses of land or buildings.
- 91) **Permitted Use** means the use of land, building or structure provided in this zoning by-law for which a development permit shall be issued upon the application having been made, if the use meets all the requirements of this by-law.
- 92) **Pollution** means the presence of foreign substances that adversely affect the natural constituents of the air, water or soil.
- 93) **Private Pool** means an artificially constructed basin, lined with concrete, fibreglass, vinyl or like material, that is capable of containing a water depth greater 60.00 cm. (24.00 in.) and that is located on the property of a single family dwelling.
- 94) **Ready-To-Move Dwelling** means a method of constructing a dwelling unit whereby all of its component parts have been assembled in an off-site manufacturing facility and the National Building Code and transported to a site where it is anchored to a permanent foundation.
- 95) **Repair** means the renewal or reconstruction of any part of an existing structure for the purpose of its maintenance or restoration.
- 96) **Separation Distance** means a distance to be maintained between two uses, measured from the nearest points of any structure or areas upon which the uses are located.

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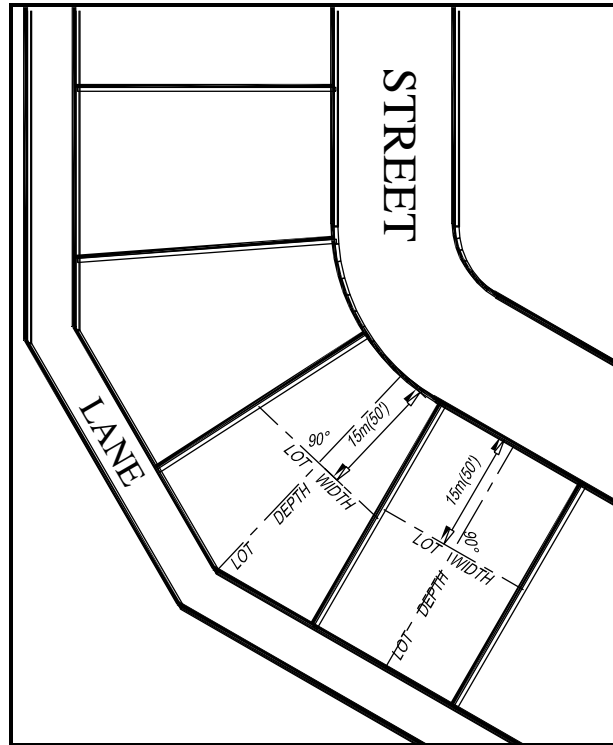
- 97) **Separation Space** means open space around dwellings separating them from adjacent buildings or activities, and providing daylight, ventilation, and privacy.
- 98) **Setback** means the distance that a development or a specified portion of it must be set back from a lot line.
- 99) **Site** means an area of land consisting of one or more abutting lots.
- 100) **Site Coverage** means the combined area of all buildings or structures on the site as a percentage of the site area, measured at the level of the lowest storey above the grade, including all enclosed and insulated decks, sunrooms, porches and verandas, but excluding seasonal non-insulated structures, open or covered, such as decks, screened porches or verandas, patios at grade, steps, uncovered walks, wheelchair ramps, cornices, eaves and similar projections.
- 101) **Site Depth** means the average horizontal distance between the front and rear lot lines of the site.



- 102) **Site Plan** means a map or series of maps drawn to scale showing some or all of the following information: proposed and existing buildings, structures, alterations and additions, roads, walkways, landscaping, parking areas, stacking spaces, loading spaces, vegetation, buffer strips, elevations, areas to be raised by fill, grade level, physical features of the site and other relevant information as may be required by the Designated Officer or the respective member municipal Council for any proposed development.
- 103) **Site Width** means the horizontal distance between the side lot lines of a site, measured at right angles to the site depth at a point midway

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between the front and rear lot lines, or at 15.24 m. (50.00 ft.) from the front lot line, and the lesser of these distances is the site width.



- 104) **Sleeping Unit** means a habitable room, or a group of two or more habitable rooms, not equipped with self-contained cooking facilities, providing accommodation for not more than two persons.
- 105) **Solar Collector** means an accessory structure intended to primarily serve the electrical needs of the on-site user rather than to produce power for resale.
- 106) **Stacking Space** means an on-site queuing area for a passenger vehicle that is separated from other vehicular traffic and pedestrian circulation by barriers, markings or signs.
- 107) **Storey** means that portion of a building which is situated between the top of any floor and the top of the floor next above it. If there is no floor above, the storey is the portion of the building which is situated between the top of any floor and the ceiling above it. If the top of the floor directly above a basement is more than 1.83 m. (6.00 ft.) above grade, such basement shall be considered a storey for the purpose of this By-law.

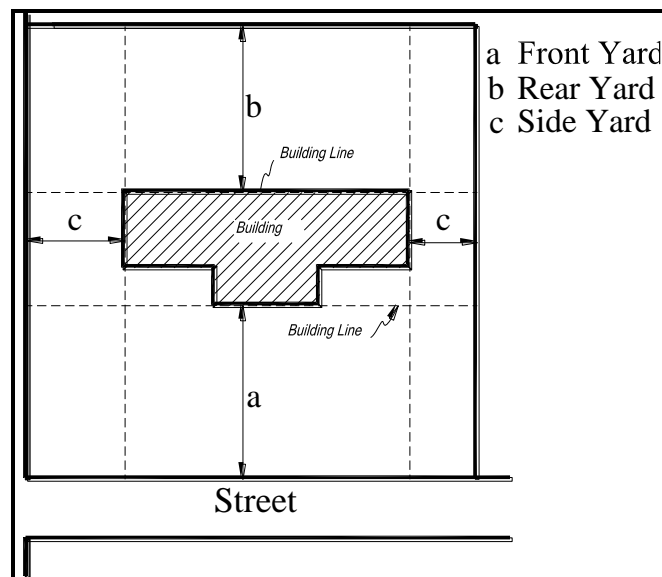
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- 108) **Storey, Half** means a storey under a gable, hip, or gambrel roof, the wall plates of which, on at least two opposite walls, are not more than 0.66 m. (2.17 ft.) above the floor of such storey.
- 109) **Street** means a public roadway having a right-of-way at least 10.06 m. (33.00 ft.) in width that affords the principal means of access to abutting land.
- 110) **Structure** means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure.
- 111) **Surface Water** means any body of flowing or standing water, whether naturally or artificially created, including but not limited to a lake, river, creek, spring, drainage ditch, roadside ditch, reservoir, swamp, wetland and marsh, including ice on any of them, but not including a dugout on the property of an agricultural operation.
- 112) **Temporary Buildings and Uses** means an incidental use, building or structure for which a development permit has been issued for a limited time only.
- 113) **Traffic Generation** means the volume of vehicular traffic generated over a prescribed area within a prescribed time frame, which can be directly attributed to a particular development or geographic area.
- 114) **Trailer** means a vehicle designed for carrying chattels, and for being towed by a motor vehicle.
- 115) **Travel Trailer** means a certified and licensed portable vehicle designed for carrying persons as temporary accommodation for recreational purposes that is towed by a motor vehicle.
- 116) **Truck** means a motor vehicle that is constructed or adapted to carry goods, wares, merchandise, freight or commodities, but not passengers.
- 117) **Use** means the purpose or activity for which a piece of land or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.
- 118) **Variation Order** means the altering of any of the regulations found in this By-law in accordance with the *Act*.
- 119) **Watercourse** means the channel in or bed on which surface water flows or stands, whether continuously or intermittently, but does not include a dugout, reservoir, intermittent slough, drainage ditch or intermittent stream that is completely surrounded by private land

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controlled by the owner or operator of an agricultural operation and that has no outflow going beyond the private land.

- 120) **Yard** means required open space that is unoccupied by any building or structure and unobstructed from its lowest level to the sky, unless otherwise permitted in this By-law.
- 121) **Yard, Front** means a yard extending all the full length of the front lot line between the side lot lines. All front yard regulations found in this By-law shall be measured from the front lot line.
- 122) **Yard, Rear** means a yard extending along the full length of the rear lot line from the front yard to the rear yard.
- 123) **Yard, Side** means a yard extending along the side lot line from the front yard to the rear yard.

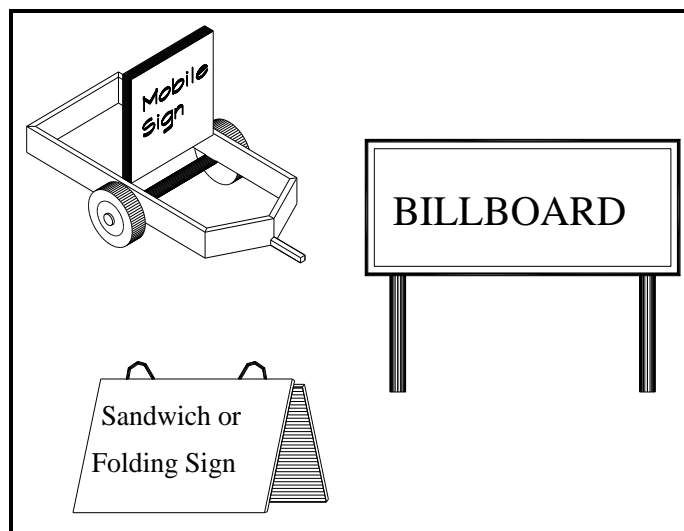


- 124) **Zoning District** means a Section contained in Part II of this By-law which regulates the use and development of land as depicted on the Zoning District Map comprising Part IV of this By-law.
- 125) **Zoning Lot** means a parcel of land that abuts a public street or an unimproved street that is to be improved as a public street to serve that lot pursuant to an agreement with the Municipality.

14.2 Sign Definitions

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

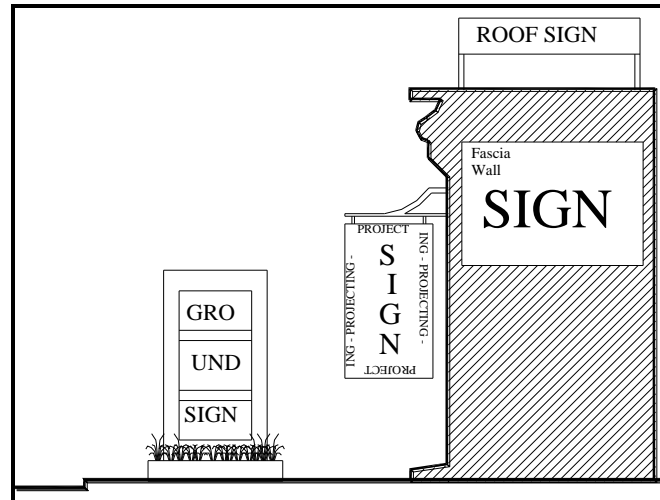
- 1) **Abandoned Sign** means any sign which no longer correctly identifies a business or the products and services offered on the site where the sign is located, or any sign which is not in a readable state.
- 2) **Animated Sign** means any sign or portion of a sign having moving parts or electronically controlled colour changes which depict action or give motion to the sign.
- 3) **Awning Sign** means a non-illuminated sign painted or stencilled on the fabric surface of a shelter supported entirely from the exterior wall of a building and designed to be collapsible, retractable or capable of being folded against the wall or supporting building.
- 4) **Business Identification Sign** means a sign identifying the name, dealer, franchise, association, primary function, product or service of the commercial activity conducted on the premises, and may include local advertising and changeable copy.



- 5) **Canopy Sign** means a sign attached to, or forming part of, a permanent building projecting or fixed structural framework which extends outward from the exterior wall of a building and which may be roofed over or covered to provide protection over the entrance to a building.

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- 6) **Copy** means the letters, graphics or characters which make up the message on sign face.
- 7) **Copy Area** means the total area within one or more rectangles which enclose the entire limits of the copy.
- 8) **Directional Sign** means on-premise or off-site signs providing direction to pedestrian or vehicular traffic without advertising copy, except a business logogram.
- 9) **Electric Sign** means any sign containing electrical wiring or lights built into the sign face which are intended for connection to an electrical energy source.
- 10) **Fascia Sign** means any sign painted on or attached to an exterior building wall so that the sign does not extend more than 40.00 cm. (15.75 in.) out from the wall or beyond the horizontal limits of the wall.
- 11) **Free Standing Sign** means any sign supported independently of a building and permanently fixed to the ground.
- 12) **Height** (sign) means the vertical distance measured from the finished ground surface directly under the sign to the highest point of the sign.
- 13) **Identification Sign** means a sign which contains only the name and address of a building, institution or person and the activity carried on in the building or institution, but does not include any other advertising copy.
- 14) **Illuminated Sign** means any sign having only steady illumination of the same intensity by artificial means, either from lighting directed on the sign face or from a light source located within the sign which is transmitted through a transparent or translucent sign face.
- 15) **Mural Sign** means a non-illuminated sign painted on the exterior wall of a building which enhances the visual appearance of the building and does not include business identification or general advertising.



- 16) **Official Sign** means a sign required by, or erected pursuant to, the provisions of Federal, Provincial or Municipal legislation.
- 17) **Portable (or Mobile) Sign** means a sign greater than 0.50sm (5.38sq. ft.) in area that is mounted on a stand or other support structure other than a stationary trailer and is designed in such a manner that the sign can readily be relocated to provide advertising at another location or readily taken on and off a site, and may include copy that can be changed manually through the use of attachable characters, message panels or other means.
- 18) **Projecting Sign** means any sign, except a canopy sign, which is supported by an exterior building wall and projects outward from the building wall by more than 40.00 cm. (15.75 in.).
- 19) **Reader Board Sign** means a sign or a component of a sign on which the copy can be changed by either manual or electronic means.
- 20) **Real Estate Sign** means a sign displaying real estate copy for the purpose of buying or selling real estate.
- 21) **Roof Sign** means any sign erected upon, against, or above a roof, or on top of or above, the parapet of a building.
- 22) **Sign** means any visual medium, including its structure and other component parts, illuminated or not illuminated, which is used or capable of being used, on a permanent or temporary basis, to identify or convey information, or to advertise or attract attention to a product, service, place, activity, person, institution or business. Without limiting the generality of

the foregoing, signs shall include banners, placards, and painted messages.

- 23) **Sign Alteration** means any modification of a sign or supporting structure, excluding the routine maintenance or repainting of a sign or changing the copy on signs specifically designed for this purpose.
- 24) **Sign Area** means the entire area of the sign on which copy is intended to be placed. In the case of double-faced or multi-faced sign, only half of the area of each face of the sign used to display advertising copy shall be used in calculating the total sign area.
- 25) **Sign Structure** means any structure which supports a sign, including materials used to conceal or improve the visual appearance of the structural parts.
- 26) **Temporary Sign** means a sign which is not permanently anchored to a footing extending below grade or permanently affixed to, or painted on, a building and on which the copy has been painted or affixed in a permanent manner. The copy on the sign shall relate to an activity, use or event of limited time duration not exceeding six months. Temporary signs include such signs as political campaign signs, real estate signs, construction identification signs, signs identifying seasonal businesses, signs advertising specific community events, and signs providing temporary identification for developments awaiting installation of a permanent sign. For the purpose of this By-law, temporary signs shall include sandwich and folding signs but not portable signs.
- 27) **Warning Sign** means an on-premise sign providing a warning to the public, including such signs as No Trespassing or Private Driveway signs.

14.3 Use Class Definitions

A *Use Class* groups a series of individual land *Uses* with common functional or physical impact characteristics. The Use Classes of this Section are used to define the range of uses which are permitted or conditional within the various Zoning Districts of this By-law. The typical uses which may be listed in the definitions are not intended to be exclusive or restrictive. Reference should be made to the definition of the Use Class in determining whether or not a use is included within a particular Use Class.

Where a specific use does not conform to the wording of any Use definition or generally conforms to the wording of two or more use definitions in different Use Classes, the Designated Officer may deem that the use conforms to and is included in that Use Class which he/she considers to be

the most appropriate in character and purpose. In such a case, this use shall be considered a conditional use, whether or not the Use is listed as either a permitted use or conditional use within the applicable Zoning District.

14.3.1 Agricultural Use Class

- 1) **Agri-Business** means a commercial establishment that provides goods or services to the agricultural sector. Typical uses include farm equipment and machinery repair shops, bulk fuel stations, feed and fertilizer supply operations, livestock auction marts and commercial seed cleaning plants.
- 2) **Agricultural Activities** means a use of land for agricultural purposes. Typical uses include farming, pasturage, agriculture, apiculture, aquaculture, floriculture and horticulture. This Use does not include Livestock Operations or Natural Resource Developments.
- 3) **Agricultural Crop Protection Warehouse** means a facility used to store, blend and/or distribute chemicals used for crop protection and production. Products can include herbicides, insecticides, fungicides, rodenticide, and fertilizers. This Use does not include Anhydrous Ammonia Facilities.
- 4) **Agricultural Implement Sales and Service** means a building and open space area used for display, sale and rental of new or used farm implements that includes repair work.
- 5) **Agricultural Product Storage** means the temporary storage of any agricultural product for future use, delivery or processing as per *The Environment Act*.
- 6) **Agriculture Support Industry** means an industry, commercial service or retail business in which the major product or service being bought, sold or processed is intended mainly for, from or by farmers. Typical uses include aerial spraying companies, grain storage including grain elevators, feed mills and seed plants. This Use does not include Bulk Storage Facilities or Anhydrous Ammonia Facilities.
- 7) **Equestrian Establishment** means a facility engaged in the training of horses or the operation of a horse riding academy or horse riding stables.

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- 8) **Farm Produce Outlet** means a building or structure where farm produce is sold in season.
- 9) **Farmstead Dwelling** means any dwelling unit which is accessory to a farm operation and is on a parcel of land that includes associated agricultural buildings.
- 10) **Grain Handling Facilities** means a structure which is designed to store and process any type of grain.
- 11) **Livestock Operation** means a permanent or semi-permanent facility or non-grazing area where livestock producing at least 10.00 Animal Units are kept or raised, either indoors or outdoors, and includes all associated manure collection facilities, but does not include:
- a) an operation for the slaughter or processing of livestock;
 - b) an operation for the grading or packing of livestock or livestock products;
 - c) an operation for transporting livestock or livestock products;
 - d) a livestock auction mart;
 - e) an agricultural fair; and
 - f) a livestock sales yard where livestock are kept no longer than three days.
- 12) **Residential Related Farm** means a development for small scale, non-commercial agricultural pursuits ancillary to rural residential uses. This use shall be developed so as not unduly interfere with the general enjoyment of adjacent property. Animals shall be kept for the use or enjoyment of the householder only.
- 13) **Specialized Agriculture** means the use of land for apiculture, floriculture, horticulture including market gardening, orchards and tree farming, and similar agricultural activities on a commercial basis.
- 14) **Vacation Farm Operation** means an accessory development to a farm operation that provides temporary accommodations with or without meals to members of the travelling public for remuneration. This Use includes Tourist Campsites, Lodges and sites for motor homes or travel trailers.

14.3.2 Commercial Use Class

- 1) **Aircraft Landing Field** means any area of land or water that is used or intended for a use for the landing or taking off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities, including taxiways, aircraft storage and hangars.
- 2) **Airport and Associated Facilities** means land or water which is used or intended for the landing or take-off of aircraft and any associated areas which are used or intended for use for airport buildings or other airport facilities or right-of-ways including taxiways, aircraft storage and hangars.
- 3) **Amusement Establishment** means a facility within any building, room or area having table games or electronic games played by patrons for entertainment. This Use includes arcades but does not include Carnivals or Indoor Participant Recreation Services.
- 4) **Animal Shelter and Veterinary Service** means a development used for the care and treatment of animals where the veterinary services primarily involve outpatient care and minor medical procedures. This Use includes pet clinics and veterinary offices.
- 5) **Auctioneering Establishment** means a development specifically intended for the auctioning of goods and equipment, including temporary storage of such goods and equipment.
- 6) **Automotive and Equipment Repair Shop** means a development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This Use includes transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops, but does not include body repair and paint shops.
- 7) **Automotive and Recreational Vehicle Sales** means the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, utility trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and sale of parts. This Use includes automobile dealerships, car rental agencies and motorcycle dealerships.

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- 8) **Broadcasting and Motion Picture Studio** means a development used for the production or broadcasting of audio and visual programming typically associated with radio, television and motion picture studios.
- 9) **Building Material Sales** means a development used for the wholesale or retail sale of goods related to the construction of buildings.
- 10) **Business Support Service** means a development used to provide support services to businesses which are characterized by one or more of the following features: the use of minor mechanical equipment for printing, duplicating, binding or photographic processing, the provision of office maintenance or custodial services, the provision of office security, and the sale, rental, repair or servicing of office equipment, furniture and machines. Typical uses include printing establishments, film processing establishments, janitorial firms and office equipment sales and repair establishments.
- 11) **Car Broker** means a development used for the retail purchase and sale of used passenger vehicles from a single detached dwelling unit. The Use does not include Automotive and Equipment Repair Shops, Automotive and Recreational Vehicle Sales and/or Convenience Vehicle Rentals.
- 12) **Carnival** means a temporary use of land, buildings or structures for the purpose of providing or locating facilities for commercial entertainment and participatory amusement activities, including games and rides, and includes circuses and midways.
- 13) **Commercial Mall** means a building or group of buildings held in single ownership or by participants in a condominium corporation or cooperative, and divided into units for separate occupancy by different commercial uses for which common loading and parking facilities and other common services that may or may not be provided.
- 14) **Commercial Resort** means a commercial recreation establishment which may consist of one or more buildings containing single or multiple family dwelling units, recreational facilities and service facilities which are used on an intermittent and seasonal basis. Other facilities which may be part of the resort development includes: a camping and tenting ground, a hotel, a

retail store, an eating and drinking establishment, a marina, a golf course and other outdoor recreation game courts, areas and trails.

- 15) **Commercial School** means a development used for training and instruction in a specific trade, skill or service for the financial gain of the individual or company owning the school. Typical uses include secretarial, business, hairdressing, beauty culture, dancing or music schools.
- 16) **Contractor Service, General** means a development used for the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal Contractor Services Use only.
- 17) **Contractor Service, Limited** means a development used for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households and the accessory sale of goods normally associated with the contractor services where all materials are kept within an enclosed building, there are no accessory manufacturing activities, and no more than two service vehicles.
- 18) **Convenience Vehicle Rentals** means a development used for the rental of new or used automobiles, light trucks and utility trailers. This Use includes those establishments which are not strictly office in nature, but include, as an integral part of the operation, minor vehicle servicing, storing, fuelling or car washing facilities.
- 19) **Custom Manufacturing Establishment** means a development used for small-scale on-site production of goods.
- 20) **Drive-In Food Service** means a development used for eating and drinking which offer a limited menu produced in a manner that allows rapid customer service and include one or more of the following features: car attendant services; drive-through food pickup services; or parking primarily intended for the on-site consumption of food within a motor vehicle.
- 21) **Eating and Drinking Establishment** means the sale to the public of prepared foods, for consumption within the premises or off the site. This includes licensed drinking establishments, restaurants,

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cafes, delicatessens, tearooms, banquet catering, lunchrooms, and take-out restaurants. This Use does not include drive-in food services which provide services to customers who remain in their vehicles, refreshment stands, take-out windows where service is provided to customers on the outside, or mobile catering food services.

- 22) **Equipment Rentals and Sales** means a development used for the rental or sale of tools, appliances, recreation craft, office machines, furniture, light construction equipment, or similar items.
- 23) **Fleet Service** means a development using a fleet of vehicles for the delivery of people, goods or services, where such vehicles are not available for sale or long-term lease. This Use includes ambulance services, taxi services, bus line, messenger and courier services.
- 24) **Funeral Service** means a development used for the preparation of the dead for burial or cremation, and the holding of funeral services. This Use includes funeral homes, undertaking establishments and includes cremation and interment services.
- 25) **Gas Bar** means a development used for the retail sale of gasoline, other petroleum products, and incidental auto accessories. This Use does not include Service Stations.
- 26) **Greenhouse, Plant and Tree Nursery** means a development used primarily for the raising, storage and sale of bedding, household and ornamental plants.
- 27) **Health Service** means a development used for the provision of physical and mental health services on an outpatient basis. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative or counselling nature. Typical uses include medical and dental offices, health clinics and counselling services.
- 28) **Hotel** means a development used for the provision of rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor and are not equipped with individual kitchen facilities. Hotels may include accessory Eating and Drinking Establishments, meeting rooms and Personal Services Shops.

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- 29) **Household Repair Service** means a development used for the provision of repair services to goods, equipment and appliances normally found within a dwelling unit. This Use includes radio, television and appliance repair shops, furniture refinishing and upholstery shops.
- 30) **Mini-Warehouse and Self-Storage** means an enclosed facility that provides storage space to the general public on a for-hire basis. No other business or service may be allowed to operate out of a rented storage space.
- 31) **Mobile Catering Food Service** means a development using a fleet of vehicles for the delivery and sale of food to the public.
- 32) **Motel** means a development used for the provision of rooms or suites for temporary lodging or light housekeeping, where each room or suite has its own exterior access. Motels may include accessory Eating and Drinking Establishments and Personal Service Shops.
- 33) **New Vehicle Storage** means the storage of new automobiles.
- 34) **Non-Accessory Commuter Parking** means a development providing vehicular parking which is not primarily intended for the use of residents, employees or clients of a particular development. Typical uses include surface parking lots and park and ride facilities.
- 35) **Outdoor Amusement Establishment** means a permanent development providing facilities for entertainment and amusement activities which primarily take place out-of-doors and where patrons are primarily participants. Typical uses include amusement parks, go-cart tracks and miniature golf establishments.
- 36) **Personal Service Shop** means a development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This Use includes barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, dry cleaning establishments and laundromats.
- 37) **Pet Cemetery** means a development of a parcel of land for the burial of household pets as determined by the Designated Officer.

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- 38) **Pet Daycare** means a development that provides daytime care and feeding for domestic animals including cats and dogs without any overnight accommodation.
- 39) **Pet Grooming** means a development used for grooming and enhancing of the appearance of domestic animals including cats and dogs. This also includes the sale of pet grooming products and supplies.
- 40) **Private Club** means a development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, without on-site residences. Private Clubs may include rooms for eating, drinking and assembly.
- 41) **Professional, Financial and Office Support Service** means a development primarily used for the provision of professional, management, administrative, consulting, and financial services. Typical uses include the offices of lawyers, accountants, engineers, and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial uses.
- 42) **Rapid Drive-Through Vehicle Service** means a development providing rapid cleaning, lubrication, maintenance or repair services to motor vehicles, where the customer typically remains within his vehicle or waits on the premises. Typical uses include automatic or coin operated car washes, rapid lubrication shops, or speciality repair establishments.
- 43) **Recycling Depot** means a development used for the buying and temporary storage of bottles, cans, newspapers and similar household goods for reuse where all storage is contained within an enclosed building. This does not include auto wreckers.
- 44) **Retail Store, Convenience** means a development used for the retail sale of those goods required by area residents or employees on a day-to-day basis, from business premises which do not exceed 275.00sm (2,960.17sq. ft.) in gross floor area. Typical uses include small food stores, drug stores, and variety stores, selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter.

- 45) **Retail Store, General** means a development used for the retail sale of groceries, beverages, household goods, furniture and appliances, hardware, printed matter, confectionary, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, stationary and similar goods from within an enclosed building. Minor public services, such as postal services and film processing depots are permitted within general retail stores. This Use includes Convenience Retail Stores but does not include developments used for the sale of gasoline, heavy agricultural or industrial equipment, pawn shops, massage parlours, adult entertainment establishments or adult video rental or sales stores.
- 46) **Service Station** means the servicing, washing and repairing of vehicles; and the sale of gasoline, other petroleum products and a limited range of vehicle parts and accessories. Service Stations may include Eating and Drinking Establishments. Typical uses include truck stops and highway service stations.
- 47) **Small Animal Breeding and Boarding Establishment** means a development used for the breeding, boarding or training of small animals normally considered as household pets. Typical uses are kennels and pet boarding establishments.
- 48) **Spectator Entertainment Establishment** means a development providing facilities within an enclosed building specifically intended for live theatrical, musical or dance performances; or the showing of motion pictures. Typical uses include auditoria, cinemas, and theatres.
- 49) **Storage, General** means a development used exclusively for the indoor or outdoor storage of goods, materials and merchandise.
- 50) **Tourist Campsite** means a development of land which has been planned and improved for the seasonal short term use of motor homes, tents, campers and similar recreational vehicles and is not used as year round storage, or accommodation for residential use. Typical uses include recreational vehicle parks, campsites and tenting grounds.
- 51) **Truck and Mobile Home Sales and/or Rentals** means a development used for the sale or rental of new or used trucks, motorhomes, mobile homes, and automobiles, together with incidental maintenance services and the sale of parts and

accessories. Typical uses include truck dealerships, recreation vehicle sales and mobile home dealerships.

- 52) **Trucking Operation** means the use of land, buildings or structures for the purpose of storing, repairing, servicing or loading trucks, transportation trailers and/or buses.
- 53) **Truck Stop** means a development located on a major transportation route designed to service both the trucking industry and the general public that includes but is not limited to large vehicle parking, automotive repair, eating and drinking areas, gas bar, retail sales, and service station as accessory uses, and may also include a range of services to accommodate the trucking industry such as bathroom, shower and rest facilities.
- 54) **Warehouse Sales** means a development used for the wholesale or retail sale of bulky goods primarily within an enclosed building with limited outdoor storage where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. This use includes developments where principal goods being sold are such bulky items as furniture, carpet, major appliances and building materials.

14.3.3 Community Services Use Class

- 1) **Cemetery** means a development of a parcel of land, primarily a landscaped open space for the entombment of the deceased, and may include the following accessory developments: crematories, cinerarium, columbarium, and mausoleums. Typical uses include memorial parks, burial grounds and gardens of remembrance.
- 2) **Child Care Service** means a development licensed by the Province of Manitoba to provide daytime personal care and education to children, but does not include overnight accommodation. Typical uses include day care centres, day nurseries, kindergartens, nursery schools and play schools.
- 3) **Community Recreation Service** means a development for recreational, social or multiple purpose use without fixed seats and primarily intended for local community purposes. Typical uses include community halls and community centres.
- 4) **Extended Medical Treatment Service** means a development providing room, board, and surgical or other medical treatment for

the sick, injured or infirm including outpatient services and accessory staff residences. Typical uses include hospitals, sanatoriums, nursing homes, convalescent homes, and auxiliary hospitals.

- 5) **Government Service** means a development providing Municipal, Provincial or Federal government services directly to the public. Typical uses include government offices, taxation offices, courthouses, jails, postal distribution offices, manpower and employment offices, and social service offices.
- 6) **Indoor Participant Recreation Service** means a development providing facilities within an enclosed building for sports and active recreation where patrons are predominately participants. Typical uses include athletic clubs; health and fitness clubs; curling, roller-skating and hockey rinks; swimming pools; rifle and pistol ranges; bowling alleys; paintball games; and racquet clubs.
- 7) **Outdoor Participant Recreation Service** means a development providing facilities which are available at the public at large for sports and active recreation conducted outdoors. Typical uses include golf courses, driving range, ski hills, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, outdoor swimming pools, bowling greens, paintball games, and fitness trails.
- 8) **Private Education Service** means a development for instruction and education that is not maintained generally at public expense and which may or may not offer courses of study equivalent to those offered in a public school or private instruction as a home occupation. This Use includes dormitory and accessory buildings.
- 9) **Protective and Emergency Service** means a development which is required for the public protection of persons and property from injury, harm or damage together with the incidental storage of emergency development which is necessary for the local distribution of utility services. Typical uses in this class include police stations, fire stations and ancillary training facilities.
- 10) **Public Education Service** means a development which is publicly supported or subsidized involving public assembly for educational, training or instructing purposes, and includes administration offices required for the provision of such services on the same site. This Use includes public schools, community colleges, and technical and vocational schools, and associated administrative offices.

- 11) **Public Library and Cultural Exhibit** means a development for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public use; or a development for the collection, preservation and public exhibition of works or objects of historical, scientific or artistic value. Typical uses include libraries, museums and art galleries.
- 12) **Public Park** means a development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and human-made landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, amphitheatres, and athletic fields.
- 13) **Public Utility Service** means any system, works, plant, pipeline, equipment or services and facilities available at approved rates to the public, and includes all such carried on by or for the owner of a public utility or a Municipality or the Province of Manitoba. Typical uses include sanitary landfill sites, sewage treatment plants, sewage lagoons, garbage transfer, water treatment plants, lift stations, and compacting stations and waste recycling plants.
- 14) **Religious Assembly** means a place of worship and related activities. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries.

14.3.4 Industrial Use Class

- 1) **Bulk Storage Facility** means a place for the outdoor storage or tank storage of large quantities of raw materials or industrial related goods such as liquids, fuels, gases, minerals, pipes, gravel, fertilizers, and grain. This use does not include Anhydrous Ammonia Facilities.
- 2) **General Industrial** means development used principally for one or more of the following activities: the assembling of semi-finished or finished goods, products or equipment; the cleaning, servicing,

repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses; or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible with adjacent land uses; the storage or transshipping of materials, goods and equipment; and the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses.

- 3) **Industrial Mall** means a building or group of buildings held in single ownership or by participants in a condominium corporation or cooperative, and divided into units for separate occupancy by different industrial uses for which common loading and parking facilities and other common services that may or may not be provided.
- 4) **Industrial Vehicle and Equipment Sales and/or Rentals** means a development used for the sale, rental and repair of heavy vehicles, machinery or mechanical equipment typically used in building, roadway, manufacturing, assembly and processing operations and agricultural production.
- 5) **Light Industrial** means processing and manufacturing uses, provided that they do not create unusual fire, explosion or safety hazards, noise in excess of average intensity of street and traffic noise in the area in question; they do not emit smoke, dust, dirt, toxic or offensive odours or gas and there is no production of heat or glare perceptible from any adjacent site. Typical uses include automotive body repair and paint shops, commercial manufacturing and research facilities.
- 6) **Processing Use** means a development used for the extraction, treatment, preparation, packaging, transportation, handling and storage of raw materials and other minerals. Typical uses include concrete batching plants.
- 7) **Small Scale Industrial** means light manufacturing, assembly or distribution of ready made products on a small scale that are generally used to diversify active farming operations.
- 8) **Transport Terminal** means a development where commercial passenger vehicles pick up and discharge fare-paying passengers.

14.3.5 Natural Resource Development Use Class

- 1) **Natural Resource Development** means a development for the on-site removal, extraction, and primary processing of raw material found on or under the site, or accessible from the site. Typical uses in this class include gravel pits, sandpits, and stripping of topsoil and peat moss. This Use does not include the processing of raw materials transported to the site.
- 2) **Wildlife and Conservation Reserve** means land that has been designated by Provincial legislation for the protection and conservation of wildlife. This Use includes Wildlife Management Areas.
- 3) **Wind Turbine Personal Use** means a small scale wind turbine generator tower that converts wind energy to electrical energy for primarily private use.

14.3.6 Residential Use Class

- 1) **Multiple Family Dwelling** means a structure, located on a single lot, containing two or more dwellings units, each of which is designed for or occupied by one family only, with housekeeping and cooking facilities for each.
- 2) **Planned Unit Development** means an area of land used primarily for residential purposes under single ownership or control but including multiple home owners who share the use and financial responsibility of common areas.
- 3) **55 Plus Housing** means single, attached and/or multi-family housing that is limited to those 55 or older in a condominium development that is regulated through various agreements and declarations.
- 4) **Single Family Dwelling** means a development consisting of a building containing only one dwelling, which is separate from any other dwelling or building. This Use Class includes a manufactured home dwelling, ready-to-move dwelling and modular home dwelling, but not a Mobile Home Dwelling.
- 5) **Seniors Housing** means a premises which is intended for the training, treatment, rehabilitation, housing, care and/or supervision of seniors and may include: nursing homes, seniors homes,

personal care homes, residential care homes rehabilitation homes, attached housing, apartments and like uses.

14.3.7 Residential-Related Use Class

- 1) **Bed and Breakfast Home** means a principal dwelling where sleeping accommodation with or without light meals is provided to members of the travelling public for remuneration.
- 2) **Home Occupation** means an occupation, trade, profession or craft carried on, in or from a dwelling unit or its accessory building for consideration and which is clearly incidental or accessory to the residential use of the dwelling unit.
- 3) **Secondary Suite** means that area of a single family dwelling that is or is intended to be a dwelling unit that is smaller than the principal residence in the same building where the two dwelling units have internal access between them.

PART III – ZONING DISTRICTS

15.0 Zoning Districts

15.1 *Intent of Zoning Districts*

The Zoning Districts established in this By-law are intended to provide sufficient land for various types of land uses and developments in the RM of Headingley in keeping with the provisions of the *RM of Headingley Development Plan*. The Zoning Districts as outlined in the Zoning Districts Table (Appendix A) are hereby established.

15.2 *Permitted and Conditional Uses*

- 1) The Permitted and Conditional Uses Table (Appendix B) outlines uses that are permitted or conditional in each Zoning District.
- 2) All uses, whether listed as permitted or conditional, must meet the relevant requirements as outlined in PART IV (Special Land Use Regulations) and Part V (General Development Regulations).

15.3 *Bulk Regulations for Zoning Districts*

- 1) The Bulk Regulations Table (Appendix C) outlines the bulk regulations for each Zoning District.

15.4 *Additional Regulations for Permitted and Conditional Uses*

- 1) All accessory uses, buildings and structures shall be developed in accordance with the RM of Headingley Lot Grade By-law.
- 2) Maximum building area regulations shall not apply to Private and Semi-Private Swimming Pools and Hot Tubs.
- 3) Water supply and sewage disposal systems shall be in accordance with The Environment Act, The *Public Health Act*, and The *Drinking Water Safety Act* and any relevant government regulations.
- 4) Any fuel storage areas established on any site shall comply with *The Storage and Handling of Petroleum and Allied Products Regulation* 188/200.
- 5) Any used oil products and other regulated hazardous wastes generated or stored on any site shall be collected and disposed of in accordance with all applicable Manitoba Conservation legislation.

- 6) All buildings, structures and hedges adjacent to Provincial Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with *The Highways and Protection Act* and *The Highways and Transportation Act*.
- 7) The construction of any drainage works shall be in accordance with all applicable Provincial government legislation.

15.5 Additional Regulations for the R-20: Residential Single Family, RR1: Rural Residential, RR2: Rural Residential, and RR5: Rural Residential Zoning Districts

- 1) Excluding reversed corner lots, where sites comprising 40.00 percent or more of the entire frontage of the block are developed with buildings, the average front yard calculation established by such buildings shall be the front yard regulation for the block.
- 2) Water supply and sewage disposal shall be provided in accordance with applicable government regulations.

15.6 Additional Regulations for the CC: Commercial Central Zoning District

- 1) A minimum side yard of 3.05 m. (10.00 ft.) shall be required where a site abuts the lot line of a site in the R20: Residential Single Family Zoning District.
- 2) No parking shall be permitted within the first 6.10 m. (20.00 ft.) of a required front yard and no loading, storage, trash collection, outdoor service or display area shall be permitted within a required side yard.
- 3) Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent sites and public roadways in accordance with Section 17.13 of this By-law.
- 4) If the rear or side lot lines of a site abut a Residential or Residential-Related Use Class development or a lane serving a Residential or Residential-Related Use Class development and are used for parking, an outdoor service or display area, or both, they shall be screened in accordance with Section 17.13 of this By-law.
- 5) A dwelling unit is allowed only in conjunction with a permitted use or conditional use development if:
 - a) it is occupied by the owner/operator or a site watchperson or caretaker, if necessary; or

- b) the said permitted use or conditional use is the primary ground floor use.
- 6) The siting and access for the following developments shall be to the satisfaction of the Designated Officer who shall ensure that such developments do not prejudice the safety and transportation function of public roadways:
- a) Drive-In Food Service
 - b) Eating and Drinking Establishment
 - c) Rapid Drive-Through Vehicle Service
 - d) General Retail Store
 - e) Automatic Teller Machine

15.7 Additional Regulations for the CH: Highway Commercial Zoning District

- 1) A minimum yard of 15.24 m. (50.00 ft.) shall be required where a site abuts the lot line of a site in an existing or future Neighbourhood Area as indicated in the Headingley Development Plan.
- 2) No parking shall be permitted within the first 4.57 m. (15.00 ft.) of a required front yard and no loading, storage, trash collection, outdoor service or display area shall be permitted within a required side yard.
- 3) Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent sites and public roadways in accordance with Section 17.13 of this By-law.
- 4) If the rear or side lot lines of a site abut a Residential or Residential-Related Use Class development or a lane serving a Residential or Residential-Related Use Class development and are used for parking, an outdoor service or display area, or both, they shall be screened in accordance with Section 17.13 of this By-law.
- 5) All exposed building faces shall have consistent and harmonious exterior finishing materials.
- 6) Buildings, structures and hedges adjacent to Provincial Trunk Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with The Highways and Protection Act and The Highways and Transportation Act.
- 7) A dwelling unit is allowed only in conjunction with a permitted use or conditional use development if it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.

- 8) The siting and access for the following Conditional Use developments shall be to the satisfaction of the Designated Officer who shall ensure that such developments do not prejudice the safety and transportation function of public roadways:
 - a) Drive-In Food Service
 - b) Eating and Drinking Establishment
 - c) Rapid Drive-Through Vehicle Service
 - d) General Retail Store
 - e) Automatic Teller Machine
- 9) A dwelling unit is allowed as a permitted use in conjunction with a Tourist Campsite development if it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.
- 10) All principal buildings shall be setback a minimum of 15.24 m. (50.00 ft.) to a maximum of 30.48 m. (100.00 ft.) from the front lot line or shall reflect the average building setbacks for the existing buildings in the surrounding area as determined by the Designated Officer.
- 11) When outside storage of goods and materials is required:
 - a) the storage shall be located to the rear of a line adjacent to and parallel with the front wall of the building;
 - b) the storage shall not project above the height of the wall or fence; and
 - c) a solid fence shall be provided and maintained in a condition that is acceptable to the Designated Officer.

15.8 Additional Regulations for the Site Specific Commercial Zoning Districts along Roblin Boulevard

- 1) Permitted and conditional uses for commercial developments along Roblin Boulevard shall be limited to those uses listed under CH-1 in Appendix B – Permitted and Conditional Use Table of this By-law.

15.9 Additional Regulations for the IB: Industrial Business Zoning District

- 1) Where a site abuts the lot line of an existing or future Neighbourhood Area as indicated in the Headingley Development Plan, a 7.62 m. (25.00 ft.) landscaped yard is required. This yard shall include a berm, fence and extensive landscaping to the satisfaction of the Designated Officer or Council.
- 2) Where a site abuts the lot line of an existing or future Neighbourhood Area as indicated in the RM of Headingley Development Plan, any buildings shall be setback a minimum of 15.24 m. (50.00 ft.) from the lot line.

- 3) No parking shall be permitted within the first 4.57 m. (15.00 ft.) of a required front yard and no loading, storage, trash collection, outdoor service or display area shall be permitted within a required side yard if the site is adjacent to a Neighbourhood Area in the RM of Headingley Plan By-law No. 12-2006.
- 4) All developments shall comply with Section 20.1 of this By-law.
- 5) When outside storage of goods and materials is required:
 - a) the storage shall be located to the rear of a line adjacent to and parallel with the front wall of the building;
 - b) the storage shall not project above the height of the wall or fence; and
 - c) a solid fence shall be provided and maintained in a condition that is acceptable to the Designated Officer.
- 6) The operation of all uses shall comply with all environmental and public health regulations of the Province of Manitoba. If the Designated Officer is of the opinion that a proposed development may conflict with these regulations, the application shall be referred to the appropriate Provincial department(s) prior to issuing a development permit.
- 7) A dwelling unit is allowed only in conjunction with a permitted or conditional Industrial Use Class development if it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.

15.10 Additional Regulations for the IG: Industrial General Zoning District

- 1) Where a site abuts the lot line of an existing or future Neighbourhood Area as indicated in the RM of Headingley Development Plan, a 15.24 m. (50.00 ft.) landscaped yard is required. This yard shall include a berm, fence and extensive landscaping to the satisfaction of the Designated Officer or Council. As a minimum, this landscaping screen shall consist of an earthen berm of not less than 1.52 m. (5.00 ft.) in height and a width of not less than 2.50 m. (8.20 ft.). In cases where the landscaping screen is a hedge, it shall be a minimum of 1.52 m. (5.00 ft.) in height.
- 2) No parking shall be permitted within the first 4.57 m. (15.00 ft.) of a required front yard and no loading, storage, trash collection, outdoor service or display area shall be permitted within a required side yard if the site is adjacent to a Neighbourhood Area in the RM of Headingley Plan By-law No. 12-2006.
- 3) All developments shall comply with Section 20.1 of this By-law.
- 4) When outside storage of goods and materials is required.

- a) the storage shall be located to the rear of a line adjacent to and parallel with the front wall of the building;
 - b) the storage shall not project above the height of the wall or fence; and
 - c) a fence shall be provided and maintained in a condition acceptable to the Designated Officer.
- 5) The operation of all uses shall comply with all environmental and public health regulations of the Province of Manitoba. If the Designated Officer believes a proposed development may conflict with these regulations, the application shall be referred to the appropriate Provincial department(s) prior to issuing a development permit.
- 6) A dwelling unit is allowed only in conjunction with a permitted or conditional Industrial Use Class development if it is occupied by the owner/operator or a site watchperson or caretaker, if necessary.

15.11 Additional Regulations for the Site Specific Industrial Zoning Districts

- 1) For the site legally described as “Part of River Lot, 7, 8 and 9, Parish of Headingley” located along Wilkes Avenue and identified on Map 1 as IG-1, the minimum rear yard shall be 10.00 m. (32.81 ft.), the minimum side yard shall be 300 m. (9.84 ft.), and a 1.83 m. (6.00 ft.) chain link fence shall be installed and maintained at the landowner’s expense along the rear property line to the satisfaction of the Designated Officer.
- 2) Permitted and conditional uses for industrial developments along Roblin Boulevard shall be limited to those uses listed under IG-2 in Appendix B – Permitted and Conditional Use Table of this By-law.

15.12 Additional Regulations for the RU: Rural General Zoning District

- 1) The following Agricultural Use Class developments shall be subject to the site regulations listed under column AG: ‘Other’ in the Bulk Regulations in Appendix C.
 - a) Agri-Business;
 - b) Agricultural Crop Protection Warehouse;
 - c) Agricultural Implement Sales and Service;
 - d) Agricultural Product Storage;
 - e) Agriculture Support Industry;
 - f) Anhydrous Ammonia Facility;
 - g) Farm Produce Outlet; and
 - h) Equestrian Establishment.

- 2) Maximum height regulations do not apply to farm buildings.

15.13 Additional Regulations for the RMU-1: Residential Mixed Use Zoning District

- 1) The following regulations shall apply to Single Family Dwellings, Community Recreation Services and Public Parks:
- a) The minimum site area shall be 1,532.85 sq. m. (16,500 sq. ft.).
 - b) For each subdivision application, the maximum gross density shall be 4.942 dwellings per gross hectare (2.00 dwellings per gross acre).
 - c) The minimum site width shall be 19.812 m. (95.00 ft.).
 - d) The minimum front yard shall be 9.144 m. (30.00 ft.).
 - e) The minimum rear yard shall be 7.62 m. (25.00 ft.).
 - f) The minimum side yard shall be 4.572 m. (15.00 ft.).
 - g) Accessory buildings shall have a minimum rear yard of 3.048 m. (10.00 ft.) and a minimum side yard of 3.048 m. (10.00 ft.).
 - h) The maximum site coverage shall be 28.00 percent for a principal building and an attached garage. The maximum site coverage for detached accessory buildings shall be 74.32 sq. m. (800.00 sq. ft.).
 - i) The maximum height shall not exceed 10.67 m. (35.00 ft.) or 2.50 storeys for principal buildings and 4.57 m. (15.0 ft.) nor 1.0 storey for accessory buildings.
 - j) The minimum dwelling unit area for each single detached home shall be 102.19 sq. m. (1,100.00 sq. ft.).
 - k) Each dwelling unit shall have as a minimum a double attached or detached garage.
 - l) A minimum landscaped yard area of 6.10 m. (20.00 ft.) shall be provided along Lyons Street to the satisfaction of the Designated Officer.
- 2) The following regulations shall apply to Single Family Dwellings that are part of a Condominium Plan:
- a) The maximum gross density shall be 8.65 dwellings per hectare (3.50 dwellings per gross acre).
 - b) Single detached housing can only be developed as part of a condominium project.
 - c) The minimum site area for each condominium project shall be 0.40 hectares (1.00 acre).

- d) The minimum site width for each condominium project shall be 30.48 m. (100.00 ft.).
 - e) The maximum site coverage shall be 28.00 percent for a principal building, attached accessory buildings and detached accessory buildings.
 - f) The maximum height shall be 7.62 m. (25.00 ft.) or 1.50 storeys for principal buildings and 4.57 m. (15.00 ft.) at the highest point of the roof or 1.00 storey for accessory buildings.
 - g) The minimum dwelling unit area shall be 92.90 sq. m. (1,000.00 sq. ft.).
 - h) Each dwelling unit shall have as a minimum a double attached garage.
 - i) Separation spaces between buildings and the condominium unit lot lines shall be provided as follows:
 - i) A minimum depth of 6.71 m. (22.00 ft.) in the front of a principal living room window or roadway; and
 - ii) A minimum depth of 3.05 m. (10.00 ft.) in front of a habitable room window other than a principal living room window, a non-habitable window, entry or blank wall.
 - j) The minimum separation space between condominium units shall be 7.62 m. (25.00 ft.).
 - k) The minimum separation space in front of any windows, entry or similar opening shall be applied along the full length and height of the exterior wall of the room in which the particular opening or window is located.
 - l) In addition to other submission requirements of this By-law, the following additional information is required to ensure compliance with these regulations:
 - i) The location of each proposed or existing building or structure;
 - ii) The location and type of all doors and windows;
 - iii) The separation space between residential buildings;
 - iv) Floor plans and elevations of all proposed buildings and structures; and
 - v) The total number of dwelling units and the gross floor area.
 - m) For bare land condominium projects, separation space means the least horizontal distance from the condominium unit lot line to the principal building.
- 3) The following regulations shall apply to Seniors' Housing:
- a) The maximum gross density shall be 37.06 dwellings per hectare (15.00 dwellings per gross acre).

- b) The minimum site area for each senior's housing project shall be 1.01 hectares (2.50 acres).
- c) The minimum site width for each senior's housing project shall be 76.20 m. (250.00 ft.).
- d) The minimum front yard shall be 15.24 m. (50.00 ft.).
- e) The minimum rear yard shall be 15.24 m. (50.00 ft.).
- f) The minimum side yard shall be 22.86 m. (75.00 ft.).
- g) The maximum site coverage shall be 50.00 percent.
- i) The maximum height shall be 12.19 m. (40.00 ft.) and/or 3.00 storeys.
- j) The minimum dwelling unit area shall be 65.03 sq. m. (700.00 sq. ft.).

15.14 Additional Regulations for the DR: Development Reserve Zoning District

- 1) Council shall not approve any development which, in its opinion, would:
 - a) substantially alter the existing state of the land;
 - b) require structures, footings or foundations that cannot be removed or relocated at a nominal cost to the applicant or owner; or
 - c) be prejudicial to the future economical subdivision, servicing and development of the subject land for future urban uses on a planned basis.
- 2) Council may specify the length of time a use is permitted in this Zone having regard for the future servicing or development of general residential, recreational, institutional, industrial or commercial development on the subject land.

15.15 Additional Regulations for the RMU-2: Residential Mixed Use Zoning District

- 1) The following regulations shall apply to Single Family Dwellings and Single Attached Dwellings that are part of a Condominium Plan:
 - a) The maximum gross density shall be 8.65 dwellings per hectare (3.50 dwellings per gross acre).
 - b) Single Family Dwellings or Single Attached Dwellings can only be developed as part of a condominium project.
 - c) For bare land condominium projects, Single Attached Dwelling means one of a group of up to four Single Family

Dwellings that are attached, with each dwelling unit having an independent entrance directly from the outside.

- 2) The following regulations shall apply to Senior's Housing and Multiple Family Housing:
 - a) The maximum gross density shall be 37.06 dwellings per hectare (15.00 dwellings per gross acre).
 - b) The maximum height shall be 17.37 m. (57.00 ft.) and a maximum 4.00 storeys.

15.16 Additional Regulations for the Area referred to as Hatfield Area South as shown on Map 1D

- 1) With the exception of 4) below, the maximum density allowed is 1 lot per acre of land.
- 2) Any lots smaller than 2 acres, shall be rezoned to "RR-1" Rural Residential.
- 3) Flag lots shall not be permitted.
- 4) An infill subdivision means the subdivision of a lot that is less than 6.5 acres. Infill subdivisions shall comply with the following regulations:
 - a) Minimum site area of 0.8 acres
 - b) Minimum site frontage of 120.0 ft.
 - c) Minimum site depth of 225 ft.
 - d) Minimum side yard of 15.0 ft.
- 5) A greenfield subdivision means the subdivision of a lot that is equal to or greater than 6.5 acres. Greenfield subdivisions shall comply with the following regulations:
 - a) Minimum site area of 1.0 acre.
 - b) Minimum site frontage of 120.0 ft.

15.17 Additional Regulations for Multi-Family Developments

- 1) Once a development application has been received for any Multi-Family development and prior to any conditional use hearing, Council may establish a committee to review and comment on the design details of any proposed development including but not limited to:
 - the building placement, façade treatment, building materials, and building entrances;
 - the general site layout;

- the proposed building height;
 - the proposed signage;
 - the proposed landscaping plans;
 - the proposed vehicular access and driveway locations;
 - the proposed off-street parking location and circulation;
 - the proposed loading standards;
 - the relationship with adjacent developments in terms of privacy, architectural features, setbacks, vehicular and pedestrian access, and related matters; and
 - the general compliance with the performance standards for residential use class developments as provided for in Subsection 20.2 of this By-law.
- 2) The Designated Officer will include in the Planning Report to Council, as part of the Conditional Use Application, comments and recommendations from the design committee.

PART IV – SPECIAL LAND USES

16.0 Special Land Uses

16.1 *Applicability*

- 1) The Special Land Use Regulations apply to the uses listed irrespective of the Zoning District in which they are located. Where these regulations appear to be in conflict with the Zoning District regulations in which the use is either a permitted use or conditional use, the Special Land Use Regulations shall take precedence and shall be applied in addition to the regulations in the Zoning District.

16.2 *Bed and Breakfast Homes*

A Bed and Breakfast Home shall comply with the following regulations:

- 1) There shall be no exterior display or advertisement larger than 1.11 sq. m. (12.00 sq. ft.) in the Neighbourhood Areas of the *RM of Headingley Development Plan*, and 2.97 sq. m. (32.00 sq. ft.) in other areas, provided that no sign shall be illuminated and any Sign must be compatible with the residential character of the area.
- 2) The Bed and Breakfast Home shall not generate vehicular traffic or parking that is in excess of what is normally characteristic of the area.
- 3) The Bed and Breakfast Home shall be operated by a live-in owner as a secondary use only and shall not change the principal residential character or external appearance of the dwelling unit.
- 4) The Bed and Breakfast Home shall have a maximum of three bedrooms or bedroom suites in Neighbourhood Areas of the *RM of Headingley Development Plan* and five bedrooms or bedroom suites in other areas.
- 5) Meals shall be limited to the owner-occupants of the Bed and Breakfast Home and resident guests therein with no cooking facilities allowed in the bedrooms or bedroom suites.
- 6) In addition to the parking regulations for the primary use, one additional on-site parking space shall be provided for each bedroom or bedroom suite.
- 7) An approved 2.20 kg. (4.85 lb.) multi-purpose portable fire extinguisher shall be visibly mounted near the kitchen exit door, preferably the door leading directly outdoors.
- 8) All Bed and Breakfast Homes must be operated in accordance with all plans and documents approved as part of the application.

- 9) The maximum stay for any guest at any one time shall be 14 days.

16.3 Car Brokers

A Car Broker shall comply with the following regulations:

- 1) The Car Broker operation shall be operated as a secondary use only on the site, and shall not change the principal character or external appearance of the dwelling unit involved.
- 2) The Car Broker operation shall be limited to the purchase and sale of used passenger vehicles and light trucks only.
- 3) Except as hereinafter provided, the vehicles that are for sale shall be parked or stored at the rear of the dwelling unit on the site so as to be entirely screened from public view.
- 4) Notwithstanding Section 16.3 (3) of this By-law, a maximum of one vehicle may be put on display for sale in the front yard of the site on which a Car Broker operation is located at any one time.
- 5) Notwithstanding Section 16.3 (4) of this By-law, on the site on which a Car Broker operation is located there shall be no vehicles put on display for sale within any Municipal road right-of-way.
- 6) Notwithstanding Section 16.3 (4) of this By-law, if the Car Broker operation is adjacent to a Provincial Trunk Highway, Provincial Road, Provincial Access Road or Main Market Road, the vehicles put on display for sale thereon shall be setback in accordance with *The Highways and Transportation Act* and *The Highways and Protection Act*.
- 7) The site on which a Car Broker operation is located shall be kept in a tidy, well-maintained manner to the satisfaction of the Designated Officer.
- 8) A storage area having four passenger vehicles and/or light trucks that are visible from a roadway or an abutting Residential District that is within 198.10 m. (650.00 ft.) from the storage area shall be fenced and/or have a screen planting, to the satisfaction of the Designated Officer.
- 9) The Car Broker operation shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zoning District in which it is located.
- 10) The Car Broker operation shall be operated solely by the members of the family residing at the same dwelling unit on the site where the Car Broker operation is located without the employment of other persons.
- 11) Any exterior display or advertisement of the Car Broker operation shall:
 - a) not exceed 0.74 sq. m. (8.00 sq. ft.) in area;

- b) not be illuminated; and
 - c) be compatible with the character of the area.
- 12) The dimensions of signage advertising the sale of vehicles shall not exceed 21.59 cm. (8.50 in.) by 27.94 cm. (11.00 in.).
 - 13) The Car Broker operation shall have all outdoor lighting located and arranged on the site so that no rays of light are directed at any adjacent sites.
 - 14) The maximum number of passenger vehicles and light trucks for sale at any one time shall be limited to four vehicles.
 - 15) All Car Brokers must be operated in accordance with all plans and documents approved as part of the application.

16.4 Home Occupations

A Home Occupation shall comply with the following regulations:

- 1) The Home Occupation shall not include escort services, automotive service uses or tow-truck operations.
- 2) The Home Occupation shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zoning District in which it is located.
- 3) The Home Occupation shall be owned and operated by the member(s) of the family residing at the dwelling unit.
- 4) Notwithstanding Section 19.0 of this By-law, the Home Occupation may have one identification sign not exceeding 0.74 sq. m. (8.00 sq. ft.) in area, indicating the name of the occupant and/or Home Occupation of the occupant provided the sign is attached to and parallel with the wall of the principal or accessory building.
- 5) There shall be no mechanical or electrical equipment used which creates noise, or visible and audible interference in radio or television reception in adjacent dwelling units.
- 6) The Home Occupation shall only be allowed in conjunction with a dwelling unit, and shall not change the principal character or external appearance of the dwelling unit involved.
- 7) A Home Occupation within a dwelling unit or accessory building shall not exceed a maximum floor area of 37.16 sq. m. (400.00 sq. ft.) or twenty percent (20%) of the floor area, whichever is lesser.
- 8) The Home Occupation shall not be permitted if, in the opinion of the Designated Officer, such use would be more appropriately located in

another Zoning District having regard for, among other matters, potential traffic generation and potential interference with the residential character of the area.

- 9) In addition to the information regulations of Section 8.0 of this By-law, each application for a development permit for a proposed Home Occupation shall include a description of the office use to be undertaken at the premises and an indication of where any materials, equipment or vehicles associated with the office use are to be stored.
- 10) A permit for a Home Occupation is not transferable to a new homeowner.
- 11) Any work or activity conducted on the premises in connection with the home occupation shall be carried on entirely within the residential dwelling unit or entirely within a building accessory to that dwelling unit.
- 12) The home occupation shall be conducted solely by one or more of the residents living in the residential dwelling unit on the premises without the employment of any other person.
- 13) In the case of rental premises, the home occupation applicant will be required to obtain the permission of the owner of the premises before a home occupation permit under this Section can be issued by the Designated Officer.
- 14) Home Occupations shall be limited to those uses which do not interfere with the rights of other residents to quiet enjoyment of their neighbourhood.
- 15) In the case of retail sales, the home occupation offers commodities for sale which are limited to those produced or repaired on the premises.
- 16) If a Home Occupation is used for instructional classes, there shall not be more than six (6) pupils per day.
- 17) All Home Occupations must be operated in accordance with all plans and documents approved as part of the application.

16.5 Livestock Operations

- 1) *Except for the dwelling unit of the operator of the Livestock Operation, mutual separation distances shall be maintained between Livestock Operations and a dwelling unit or designated residential or recreational area in accordance with Table 3:*

**Table 3
Mutual Separation Regulations**

Size of Livestock Operation in Animal Units	Minimum Separation Distance			
	From Single Residence		From Designated Residential or Recreational Area	
	To Earthen Manure Storage Facility	To Animal Housing Facility and Non-earthen Manure Storage Facility	To Earthen Manure Storage Facility	To Animal Housing Facility and Non-earthen Manure Storage Facility
10-100	200.00 m (656.00 ft.)	100.00 m. (328.00 ft.)	800.00 m. (2,625.00 ft.)	530.00 m. (1,739.00 ft.)
101-200	300.00 m. (984.00 ft.)	150.00 m. (492.00 ft.)	1,200.00 m. (3,937.00 ft.)	800.00 m. (2,625.00 ft.)
201-300	400.00 m. (1,312.00 ft.)	200.00 m (656.00 ft.)	1,600.00 m. (5,249.00 ft.)	1070.0 m. (3,511.00 ft.)
301 to 400	450.00 m. (1,476.00 ft.)	225.00 m. (738.00 ft.)	1,800.00 m. (5,906.00 ft.)	1,200.00 m. (3,937.00 ft.)
401 to 800	500.00 m. (1,640.00 ft.)	250.00 m. (820.00 ft.)	2,000.00 m. (6,561.00 ft.)	1,330.00 m. (4,364.00 ft.)
801 to 1600	600.00 m. (1,968.00 ft.)	300.00 m. (984.00 ft.)	2,400.00 m. (7,874.00 ft.)	1,600.00 m. (5,249.00 ft.)
1601 to 3200	700.00 m. (2,297.00 ft.)	350.00 m. (1,148.00 ft.)	2,800.00 m. (9,186.00 ft.)	1,870.00 m. (6,135.00 ft.)
3201 to 6400	800.00 m. (2,625.00 ft.)	400.00 m. (1,312.00ft.)	3,200.00 m. (10,499.00 ft.)	2,130.00 m. (6,988.00 ft.)
6401 to 12800	900.00 m. (2,953.00 ft.)	450.00 m. (1,476.00 ft.)	3,600.00 m. (11,811.00 ft.)	2,400.00 m. (7,874.00 ft.)
12801+	1,000.00 m. (3,281.00 ft.)	500.00 m. (1,640.00 ft.)	4,000.00 m. (13,123.00 ft.)	2,670.00 m. (8,760.00 ft.)

- 2) All existing and approved Livestock Operations shall comply with *The Livestock Manure and Mortalities Management Regulation MR 42/98*.

16.6 Residential Related Farms

A Residential Related Farm shall comply with the following regulations:

- 1) The minimum site area for the Residential Related Farm shall be 2.02 ha. (5.00 acres).
- 2) The maximum size for the Residential Related Farm shall be up to 10.00 Animal Units.
- 3) The keeping of animals on a site shall not interfere with the use and enjoyment of adjacent land uses.
- 4) For the purposes of this Section of the By-law, the calculation of Animal Units shall be cumulative across the species as determined on the basis of the Animal Units Conversion Table (Appendix D), or as determined by the Province of Manitoba.
- 5) A Residential Related Farm can only developed in conjunction with a Single Family Dwelling.
- 6) All Residential Related Farms must be operated in accordance with all plans and documents approved as part of the application.

16.7 Planned Unit Developments

A Planned Unit Developments shall comply with the following regulations:

- 1) Specific regulations in a Zoning District shall not directly apply to Planned Unit Developments. However, the project shall produce an environment of stable and desirable character and shall incorporate at least equivalent standards of building separation, parking, height and other regulations and regulations of this By-law.
- 2) An application for a Planned Unit Development shall include normal development permit regulations as well as an impact study that outlines the following information:
 - a) economic, social and environmental benefits to the community;
 - b) the effect on the general character of the area and adjacent areas;
 - c) the effect on the general environment including, but not necessarily limited to, drainage, groundwater and erosion;
 - d) the effect on Municipal services and the street system; and
 - e) such additional information as required by Council.

- 3) The minimum site area for a Planned Unit Development shall be 4.05 ha. (10.00 acres).
- 4) The density of development shall not be increased from the normal density per gross hectare (acre) permitted in the Zoning District in which the proposed Planned Unit Development is located.
- 5) Planned Unit Developments shall be regulated through a site plan agreement or development agreement which is caveated against the title at the Land Titles office.
- 6) An overall landscaping plan shall be prepared.
- 7) Any public park areas shall be dedicated to the Municipality.

16.8 *Small Animal Breeding and Boarding Establishment*

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

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

16.9 *Secondary Suite*

A secondary suite is allowed as an accessory use in a Single Family Dwelling provided that it complies with the following regulations:

- 1) The Single Family Dwelling is owner-occupied and the lot not less than 929.00 sq. m. (10,000.00 sq. ft.).

- 2) The Single Family Dwelling and the secondary suite have a common front entrance.
- 3) The secondary suite is not obtrusive so as to change the one family nature of the Single Family Dwelling.
- 4) An Occupancy Permit has been issued by the Designated Officer.
- 5) One additional accessory off-street parking space is provided for the exclusive use of the secondary suite.
- 6) The secondary suite can only be occupied and used by the owner-occupants' immediate family.
- 7) A development permit for a secondary suite is valid for three (3) years from the date the permit was approved by the Designated Officer. The owner-occupant can apply for a new development permit subject to complying with the applicable development regulations.

16.10 Vehicular - Oriented Uses

16.10.1 Applicability

- 1) The following Commercial Use developments shall comply with the regulations of this Section of the By-law:
 - a) Drive-Through Food Services;
 - b) Gas Bars;
 - c) Service Stations;
 - d) Rapid Drive-Through Vehicle Services; and
 - e) Automated Teller Machines.

16.10.2 Development Regulations

- 1) Vehicular-oriented uses shall be located only where the Designated Officer or Council is satisfied that the development will not adversely affect the functioning of the surrounding public roadway.
- 2) The minimum frontage shall be 30.48 m (100.00 ft.).
- 3) Service Stations and Rapid Drive-Through Vehicle Services shall have a minimum site depth of 30.48 m (100.00 ft.).
- 4) Stacking space shall be provided as follows:
 - a) For Drive-In Food Services and other Commercial Use developments having a drive-up service window, a minimum of six in-bound stacking spaces shall be provided for vehicles approaching the drive-up service window. One out-

- bound stacking space shall be provided on the exit side of each service position and this space shall be located so as not to interfere with service to the next vehicle.
- b) For Rapid Drive-Through Vehicle Services, a minimum of five in-bound and three out-bound stacking spaces shall be provided for each service bay, except that in the case of a complete service car wash a minimum of ten in-bound and five out-bound stacking spaces shall be provided.
 - c) For Automated Teller Machines, a minimum of three in bound stacking spaces shall be provided measured from the teller window or automated teller machine.
 - d) All stacking spaces shall be a minimum of 5.49 m. (18.00 ft.) long and 3.05 m. (10.00 ft. m) wide. Stacking lanes shall provide sufficient space for turning and manoeuvring.
 - e) All stacking spaces shall be located so as not to block or interfere with the smooth flow of traffic to and from required off-street parking spaces or the driving aisles providing access to those spaces, or any adjacent street or lane through an approved access point.
- 5) Gas Bars and Service Stations shall comply with the following additional regulations:
- a) All pump islands and underground storage tanks shall be located at least 4.57 m. (15.00 ft.) from any boundary of the site, parking area on the site, or laneways intended to control traffic circulation on the site.
 - b) Refuelling areas are not permitted in a required parking area.
 - c) A canopy over a pump island may extend to within 3.05 m. (10.00 ft .) of the boundary of the site. The canopy area shall not constitute part of the site coverage for the purpose of this Section of the By-law.

16.11 Convenience Retail Stores

Convenience retail stores in any residential zone shall comply with the following regulations:

- 1) There shall be no outdoor storage.
- 2) Convenience retail stores shall only be allowed on corner lots or the intersection of two streets.

- 3) The building architecture shall blend in with the residential character of the area and all exposed building faces shall have consistent and harmonious exterior finishing material.
- 4) One fascia or awning advertising sign not to exceed 3.72 sq. m. (40.00 sq. ft.) shall be allowed on the site, provided that the sign is compatible with the residential character of the area and is not animated, flashing or rotating.

16.12 Boats, Utility Trailers, Un-licensed Vehicles and Motor Homes

- 1) Boats, utility trailers, un-licensed vehicles and motor homes may be stored in the Rear or Side Yard of a residential property provided that:
 - a) the rear or side yards are accessible;
 - b) occupancy is prohibited during storage; and
 - c) storage is not used for commercial purposes unless specifically allowed for in that Land Use Zone.

16.13 Tennis Courts and Outdoor Skating Rinks

- 1) Tennis courts and outdoor skating rinks in any R-20 Zone shall:
 - a) be considered accessory uses and developed in accordance with Section 17.3 of this By-law;
 - b) not be located closer than 3.05 m. (10.00 ft.) to any side or rear yard, nor be constructed in front of the foremost portion of the principal building.
 - c) conform with the Municipal Lot Grading By-law, and any amendments thereto;
 - d) have all outdoor lighting located and arranged so that no rays of light are directed at any adjacent properties; and
 - e) be developed in accordance with the Municipal Noise By-law and be limited in hours of use to between 7:00 a.m. and 10:30 p.m. daily.

16.14 Mini-Warehouse and Self Storage

- 1) Mini-Warehouse and Self Storage uses shall comply with the following regulations:

- a) they are prohibited on any lots adjacent to the TransCanada Highway as determined by the Designated Officer.

16.15 Automotive and Recreational Vehicle Sales

- 1) All work on vehicles or equipment, including but not limited to estimates, inspections, repairs, washing, and vehicle preparation, shall be conducted within an enclosed building.
- 2) If a required landscape area is used as a vehicle display area for the exhibition, sale, or rental of a new or used vehicle, the owner shall comply with the following provisions:
 - a) A fence or landscaped barrier not exceeding 4 feet and not less than 2 feet in height shall be erected where the display area abuts upon a public right-of-way or an adjacent property, and wheel stops shall be located at least 2 ½ feet inside the said fence.
 - b) Vehicle display areas shall not be located within a public right-of-way, on-site driveway or on top of any building.
 - c) Vehicle display areas shall not cover more than 25% of a required front yard landscaped area.
- 3) A lot area for outside sales shall be paved with concrete, asphalt, paving stones, or other impervious surface approved by the Designated Officer, and shall be graded and drained to dispose of all water accumulated within the area.
- 4) At least one permanent building shall be constructed for the use as a sales or administrative office, having at least 600 square feet of gross floor area, constructed of wood, masonry, or other building material approved by the Designated Officer, and set on a foundation.
- 5) The density of vehicles on the lot shall not exceed 100 vehicles per net acre (the net area excludes any on-site buildings, any vehicle display areas and any required off-street parking stalls for employees and customers).
- 6) The vehicles must be arranged on the lot in an orderly manner, and provide for proper vehicular circulation.
- 7) The loading and unloading of vehicles must take place entirely on the property.

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- 8) Any new developments shall comply with the Off-Street Parking regulations as provided for in Section 18.0 of this By-law.
- 9) Any new developments shall comply with the Landscaping regulations as provided for in Section 17.13 of this By-law.
- 10) No automobile parts or equipment or related material shall be kept, stored or left on the property unless stored within a fully enclosed building.

16.16 Solar Panels

- 1) Any solar collector not connected to a building shall adhere to the same setbacks and height restrictions for accessory buildings in the zone in which the installation is situated.
- 2) A roof or mounted solar collector shall not exceed, in size, the total square footage of the principal structure.
- 3) A solar collector that is mounted on a roof can project a maximum of 1.50 m. (6.50 ft.) from the surface of the roof and shall not exceed the outermost edge of the roof.
- 4) A solar collector that is mounted on a wall can project a maximum of 0.60 m. (2.00 ft.) from the surface of that wall and shall be located a minimum of 2.4 m. (8.00 ft.) above grade.
- 5) Notwithstanding any other provision of this By-law, any Residential Use Class that incorporates a solar collector into the building design shall be classified as a conditional use.

PART V– DEVELOPMENT REGULATIONS

17.0 General Development Regulations

17.1 *Applicability*

- 1) The General Development Regulations apply to any development on any site, irrespective of the Zoning District in which it is located.

17.2 *Access to Sites*

- 1) All access locations and curb crossings for municipal roads shall require the approval of the Designated Officer or Municipal Engineer.
- 2) Permits for:
 - a) developments adjacent to Provincial Trunk Highways shall be required from the Highway Traffic Board; and
 - b) developments adjacent to Provincial Roads as well as all Provincial Access Roads shall be required from Manitoba Infrastructure & Transportation.
- 3) In the R-20: Residential Single Family and the RR: Rural Residential Planned Unit Development Zoning Districts, no more than one (1) driveway shall be constructed for each dwelling unit and the driveway shall not have more than one (1) access to and from an abutting street and such access shall not be to and from more than one (1) street. Where a lot abuts on two (2) streets, access shall be restricted to the street it abuts for the shorter distance. Any driveway to permit access to lots shall be installed by the owner of the lot together with a crossing from the street to each site. All approaches shall be approved by the RM of Headingley in accordance with existing municipal standards.

17.3 *Accessory Uses, Buildings and Structures*

- 1) Accessory developments are permitted when accessory to a permitted use.
- 2) Accessory developments are conditional when accessory to a conditional use.
- 3) Where any building or structure on a site is attached to a principal building on the site by a roof, an open or enclosed structure above grade, a floor or a foundation which is above grade, or any structure below grade allowing access between the buildings such as a parking garage or a corridor or passageway connecting the buildings, it is a part of the building and is not an accessory building.

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- 4) No accessory building or structure shall be constructed on any site prior to the time of construction of the principal building to which it is accessory.
- 5) No accessory building or structure shall be used as a dwelling unit.
- 6) Accessory buildings and structures shall be located on a site as follows:
 - a) where the accessory building is attached to a main building, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the principal building; and
 - b) where the accessory building is detached from the principal building, it shall not be located closer than 3.00 m. (9.84 ft.) clear of all projections to the principal building, nor shall it be located closer to a public roadway than the principal building.
- 7) Accessory buildings or structures shall be subject to the regulations for that Zoning District.
- 8) Notwithstanding Section 17.3 (7) of this By-law, the maximum height of accessory buildings or structures on a site which abuts a site in a Residential District shall not be greater than the height of the principal buildings permitted in the said abutting Zoning District.
- 9) Any garage that is either attached or free standing shall not have a door height exceeding 3.05 m. (10.00 ft.) in all Residential Zoning Districts.
- 10) No accessory building or structure shall be located within a dedicated easement or right-of-way.

17.4 Building Grade

- 1) No building or structure shall be erected without first obtaining from the Designated Officer written instructions as to the grade for the building or structures to be erected, which shall be in accordance with any applicable Lot Grade By-laws. It shall be the continuing obligation of the property owner to maintain building grades for adequate site drainage and to ensure that the level of the surrounding fill at the building line shall not be less than the flood protection level.

17.5 Construction on Road Allowance

- 1) No building or structure shall be erected upon any land designated for a future road allowance by the RM of Headingley. Any development adjacent to said future road allowance shall comply with the regulations of the By-law as if the said future road allowance was already in existence.

17.6 Connecting to Municipal Services

- 1) All new principal buildings constructed on a site that is serviced by Municipal sewer or water shall, where feasible as determined by the Designated Officer, be connected to such services.

17.7 Excavation, Stripping and Grading

- 1) For the purpose of this Section of the By-law, excavation shall mean excavation other than for construction or building purposes, including but not limited to topsoil stripping and the construction of artificial bodies of water.
- 2) A person wishing to excavate, strip or grade land shall:
 - a) comply with Municipal By-laws, as amended, that regulate the excavation, stripping or grading of land; and
 - b) provide the following details in his/her development permit application:
 - i) the location and area of the site on which the excavation, stripping or grading is to take place;
 - ii) the existing land use and vegetation;
 - iii) the type and dimensions of the excavation to be made, and the effect on existing drainage patterns; and
 - iv) the condition in which the excavation is to be left when the operations is complete, or the final disposition to be made of the area from which the topsoil is to be removed, including the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling or lessening the creation of erosion or dust from the land.
- 3) The Designated Officer shall consider every application for a permit to excavate land, and shall not issue a permit unless he/she is satisfied that:
 - a) the operation will be carried out so as to create a minimum of dust and environmental disturbance; and
 - b) the operation is one which, in the opinion of the Designated Officer, is reasonable, necessary for the use and development of the land in question.
- 4) The Designated Officer may require as a condition of issuing a permit to excavate land, that the applicant take the precautions and follow the methods prescribed by the Designated Officer for the prevention or control

of dust or any other nuisance caused by the proposed operation, and for the reclamation of the site if required.

17.8 Fences

- 1) A fence shall be permitted in a required yard or on the boundaries of a required yard provided it complies with the fence regulations of this By-law.
- 2) A fence in a Residential District:
 - a) Shall not include electric fences or barbed wire fences.
 - b) Shall not be higher, measured from the general ground level at a distance of 0.61 m. (2.00 ft.) from within the lot line of the site on which the fence is to be constructed, than 1.22 m. (4.00 ft.) in a required front yard; and 2.00 m. (6.56 ft.) in a required side or rear yard.
- 3) Notwithstanding 17.8 (b) the permitted height of a fence can be increased or decreased at the discretion of the Designated Officer to reflect the grade of surrounding sites.
- 4) Notwithstanding the above, the maximum height of a fence for Public Education Service, Private Education Service, Public Utility Service or Public Park Use developments shall be 3.05 m. (10.00 ft.), excepting chain link fences for which there shall be no height limitation.
- 5) Notwithstanding the above, for Industrial and Commercial Use Class developments:
 - a) the maximum height of a fence located in a rear yard shall be 3.66 m. (12.00 ft.); and
 - b) outside storage shall not be allowed to project above the height of the fence.
- 6) Notwithstanding the above, the permitted height of a fence can be increased or decreased at the discretion of the Designated Officer to reflect the grade of surrounding sites.

17.9 Flood Prone Risk Areas and Hazard Lands

- 1) Notwithstanding any other provision of this By-law, the Designated Officer may:
 - (a) Refuse a building and/or development permit where the RM of Headingley Council has determined that the proposed building or structure is to be located on lands subject to erosion, bank instability, sloughing or is to be located on low-

- lying wetlands having insufficient bearing strength to accommodate said building or structure; or
- (b) Require that the proposed building or structure be constructed and located in such a manner as to negate the effects of the hazard.
- (2) The Designated Officer may require that the applicant provide, at his/her own expense, such flood levels, elevations, or other geotechnical data as may be required for its determination with respect to subsections (1) above.
 - (3) The RM of Headingley may, prior to the issuance of a development permit, consult with Provincial Government officials.

17.10 Hazardous Materials Storage

- 1) No commercial-related or industrial-related Bulk Storage Facility, Agricultural Crop Protection Warehouse or Agricultural Product Storage shall be located within:
 - a) 457.20 m. (1,500.00 ft.) of the Neighbourhood Areas of the RM of Headingley Development Plan;
 - b) 304.80 m. (1,000.00 ft.) of a building used for human occupancy; and
 - c) 100.00 m. (328.08 ft.) from the edge of the rights-of-way of Provincial Trunk Highways, Provincial Roads as well as all Provincial Access Roads.

17.11 Height of Features

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

17.12 Land Drainage

- 1) A development permit shall be required for any drainage works undertaken on any lands, where it is proposed to alter or divert the natural course of a watercourse.
- 2) Notwithstanding any other regulation of this By-law, the Designated Officer or RM of Headingley may refuse a development permit for, or prohibit, any

drainage works to be undertaken on lands where it has been determined that such works would create an adverse effect on adjacent public or private lands or where adjacent drains are insufficient to accommodate the added runoff.

17.13 Landscaping

- 1) This section applies to the following Use Class developments: Commercial, Industrial, Community, Educational, Recreational and Cultural Service and Residential Use Class Developments (excluding Single Family Dwellings).
- 2) A landscaping plan is required and no landscaping work shall be commenced unless the landscaping plan is approved by the Designated Officer.
- 3) A landscaping plan shall contain the following information for the site and adjacent boulevards:
 - a) all physical features, existing or proposed, including vegetation, berm contours, walls, fences, outdoor furniture and fixtures, surface utilities, and paving; and
 - b) all shrubs and trees, whether existing or proposed, labelled by their common name, botanical name, and size.
- 4) Notwithstanding the regulations of Section 17.13 (2) of this By-law, the Designated Officer may consider an application if, in his/her opinion, the development is of such a nature as to enable the decision to be made on the application without all of the information.
- 5) In the event that planting material required in an approved development is inappropriate or fails to survive, the Designated Officer may allow or require alternative materials to be substituted.
- 6) All plant material required shall be hardy to the location on the site where they are planted. The horticultural standards of the Canadian Nursery Trades Association shall be used as a reference in selecting plants.
- 7) The applicant shall be responsible for landscaping and proper maintenance. The Designated Officer shall require, as a condition of approval, that the applicant provide an irrevocable letter of credit in the amount of 100.00 percent of the estimated landscaping cost, the condition of the said irrevocable letter of credit being that, if the landscaping is not completed in accordance with this By-law and the plan within one growing season after the completion of the development, then the amount required to complete the landscaping shall be paid to the Municipality from the said irrevocable letter of credit.

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- 8) Where landscaping is required as part of any Commercial Use Class development, trees shall be provided on the basis of a minimum one tree for each 44.13 sq. m (475.00 sq. ft.) of any required yard at grade.
- 9) All required yards and all open spaces on Commercial and Industrial Use Class developments, excluding parking spaces, on-site circulation, outdoor storage, display and service areas, shall be landscaped in accordance with the landscaping plan. This shall include appropriate screening of utility facilities.
- 10) For Commercial Use Class developments, deciduous trees shall be at least 63.00 mm. (2.50 in.) calliper when planted and evergreen trees shall have a minimum height of 2.44 m. (8.00 ft.) when planted.
- 11) A garbage collection area, an open storage area, or an outdoor service area, which is visible from an abutting site in a Residential District, or from a public roadway other than a lane, shall be fenced or have a screen planting. The location, length, thickness and height of such fence or screen planting shall be in accordance with the landscaping plan. Such fence or screen planting shall be maintained to provide effective screening from the ground to a height of 1.83 m. (6.00 ft.).
- 12) In the case of bulk outdoor storage, including but not limited to lumber yards and similar uses, where because of height of materials stored, a screen planting would not be sufficient, a fence, earth berm or combination thereof, with sufficient height to substantially block the view, shall be substituted for the regulations of Section 17.13 (9) of this By-law.
- 13) Where, because of conditions not conducive to good horticultural practices, a screen planting cannot reasonably be expected to survive, the Designated Officer shall require a masonry wall, wood fence or earth berm, or combination thereof, to be substituted for the regulations of Section 17.13 (9) of this By-law.
- 14) Any screen planting required shall consist of evergreen trees or shrubs, or flowering trees or shrubs, or both. All screen plantings shall be maintained to provide effective screening from the ground to a height of 1.83 m. (6.00 ft.).
- 15) Plant materials located within 6.10 m. (20.00 ft.) of a public street must be of a salt-tolerant species.
- 16) The owners shall maintain all landscaping and buffering areas required by this By-law free from refuse and debris and with a neat appearance, and shall maintain plant materials including lawns and naturalized landscaping, in a healthy condition. The owner shall replace any plant material required by this By-law that dies or becomes diseased.”

17.14 Lighting of Sites

Outdoor lighting for any development:

- 1) Shall be low-glare in nature and located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices.
- 2) If ground mounted, the maximum height shall be 10.67 m. (35.00 ft.).
- 3) Wall-mounted lights must have fully shielded luminaries to direct all light downward.

17.15 Moving of Structures

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

17.16 Noxious or Offensive Uses

- 1) Nothing in this By-law, or in a development permit, approval or a conditional use order, variation order or other approval issued under this By-law or under the *Act*, shall be construed as authorization for the carrying out of any activity that is a nuisance.

17.17 Outdoor Solid Fuel Heating System Buildings or Structures

An outdoor solid fuel heating system building or structure shall comply with the following regulations:

- 1) No person shall install an outdoor solid fuel heating system building or structure without first obtaining a development permit from the Designated Officer and no development permit to install an outdoor solid fuel heating

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system building or structure shall be issued unless all the regulations of this By-law have been satisfied.

- 2) No outdoor solid fuel heating system building or structure shall be located in the Neighbourhood Areas of the *RM of Headingley Development Plan*.
- 3) Outdoor solid fuel heating system buildings or structures are considered accessory uses and shall be developed in accordance with Section 17.3 of this By-law.
- 4) Notwithstanding Section 17.17 (3) of this By-law, an outdoor solid fuel heating system building or structure shall be located:
 - a) Behind the rear wall of the principal building on the site.
 - b) At least 15.24 m. (50.00 ft.) clear of all projections from the principal building or other accessory buildings or structures on the site.
 - c) At least 15.24 m. (50.00 ft.) from any lot line within the IG: General Industrial and AG: Rural General Zoning Districts and at least 60.96 m. (200.00 ft.) from any lot line within any other Zoning District.
 - d) As per insurance requirements.
 - e) As per any manufacture's requirements.
- 5) The outdoor solid fuel heating system building or structure shall be developed in accordance with CSA building regulations, applicable Provincial building code regulations and the National Building Code.
- 6) Notwithstanding Section 17.11 of this By-law, the minimum height of any chimney that is part of an outdoor solid fuel heating system building or structure shall be 3.35 m. (11.00 ft.).
- 7) The minimum separation space between a outdoor solid fuel heating system appliance and the walls and ceiling of any building or structure within which it is located shall 1.52 m. (5.00 ft.), as per any manufacturing specifications or whichever is the most restrictive.

17.18 Private and Semi-Private Swimming Pools and Hot Tubs

A Private and Semi-Private Swimming Pool and Hot Tub shall comply with the following regulations:

- 1) They shall meet Provincial regulations.
- 2) They shall be considered as being accessory to a permitted use and shall be developed in accordance with Section 17.3 of this By-law.

17.19 Projections into Yards

The following features may project into a required yard as provided for below:

- 1) Uncovered walks, wheelchair ramps, trellises, flagpoles, lighting fixtures and lampposts.
- 2) Verandas, porches, eaves, shade projections, unenclosed steps, cantilevers, chimney or parts of a chimney, belt courses, sills, together with any other architectural features which, in the opinion of the Designated Officer, are of a similar character, provided such projections do not exceed 0.61 m. (2.00 ft.).
- 3) Bay, oriel, or similar windows, provided that such projections do not exceed 0.61 m. (2.00 ft.).
- 4) Balconies, provided such projections do not exceed 0.61 m. (2.00 ft.).
- 5) Any loading space required under the regulations of this By-law, provided it shall not be in a required front yard.
- 6) An off-street parking area when comprised of parking spaces required under this By-law, provided that no parking area in any Zoning District shall be located within the first 4.57 m. (15.00 ft.) of a required front yard or front separation space. This shall not prohibit the use of a required front yard for such walkways and driveways as the Designated Officer considers necessary.
- 7) In all Residential Districts no person shall keep in any part of a site:
 - a) Any commercial vehicle, loaded or unloaded, of a maximum weight exceeding 6,804.00 kg. (15,000.00 lb.) gross vehicle weight.
 - b) Any dismantled or wrecked vehicle for more than fourteen consecutive days unless otherwise authorized under *The Derelict Vehicle By-law*.
 - c) Any object or chattel which, in the opinion of the Designated Officer or RM of Headingley, is unsightly or tends to adversely affect the amenities of the area.
 - d) Any above-ground or below-ground Bulk Storage Facility.

17.20 Special Setbacks

- 1) No dwelling unit shall be located within 402.34 m. (1,320.00 ft.) of the boundary of any active waste disposal ground unless:
 - a) a Certified Professional Engineer of Manitoba determines that there will be no migration of methane gas; and

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- b) approval has been obtained from Manitoba Conservation.
- 2) No dwelling unit shall be located within 457.20 m. (1,500.00 ft.) of the boundary of a Municipal sewage lagoon.
 - 3) No dwelling unit shall be located within 15.24 m. (50.00 ft.) from the edge of a right-of-way established for the transmission of high-pressure natural gas or the transmission of hydro electricity in excess of 100 kilovolts.
 - 4) No dwelling unit shall be located within 30.48 m. (100.00 ft.) from the edge of a railway right-of-way that is in active use.
 - 5) No dwelling unit or farm building shall be located within an area that has been designated as a high or medium quality aggregate area by the Manitoba Mines Branch, unless the site has been reviewed by that Branch and a recommendation provided that would allow development to proceed.
 - 6) No dwelling unit shall be located within 152.40 m. (500.00 ft.) from any active Natural Resource Development.
 - 7) Any development proposal to establish a dwelling unit, farm building or structure that exceeds a height of 30.48 m. (100.00 ft.), or to establish a shelterbelt or similar obstruction within the flight approaches of an Aircraft Landing Field for a distance of 1.61 km. (1.00 mile), shall be deemed to be a conditional use.
 - 8) No building, structure, parking area, shelterbelt, hedge or stockpiling of materials exceeding a height of 0.91 m. (3.00 ft.) above grade shall be located within a triangular area of any lot adjacent to an intersection of two public streets, with the sides of the triangular area being measured a distance of 3.05 m. (10.00 ft.) along each lot line from the point of intersection.
 - 9) In the case of a corner lot, the front yard shall be the yard abutting the front lot line.
 - 10) Despite Section 17.20 (9) of this By-law, the Designated Officer may require any corner lot to provide an additional front yard or yards other than that required, having regard to the orientation and access of adjacent developments.
 - 11) The Designated Officer may require a double fronting lots to provide a front yard on each public roadway, other than a lane, provided that at least one front yard shall be provided.

17.21 Temporary Buildings and Uses

- 1) A development permit for a temporary building, structure or use shall be subject to such terms and conditions as required by Council or the Designated Officer.
- 2) Each development permit issued for a temporary building, structure or use shall be valid for a period of not more than twelve months and may not be renewed for more than one successive period at the same location.
- 3) In all cases, temporary buildings and structures shall not exceed 92.90sm (1,000.00sq. ft.) in area and one storey or 4.57 m. (15.00 ft.) in height, and:
 - a) may be used as an office space for the contractor or developer;
 - b) excluding Neighbourhood Areas identified in the *RM of Headingley Development Plan*, may be used as a temporary placement of concrete and asphalt batch plants that are incidental to and necessary for highway construction and maintenance; and/or
 - c) shall not be used for human habitation, except as temporary accommodation for a caretaker, watchman or construction workers; and
 - d) shall not be detrimental to the public health, safety, convenience and general welfare, nor detract from the aesthetic value of the neighbourhood.
 - e) unless stated in this By-law or in the terms of the permit, the temporary use shall cease to operate 30 days after the approval of the permit.
 - f) all temporary signs associated with the temporary use or structure shall be removed when the activity ends.
 - g) the temporary use or structure shall not violate any applicable conditions of approval that apply to a principal use on the site.
 - h) if the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic movement that may be associated with the temporary use.
 - i) tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property.
 - j) a temporary use is not permitted unless sufficient off-street parking is provided to accommodate anticipated parking needs associated with the temporary use.

- 4) Notwithstanding the regulations of this Section of the By-law, a temporary development permit shall be issued for a Carnival development provided its maximum permitted duration on a site, which includes the installation and removal of all equipment and structures thereon, is five days.
- 5) in addition to the above noted requirements for Temporary Buildings and Uses, seasonal sales areas: shall not reduce the number of required off-street parking or loading spaces below the minimums required by this By-law; obstruct any vehicular circulation route into or through the property: and are limited to a maximum of 60 days per each calendar year.
- 6) in addition to the above noted requirements for Temporary Buildings and Uses, farm produce outlets are limited to between April 1st to October 31st.
- 7) in addition to the above noted requirements for Temporary Buildings and Uses, temporary construction trailers or buildings shall be removed from the premises within one month after completion of construction.

17.22 Increased Rear and Side Yard Setbacks – South Hamlet

- 1) Notwithstanding anything herein contained, any building or structures including accessory buildings on lands shown on Map 2 shall maintain a minimum rear yard setback of 25.30 m. (83.00 ft.).
- 2) Side yard setbacks for structures on lots immediately adjacent to existing north-south rear property lines that run parallel to Alboro, Rodney, Seekings and Wescana Streets, as shown on Map 2, shall maintain a minimum side yard of 14.60 m. (48.00 ft.).

17.23 Increased Side Yard Setbacks – Lots 14 and 16, Block 2, Plan No. 37418 WLTO

- 1) Notwithstanding anything herein contained, for the land parcel legally described as Lots 14, Block 2, Plan No. 37418, WLTO, as shown on Map 3, the minimum westerly side yard shall be 6.096 m. (20.00 ft.).
- 2) Notwithstanding anything herein contained, for the land parcel legally described as Lots 16, Block 2, Plan No. 37418, WLTO, as shown on Map 3, the minimum easterly side yard shall be 6.096 m. (20.00 ft.).

17.24 Rail Cars, Semi-Trailers or Similar Such Containers

- 1) Rail cars or semi-trailers, or similar such containers shall comply with the following regulations:

If used for less than 90 days per calendar year:

- a) Shall be classified as a Temporary Use.
- b) Shall be located to the rear of the principal building.
- c) Shall comply with Section 17.3 of this By-law.

If used for more than 90 days per calendar:

- a) Shall be classified as an Accessory Use.
- b) Shall be located to the rear of the principal building.
- c) Shall be placed on a secure and level foundation as determined by the Designated Officer.
- d) Shall be painted to match the colour of the principal building with no business identification signs as determined by the Designated Officer.
- e) For sites less than 1.00 hectare (2.27 acres) there shall be no more than 2 rail cars or semi-trailers, or similar such containers; for sites between 1.00 hectares (2.27 acres) and 2.00 hectares (4.94 acres) there shall be no more than 4 rail cars or semi-trailers, or similar such containers; and for sites greater than 2.00 hectares (4.94 acres) there shall be no more than 6 rail cars or semi-trailers, or similar such containers.
- f) Shall provide a solid fence around the containers and maintain the fence in a condition that is acceptable to the Designated Officer.
- g) Shall not allow the containers to project above the height of the fence.
- h) Shall not stack the containers on top of other containers.
- i) Shall comply with Sections 17.3 of this By-law.
- j) Shall only be allowed in the CH: Commercial Highway; CH-1 Site Specific Commercial Highway; IB: Industrial Business; IG: Industrial General; and IG-1/IG-2: Site Specific Industrial General Zoning Districts.

17.25 Canvas Buildings

- 1) Canvas buildings or buildings with similar material as determined by the Designated Officer shall not be allowed in any Residential, Commercial, Industrial, or Community Service (excluding the Parks and Recreation Zoning District) Zoning Districts.

17.26 Unconventional Sites

- 1) Where a site is of such unique configuration that the required yards cannot be ascertained in accordance with the definition of Yards in this By-law, the

Designated Officer may determine the site lines and required yards. The location and dimensions of required yards shall be consistent with the intent of the yards specified for the Zone within which the site is located.

18.0 Parking and Loading

18.1 General

- 1) When any new development is proposed, including a change of use of existing development, or when any existing development is enlarged or increased in capacity, then provision shall be made for off-street vehicular parking or garage spaces in accordance with the regulations and standards contained in this Section of the By-law as follows:
- 2) Where a proposed use is not listed above, the parking regulation shall be determined by Council which may either determine that the proposed use is similar to one which is listed, or, if that is not the case, the Designated Officer shall make his/her own determination as to the regulation.
- 3) Where the parking space regulation is determined by reference to a unit such as the number of bedrooms or seats, floor area, the next higher number shall be required where the calculation results in a fractional number of parking spaces.
- 4) In the case of the multiple use of a site, the Designated Officer shall calculate the parking required for each individual use and the total shall be deemed to be the required parking for the site, unless the applicant can demonstrate to the satisfaction of Council through a parking demand study that there is a complementary use of the parking facilities which would warrant a reduction in the parking regulations.

18.2 Parking and Loading Development Standards

- 1) Except as provided below, each required non-residential off-street parking space shall be a minimum of 2.60 m. (8.53 ft.) in width, and a minimum of 5.50 m. (18.04 ft.) in length, exclusive of access drives or aisles, ramps, or columns. Such spaces shall have a vertical clearance of at least 2.00 m. (6.56 ft.). For parallel parking, the length of the parking spaces which shall be increased to 7.00 m. (22.97 ft.), except than an end space with an open end shall be a minimum of 5.50 m. (18.04 ft.). For parking spaces other than parallel parking spaces, up to 15.00 percent of the required parking spaces may be of a length shorter than that required above, to a minimum of 4.60 m. (15.09 ft.).

TABLE 4
Off Street Parking Regulations

Use Class	Parking Spaces Required
Residential and Residential-Related Use Classes Bed and Breakfast Home Single Family Dwelling 55 Plus Housing Secondary Suite Seniors Housing	1.00/Sleeping Accommodation 1.00/Dwelling Unit 1.00/Dwelling Unit 1.00/Secondary Suite As Determined by the Designated Officer
Commercial Use Classes Hotel and Motel Eating and Drinking Establishment Convenience and General Retail Stores All Other Commercial Establishments	1.00/Guest Room or Sleeping Unit 1.00/4 Seats or 1.00/9.29 sq. m. (100.00 sq. ft.) of floor area, whichever is greater 1.00/18.60 sq. m. (200.00 sq. ft.) of floor area 1.00/23.20 sq. m. (250.00 sq. ft.) of floor area
Industrial Use Classes All Industrial Establishments	1.00/92.90 sq. m. (1,000.00 sq. ft.) of floor area or 1.00/5 employees, whichever is greater
Agricultural Use Classes Agri-Business and Agricultural Implement Sales and Service Establishments	1.00/92.90 sq. m. (1,000.00 sq. ft.) of floor area or 1.00/5 employees, whichever is greater
Community Services Use Classes Indoor Participant Recreation Service, Religious Assembly, Private Club, Public Library and Cultural Exhibit, and Community Recreation Service Outdoor Participant Recreation Service Extended Medical Treatment Service Public and Private Education Service Government Service Child Care Service Funeral Service	1.00/5 Seating spaces or 3.05 m. (10.00 ft.) of bench space. Where there are no fixed seats, 1.00/each 9.29 sq. m. (100.00 sq. ft.) of floor area devoted to the assembly room floor area 1.00/1.22 sq. m. (400.00 sq. ft.) of recreation activity as determined by the Designated Officer 2.00/Bed 1.50/Classroom, plus 1.00/each 9.29sqm (100.00 sq. ft.) of floor area devoted to public use 1.00/51.10 sq. m. (550.00 sq. ft.) of floor area 1.00/2 Employees 1.00/5 Seating places

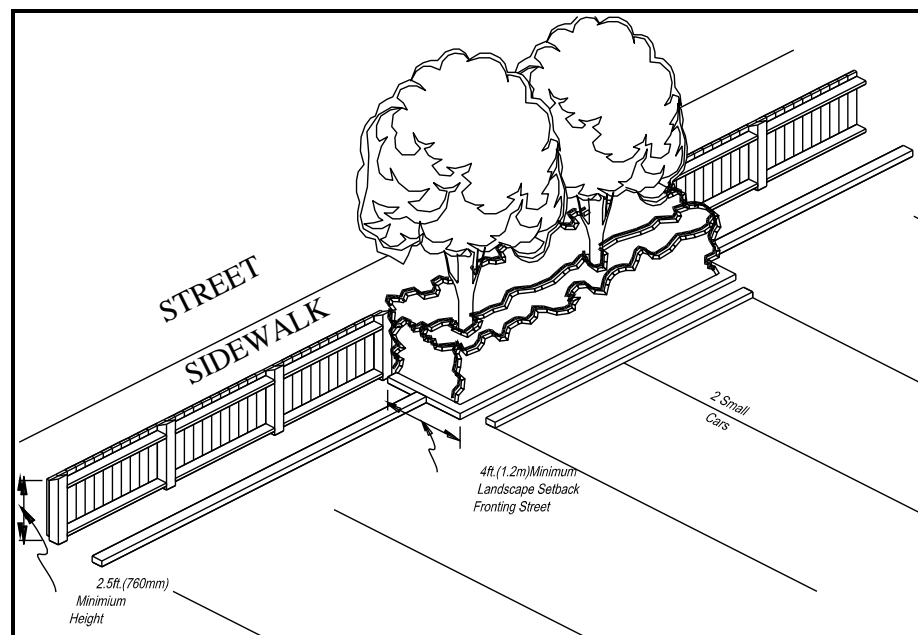
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- 2) Aisles shall be a minimum of 7.00 m. (22.97 ft.) wide for 90.00 degree parking, 5.50 m. (18.04 ft.) wide for 60.00 degree parking, and 3.60 m. (11.81 ft.) wide for 45.00 degree and parallel parking.
- 3) Except as otherwise provided for in this By-law, for any non-residential use no parking spaces shall be within the first 4.57 m. (15.00 ft.) of a required front yard.
- 4) For Residential and Residential-Related Use Class developments, the required parking spaces shall be wholly provided on the same site as the principal building. For all other uses, the parking spaces shall be located not more than 100.00 m. (328.08 ft.) from the principal building, unless otherwise approved by Council. Such distance shall be measured along an accessible public roadway from the nearest point of the parking area to the nearest point of the site where the principal building or use is located.
- 5) Every off-street parking and loading space provided or required in the CC: Commercial Central, CH-1 Site Specific Commercial Highway or CH: Commercial Highway Zoning Districts shall be hard surfaced if such area lies in front of the principal building.
- 6) Every off-street parking and loading space provided or required in the CC: Central Commercial, CH-1 Site Specific Commercial Highway, CH: Commercial Highway, or IB: Industrial Business Zoning District, including the access thereto, shall be hard surfaced if the access is from a public roadway which is hard surfaced.
- 7) Any area at the rear of the principal building provided or required for off-street parking and loading space in the CC: Central Commercial, CH-1 Site Specific Commercial Highway, CH: Commercial Highway, IB: Industrial Business, IG-1/IG-2 Site Specific Industrial General or IG: Industrial General Zoning Districts need not be hard surfaced, but shall be of such a surface that will minimize the carrying of dirt or foreign matter onto the public roadway.
- 8) Where off-street parking for fifty or more vehicles is provided at grade on a site, there shall be landscaped open space within the parking area. Landscaped open space in the parking areas shall be provided in the minimum amount of 1.50sm (16.15sq. ft.) for each parking space. The required landscaping shall not be located in one area, and shall be placed within the parking area so as to break up large areas of parking and to provide visual relief.
- 9) An accessory off-street parking area associated with commercial, industrial, institutional, educational or major recreational uses as determined by the Designated Officer shall be provided with bumper guards, masonry walls or ornamental fences in order to prevent a vehicle from encroaching onto

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public or private property. Said bumper guards, masonry walls or ornamental fences shall be maintained in good condition at all times.

- 10) The accessory off-street parking spaces provided for a use shall be solely for the parking of automobiles of employees, occupants, patrons or visitors of such use; and shall not be used for major motor vehicle repair work as determined by the Designated Officer.
- 11) A parking area having eight or more parking spaces and which is visible from an abutting site in a Residential District shall be fenced or have a screen planting. The location, length, thickness and height of such fence or screen planting shall be in accordance with the landscaping plan.



18.3 Accessible Parking

- 1) Out of the total number of required off-street parking spaces, the owner must provide a portion of those spaces so as to be accessible to persons with disabilities. Each such space:
 - (a) the width of each required accessible space must be at least 3.05 m. (10.00 ft.); and for every 10 accessible parking spaces required to be provided, at least 1 space must be a minimum of 2.44 m. (8.00 ft.) wide and must have an adjacent loading and manoeuvring area of at least 2.44 m. (8.00 ft.);
 - (b) must be located within 60.96 m. (200.00 ft.) of major building entrances used by residents, employees, or the public; and

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- (c) must include signage reserving the space for the use by persons with disabilities.
- 2) At least 1 curb ramp must be located within 30.48 m. (100.00 ft.) of the auto parking space closest to each entrance to a principal or accessory building that is not a service entrance.
- 3) Accessible parking space requirements are as follows:

TABLE 5
Accessible Parking Space Requirements

Total Required Parking Spaces	Min. No. of Accessible Parking Spaces Required
1-25	1
25-50	2
51-75	3
75-100	4
101-150	5
151-200	6
Over 200	7

18.4 Parking Restrictions

- 1) For single family dwellings in the R-20: Residential Single Family Zoning District, the following vehicles may be parked, provided that all yard requirements and other zoning regulations are complied with and the total number of vehicle does not exceed six (6) per dwelling:
 - a) a maximum of 4 licensed passenger vehicles;
 - b) licensed recreational vehicles;
 - c) 1 licensed travel trailer or 1 licensed motor home; and/or
 - d) 1 licensed truck with a registered gross vehicle weight of less than 6804.00 kg. (15,000.00 lb.), provided that approval is granted by the Municipal Council.
- 2) Any unlicensed vehicles shall be in compliance with Section 17.3 of this By-law.

18.5 Off Street Loading

- 1) When any new development is proposed including a change of use of existing development, or when any existing development is, in the opinion of the Designated Officer, substantially enlarged or increased in capacity, off-street vehicular loading and unloading spaces shall be provided in accordance with the following:
 - a) For all Commercial Use Class developments excluding Professional, Financial and Office Support Services:
 - i) One space shall be required for less than 464.50 sq. m. (5,000.00 sq. ft), two spaces for 464.50 sq. m. (5,000.00 sq. ft.) to 1,486.40 sq. m. (16,000.00 sq. ft.) and one space for each additional 2,300 sq. m. (24,757.80 sq. ft.).
 - b) For all Professional, Financial and Support Services, as well as all Industrial, Basic Service, or Community, Educational, Recreational, and Cultural Service Use Class developments:
 - i) One space shall be required for up to 2,787.00 sq. m (30,000.00 sq. ft.) and one additional space up to a maximum of five for each additional 3,716.00 sq. m (40,000.00 sq. ft.).
- 2) All loading and unloading spaces shall be located on the site so that all materials and commodities loaded or unloaded can be easily collected or distributed within the site, to and from all tenants or occupants. Access shall be so arranged that no backing or turning movements of vehicles going to or from the site causes interference with traffic on the adjoining or abutting public roadways, lanes, sidewalks, or boulevards.
- 3) Loading and unloading spaces shall be of adequate size and with adequate access, both to the satisfaction of the Designated Officer, to accommodate the types of vehicles which will be loading and unloading, without those vehicles projecting into a public roadway. In no case shall the space be less than 27.87 sq. m. (300.00 sq. ft), or less than 2.60 m. (8.53 ft.) wide, or have less than 3.70 m. (12.14 ft.) of overhead clearance.

19.0 Signs

19.1 General

- 1) No person shall erect a sign without first obtaining a development permit from the Designated Officer and no development permit to erect a sign shall be issued unless all the sign regulations of this By-law have been satisfied.

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- 2) Where regulations of this By-law are inconsistent with the regulations respecting signs on or near public highways made or administered by Manitoba Department of Transportation & Government Services, the more restrictive regulations shall apply.
- 3) Signs are considered accessory uses and shall be developed in accordance with Section 17.3 of this By-law.
- 4) No sign shall be erected, operated, used or maintained which:
 - a) due to its position, shape, colour, format or illumination obstructs the view of, or may be confused with, an official traffic sign, signal or device, as determined by the Designated Officer or Council;
 - b) display lights resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles;
 - c) allows a swinging motion;
 - d) except for Community Service Clubs and Religious Assemblies, is not related to any business upon the site where the sign is located;
 - e) is located on a public right-of-way or sidewalk; and
 - f) contains a trademark or emblem other than a trademark or emblem that is registered or copyrighted in the name of the applicant.
- 5) Where a sign contravenes the regulations of this By-law, Council may, by notice in writing, order the owner or the person responsible for the contravening sign to take such measures as are specified in the notice to alter the sign so that it complies with the regulations of this By-law, or remove the sign.

19.2 Abandoned Signs

- 1) Where a Designated Officer finds a sign to be abandoned, the Designated Officer may, after resolution of the RM of Headingley Council, by notice in writing or by registered mail, order the registered owner, the person in possession of the site or building or the person responsible for the abandoned sign to remove the sign within twenty days after receipt of the notice, or take such measures as are specified in the notice to alter and refurbish the sign so that it correctly identifies the business, or the products and services offered on the site where the sign is displayed.
- 2) Failure to remove abandoned or unlawful signs, or to comply with the measures specified in the notice by the RM of Headingley Council, shall result in the removal of the sign by the Municipality with the owner or the

person responsible for the contravening sign assuming liability for all removal costs.

19.3 General Sign Regulations

- 1) Quality, aesthetic character, and finishing of sign construction shall be to the satisfaction of the Designated Officer or the RM of Headingley Council.
- 2) No signs shall be erected in a Residential District except those expressly provided for in this Section of the By-law.
- 3) Where the architectural design and appearance of a building facade for a multiple business occupancy are uniform, signs or individual businesses located on the same facade shall, in the opinion of the Designated Officer or the RM of Headingley Council, be similar as to proportion, materials, and placement such that they present a pleasing architectural appearance.
- 4) For the purposes of this Section of the By-law, where a lot is occupied by more than one business (i.e. multiple occupancy) each business shall be considered a separate business.
- 5) Signs shall be developed in accordance with Table 6.

19.4 Canopy, Awning, Fascia and Freestanding Signs

- 1) Fascia signs shall not have letters over 0.60 m. (1.97 ft.) high and which exceed 80.00 percent of the building width.
- 2) Free standing signs are limited to no more than one per lot, except on a corner lot or through lot. The Designated Officer or the RM of Headingley Council may allow more than one free standing sign if warranted by the circumstances.
- 3) No canopy, awning, fascia or freestanding signs shall be erected over a public right-of-way until an easement agreement has been entered into with the Municipality and the canopy or awning sign shall comply with the following regulations:
 - a) if supported on posts or by braces, brackets or supports on or extending over a public right-of-way, the braces, brackets or supports shall be hidden from view and above the height of the roof line of the canopy or awning; and
 - b) not be constructed in such a manner that drainage from the canopy or awning falls on any public right-of-way.

19.5 Portable Signs

- 1) Notwithstanding anything elsewhere contained in this By-law, the following regulations shall apply to portable signs:
 - a) portable signs are only allowed in the CC: Commercial Central, CH-1 Site Specific Commercial Highway, CH: Commercial Highway, IB: Industrial Business, IG-1/IG-2 Site Specific Commercial Highway or IG: Industrial General Zoning Districts;
 - b) a portable sign shall not be located, erected, placed or displayed on any site until a permit which outlines the sign identification number and expiry date, has been issued by the Designated Officer;
 - c) the portable sign shall be removed from the site upon the expiry date of the portable sign permit;
 - d) the maximum sign surface area of a portable sign is 4.65sm (50.00sq. ft.);
 - e) there shall be no more than one portable sign per lot, except that for a lot with multiple occupancy there can be a maximum of two portable signs. Where there is more than one portable sign, the signs shall be a minimum of 19.81 m. (65.00 ft.) apart;
 - f) a portable sign shall comply with the yard regulations of the Zoning District within which it is located;
 - g) any flashing or scintillating portable signs shall not be located within 60.96 m. (200.00 ft.) of a Residential Zoning District boundary;
 - h) no portable sign shall be placed in such a way that it may interfere with, obstruct the view of, or be confused with an authorized traffic signal, warning sign or other regulatory or informational device, and in no circumstances shall it be located within 3.05 m. (10.00 ft.) from the nearest part of any exit or entrance driveway;
 - i) the maximum height of a portable sign shall be 3.05 m. (10.00 ft.) measured from grade to the highest part of the sign;
 - j) the maximum permitted duration for a portable sign on a site is ninety consecutive days per calendar year;
 - k) each business on a site with multiple occupancy shall be allowed to have one portable sign on the site for a maximum permitted duration of ninety consecutive days per calendar year; and
 - l) the applicant for the portable sign shall pay the applicable fees, sign a letter indicating that they will comply with these

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- regulations, and agree to a date that the portable sign will be removed.
- m) no portable sign shall be erected, operated, used or maintained which is not related to any business upon the site where the sign is located.

TABLE 6
Sign Regulations

Use Class	Types of Signs	Maximum Sign Area	Maximum Sign Height
Residential and Residential-Related	Identification Real Estate	0.37sm (4.00sq. ft.) 0.74sm (8.00sq. ft.)	3.05 m. (10.00 ft.) 3.05 m. (10.00 ft.)
Agricultural and Natural Resource	Identification	2.97sm (32.00sq. ft.)	10.67 m. (35.00 ft.)
Commercial and Industrial Use Class Developments That Have Frontage On Either The Trans Canada Highway or The Perimeter Highway As Determined By The Designated Officer	<p>Business Identification (if attached to a building only)</p> <p>Business Identification (if free standing only)</p> <p>Business Identification (if attached to a building and free standing)</p>	<p>25.00 percent of the building face for each business (with only the front wall of the building facing the public street being eligible), to a maximum of 18.58 sq. m. (200.00 sq. ft) for single occupancy and a combined maximum of 55.74 sq. m. (600.00 sq. ft) for multiple occupancy</p> <p>18.58 sq. m. (200.00 sq. ft) for a single occupancy site and 83.61 sq. m. (900.00 sq. ft) for a multiple occupancy site</p> <p>37.16 sq. m. (400.00 sq. ft.) for a single occupancy site, 55.74 sq. m. (600.00 sq. ft.) for a multiple occupancy site of two businesses, 74.32 sq. m. (800.00 sq. ft.) for a multiple occupancy site of three businesses and 92.90 sq. m. (1,000.00 sq. ft.) for a multiple occupancy site of more than 3 businesses</p>	<p>10.67 m. (35.00 ft.)</p> <p>10.67 m. (35.00 ft.)</p> <p>10.67 m. (35.00 ft.)</p>

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All Other Commercial and Industrial Use Class Developments	Business Identification (if attached to a building only)	20.00 percent of the building face for each business (with only the front wall of the building facing the public street being eligible), to a maximum of 9.29 sq. m. (100.00 sq. ft) for single occupancy and a combined maximum of 18.58 sq. m. (200.00 sq. ft) for multiple occupancy	10.67 m. (35.00 ft.)
	Business Identification (if free standing only)	9.29 sq. m. (100.00 sq. ft) for a single occupancy site and 18.58 sq. m. (200.00 sq. ft) for a multiple occupancy site	10.67 m. (35.00 ft.)
	Business Identification (if attached to a building and free standing)	18.58 sq. m. (200.00 sq. ft.) for a single occupancy site, 27.87 sq. m. (300.00 sq. ft.) for a multiple occupancy site of two businesses, 37.16 sq. m. (400.00 sq. ft.) for a multiple occupancy site of three businesses or more	10.67 m. (35.00 ft.)
Community Services	Identification Sign (if attached to a building or free standing)	2.32 sq. m. (25.00 sq. ft.) if the site abuts the site of a Residential Use Class development and 4.65 sq. m. (50.00 sq. ft.) in other Zoning Districts	10.67 m. (35.00 ft.)

19.6 Temporary Signs

- 1) Notwithstanding anything elsewhere contained in this By-law, the following regulations shall apply to a temporary sign that provides information dealing with a land development project:
 - a) the maximum sign surface area is 13.94 sq. m. (150.00 sq. ft.);
 - b) the sign shall comply with the yard regulations of the Zoning District within which it is located;
 - c) the sign shall be placed in such a way that it will not interfere with, obstruct the view of, or be confused with an authorized traffic signal, warning sign or other regulatory or informational device, and in no circumstances shall it be located within 3.05 m. (10.00 ft.) from the nearest part of any exit or entrance driveway;
 - d) the sign is only allowed to be placed at the location of the land development project;
 - e) the sign shall be removed within thirty days of the last sale of any lots or buildings or at the discretion of the Designated Officer; and
 - f) the applicant shall pay the applicable fees and sign a letter indicating that they will comply with these regulations.

- 2) Notwithstanding anything elsewhere contained in this By-law, the following regulations shall apply to other temporary signs:
 - a) the maximum sign surface area shall be 4.65sq. m. (50.00 sq. ft.);
 - b) the sign shall comply with the yard regulations of the Zoning District within which it is located;
 - c) the sign shall be placed in such a way that it will not interfere with an authorized traffic signal, warning sign or other regulatory or informational device, and in no circumstances shall it be located within 3.05 m. (10.00 ft.) from the nearest part of any exit or entrance driveway;
 - d) the sign shall be removed within seven days after the date of the advertised community event or at the discretion of the Designated Officer; and
 - e) the applicant shall pay the applicable fees and sign a letter indicating that they will comply with these regulations.

20.0 Performance Standards

20.1 Performance Standards for Industrial Use Class Developments

20.1.1 Applicability

All Industrial Use Class developments shall comply with the performance standards of this Section of the By-law and other requirements in applicable Federal, Provincial or Municipal legislation. Where in the opinion of the Designated Officer, a use may not comply with the said performance standards or requirements, he/she may require that the applicant submit a statement from a Certified Professional Engineer of Manitoba confirming that the proposed use satisfies the said performance standards or requirements.

20.1.2 Emission of Air and Water Contaminants

- 1) No operations or activity shall emit air and water contaminants in excess of the standards prescribed by the Province of Manitoba pursuant to *The Environment Act* and the regulations pertaining thereto.

20.1.3 Noise

- 1) No activity or operation shall cause, or permit to be caused, a noise level at or inside the lot line of a site in a Residential Zoning District which exceeds the regulations of the Province of Manitoba pursuant to *The Environment Act* and regulations pertaining thereto, or applicable Municipal Noise By-laws, as amended.

20.1.4 Appearance

- 1) All Industrial Use Class developments in the IB: Industrial Business Zoning District shall comply with the following appearance standards:
 - a) All loading, service, trash collection and accessory storage areas, and trucking yards shall be located to the rear or sides of the principal building, and shall be screened from view from any public roadway and from adjacent sites, by building walls, landscape materials, berms, fences or a combination thereof, from the ground to a height of 2.00 m. (6.56 ft.).
 - b) The Designated Officer may require that exposed projections outside the building such as mechanical and electrical equipment, transformer ducts, and materials handling

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- equipment be screened from view from any public roadway, or from adjacent sites if, in his/her opinion, such projections are inconsistent with the character and appearance of surrounding development or the intended visual qualities of the said Zoning District.
- c) All buildings shall be constructed and finished with durable materials designed to maintain the initial appearance of the development throughout the life of the project. The Designated Officer may require that the appearance of metal, or concrete block walls exposed to public view from beyond the site be improved where, in his/her opinion, such walls are inconsistent with the finishing materials or appearance characteristic of surrounding development.
- 2) Any use or activity in the IG: Industrial General or IG-1/IG-2: Site Specific Industrial General Zoning Districts shall comply with the following appearance standards:
- a) All outdoor service, assembly, trash collection and storage areas including the trucking yards associated with such activities shall be located to the rear or sides of the principal building. Loading and trash collection facilities serving office, warehouse and similar developments, where the handling or assembly of goods is carried on within a building, shall be allowed to the rear, sides or front of the principal building.
- b) Outside display areas are permitted to the side or front of the principal building, provided that such displays are limited to examples of equipment or material related to the industry or business located on the site.

20.2 General Performance Standards for Residential Use Class Developments

Residential uses shall comply with the following standards:

- 1) In any development, the design, use of exterior finishing materials and construction shall be to the satisfaction of the Designated Officer or RM of Headingley Council who shall require, as far as reasonably practicable, that materials will be used which ensure that the standard of the buildings will be similar to, or better than, the standard of surrounding development.
- 2) The Designated Officer or RM of Headingley Council may require that the appearance of walls exposed to public view from beyond the site be improved where the appearance of such walls is inconsistent with the finishing standards of surrounding development.

20.3 General Performance Standards for Commercial Use Class Developments

Commercial uses shall comply with the following standards:

- 1) All commercial developments:
 - a) shall be designed to:
 - i) convey an image of cohesive appearance and architectural character;
 - ii) ensure that offices, reception and public use areas are easily identifiable and visible from the public roadway; and
 - b) shall be constructed and finished with durable materials to maintain the initial appearance of the development throughout the life of the project.
- 2) The Designated Officer or RM of Headingley Council may require that the appearance of walls exposed to public view from beyond the site of a commercial development be combined with other materials where, in his/her or the RM of Headingley Council's opinion, such walls are inconsistent with the finishing materials or appearance characteristics of surrounding developments.
- 3) The location of the principal building on a site of a commercial development shall take into account:
 - a) the setbacks and building placements on adjacent sites; and
 - b) the micro-climatic effects including shading of adjacent buildings or sites.
- 4) Garbage collection, loading, storage or outdoor service areas for commercial developments shall be developed in accordance with Section 17.13 of this By-law and the following:
 - a) All outdoor storage shall be related to the business on the site.
 - b) There shall be no outdoor storage of objects or chattels which, in the opinion of the Designated Officer or RM of Headingley Council are unsightly or adversely affect the character or appearance of the site or surrounding developments.
 - c) Shall not be located in the Front Yard.

PART VI – ZONING MAPS

APPENDICES

APPENDIX A

DISTRICT INTENT CHARTS

APPENDIX A – ZONING DISTRICTS TABLE

Residential Zoning Districts		
SR-1	Residential Single Family	To accommodate serviced single family dwellings and associated or compatible uses.
SR-2	Residential Single Family	To accommodate serviced single family dwellings and associated or compatible uses.
SR-3	Residential Single Family	To accommodate serviced single family dwellings and associated or compatible uses.
SR-4	Residential Single Family	To accommodate serviced single family dwellings and associated or compatible uses.
SR-5	Residential Single Family	To accommodate serviced single family dwellings and associated or compatible uses.
R-20	Residential Single Family	To accommodate serviced single family dwellings and associated or compatible uses.
RR1-A	Planned Unit Development	To allow a planned unit residential development.
RR1-B	Planned Unit Development	To allow a planned unit residential development.
RR1-C	Planned Unit Development	To allow a planned unit residential development.
RR1-D	Planned Unit Development	To allow a planned unit residential development.
RR1-E	Planned Unit Development	To allow a planned unit residential development.
RR1-F	Planned Unit Development	To allow a planned unit residential development.
RR1-G	Planned Unit Development	To allow a planned unit residential development.
RR1-H	Planned Unit Development	To allow a planned unit residential development.
RR1-I	Planned Unit Development	To allow a planned unit residential development.
RMU-1	Residential Mixed Use	To establish a residential mixed use zone.
RMU-2	Residential Mixed Use	To establish a residential mixed use zone.
RM	Residential Multi-Family	To establish a zone to allow for multi-family housing.
RR1	Rural Residential	To accommodate single family dwellings and associated or compatible uses in a semi-urban setting.
RR2	Rural Residential	To accommodate single family dwellings and associated or compatible uses in a semi-rural setting.
RR5	Rural Residential	To accommodate single family dwellings and associated or compatible uses in a semi-rural setting.

APPENDIX A – ZONING DISTRICTS TABLE

Commercial Zoning Districts		
CC	Commercial Central	To accommodate commercial, residential, office and service uses within the community.
CH	Commercial Highway	To accommodate high quality commercial development along major roadways.
CH-1	Site Specific Commercial Highway	To control permitted and conditional commercial land uses along Roblin Boulevard.
Industrial Zoning Districts		
IB	Industrial Business	To accommodate light industrial and related businesses which carry out their operations primarily within an enclosed building and with limited outdoor storage or operational characteristics.
IG	Industrial General	To accommodate a wide range of general industrial uses within the Municipality.
IG-1/IG-2	Site Specific Industrial General	To create site specific land use controls for certain industrial land uses within the community.
Rural Zoning Districts		
DR	Development Reserve	To reserve land for future community development.
AG-5	Rural Agricultural	To accommodate single family dwellings and associated or compatible uses in a semi-rural setting.
RU	Rural General	To accommodate general agricultural uses (excluding new livestock production operations) and other rural uses that is related to or compatible with farming activities.
Community Service Zoning Districts		
PR	Open Space Recreation	To accommodate active and passive recreational uses and landscaped buffers.
I	Institutional	To accommodate public and privately owned facilities of an institutional, governance or community service nature.

APPENDIX B

PERMITTED AND CONDITIONAL USE CHARTS

APPENDIX B – Permitted and Conditional Use Table

P - Permitted Use C - Conditional Use	Page Ref.	Residential										Residential - Site Specific								Residential-Mixed Use		Multi-Family	Use Specific Standards
		SR-1	SR-2	SR-3	SR-4	SR-5	R-20	RR1	RR2	RR5	RR-1A	RR-1B	RR-1C	RR-1D	RR-1E	RR1-F	RR1-G	RR-1H	RR-1I	RMU-1	RMU-2	RM	
Community Services Use Class																							
Cemetery	56																						
Child Care Service	56	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
Community Recreation Service	56						P	P												P			
Extended Medical Treatment Service	56																			C			
Government Service	56																						
Indoor Participant Recreation Service	56						C	C															
Outdoor Participant Recreation Service	57						C	C															
Private Education Service	57						C	C	C	C	C												
Protective and Emergency Service	57	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Public Education Service	57	P	P	P	P	P	P	P															
Public Park	57	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Public Utility Service	58	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Religious Assembly	58						C	C	C	C													
Industrial Use Class																							
Bulk Storage Facility	58																						
General Industrial	58																						
Industrial Mall	58																						
Industrial Vehicle and Equipment Sales/ Rentals	58																						
Light Industrial	59																						
Small Scale Industrial	59																						
Processing Use	59																						
Transport Terminal	59																						
Natural Resource Development Use Class																							
Natural Resource Development	59																						
Wildlife and Conservation Reserve	59																						
Wind Turbine Personal Use	59								C	C													
Residential Use Class																							
Planned Unit Development	59	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 16.7
55 Plus Housing	60						C	C												C		C	
Seniors Housing	60						C	C												C		C	
Multiple Family Dwelling	60																				C	C	Sec. 15.17
Single Family Dwelling	60	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C		
Residential Related Use Class																							
Bed & Breakfast Home	60	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		Sec. 16.2
Home Occupation	60	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 16.4
Secondary Suite	60	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		Sec. 16.9

APPENDIX B – Permitted and Conditional Use Table

Use Classes (1)(2)	Page Ref.	Commercial			Industrial			Rural/ Reserve			Community		Use Specific Standards
		CC	CH-1	CH	IB	IG-2	IG & IG-1	DR	AG-5	RU	PR	I	
Agricultural Use Class													
Agri-Business	47			C	C		C			C			
Agricultural Activities	47							P		P			
Agricultural Crop Protection Warehouse	47				C		C			C			
Agricultural Implement Sales and Service	47			C	C		C			C			
Agricultural Product Storage	47			C	C		C			C			
Agricultural Support Industry	47									C			
Equestrian Establishment	48							C		C			
Farm Produce Outlet	48	C		C	C			C	C	C			
Farmstead Dwelling	48							C		P			
Grain Handling Facilities	48						C			C			
Livestock Operation - Existing	48							C		C		Sec. 16.5	
Residential Related Farm	48							C	C	C		Sec. 16.6	
Specialized Agriculture	48							C		C			
Vacation Farm Operation	49							C		C			
Commercial Use Class													
Aircraft Landing Field	49					C	C	C		C			
Airport and Related Facilities	49									C			
Amusement Establishment	49	C		C	C		C						
Animal Shelter and Veterinarian Service	49	C		C	C		P	C	C	C			
Auctioneering Establishment	49		C	C	C		C			C			
Automotive Service and Equipment Repair Shop	49	C	C	C	C		P						
Automotive and Recreational Vehicle Sales	49	C	C	C	C		C						
Broadcasting and Motion Picture Studio	50	C	C	C	C		C						
Building Material Sales	50	C	C	C	P		P						
Business Support Service	50	P	C	P	P		P						
Car Broker	50							C		C		Sec. 16.3	
Carnival	50	C		C	C		C	C		C	C	C	
Commercial Mall	50	C		P									
Commercial Resort	50			C									
Commercial School	51	P	C	P	P		P						
Contractor Service, General	51		C	C	C		P						
Contractor Service, Limited	51	C	C	C	P		P	C					
Convenience Vehicle Rental	51	C	C	C	P		P						
Custom Manufacturing Establishment	51	P	C	P	P		P						
Drive-Through Food Service	51	C		C	C		C					Sec. 16.10	

APPENDIX B – Permitted and Conditional Use Table

Use Classes (1)(2)	Page Ref.	Commercial			Industrial			Rural/ Reserve			Community		Use Specific Standards
		CC	CH-1	CH	IB	IG-2	IG & IG-1	DR	AG-5	RU	PR	I	
Eating and Drinking Establishment	51	P	C	P	P		P						
Equipment Rental and Sales	52	C	C	C	P		P						
Fleet Service	52	C	C	C	P		P						
Funeral Service	52	C	C	C	C		C			C		C	
Gas Bar	52	C		P	C		C					Sec. 16.10	
Greenhouse, Plant & Tree Nursery	52	C	C	P	P		P	C		P			
Health Service	52	P	C	P	P		P					P	
Hotel	52	C		C	C		C						
Household Repair Service	52	P		P	P		P						
Mini-Warehouse and Self-Storage	53			C	C		P					Sec. 16.14	
Mobile Catering Food Service	53	P	C	P	P		P						
Motel	53	C		C	C		C						
New Vehicle Storage	53			C	C								
Non-Accessory Commuter Parking	53	C		C	C		C						
Outdoor Amusement Establishment	53			C	C		C	C		C			
Personal Service Shop	53	P	C	P	P		P						
Pet Cemetery	53									C			
Pet Day Care	53	C		P	P		P			C			
Pet Grooming	53	C		P	P		P			C			
Private Club	53	C	C	C	C		C					C	
Professional, Financial and Office Support Service	54	P	C	P	P		P					C	
Rapid Drive-Through Vehicle Service	54	C		C	C		C					Sec. 16.10	
Recycling Depot	54				C		C			C			
Retail Store, Convenience	54	P	C	P	P								
Retail Store, General	54	P	C	P	C								
Service Station	54	C		P	C		P					Sec. 16.10	
Small Animal Breeding/Boarding Establishment	55				C		C	C	C	P		Sec. 16.8	
Spectator Entertainment Establishment	55	C		C	C						C		
Storage, General	55				C		P						
Tourist Campsite	55							C		C	C		
Truck and Mobile Home Sales/Rentals	55			C	C		P						

APPENDIX B – Permitted and Conditional Use Table

P - Permitted Use C - Conditional Use	Page Ref.	Commercial			Industrial			Rural/ Reserve			Community		Use Specific Standards
		CC	CH-1	CH	IB	IG-2	IG & IG-1	DR	AG-5	RU	PR	I	
Trucking Operation	55				C		P						
Truck Stop	55	C		C	C		C						
Warehouse Sales	56	C		C	P		P						
Community Services Use Class													
Cemetery	56							C		C	C	C	
Child Care Service	56	C	C	C	C		C			C	C	C	
Community Recreation Service	56	P						C		P	P	P	
Extended Medical Treatment Service	56	C		C								C	
Government Service	56	P		P	P		P			P	P	P	
Indoor Participant Recreation Service	56	C		C	C		C			C	P	C ^(a)	
Outdoor Participant Recreation Service	57			C	C					C	P	C ^(a)	
Private Education Service	57	C	C	C					C	C		P	
Protective and Emergency Service	57	P	C	P	P		P	P	P	P	P	P	
Public Education Service	57									P		P	
Public Park	57	P	P	P	P	P	P	P	P	P	P	P	
Public Utility Service	58	P	P	P	P	P	P	P	P	P	P	P	
Religious Assembly	58	C	C	C	C		C				C	P	
Industrial Use Class													
Bulk Storage Facility	58						C			C			
General Industrial	58				C	C	P						
Industrial Mall	58				P		P						
Industrial Vehicle and Equipment Sales/ Rentals	58			C	C		C						
Light Industrial	59	C		C	P	C	P						
Small Scale Industrial	59									C			
Processing Use	59						C						
Transport Terminal	59			C	C		C						
Natural Resource Development Use Class													
Natural Resource Development	59									C			
Wildlife and Conservation Reserve	59									P	P		
Wind Turbine Personal Use	59	C		C	C		C		C	C			

APPENDIX B – Permitted and Conditional Use Table

P - Permitted Use C - Conditional Use	Page Ref.	Commercial			Industrial			Rural/ Reserve			Community		Use Specific Standards
		CC	CH-1	CH	IB	IG-2	IG & IG-1	DR	AG-5	RU	PR	I	
Use Classes (1)(2)													
Residential Use Class													
Planned Unit Development	59								C			Sec. 16.7	
55 Plus Housing	60	C		C								C	
Seniors Housing	60	C		C					C			C	
Multi-Family Dwelling	60	C										Sec. 15.17	
Single Family Dwelling	60							C	P	P			
Residential Related Use Class													
Bed & Breakfast Home	60								C	C		Sec. 16.2	
Home Occupation	60								C	C		Sec. 16.4	
Secondary Suite	60								C	C		Sec. 16.9	

APPENDIX C

BULK REGULATIONS CHARTS

APPENDIX C – BULK REGULATIONS TABLE

	Residential									Residential Site Specific									Residential Mixed Use		Multi-Family
	SR-1(i)	SR-2(i)	SR-3(i)	SR-4(i)	SR-5(i)	RR20	RR1	RR2	RR5	RR1A	RR1B	RR1C	RR1D	RR1E	RR1F	RR1G	RR1H	RR1I	RMU1	RMU2	RM
Permitted and Conditional Use (d)																					
Site Area (min acres/sq.ft)	9,600	11,200	13,120	15,750	26,500	20,000	1 ac.	5 ac.	5 ac.	0.44 ac.	0.44 ac.	0.49 ac.	1 ac.	0.48 ac.	0.4 ac.	0.4 ac.	0.4 ac.	12200(j)	See Section 15.15	See Section 15.16	See (k)
Site Width (min feet)	70	80	80	90	90	100	140	400	400	75	80	85	140	87	85	85	85	82			100
Front Yard (min feet)	30	30	30	30	30	50	50	50	50	40	40	40	75	40	40	40	40	30			30
Side Yard (min feet) ^(a)	10 (h)	10 (h)	10 (h)	10 (h)	10 (h)	15	15	15	15	15	15	15	15	15	15	15	15	10			15(h)
Corner Side Yard (min feet) ^(a)	10 (h)	10 (h)	10 (h)	10 (h)	10 (h)	20	20	25	25	15	15	15	15	15	15	15	15	10			15 (h)
Rear Yard (min feet) ^(a)	25 (g)	25 (g)	25 (g)	25 (g)	25 (g)	25 (g)	25 (g)	25 (g)	25 (g)	40 (g)	40 (g)	40 (g)	50 (g)	40 (g)	40 (g)	40 (g)	40 (g)	25 (g)			25 (g)
Building Height (max feet) ^{(a)(b)}	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35			45
Dwelling Area (min sq.feet)	1,300	1,300	1300	1300	1,300	1,100	1,200	1,200	1,200	1,300	1,300	1,300	See (f)	1,300	1,300	1,300	1,300	1,100			800 (m)
Site Coverage (max percent)	40	40	40	40	40	40	20	5	5	40	40	40	20	40	40	40	40	40			60
Floor Area Ratio (FAR)																					
Dwelling Width (min feet)	30	30	30	30	30	21	21	21	21	21	21	21	21	21	21	21	21	21			
Accessory Uses, Buildings and Structures (e)																					
Rear Yard (min feet) ^(a)	5 (g)	5 (g)	5 (g)	5 (g)	5 (g)	5 (g)	5 (g)	25 (g)	25 (g)	5 (g)	5 (g)	5 (g)	5 (g)	5 (g)	40 (g)	40 (g)	40 (g)	5 (g)			
Side Yard (min feet) ^(a)	10 (h)	10 (h)	10 (h)	10 (h)	10 (h)	10	10	25	25	10	10	10	10	10	10	10	10	10 (h)			
Corner Side Yard (min feet) ^(a)	10	10	10	10	10	20	20	25	25	15	15	15	15	15	15	15	15	10			
Building Height (max feet)	18	18	18	18	18	18	18	24	24	18	18	18	18	18	18	18	18	15			
Building Area (max sq.feet)(c)	600	600	600	600	600	600 (n)	1,100	1,800	2,000	600	600	600	600	600	600	600	600	600			

- (a) See also Section 17.20 Special Setbacks.
- (b) Where the maximum height is 35 feet, any structure shall also not exceed 2.5 storeys.
- (c) If a variation is required to increase the building area, then the minimum side yard requirement shall be increased by 1.52 m (5.00 ft.).
- (d) See also Section 16.0 for Special Use regulations.
- (e) See also Section 17.3 for additional regulations related to Accessory Uses.
- (f) Minimum Dwelling Unit Area is 1,500.00 sq. ft. for a bungalow building and 1,800.00 sq. ft. for a 2 storey building in the Empire/Grange Subdivision.
- (g) River lots shall have a rear yard setback of 100 ft. from the average summer high water level as determined by the Province of Manitoba. Further, any new building or structure shall be placed a min. of 1.52 m. (5.00 ft.) from a dedicated easement.
- (h) Notwithstanding Sub-sections 17.19.2), 3) and 4) of this By-law (Projections into Yards) no features are permitted to project into a required side yard.
- (i) Each dwelling unit shall have as a minimum a double attached garage.
- (j) The site overall site density shall be a minimum of 18,500 sq. ft. per housing unit.
- (k) The minimum site area regulation for Multiple Family Dwellings shall be 929 sq. m. (10,000 sq. ft.) for the first four dwelling units and 92.9 sq. m. (1,000 sq. ft.) for each additional dwelling unit.
- (l) Maximum site coverage of 60% includes both principal and accessory uses.
- (m) Minimum is on a per unit basis
- (n) If the lot is greater than 21,000 sq. ft., the maximum area of an accessory building is 800 sq. ft.

APPENDIX C – BULK REGULATIONS TABLE

	Residential										Commercial		Industrial		Rural/Reserve						Community Service	
	R-20	RR1	RR1A	RR1B	RR1C	RR1D	RR1E	RR2	RR5	RMU1	CC	CH & CH-1	IB	IG, IG-1(i) & IG-2	DR		AG-5		RU		PR	I
															Res Agr (f)	Other	Res Agr (f)	Other	Res Agr (f)	Other		
	Use Classes																					
Permitted and Conditional Uses^(e)																						
Site Area (min acres/sq.ft)	2000sf	1	0.44	0.44	0.49	1	0.5	2	5	S	-	-	10000sf	10000sf	20	2	5	5	40	2	-	-
Site Width (min feet)	100	140	75	80	85	140	87	200	400	E	100	100	100	100	400	200	400	400	400	200	-	100
Front Yard (min feet)	50	50	40	40	40	75	40	50	50	E	15	(a)	25	25	100	100	50	50	100	100	50	50
Side Yard (min feet) ^(b)	15	15	15	15	15	15	15	15	15		10	20	10	10	50	25	25	25	50	25	25	25
Corner Side Yard (min feet) ^(b)	20	20	15	15	15	15	15	20	25	S	15	20	15	15	50	-	25	25	50	25	25	25
Rear Yard (min feet) ^(b)	25	25	40	40	40	50	40	25	25	E	25	25	25	25	50	25	25	25	50	25	25	25
Building Height (max feet) ^{(b)(c)}	35	35	35	35	35	35	35	35	35	C.	35	40	40	40	35	35	35	35	35	35	35	35
Dwelling Area (min sq.feet)	1100	1200	1300	1300	1300	See (h)	1300	1200	1200		-	-	-	-	1200	-	1200	1200	1200	-	-	-
Site Coverage (max percent)	40	20	40	40	40	20	40	10	5						-	-	5	5	-	-	-	-
Floor Area Ratio (FAR)											1	1	1	1								
Dwelling Width (min feet)	21	21	21	21	21	21	21	21	21	5.14	-	-	-	-	21	-	21	-	21	-	-	-
Accessory Uses, Buildings and Structures^(g)																						
Rear Yard (min feet) ^(b)	5	5	5	5	5	5	5	15	25		10	10	10	10	50	25	25	25	50	25	25	10
Side Yard (min feet) ^(b)	10	10	10	10	10	10	10	15	25		5	10	10	10	50	25	25	25	50	25	10	10
Corner Side Yard (min feet) ^(b)	20	20	15	15	15	15	15	20	25		10	15	15	15	50	25	25	25	50	25	15	15
Building Height (max feet)	18	18	18	18	18	18	18	24	24		20	20	20	25	24	30	24	24	24	30	20	20
Building Area (max sq.feet) ^(d)	1100	1100	1100	1100	1100	1100	1100	1800	2000		-	-	-	-	-	-	2000	2000	-	-	-	-

(a) All principal buildings shall be setback a min. of 50 ft. to a max. of 100 ft. from the front property line.

(b) See also Section 17.20 Special Setbacks.

(c) Where the maximum height is 35 feet, any structure shall also not exceed 2.5 storeys.

(d) If a variation is required to increase the building area, then the minimum side yard requirement shall be increased by 1.52 m (5.00 ft.).

(e) See also Section 16.0 for Special Use regulations.

(f) Res = Residential Use Class; Agr = Agriculture Use Class

(g) See also Section 17.3 for additional regulations related to Accessory Uses.

(h) Minimum Dwelling Unit Area is 1,500.00 sq. ft. for a bungalow building and 1,800.00 sq. ft. for a 2 storey building in the Empire/Grange Subdivision.

(i) See also Section 15.11

APPENDIX D

ANIMAL UNITS CONVERSION TABLE

APPENDIX D – Animal Units Conversion Table

Livestock	A.U. Produced by One Livestock	Livestock Producing One A.U.
Dairy Milking Cows, including associated livestock	2.0000	0.5000
Beef Beef cows, including associated livestock Backgrounder Summer Pasture/Replacement Heifers Feedlot Cattle	1.2500 0.5000 0.6250 0.7690	0.8000 2.0000 1.6000 1.3000
Hogs Sows, farrow to finish Sows, farrow to weanling Sows, farrow to nursery Weanlings Growers/Finishers Boars	1.2500 0.2500 0.3130 0.0330 0.1430 0.2000	0.8000 4.0000 3.2000 30.0000 7.0000 5.0000
Chickens Broilers Roasters Layers Pullets Broiler Breeder Pullets Broiler Breeder Hens	0.0050 0.0100 0.0083 0.0033 0.0033 0.0100	200.0000 100.0000 120.0000 300.0000 300.0000 100.0000
Turkeys Broilers Heavy Toms Heavy Hens	0.0100 0.0200 0.0100	100.0000 50.0000 100.0000
Horses Mares, including associated livestock	1.3330	0.7500
Sheep Ewes, including associated livestock Feeder Lambs	0.2000 0.0630	5.0000 16.0000
Goats Goats	0.1400	7.0000
Other livestock or operation type Please inquire with your regional agricultural engineer or livestock specialist		